LEGISLATIVE COUNCIL

Wednesday 19 June 2013

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

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:17): I bring up the 28th report of the committee.

Report received.

ANSWERS TO QUESTIONS

OAKLANDS-NOARLUNGA SUBSTITUTE BUS SERVICE

In reply to the **Hon. K.L. VINCENT** (8 March 2011) (First Session).

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

1. Between 6 February 2011 and 23 July 2011, 303 substitute bus services operated between the Noarlunga and Oaklands interchanges each weekday, and 124 per day on weekends and public holidays with the first and last services departing Noarlunga and Oaklands as follows:

Monday to Friday

	Depart Noarlunga	Depart Oaklands
First Service	4.48am	5.46am
Last Service	11.43pm	12.25am

Weekends and Public Holidays

	Depart Noarlunga	Depart Oaklands
First Service	5.58am	6.50am
Last Service	11.44pm	12.25am

2. To meet the existing requirements for the normal Adelaide Metro bus services during morning and afternoon peak periods, the fleet of regular buses were fully utilised. The buses used as substitute buses to support the upgrade of the Noarlunga line were previously withdrawn from regular service routes as they reached the statutory age limit for public passenger vehicles (25 years). While they have reached the age limit required under the *Passenger Transport Act 1994* and *Passenger Transport Regulations 2009*, these vehicles are regularly maintained and inspected and are therefore safe to continue operating public transport services subject to a restricted age limit extension. This bus substitute fleet was used exclusively to provide a service to passengers as rail lines were upgraded under the Rail Revitalisation Program.

In off peak periods (before 7.00am and between 9.00am and 3.00pm) some regular buses that are fully accessible were used on substitute routes when available. Accessible buses were used after 6.00pm and on weekends.

3. The substitute bus service operated under instructions that no passenger would be left behind because of accessibility issues. As with normal Adelaide Metro bus services, passengers were encouraged to contact the service provider, SouthLink, to enable arrangements for their requirements to be met. Where an accessible bus for that particular substitute bus service was not available, an access cab could be arranged at no charge.

DOG MANAGEMENT

In reply to the **Hon. R.L. BROKENSHIRE** (13 September 2011) (First Session).

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

The Local Government Association regularly consults with the Dog and Cat Management Board on matters pertaining to legislation and policy to improve dog management in South

Australia. Membership of the Dog and Cat Management Board includes four local government appointments and board meetings are attended by the Local Government Association program manager—legislation and policy.

The Local Government Association is aware of issues relating to the management of dogs exhibiting dangerously inappropriate behaviour within the community, and several councils have made independent submissions to the board which include strategies to address the issues.

The current legislative framework provides for the management of any dog, irrespective of breed, which has presented a risk to the community.

APY LANDS, EXPENDITURE

In reply to the **Hon. R.I. LUCAS** (31 October 2012).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation): The Minister for Communities and Social Inclusion has been advised that:

1. In August 2012, the department provided the then Minister for Communities and Social Inclusion with a briefing on the motorbike program which functioned between 2005 and 2011 and provided opportunities for young people in communities to participate in local motorbike rallies and other activities. However the cost of maintaining and repairing the bikes increased each year.

Since 2007 the department has worked with communities to develop recreational programs that are based in local communities, training and employing local staff and by 2010 there have been well-established Youth Sheds in six communities, providing a range of recreational activities, and staffed by community members.

In 2011 a review of the motorbike program was undertaken as a result of the increasing cost of the program, the lack of a staff member with the appropriate skills and experience to manage the program, and the availability of alternative activities in communities. The condition of the motorbikes was assessed and one valuation was provided to inform a decision on the future of the program. At the time of the valuation, employees of SA Motorcycles were on the APY lands on unrelated business, and DCSI took the opportunity to have the motorcycles valued: seeking another valuation would have been expensive and logistically difficult. The estimated value of the motorbikes was $36,200 and the estimated cost of repairing them $164,861.

2. Draft answers to the questions asked of departmental staff during the Budget and Finance Committee in August 2012 have been provided to my office. No changes to the draft answers were made by me or my staff.

3. The answers have now been provided to the Budget and Finance Committee.

4. No.

ENERGY CONCESSION SCHEME

In reply to the **Hon. S.G. WADE** (1 November 2012).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation): The Minister for Communities and Social Inclusion has been advised:

1. In respect of any delay in implementing the new system, several factors impeded the smooth development of the system. These included:

(a) additional time required to address unexpected complexities in system design, to enable the system to achieve its full benefits; and

(b) additional time and effort required to convert data from legacy systems successfully due to the inconsistent data quality held in these systems.

The Department for Communities and Social Inclusion (DCSI) has monitored the project carefully throughout its life and at relevant points has considered whether it is appropriate to continue.

Key to the decision to continue with the project is the recommendation of the Auditor-General to reconcile all concession payments to client level.

An assessment of the resources required to undertake manual reconciliation of client payments to satisfy the concerns of the Auditor-General determined that DCSI Concessions and Support Services would need to employ an additional 40 staff to undertake the reconciliations on a quarterly basis. This would result in an ongoing cost of $2.5 million per annum.

2. To 30 November 2012, expenditure on the project was $2,461,042.

PARKS WEEK

In reply to the **Hon. J.M.A. LENSINK** (21 March 2013).

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

As at 23 April 2013, the Department of Environment, Water and Natural Resources (DEWNR) employed 88 park rangers across the state. The figure includes the additional twenty park ranger positions that were created and funded as part of a state government election commitment in 2006.

In addition, I undertook to provide the number of four wheel drives used by DEWNR.

I understand that as at the end of March 2013 the total number of four wheel drives was 413.

QUESTION TIME

FARM FINANCE PACKAGE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:18): I seek leave to make a brief explanation before asking the minister responsible for primary industries a question regarding the Farm Finance package.

Leave granted.

The Hon. D.W. RIDGWAY: Well before South Australia's farmers put in this season's crop—in fact, the autumn rains had barely come—the state government announced it had 'joined the other states in signing a new national drought program reform agreement with the commonwealth'. The government also announced it was 'working with the Australian government to explore the details of the recently-announced federal government's Farm Finance initiative'.

The package provides: concessional loans to help restructure debt and invest in productivity; extra rural finance counsellors to work directly with farm businesses; progressing to a nationally consistent approach to debt mediation across the country; and enhancing the Farm Management Deposits Scheme. My questions to the minister are:

1. How much of the $60 million in concessional loans provided under the farm package has at this moment or, to help the minister, from this morning, been made available to South Australian primary producers?

2. How many of the farmers have benefited from the loans, which provide up to $650,000 for farming businesses at interest rates of about 2 per cent less than the commercial lending rates, to restructure their debt?

3. South Australia has secured an additional rural finance counsellor under the package. Does the minister know whether that counsellor has been appointed? If so, when? If not, why not?

4. Who is paying for the administration of this package: the commonwealth or the state?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:20): I thank the honourable member for his most important questions. Indeed, the federal government has provided significant assistance in its last budget to assist farms. In fact, for farmers nationally, a most significant amount of $99.4 million was announced over four years for new farm household allowance under the National Drought Program Reform.

The National Drought Program Reform, as I have spoken about in this place before, will be delivered in cooperation with the state and territory governments documented in an

intergovernmental agreement which was signed on 3 May, and South Australia signed up to that. The reform aims to assist farm families in financial hardship; improve farm preparedness for future challenges, including droughts and other variable climatic and business conditions; and help farmers to become more self-reliant to manage their risks.

In the past, when droughts were impacting on farmers, a line was drawn on the map and those farmers on one side of the map received assistance and those on the other side didn't. This is a far more equitable system that ensures that any farmer in need is able to access these provisions. So, it is a fabulous initiative of our federal Labor government.

Continuation of farm management deposits and taxation measures, such as current primary producer taxation concessions, that support and assist farmer risk management are part of the reforms, as well as a national approach to the provision of farm business training through the standardised vocational education and training accredited skill set developed by AgriFood Skills Australia and key members of the farming and training sector, delivered through the vocational education and training system by registered training organisations. And of course, and I have spoken in this place before about the farm household support payments to assist farm families in hardship, these will no longer need to be reliant on a declaration of drought.

The reforms also include a coordinated collaborative approach to the provision of social support services, which aims to ensure that people receive support before reaching a crisis point, and tools and technologies to inform farmers' risk management decision-making, including examining ways to improve the provision of information to farmers.

With the Farm Finance initiative, the government will provide a package of measures to support and assist farmers experiencing acute levels of debt and help improve their ongoing financial resilience. It includes a provision of up to $420 million over two years in concessional loans to eligible primary production businesses for the purposes of productivity enhancements and also debt refinancing from 1 July 2013. Each state and territory will be able to access $60 million in capital, to be reimbursed to the Australian government plus any interest. That comes into place, as I said, on 1 July 2013.

Changes to the Farm Management Deposits Scheme, which I have spoken about in this place before, allow FMD holders to consolidate their existing accounts that have been held for longer than 12 months without triggering tax liabilities, along with other initiatives. Also, South Australia has been very successful in negotiating with the Australian government to secure the additional rural financial counsellor for South Australia. If members looked at the initial announcement, South Australia was not included in the first round of announcements. We were not included because we most recently received an additional counsellor.

We assist with Northern Territory as well and we were given additional resources to be administered from South Australia to assist in Northern Territory, and so that was considered South Australia's contribution which was awarded to South Australia not very long ago. However, I was able to successfully lobby the minister, Joe Ludwig, and I was able to successfully gain an additional rural financial counsellor for South Australia. That position has been confirmed by the federal government. I do not know the exact date of it being made available. I assume it is also 1 July, but I am happy to double-check that. It has certainly been verified by the federal government that we will be receiving that additional counsellor.

In relation to the concessional loan arrangements, the South Australian government is currently in negotiations to establish a fund administrator. There is quite a lot of work. Some other jurisdictions already have an administrative system in place. South Australia does not, so we will need to establish this provision within government. It is obviously going to be a fairly rigorous system. These are loans that can go out over 20 years, so we need to make sure that we have administrative systems in place that are able to deal with that adequately.

In relation to the administrative costs, South Australia is still negotiating with the federal government about the payment of those administrative costs. They are significant, as you can imagine, and obviously South Australia is very keen, as are other jurisdictions, to make sure that those administrative costs are not additional financial imposts that the state has to pick up. We believe that it is fair and reasonable that it come out of the interest.

The Hon. R.L. Brokenshire interjecting:

The Hon. G.E. GAGO: It can come out of the interest.

The Hon. R.L. Brokenshire: Well, it shouldn't.

The Hon. G.E. GAGO: Why wouldn't it? It is a cost of the fund. This is a federal government initiative and it is passing on part of its cost to South Australians. Why should South Australian taxpayers pick up those additional burdens? We are arguing very strongly that it is a federal government initiative. It should be picking up the full cost of it and there is no reason why those administrative costs could not come out of the interest accrued through those loan payments. That would not create an impost on anyone.

Those negotiations are still underway. They have yet to be finalised. In terms of the commencement here in South Australia, we would hope that it would be ready on 1 July. There are still a number of outstanding matters that have to be finalised and, as I said, we would hope for it to be ready by 1 July, but we need to resolve those outstanding issues.

FARM FINANCE PACKAGE

The Hon. R.L. BROKENSHIRE (14:28): I have a supplementary question. As soon as the minister has organised the criteria and relevant arrangements regarding this scheme, which is desperately needed in rural South Australia, will the minister table that in the house, and can the minister assure the house that there will not be money taken out of the commonwealth that will work against farmers just to cost recover back to your department?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:29): The honourable member fails to understand that this is a federal government initiative. It is the federal government that sets the criteria for eligibility for the fund, not the state government. Those criteria are already reasonably well developed and are available on the website. The honourable member needs to get off his tail, hit Google and get online and check out the criteria. These criteria are set by the federal government.

Whichever way the honourable member looks at it, the administrative costs are genuine costs of the scheme. Somebody has to pay for it. We either pay for it out of federal moneys which are our taxes that are paid to the federal government—public money, being paid to go towards our farmers—or we pass it on to South Australian taxpayers alone—just us rather than the national pool—and public money again has to pay for those administrative costs. One way or another, those administrative costs have to be borne.

I am sure the honourable member is not suggesting that we do a cost recovery, so that those farmers who choose to access this scheme pay for their own administrative costs. That is absurd. If the honourable member is not suggesting that that happen, then it has to be paid for out of public money one way or the other, and I am saying that the federal government should be covering these costs, not South Australian taxpayers.

The PRESIDENT: Supplementary question, the Hon. Mr Ridgway.

FARM FINANCE PACKAGE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:31): Will the minister guarantee that South Australian farmers will be able to access the full $60 million over the time frame allocated and that that money will not be frittered away on administrative costs?

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): That is an absolutely outrageous assertion.

The Hon. D.W. Ridgway: Yes or no!

The PRESIDENT: Order!

The Hon. G.E. GAGO: It is just insulting—absolutely insulting. Here we have a federal government that has put aside hundreds and hundreds of millions of dollars to assist our farmers. Up to $60 million is made available for each jurisdiction. That is a pool of money that is made available. I cannot guarantee that I am going to receive applications for that full amount. It will be up to farmers to decide what their needs are and apply for it. The honourable member has no idea.

The Hon. D.W. Ridgway: I want a guarantee that it's not going to be used to administer it.

The PRESIDENT: Order!

The Hon. G.E. GAGO: He needs to get online and check out what this scheme is all about. He obviously has no idea what is going on. The amount is up to $60 million and it will be

dependent on the number of farmers and the amounts that they apply for. There is a small administrative cost and I have already been up-front with that. We are negotiating for the federal government to cover those costs, but they have to be paid.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: The Hon. Mr Ridgway.

The Hon. G.E. GAGO: The administrative costs have to be covered one way or the other, and one way or the other it comes out of public spending.

Members interjecting:

The PRESIDENT: Here we go. The Hon. Ms Lensink.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order! The Hon. Mr Ridgway will stop insulting his deputy leader. The Hon. Ms Lensink.

WASTE MANAGEMENT

The Hon. J.M.A. LENSINK (14:33): I seek leave to make a brief explanation before directing a question to the Minister for Water and the River Murray on the subject of trade waste.

Leave granted.

The Hon. J.M.A. LENSINK: The Liberal opposition has been contacted by several small businesses that are being required to implement various trade waste measures including grease traps and dissolved air flotation devices and the like. In particular, some of them are very small operations which do not process a large amount of food and they have therefore questioned that they are being required to install a device of a minimum of 1,000 litres which is required to be pumped out four times a year with all the attendant costs and so forth. My questions for the minister are:

1. Are there minimum specifications for very low risk operations and, if so, what are they?

2. What categories of businesses have been granted exemptions so far?

3. What is the situation for mobile vendors?

4. Do small businesses have any appeal rights to SA Water's decisions?

5. Is SA Water using an Australian standard to determine the rules, or is it devising its own, and have these changed since it started rolling the program out?

6. How many permits have been issued so far across South Australia?

7. What savings does SA Water expect will occur through reduction of load into its sewer system?

8. Can the minister confirm that the sewer pipe networks in Adelaide's metropolitan inner rim are at full capacity, so high density developments are being required to install on-site storages?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:34): I thank the honourable member for her most important questions—a number of questions requiring quite detailed answers that I do not have before me. They were on categories of exemptions available, mobile vendors and how they access sewerage pipes and waste management, the appeal rights that are available, Australian standards and how they are being applied, how many permits so far have been given out, the savings expected from reductions, and the capacity of the sewerage system.

I can say that we treat the system as one whole system and that what one person puts down a sewer has an impact on other businesses and, of course, householders in other parts of the system, so we need to be able to monitor the waste that goes down our sewerage system. We need to be able to make sure that, where appropriate, industry in particular that puts fatty wastes and other sorts of solids down that system has a mechanism on site where it can be filtered out and not have an impact on the system for everybody else. Otherwise, of course, we would have to

be increasing our sewerage system at great cost to the whole system which has to be passed on to those users. But I undertake to take those detailed questions on notice and bring back an answer for the honourable member.

WASTE LEVY

The Hon. S.G. WADE (14:36): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question relating to increases in the solid waste levy.

Leave granted.

The Hon. S.G. WADE: Currently, local government collects a solid waste levy on behalf of the state government through council rates. The current fees are $42 per tonne of waste for councils within metropolitan Adelaide and $21 per tonne of waste for councils not within metropolitan Adelaide.

In the 2013-14 budget, the government revealed that the levy will rise to $47 per tonne for metropolitan councils in 2013-14. The budget forecasts that the level will rise to $63 per tonne by 2016-17—significantly more than the rise to $54 per tonne as recommended by the Sustainable Budget Commission. My questions are:

1. Has the minister received representations from the Local Government Association of South Australia or individual councils with respect to the levy hike?

2. Does the minister appreciate the impact that this change will have on the cost of living for many South Australians?

3. Why does the government continue to place heavy burdens on South Australians already struggling with the cost of living?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:37): I rise to take this question because it falls within my portfolio responsibilities.

Members interjecting:

The PRESIDENT: Order! The minister has the call and you are out of order. I am trying to restore some order. Minister, you have the call.

The Hon. I.K. HUNTER: We are magnanimous on this side. We are happy to assist the opposition work out which minister is responsible for which parts of their portfolios and, as I say, I am happy to take the question although it was directed to my leader.

The 2013-14 budget has proposed to increase the solid waste depot levy by $5 per annum over the next four financial years, so this starts, I am advised, with an increase on 1 July 2013 to $47 per tonne, up from $42 per tonne for waste disposed in metropolitan Adelaide, and $23.50 per tonne, up from $21 per tonne for waste disposed in non-metropolitan South Australia.

The impact on business from the increase in the waste levies will be restricted to those who dispose of waste to a waste depot. This will include industry, construction, demolition, commercial and industrial sectors obviously and, of course, local councils. Many businesses in the waste sector had expected the levy to reach $50 per tonne ahead of the planned increase in 2014-15. We are moderating the increase.

The solid waste levy is lower in comparison to some other states. The current waste levy is $95.20 per tonne in Sydney and $53.20 per tonne in Melbourne, I am advised, and the levy is scheduled to rise further in both New South Wales and Victoria, with the levy in Melbourne scheduled to reach $58.50 per tonne by 2014-15.

There is also a strong argument that the waste levy should be consistent from one state to the next, particularly if they are close to each other, as we are with Victoria. If South Australia had a lower waste levy fee than Victoria substantially, it could provide an incentive for those within the waste industry to bring their waste from interstate to deposit it here.

This is a concern for Queensland, which recently removed its waste levy. Increasing the solid waste levy will also provide the South Australian community with other benefits, including continuing to influence behaviour change in some sectors when used in combination with other measures, resulting in diversion of waste from landfill to further re-use and recycling opportunities,

reaching a point where investment in alternative resource recovery treatments will be as financially competitive as sending waste to landfill.

The levy is one of a suite of tools the government is using to support the reduction of waste to landfill. That has to be an important objective. Deterrence of interstate waste being dumped in South Australia is another string to our bow. The situation creates significant environmental risk, as well as many other potential issues that have broad social and economic impacts. Being close to parity with Victoria will eliminate this risk or reduce it significantly for us in South Australia over the border.

When used with other measures, such as grants, loans, education and awareness raising, which we do assiduously, this will encourage the diversion of waste from landfill, which will have a positive impact on the environment. The increases in the waste levy will drive diversion of waste from landfill to further re-use and recycling opportunities in some sectors. There are environmental advantages of resource recovery, such as saving valuable resources, avoiding the negative impacts related to extracting and processing raw materials, and a decrease in the impacts resulting from landfill, such as greenhouse gas emissions and contamination of surface and groundwater.

It should be noted that the Port Augusta city manager, I think Mr Greg Perkin, stated on ABC radio, I think this week or late last week (I am not sure), that recent rises in the solid waste levy will have minimal impact on the community, and he says that he expects the rising cost will result in households disposing of less solid waste. He stated:

> The impact should be that people put less waste in their red-lidded bin—that seems to be the case in Port Augusta in the last year. So, if people are diligently looking and questioning what they are putting in their red-lidded bin to reduce costs, then that's a great outcome.

I can confirm that I have had discussions with the LGA about this matter and brief discussions with Mr David O'Loughlin—

The Hon. R.L. Brokenshire: He's not happy.

The Hon. I.K. HUNTER: —and with Ms Wendy Campana. They have heard the government's position. They have a different view, as the Hon. Mr Brokenshire has been interjecting across the chamber, but I think the evidence is on our side. Setting a price signal on disposable waste to landfill says to the community: we want you to re-use, recycle and stop putting your waste in landfill and deal with it in different ways.

FISHERIES COMPLIANCE

The Hon. R.P. WORTLEY (14:43): I seek leave to ask the Minister for Agriculture, Food and Fisheries a question about fisheries compliance.

Leave granted.

The Hon. R.P. WORTLEY: PIRSA has been working to conclude a case regarding abalone poaching. Will the minister update the chamber on recent developments in this case?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:43): I thank the honourable member for his most important question. Since 2010 PIRSA has been investigating the largest abalone-poaching operation in history. Following the identification of this organised criminal group, PIRSA and SAPOL undertook ongoing surveillance and investigations of a number of persons of interest until arrests started to be made in November 2010. South Australia's commercial abalone fishery generates almost $88 million for the state's economy, with the vast majority of the celebrated delicacy exported to major markets such as Hong Kong.

Australia is the largest wild-catch producer of abalone in the world, with quotas applied to all abalone-producing states, enabling the annual production of 4,000 to 5,000 tonnes of abalone. I am advised that this is more than half the total world wild-catch population, which is quite outstanding. I am advised that South Australia accounts for about 20 per cent of Australia's total abalone catch, and this includes more than half the national production of the higher value green lip species, and that is why protecting the integrity of this fishery is obviously so important.

Trafficking of abalone is considered one the most serious offences under the fisheries act and carries penalties that include fines of up to $500,000 for a company and, I think, $100,000 per individual, or four years' imprisonment. The court may also cancel or suspend any licence and prohibit a person from engaging in any fishing activity.

I am very pleased to advise that the PIRSA fisheries division has now wrapped up this abalone trafficking case with the conviction of a seventh person involved. The investigation into the trafficking syndicate has resulted in three arrests, with three suspended sentences ranging from 12 to 16 months. In total seven people were convicted, with fines of just under $29,000 and a total of 360 hours of community service handed down.

In the final case, heard before the Holden Hill Magistrates Court last month, Mr Dang Duong of Pooraka was found guilty of possessing 70 abalone and ordered to pay fines, penalties and court costs totalling about $9,500. I understand that 480 kilograms of abalone was trafficked, with a wholesale value of more than $480,000, so it is worth a lot.

This outcome sends a very clear message that activities which undermine the sustainability of our species, this most important and lucrative fishery, will not be tolerated. Those who take part in this illegal activity will be caught and the full weight of the law will be applied to them. It is not just a matter of potentially undermining the sustainability of this fishery because it also cheats hardworking, legitimate operators of their hard-earned livelihood. They work very hard in that sector, and this is simply cheating them out of their potential livelihood.

I also take this opportunity to remind any person engaged in taking, selling or purchasing illegally caught abalone that they can also face significant penalties; it is not just the poacher, but also the person who buys illegal or unlicensed product. Members of the public should ensure that they purchase abalone only from registered fish processors or legitimate retail outlets. As I said, the illegal, unregulated and unlicensed take and trafficking of abalone, which is an important species for us, not only poses a sustainability risk but also cheats fishers.

Professional abalone poaching rings move quickly. They are often extremely difficult to catch, so this is a very good example of PIRSA's excellent commitment to and diligence in dismantling the illegal groups and activities that seek to make profit from exploiting our fisheries. I would like to take this opportunity to place on record the government's thanks to PIRSA Fisheries and Aquaculture and, of course, to SAPOL as well, for their commitment to dismantling this particular group. I encourage members of the public to report suspicious or illegal fishing activities to our 24-hour Fishwatch number. Callers are able to remain anonymous if they like.

SHACK LEASES

The Hon. J.A. DARLEY (14:48): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation questions about shack rents.

Leave granted.

The Hon. J.A. DARLEY: On 15 May this year I asked the minister a number of questions regarding shack rentals. The minister provided a lengthy response but no answer to any of my specific questions was given. However, the minister did say, and I agree, that the rationale for rent setting has always been that the state should receive a fair rent return for the private and exclusive use of its land assets.

How can the minister say that using 4 per cent as the rate of return for shack rentals is fair when the state expert on this matter, the South Australian Valuer-General, has advised that 4 per cent was too high and that 2.75 per cent would be much more appropriate from 2009 through to now? Will the minister now agree to refund the overpaid rents?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:50): I thank the honourable member for his important question and for persevering on this subject with me, and eventually we will undoubtedly get to the sunlit uplands that we all aspire to. As previously advised, there are approximately 300 life tenure shack leases on crown land and 100 in national park reserves. Life tenure means that the lease expires when the last lessee passes away. It is useful, once again, to have a quick discussion about the history of these leases.

As you would expect, these leases carry an obligation to pay rent. The rationale for rent setting, as the Hon. Mr Darley has said, has always been that the state shall receive a fair return for the private and exclusive use of the state's land assets. They are the state's assets. They are often in very picturesque places—on the foreshore of beaches, on the riverfront—and they are lovely assets. I have said in this place many times that these conditions—

Members interjecting:

The Hon. I.K. HUNTER: Well, if we want to talk about this. It was the Liberal government in its time that freeholded a number of shack leases and then said that there were a number of shacks, because of their position or the facilities around them, that should not be freeholded, and we are doing nothing different. We are doing absolutely nothing different. Shack rents are set by obtaining a land value from an independent valuer and applying a rate of return to that value. As I have said here before, those valuations go up and down over time as there are fluctuations in the economy.

The Hon. J.M.A. Lensink: They're just going up.

The Hon. I.K. HUNTER: Well, that is not quite true because if the honourable member listened to my previous reply, she will know that the rates have been up much higher at about 8 per cent in the past. They are currently down at 2.75 per cent.

The Hon. G.E. Gago: They don't worry about facts, though.

The Hon. I.K. HUNTER: No. Facts are—

The Hon. G.E. Gago: They don't worry about facts, they just make things up.

The Hon. I.K. HUNTER: Facts are very inconvenient for some people, but the Hon. Mr Darley is not one of those people. He understands the basis that the shack policy stands on and he also understands the history. Indeed, as a former valuer-general he certainly would know and understand it.

For rents effective from 1 July 2013, the rate of return was set at 2.75 per cent. This was based on advice from the South Australian Valuer-General. I am also advised that previously for rents from 1 January 2012 the rate of return was set at 4 per cent. I previously advised that this was based on independent advice from the New South Wales Valuer-General and a New South Wales valuer in private practice.

It is normal for the rate to change. Just like prices of many other goods that we deal with—the share market, housing market, petrol market—prices can go up and down depending on a number of factors, and the local economic conditions are amongst them. Just like with these items and commodities throughout the history of setting shack rents, the rate of return has been adjusted periodically. I have previously stated in this place that the rates of return applied over the years have ranged from 1.5 per cent (that was Pondalowie in 2004, I understand) to a mid-range of 3.5 per cent (for the Coorong in 1994) and a high point of 8 per cent for national park leases from 1985.

The Department of Environment, Water and Natural Resources will seek appropriate advice on an appropriate rate of return for shack sites every two years. It is important to know that lessees have the opportunity to lodge an objection to any new rent within one month of being notified as part of their lease conditions and, again, I assure all members in this place that the government has and will continue to ensure that rent setting is fair, consistent and transparent into the future.

WATER INDUSTRY ALLIANCE

The Hon. CARMEL ZOLLO (14:53): My question is to the Minister for Water and the River Murray. Will the minister update the chamber on the recent Water Industry Alliance Awards?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:54): I advise the honourable member that I would be delighted to and I thank her for her very important question. A few weeks ago, I had the pleasure of attending the Water Industry Alliance (WIA) 10th annual awards event at the Adelaide Convention Centre. I have spoken in this place about the Water Industry Alliance previously but, for reference, the WIA was formed in 1998 as an industry cluster of water-related organisations with a focus on growing member businesses and the water sector generally.

For the last 10 years the WIA has been running an annual awards event to showcase the outstanding efforts of those within the water sector in our state who innovate in business, industry and communities through smart water planning and smart water usage. All of us, I expect, know the issues of water provision and water security. It is something this state has grappled with for many years.

Reliance on the River Murray, teamed with an overallocation of water by upstream states, years of drought and the oft-repeated adage that we are in the driest state on the driest inhabited continent all make water a complex matter in South Australia. It should therefore come as no surprise that the private sector and the water industry within South Australia, all of whom have had to operate within this complex paradigm, have become both dynamic and internationally competitive.

The Water Industry Alliance's annual awards recognise those who keep South Australia positioned as a world leader in terms of how we manage water, and they are also a great way to get the many success stories out to the broader community. This year, as with most years, there were some outstanding success stories to be shared.

Philmac, a South Australian company established in 1929, I am told, won the Smart Water Irrigation and Use Award for their unique polyethylene pipes. The product is currently being rolled out over golf courses in the US states of Tennessee, Florida, South Carolina and Indiana. The product is the only one of its kind available in the US market, I am told, and has helped Philmac grow its export revenue year on year.

The Smart Water Resource Management Award was won by the City of Charles Sturt for their Waterproofing the West—Stage 1 project. This project is creating a region-wide system that harvests, treats and stores stormwater, and then distributes that recycled water through western Adelaide. The Smart Water Leadership Award was awarded to Sinclair Knight Merz and the National Centre for Groundwater Research and Training for their development of the Australian Groundwater Modelling Guidelines 2012. These guidelines promote a consistent and sound approach to the development of groundwater flow transport models in Australia. They help provide a national perspective and will help provide an insight into complex groundwater system behaviour.

I had the pleasure of presenting the Minister's Award for Water and Climate Change Leadership, which was awarded to Toro Australia for their Turf Guard Wireless Soil Monitoring System, which helps sportsfield caretakers manage their turf, soil and water efficiently. This product uses an integrated network of up to 500 wireless underground sensors that can be used to detect soil moisture, heat stress conditions and fungal infections, amongst many other things. It is really an innovative project, and the guest speaker on the night, Mr Les Burdett, former curator at Adelaide Oval, had much to say about how such technology will revolutionise his former craft.

The Chairman's Award went to Mr Richard Hopkins, chief executive officer of the International Centre of Excellence in Water Resource Management. This award recognises a person deemed to have made a major contribution to the water industry, and Mr Hopkins was awarded this honour for his efforts at promoting South Australia's capabilities and efforts in water policy, legislation, regulation, groundwater, precision irrigation and urban water technologies to global decision-makers. I have met with a number of delegations in my short time in this portfolio who have come to South Australia to learn from our situation and our progressive water initiatives. I hope that Mr Hopkins will continue his excellent work in these regards.

Finally, the last award—the Smart Water Planning and Delivery Award—went to SA Water for the Adelaide desalination plant. The Adelaide desalination plant was recognised for a number of reasons. Primarily, it is a fact that it is the biggest water infrastructure project ever delivered in South Australia—one that is capable of delivering 50 per cent of Adelaide's drinking water from a climate-independent source and one that reduces our reliance on the historically overtaxed, overextracted River Murray.

Members interjecting:

The Hon. I.K. HUNTER: Mr President, this is something that those opposite should certainly not be sneering at, but they do, continuously, until we find ourselves in drought conditions once again, which we will. The Adelaide desalination plant delivers groundbreaking energy efficiency and uses renewable energy for 100 per cent of the power consumed by the plant. The plant showcases outstanding build quality and is the most capital-efficient plant in Australia.

Members interjecting:

The PRESIDENT: Order! The honourable minister has the call.

The Hon. I.K. HUNTER: Mr President—

Members interjecting:

The PRESIDENT: Minister.

The Hon. I.K. HUNTER: Mr President, I am endlessly amazed—

Members interjecting:

The Hon. I.K. HUNTER: I am endlessly amazed at the effrontery—

Members interjecting:

The PRESIDENT: Order! Enough. Minister.

The Hon. I.K. HUNTER: Mr President, I was going to make comment about the effrontery of those opposite to offer the city of Adelaide a Cortina model desal plant, half a desal plant, to match half of a road that they gave us to the south—a one way road to the south. This is what they do. They come up with half-baked ideas and trot them out to the public as policy initiatives that take us nowhere. It takes a Labor government to come into office and fix up the problems the Liberal government leaves us.

Members interjecting:

The Hon. I.K. HUNTER: I wasn't going to say that, Mr President. I wasn't going to say that at all. The plant showcases outstanding build quality and is the most capital efficient plant in our country. It has the lowest operating cost per megalitre of desal water, and it was delivered ahead of time and within budget. I have been provided with the judges' comments and I can quote some of them to you. I can quote quite extensively if I am encouraged to.

'The Adelaide desal plant is an extremely commendable project that demonstrated the highest level of project management and delivery skills,' one said. This is great recognition for a project that those opposite have sought to denigrate at every opportunity they can get. I want to take this opportunity to congratulate all of the award winners for continuing to help place South Australia as a world leader in management of our most precious resource, water. I want also to put on the record this government's thanks for their efforts, particularly everyone involved in the Adelaide desal plant. This award is vindication for their efforts and is something no-one can take away from them—certainly not those opposite. I commend all the winners to the chamber.

ANIMAL WELFARE

The Hon. T.A. FRANKS (15:01): I seek leave to make a brief explanation before directing a question to the Minister for Agriculture, Food and Fisheries on the topic of CCTV in abattoirs.

Leave granted.

The Hon. T.A. FRANKS: Two years ago in June 2011, I asked the minister a question on notice about halal-certified slaughterhouses operating here in South Australia, how many existed, and whether and how they were regulated and maintained to ensure compliance with the Animal Welfare Act. I have not yet received an answer. However, subsequent to that, like millions of other Australians, I have been appalled and shocked at horrific examples of cruelty exposed in major abattoirs interstate, most recently on ABC's *Lateline* program on 20 March 2013.

Last year in February, meat processor Teys Australia announced the introduction of closed circuit television (CCTV) cameras into abattoirs that they operate across Australia, including, commendably, their Naracoorte operations. I have since moved for mandatory CCTV in all South Australian abattoirs, slaughterhouses, and poultry and game meat establishments.

Earlier this month, People for the Ethical Treatment of Animals Asia Pacific (PETA) wrote to the Australian Livestock Exporters Council offering, and I quote, to 'pay to install and monitor surveillance cameras on each ship that transports animals from Australia to be slaughtered overseas, as well as in all the slaughterhouses approved by the Exporter Supply Chain Assurance System'. Therefore, my questions to the minister are:

1. Will she accept a similar offer to fund installation of CCTV cameras in South Australian abattoirs should it be extended to this government?

2. Will your government mandate CCTV surveillance in all South Australian abattoirs to ensure that acts of cruelty, such as those exposed on ABC's *Lateline* program on 20 March 2013, can never occur in our state of South Australia?

3. Will she ensure that PIRSA works with any companies operating in South Australia involved in the live export trade to introduce CCTV on board live export ships they use and in all slaughterhouses approved by the Exporter Supply Chain Assurance System, given that an NGO has offered to assist with funding in a similar example?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:03): I thank the honourable member for her most important question. The issue of animal welfare in our abattoirs, particularly pertaining to the live export of stock, has been something that has been televised fairly recently, and footage has been shown that has shocked all Australians. The federal government is responsible for standards and processes around livestock export, and certainly the aquaculture, fisheries and forestry minister, Senator Joe Ludwig, has been responding to those concerns in ensuring that systems are put in place and standards are adhered to. I think the last instance was to Indonesia, but nevertheless my understanding is that that did not involve South Australian livestock.

The abattoirs here in South Australia and the conditions in which animals are slaughtered must comply with a wide range of different standards—health and safety standards, as well as animal welfare standards. The compliance here in South Australia is very high and we have systems in place that when there is a breach of compliance we have inspectors, etc. These systems are monitored fairly regularly, and if there is a breach in compliance action is taken swiftly, so I am confident that, in terms of the animal welfare, provisions for livestock in our abattoirs here are well covered by the standards that are currently in place.

These are generally national standards, and I think that is a good thing. We obviously need to look to proceed in a nationally consistent way, rather than having different rules for different jurisdictions. Those standards are reviewed from time to time and we make sure that we bring those things up to date to ensure that they meet public expectation and also take into account modern technology and the like. I am confident that those systems in place are adequate.

It is my understanding that CCTV is not a requirement of our current standards. I can double-check that, but I do not believe it is. I encourage these facilities to put those appliances in place, and it is great that we have an organisation that is offering to assist with the costs of that as well. I think that is something that we can promote and continue to encourage our abattoirs to install. I believe that particularly here in South Australia our current standards are very high, compliance levels are high, and that where there are breaches the action is swift because we take animal welfare very seriously here in South Australia.

MINISTERIAL STAFF

The Hon. R.I. LUCAS (15:07): I seek leave to make a brief explanation prior to directing a question to the minister representing the Minister for Finance on the subject of taxpayer funded expenses.

Leave granted.

The Hon. R.I. LUCAS: Mr Michael Gorey is listed in the latest ministerial staff directory as the acting chief of staff and media adviser to minister O'Brien. He has previously acted as media adviser for minister Gago and minister O'Brien at various times since he was first appointed as a government spin doctor in 2010.

A whistleblower within the Public Service has provided to the opposition a copy of an invoice for $3,036, an invoice from De'luxe Removals, local/country/interstate furniture removalists, for the pick-up and delivery of furniture and household contents for Mr Michael Gorey from an address in Mount Gambier to an address in Mile End (which I will not put on the public record) on 6 and 7 December 2010. Part of that invoice was a cost of $1,160 to do the packing for Mr Gorey.

This particular invoice and expense was incurred at taxpayer expense for the removal of the furniture and household contents for Mr Gorey from his domicile in Mount Gambier when he first started as a government appointed, taxpayer funded spin doctor for the government. My questions to the minister are:

1. Does the government pay furniture and household contents removal costs for all ministerial staff who move to such jobs in Adelaide?

2. If yes, what is the policy that provides for the taxpayers to fund such costs; and will the minister provide a copy of that policy?

3. What total costs have been incurred by taxpayers since January 2002 under this particular policy?

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) (15:10): I thank the honourable member for his questions and will refer them to the relevant minister in another place and bring back a response.

AGRICULTURAL RESEARCH AND DEVELOPMENT

The Hon. G.A. KANDELAARS (15:10): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about agriculture.

Leave granted.

The Hon. G.A. KANDELAARS: The agricultural sector is a significant part of the South Australian economy. Its strength is built on the use of applied research. This research is often provided by the South Australian Research and Development Institute. Can the minister advise the chamber about a new diagnostic test to assist producers in the potato industry?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:11): I thank the honourable member for his most important question. It gives me great pleasure to inform the chamber today about the important work of Dr Kathy Ophel Keller, SARDI's research chief of sustainable systems, and her dedicated team of researchers at SARDI in terms of what their latest projects involve.

As testament to the wonderful work that she has been doing, at the 2013 AUSVEG National Convention held in Queensland, she received the Vegetable Researcher of the Year Award 2013. This is a very important and prestigious national recognition for her and her team's work in developing soil DNA diagnostic tests to assess the risk of diseases for the potato industry.

I am advised that the potato industry nationally has a value of $500 million a year. The industry has two components—a fresh market industry and a processing sector. South Australia produces 80 per cent of the nation's fresh washed potatoes and has a significant processing industry in our South-East. Soil-borne diseases of potatoes cause economic losses of up to $50 million annually to the Australian processing potato industry. The Australian Potato Research Program (APRP) is a research initiative funded through Horticulture Australia Limited using the processing potato levy.

The South Australian state government contributes to the program through SARDI, and in-kind support is also provided from the Department of Primary Industries Victoria and also the University of Tasmania/Tasmanian Institute of Agricultural Research. The program also receives voluntary contributions from the New Zealand Institute of Plant and Food and the Potato Council United Kingdom, with matched funds from the federal government.

This program has completed its third year of delivering soil and plant health outcomes. SARDI leads a major project within the Australian Potato Research Program to develop and deliver tests to detect and measure major disease-causing pathogens responsible for threatening supply and quality of potatoes. A number of DNA-based tests have been developed that can detect and measure seed and soil-borne pathogens that cause powdery scab, common scab, rhizoctonia and a damaging strain of root knot nematode. The tests are designed to assist growers assess the risk of crop damage from disease prior to actually planting their crop.

In July 2013, a testing service which growers will be able to access—PreDicta Pt—will be available from SARDI's molecular diagnostic centre, led by Dr Alan McKay. This commercial service will allow growers to have their soils tested for disease risk from powdery scab, black dot and also root knot nematodes.

SARDI researcher Michael Rettke has developed an agronomic adviser manual which focuses on the interpretation of soil test results and the review of the basic biology of each pathogen. It summarises relationships between pathogen DNA and also yield loss and links the soil test levels to appropriate disease management strategies. The testing service will be accompanied by a training program for advisers and a manual that will provide key information on the diseases, what the test results mean, as well as suggestions on strategies to consider before planting, particularly if the risks associated with the pathogens found on testing are high.

I want to take this opportunity to congratulate Dr Ophel Keller and her team at SARDI on this very important work which provides practical assistance and education to our potato growers.

PASTORAL LEASE RENTS

The Hon. J.S.L. DAWKINS (15:16): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation questions regarding price hikes for pastoral lease fees.

Leave granted.

The Hon. J.S.L. DAWKINS: With recent poor commodity prices and seasonal conditions, and freight and running costs for pastoralists rising by over 7 per cent per annum, pastoral lease holders are finding the going tough.

The Williams Cattle Company, which runs five stations over 22,000 square kilometres of pastoral lease areas in the north-west of South Australia and approximately 19,000 head of cattle, saw its annual lease payments rise by more than 200 per cent in a two year period. While some relief was granted after lengthy appeals the cattle station owner, along with 222 others across the state, is hurting from the harsh revaluing the state government and the Valuer-General have inflicted on these properties.

The state government calculates its pastoral lease rates based on a 2.7 per cent rate of return on the improved capital value of the pastoral land. This is in comparison with Western Australia which sets its rate at 2 per cent, Queensland which sets its rate at less than half of what South Australia charges at a meagre 1.2 per cent, and the Northern Territory which sets its rate at as little as 0.25 per cent.

Unlike South Australia, the rates charged in other states actually reflect the amount of investment the respective governments make in pastoral land. South Australia, on the other hand, has increased the cost of pastoral leases on some properties in excess of 200 per cent, yet infrastructure spending in investment and pastoral communities is minimal at best.

I noted in an article in the *Stock Journal* recently—I think it was 30 May this year—that the minister was quoted as saying that pastoral lease rent revenue generally goes to the Treasury. That means that the government's bottom line has received a boost of $352,726 from pastoral lease rent increases in one year alone. However, pastoralists are yet to see any return in the form of infrastructure or investment in their lease areas from the significant increase in their rent costs. My questions are:

1. Will the minister commit to a review of the current methodology used in the pastoral lease rent calculation, as the government currently has no recent records of unimproved land sales to use for its rates?

2. Will the minister explain how the government's almost 200 per cent pastoral lease cost increases are assisting with the Premier's recently announced $27 million plan for job growth in manufacturing, mining and, in particular, food?

3. Will the minister commit the $352,726 raised from the recent increase in pastoral lease costs to investment in infrastructure for pastoral leaseholders and associated communities?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:20): I thank the honourable member for his most important question. I am advised that pastoral lease rents are determined by the Valuer-General under the Pastoral Land Management and Conservation Act 1989. I understand that the Valuer-General sets annual pastoral lease rents as a percentage rate of return of the unimproved value of pastoral leases. The Valuer-General is responsible for determining both the appropriate rate of return for the land and the unimproved value of each pastoral lease.

The Pastoral Board is responsible for issuing annual rent accounts to lessees, based on the rent determined by the Valuer-General. The Department for Environment, Water and Natural Resources undertakes administration of rental accounts and the receipt of rental payments.

I am advised that, following a major review of lease valuations during 2010-11, the Valuer-General increased the unimproved value of most pastoral leases. The review showed that all leases were considerably undervalued, especially cattle station leases. The review by the Valuer-General in 2010-11 was conducted to satisfy the act, which requires that pastoral lease rents be reviewed every five years. The increases in the valuation of pastoral leases led to a subsequent increase in lease rents. Any lessee unhappy with the Valuer-General's determination can either

apply to the Valuer-General for a review or can make an application to the Land and Valuation Court against the determination.

I am advised that the total value of rent notices issued in 2012 as a result of the review was about $1.4 million. I am advised also that, of that $1.4 million in 2012, the Department of Environment, Water and Natural Resources has the authority to spend about $685,000. Those funds are used for the administration of this act; that is my advice.

For the 220 rent determinations, the median increase above the 2010 rents was 14 per cent, with rents for 58 leases increasing by more than 20 per cent. These included 27 leases, making up 12 per cent of the total, with rent increases of more than 50 per cent, and five leases, or 2 per cent of the total, having increases of 100 to 118 per cent. I have no advice saying that the rent increases were as high as the honourable member stated in his question. To put it in perspective, the cash increase in annual rents from 2010 after the review varied substantially from zero to $25,000, but the median increase was $515.

MATTERS OF INTEREST

RECOGNISE

The Hon. K.J. MAHER (15:23): I rise today to speak on a matter of great importance to many Australians and a matter of real importance to Australia as a whole. Recently in this place we passed a bill for Indigenous recognition in the South Australian constitution. That bill passed this chamber unanimously, with many moving and very sincere speeches from all who contributed right across the political spectrum.

Anyone who doubted the significance or value of doing this would have been persuaded by the standing ovation and genuine feeling from many members of South Australia's Indigenous community who were in the gallery here that day. I received an email the next day from one of those in the gallery, who stated:

> Twenty-four hours ago I was not a South Australian and today with rising of the sun I am. Indeed the world looks different.

This parliament did a very good thing and took big steps towards reconciliation and healing with the passing of that bill. However, it is time for Aboriginal and Torres Strait Islander people to be appropriately recognised in our Commonwealth Constitution.

Today, Australia prides itself on being a place of fairness, but our constitution still does not recognise the first Australians in a manner similar to our state constitution, and there are outdated references, such as section 25, that contemplate classes of people being excluded from voting on grounds of their race alone. There is very good work being done in this area, particularly by the organisation Recognise. Recognise is a people's movement that seeks Aboriginal and Torres Strait Islander recognition in our constitution and advocates for the removal of discrimination in our constitution.

I congratulate Tim, Tanya and their team for raising awareness, campaigning and building community support for constitutional change. To date, more than 140,000 Australians have registered their support for constitutional recognition on the Recognise website. A Nielsen poll in February 2013 found that 77 per cent of Australians supported recognition, up from 62 per cent the previous year. I agree with the overwhelming majority of Australians that changing the constitution is the next step in reconciling our past and ensuring that we move forward as a unified nation.

Recognise has organised a Journey to Recognition. The Journey to Recognition was inspired by AFL legend Michael Long's walk from Melbourne to Canberra nine years ago to speak to John Howard about Indigenous disadvantage. Michael Long was joined along the way by many supporters, who walked with him and encouraged and supported him in his quest.

The Journey to Recognition started on Sunday 26 May this year in Melbourne, and will see a mixture of public supporters and high profile people walk from Melbourne to Adelaide, drive from Adelaide to Alice Springs, and cycle from Alice Springs to Katherine. They will then drive to Nhulunbuy, right at the top of the Northern Territory, arriving at the start of August, where they will break for the election period and then continue afterwards.

In each town along the way the group holds community events or gatherings where they create awareness of this important cause, and supporters can walk part of the way with them. They share their progress with the public through daily updates and photos on social media and on their

website. The walk from Melbourne to Adelaide is over 700 kilometres in total, and today the group is having a well-deserved rest after recently crossing the border into South Australia.

These inspiring walkers will arrive in Adelaide at 1pm on Sunday 30 June. Recognise is encouraging people to meet the walkers at 12.15 at the south-western corner of Gouger and King William streets and then walk to the Adelaide Festival Centre, arriving at about 1pm. At 3pm the bells of St Peter's Cathedral will start ringing, signalling the recommencement of the journey down to St Peter's for a blessing of the walkers at 4pm.

The next day, Monday 1 July, at 5.30pm Recognise is holding a seminar called Walking the Talk for Recognition at Adelaide University, with numerous guest speakers including the Hon. Robyn Layton, Aboriginal and Torres Straight Islander Social Justice Commissioner Mick Gooda, Dean of the Adelaide University Law School Professor John Williams, and actor Aaron Pedersen.

I know that many members in here will support this cause, and I know a number of them will join in the activities that are occurring, the walk on the Sunday and the talk on the Monday. I encourage anyone who is interested to involve themselves in this important effort and in this work.

BALUCH, JOY

The Hon. T.J. STEPHENS (15:27): I rise today to make a contribution, on the record, on the life of Joy Baluch AM, who lost her battle with breast cancer recently. Given her impact on the community of Port Augusta and the history of this state, five minutes does not do her justice.

I had the pleasure of knowing Joy personally. I came to know her when I was a much younger man involved in the retail trade. I got a phone call from Joy, out of the blue, asking me to help her with a gift she wanted to give a visiting dignitary. It is fair to say that I warmed to her immediately, but she left me in no doubt that I should make sure that the gift arrived on time and as it was supposed to.

I also really enjoyed the way she used to bait me every time I came into contact with her by referring to my beloved hometown of Whyalla as Port Augusta West. That went on for at least 30 years. The last time I had an official meeting with Joy was probably 18 months ago, and she said to me 'How is the boy from Port Augusta West?'. She never missed an opportunity to have a bit of a friendly barb about the rivalry between Port Augusta and Whyalla, but I know that everyone in Whyalla really admired her and her passion for being a strong voice for the north of South Australia.

Joy first became involved in local politics in Port Augusta when she was elected to council in 1971, running on a platform of bettering health services in the town to assist her son, who was a chronic asthmatic. By her own admission she began by trying to please everyone, but quickly learnt that this is impossible in politics—as I am sure all of us in this chamber well know. She came to the conclusion that in order to get things done she had to 'thump tables, get noticed and upset some people', as she told Brad Crouch in a rare interview shortly before her death. Her new-found approach worked, and she was eventually elected mayor in 1980.

As mayor of Port Augusta Joy was a fierce advocate for her hometown, and developed a reputation for no nonsense and for saying the things that needed to be said. Joy was mayor for a total of 29 years over three terms between 1981 and her passing. Over her three decades in office she achieved many things but none more important than her campaign to stop alcohol fuelled violence and drinking related social issues in the town, an issue which has sadly befallen the state capital. She addressed this by instituting a ban on public drinking. This is directly related to her support for the cause of the local Aboriginal population whose continued social issues she blamed on the sit-down money culture created by the policies of the Whitlam and Dunstan Labor governments.

Her efforts to improve the town's image did not just stop at locals, it also included changing the perceptions held by outsiders to Port Augusta. This continued right up until the day she died. Earlier this year she demanded prominent young actor Hugh Sheridan apologise for facetiously referring to the city as 'Port A-gutta' on prime time television. In recent years, through projects such as the development of the waterfront, she has guaranteed Port Augusta's place as a mining and tourism hub.

Following her husband's death 16 years ago of lung cancer, despite having never smoked, Joy championed the cause of solar power as she believed coal-fired power stations to be harmful

to public health, showing she had not lost any of the passion for community health which saw her elected 25 years prior.

She was president of the Local Government Association between 2007 and 2009, having been on the LGA Executive for 15 years. During her four decades on council she has established many agencies such as Port Augusta women's and children's emergency shelter, the Child Care Centre, the homeless persons' hostel, and the aged care hostel, and she was instrumental in the development of the Remote Isolated Children's Exercise program.

All of her public service was in addition to her running the Pampas Hotel, which she did for 51 years. For her public contribution, she was appointed a Member of the Order of Australia and was awarded the Centenary Medal in 2001. The impact Joy Baluch had on Port Augusta and the north of this state will be felt for a long time; that community has lost its matriarch. Fittingly, the famous bridge over Spencer Gulf in the heart of Port Augusta will be named in her honour, an enduring tribute to this stalwart of regional South Australia. I wish her family and friends my sincerest condolences and the people of Port Augusta. I reiterate what a great champion Joy Baluch was for the north of this state.

NATIONAL SORRY DAY

The Hon. G.A. KANDELAARS (15:32): Recently I had the great pleasure of attending a Sorry Day event at the Wiltja campus at Northgate. Also in attendance was our President, Hon. John Gazzola, and Robyn Geraghty MP (member for Torrens). The Wiltja Program offers secondary education and supported accommodation to Anangu students from the Anangu Pitjantjatjara Yankunytjatjara (APY) lands from years 8 to 12.

Wiltja originally came about through the efforts of a group of Anangu women from Ernabella (now Pukatja) who in the 1970s attended an Indigenous peoples conference in Adelaide. They saw the advantages of offering mainstream secondary schooling to Anangu students from remote Aboriginal lands. Initially female students were enrolled at the Ingle Farm High School in 1980. This program transitioned into the current Wiltja Program which was then consolidated into the Woodville High School campus in early 1990.

Wiltja is the Pitjantjatjara word for shelter. The Wiltja Program offers secondary education and supported accommodation to Anangu students. These students are selected from remote community schools in the APY lands from Yalata and Oak Valley. Wiltja students who are enrolled at Woodville High School wear the school uniform and attend both mainstream and Wiltja classes. Simultaneously students board at the Wiltja residence at Northgate where they participate in a comprehensive recreation program. Because of the expansion in the Wiltja Program, Windsor Gardens Vocational College is now also supporting Wiltja students.

Coming back to the Sorry Day event, the students at the Wiltja Residential Program decided to do their part in closing the gap and furthering the spirit of reconciliation. This was the second year that the Wiltja students has organised a Sorry Day event at the Northgate campus. They did this through song, art and culture.

The Wiltja residential premises are flanked by the Lightsview housing estate. The Wiltja Program and Lightsview, the CIC and Urban Renewal SA joint venture, came together as partners to encourage the residents of Northgate to come along as a community to acknowledge Sorry Day and to enjoy a great cross-cultural event.

This year's national Indigenous Sorry Day fell on the eve of Reconciliation Week with its theme, Let's Talk Recognition. This year, we celebrated the 15th anniversary of Sorry Day. The first national Sorry Day was held on 26 May 1998, one year after the tabling in May 1997 of the report, Bringing Them Home. The Bringing Them Home report was the result of an inquiry held by the Human Rights and Equal Opportunity Commission into the removal of Aboriginal and Torres Strait Islander children from their families, now known as the stolen generation. The history of the stolen generation has shaped all of our lives, particularly the lives of Aboriginal people.

Among many things, the annual Sorry Day event recognises the impact of cultural dislocation amongst Aboriginal communities and families and seeks to redress this past injustice through measures of healing and counselling. Following on from that, there are lessons to be learnt from the past to guide our collective future about how we, as a multicultural society, must instil in each of us a sense of belonging and acknowledge the richness that cultural diversity brings.

Whilst much has been done to recognise the role of Aboriginal people in Australian society, with the likes of the recent amendments to the South Australian constitution, more still needs to be

done. We know recognition is about a lot more. Being recognised as a citizen or being recognised in the constitution is important, but we must all recognise, acknowledge and respect each other in our everyday lives to ensure an inclusive and diverse multicultural society. We must move forward to a place where we can say sorry and begin to right the wrongs of the past.

I commend the Wiltja students for putting on the recent Sorry Day event at their campus in Northgate. Well done.

LANZILLI, MS D.

The Hon. J.A. DARLEY (15:37): I rise today to speak about a momentous and long overdue milestone for South Australia: the appointment of the first female Valuer-General in Australia, Ms Delfina Lanzilli. In mid-2010, the former valuer-general, Mr Neil Bray, gave notice that he would be vacating the position of Valuer-General for South Australia on appointment as Valuer-General for Queensland. The position has been vacant ever since; however, several people have acted in the position in the interim. Ms Delfina Lanzilli was one such person.

By way of background, the Valuer-General is appointed for a five-year term and, as such, it was imperative that the correct person be appointed to the position. This was one of the main reasons it took so long for the position to be filled. However, I am pleased to say that, after acting in the position for 12 months and proving herself to be the best person for the position, Ms Lanzilli was officially appointed as South Australia's Valuer-General in April this year.

Ms Lanzilli faced competition from candidates around Australia who hailed from both the private and public sectors. With over 25 years' experience in the property, rating and valuation areas, Ms Lanzilli is well placed to undertake the demanding tasks required for the Valuer-General position.

The State Valuation Office, which the Valuer-General heads, undertakes annual valuations of all properties within South Australia, with a combined value of about $350 billion. Of these valuations, an average of 4,500 objections are received each year, which require the valuation to be reviewed and justified with sales of comparable properties.

It is imperative that these values are correct, as they are used as a basis for taxes and charges by a large number of rating and taxing authorities in both state and local government, raising land tax, the emergency services levy, the natural resource management levy, sewerage rates and water rates, amounting to many hundreds of millions of dollars. Within the first six months as the Valuer-General, Ms Lanzilli has already undertaken a review of her department, with the aim of not only streamlining the business but also improving the business model by providing for special valuations, thereby attracting more clients. I applaud Ms Lanzilli for being proactive and taking the initiative to do this and believe many other departments could benefit from undertaking the same.

As a former valuer-general, I know how difficult the job can be. The person must not only be able to perform the valuation based duties required for the position but also be able to relate to the general public and manage their staff within the State Valuation Office effectively. From what I have seen of Ms Lanzilli, I have been impressed with her abilities and look forward to seeing them develop in the future. Ms Lanzilli should be commended for being appointed as the government's chief expert valuer and congratulated for being the first female in the position.

MODBURY HOSPITAL

The Hon. J.S.L. DAWKINS (15:40): I rise today to speak about the Modbury Hospital. I have been working closely in the community served by the Modbury Hospital for the entire time I have been in this parliament, and indeed before that. There has been constant concern and confusion within those communities about the direction in which this government is taking the hospital. Particularly since the decision to take back management within state government from the private sector, it has largely been one step forward and two back for the Modbury Hospital.

The recent situation regarding the paediatric ward is just another example. As members would know, there is a $17.4 million redevelopment of the Modbury Hospital emergency department. Stage 1 of the redevelopment has been completed and the next stage, which will see works commence inside the existing department, has now commenced. On 22 February this year, in a news release put out by the Minister for Health's office, the member for Florey said:

> It will provide state-of-the-art facilities for staff and the almost 40,000 patients who attend the Emergency Department each year at Modbury Hospital.

In the same press release it states, 'The final phase will include a four-bay paediatric area.' However, on the ABC 891 breakfast program last Friday 14 June, the member for Florey stated:

> I don't know more than you know, I heard the announcement last night, I'm waiting for briefings to come through this morning so that I know what we're dealing with...I need to get a grip of what's going on.

In the same interview with Matt and Dave on ABC 891, the member for Florey states:

> ...what they're talking about is not maintaining the beds that were 23 hour care beds...I don't see that it's going to change a great deal...I can't maintain services of every variety at every hospital throughout the state...I can't fight to have a full ward maintained...

It seems to me that the member for Florey, who was elected the same year I was elected on a very pro-save Modbury Hospital program run against the then private management of the hospital, has failed on many occasions in her supposed advocacy for the Modbury Hospital.

We know that she slept in the car park of Modbury Hospital to attempt to save obstetrics at the hospital, and she has tried to stop paid parking at the hospital, and both have failed, if not in full at least in part. The Minister for Health (Hon. Jack Snelling), whose electorate of course has significant connections to Modbury, has also said some things about the paediatric ward. He has described it as a 'paediatric ward' earlier in the year, but now we hear the government talking about a 'paediatric area' or a 'paediatric bay'. In fact, the member for Newland said:

> This will be a bigger and better emergency department that the people of the north-eastern suburbs deserve.

What the people of the north-eastern suburbs actually got was the proposed closure of the paediatric ward, and misleading information from the health minister and local members, who will not stand up for the local families in their electorates who will be hurt by this closure. I noted that in the last sitting week, the Minister for Health, the Hon. Jack Snelling, actually described Frances Bedford as 'a champion for Modbury Hospital'. If that is the sort of champion Modbury Hospital gets, then I think we could do without champions.

There are a number of Liberal candidates in the north-eastern suburbs who are very concerned about Modbury Hospital, who understand the program that we have seen with the closure of maternity and children's services back in 2007. Nothing changes; this government does not have Modbury as its highest priority, and I urge members to indicate their concern.

DESTROY THE JOINT

The Hon. T.A. FRANKS (15:45): I rise to address the topic of Destroy the Joint—that is #destroythejoint, for those of you who have heard it before. I certainly had not heard of the term when last August 2012 it took over the Twittersphere of Australia. I had been offline for a few hours and I came back to see 'Destroy the Joint' everywhere on my feed. My friends were all 'destroying the joint' by going to buy milk at the local deli. They were destroying the joint in many ways.

I asked the Twittersphere, 'What on earth is this Destroy the Joint all about?' to which Brad Chilcott of Welcome to Australia replied, 'Tammy, it's women like you.' So of course I have followed Destroy the Joint very keenly ever since. For those who are not aware and who do not occupy Twitter like I do, Destroy the Joint started as a response to some comments made by radio announcer Alan Jones.

He was referring to moneys that had been allocated in the federal budget to Pacific women's leadership and decision-making to enhance their ability to engage in democracies in the Asia-Pacific region. He criticised the statement that had been made by the Prime Minister, Julia Gillard, in support of this scheme, where she had said, 'We know that societies only reach their full potential if women are politically participating,' with the response, 'Women are destroying the joint: Christine Nixon in Melbourne, Clover Moore here—honestly.'

Women, and men, who took offence at those words started #destroythejoint. Jane Caro started it off with, 'Got time on my hands tonight so thought I'd spend it coming up with new ways of destroying the joint, being a woman and all. Ideas welcome.' Almost 12 months on, Destroy the Joint is still going strong—and little wonder. Since then we have had Alan Jones telling a gathering of Young Liberals that Prime Minister Gillard's father had died of shame. In response, Destroy the Joint supporters, along with the Sack Alan Jones movement, mobilised to put pressure on Jones's advertisers to withdraw their sponsorship of his program. It worked. Indeed, they even took his Mercedes car away.

We have had John Laws' despicable questioning of a 14-year-old rape victim, the gang rape and killing of an Indian student, Jyoti Singh Pandey, and Telstra's insistence on payment for providing a silent phone number to a woman taking refuge from a violent partner being part of the activities and responses of Destroy the Joint. I have to say, after this last week in Australian media and culture, I think there is no greater need than for destroying the joint.

My old boss, Natasha Stott Despoja, used to quote a female politician she had met in Canada, who said when she was asked; 'What's a nice girl like you doing in a place like this?' 'Well, it is actually these sorts of places that precisely need nice girls.' I perhaps would be a little bit more activist than that, but when we have 'menugate' where the Prime Minister is referred to on a menu as having 'small breasts, huge thighs and a big red box', when you have the Socceroos coach remarking to his team after a game that women should shut up in public, when you have Grace Collier saying that the Prime Minister should not be showing her cleavage, this is clearly an environment that yes, does need nice girls, but it also needs to destroy the joint.

I believe that the misogyny speech was a turning point in politics in Australia in many ways, but I am actually critical of the Prime Minister's use of the term 'misogyny' in response to a motion about Peter Slipper on the very same day that she withdrew support for single parents and the parenting payment. I believe that is an act of misogyny; I believe that is what we should be focusing on when we talk about misogyny.

However, it is bigger than simply politics, as I say. It is media, sport and other culture, and members cannot have failed to notice two other events in this past week; one was where footage of Nigella Lawson was shown in, potentially, a domestic violence situation. I condemn 3AW and 'Dee Dee' Dunleavy for calling on people to boycott Nigella Lawson unless she left her husband, but so shines a good deed in a weary world. I commend Lieutenant-General David Morrison, who has single-handedly reminded us that most men are decent when he said, 'When you see misogyny, do not walk by in the armed forces.'

PS MARION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:51): We often talk about the future because we can change it, while we make myths about the past. We talk about the future of the tourist industry, how it should be twice as big as it is today. And we talk about the past as if there is no tomorrow. Last weekend South Australia celebrated a voyage that began not last century but the century before that.

The paddle-steamer *Marion* began its life in a Milang shipyard in 1896. It was built as a river barge, and in 1900 she was fitted with a superstructure so she could become a floating shop visiting river communities. Imagine an all-in-one hardware shop, drapery, grocery and department store pulling up right at your berth—that is what it was like. A steam engine built by Marshall & Sons of Gainsborough in England was installed, and the paddle steamer *Marion* is still powered by her original engine.

Up and down the Murray and the Darling, the *Marion* became part of history. She is the third-oldest Australian vessel on Lloyd's Register. Prime minister Andrew Fisher and attorney-general Billy Hughes cruised the river on the *Marion*. The ceremony that marked the initiation of the locking of the river was held aboard the *Marion* and that was history, too. It was one of the first times the newly-federated colonies acted as the states of Australia.

So, the *Marion* paddled into prosperity. As we grew, so did the river trade. In 1908, the *Marion* was sold to Ben Chaffey of Renmark, who rebuilt her to carry eight passengers as well as cargo, and ultimately she became a passenger-only vessel, with accommodation spread over three decks, plying the river between Renmark and Goolwa on regular summer cruises.

In fact, the *Marion* was one of the first paddle-steamers to run cruises on the Murray, and today she is one of the very few heritage steam-driven, wood-fired, side-paddle steamers with overnight passenger accommodation operating anywhere in the world. I know: I have been a passenger. Last weekend, I joined a very special celebration.

Fifty years ago, the *Marion* limped into Mannum from Berri to spend the rest of her life as a static display in a dry dock. Her glory days appeared over. But the River Murray makes its own history, and a group of dedicated volunteers would not leave her marooned in dry dock. They scraped, sanded, painted and primed and they delved into her boiler and cooked up a restorative storm in her kitchen.

They raised money because it was not cheap. Donations came from everywhere to help get her back to glory. The dedication culminated in a re-enactment voyage—a 50th anniversary cruise from Berri to Mannum. Passengers paid top dollar, and even at this price it was good value. They came from Adelaide and interstate. They ate well and they drank well, but they also loaded wood for the boilers and helped push her off sandbanks. It was an adventure as well as a holiday.

Together with the Governor, His Excellency Kevin Scarce, and Mrs Liz Scarce, surviving crew members and passengers who made the Berri to Mannum voyage in 1963, my parliamentary colleagues Ivan Venning and Adrian Pederick and I joined the *Marion* at Bowhill for her historic downriver trip to Mannum.

What we have in the River Murray and the *Marion* is a world-class tourist experience. Poets may describe better than I the tall red cliffs; painters could do more justice to the gums, the pelicans and the reflections than any adjectives. Photographers, philosophers, ornithologists or just plain politicians—we can all learn lessons from the river and its life. Behind the *Marion* last Saturday a flotilla of historic river craft escorted us into Mannum, where an enthusiastic crowd, a sprinkling of dignitaries and a brass band welcomed us to the dock. There is a website which I highly recommend to the public and all members in this chamber. Its URL is www.davidridgway.com and it has an excellent series of professional photos of the event.

I want to thank the captain, the crew and all the volunteers who worked for so many years to make the *Marion* shipshape again and all the people at the Mannum dock, the police and the *Marion* band and the hundreds of people who joined us on the river and on land. The future is not yet written. We can make the *Marion* and the River Murray an internationally recognised tourist destination. We can do it because it is unique. We can do it because we have the skills in South Australia to capitalise on our natural wonders and our pioneering history. We can do it because we have the will and the way, and if we do it we will have honoured the past and gone into the future with confidence.

NATURAL RESOURCES COMMITTEE: LEVY PROPOSALS 2013-14

The Hon. R.P. WORTLEY (15:56): I move:

That the reports of the committee on Natural Resources Management Board Levy Proposals, 2013-14, for Adelaide & Mount Lofty Ranges, Eyre Peninsula, Kangaroo Island, Northern and Yorke, South Australian Murray-Darling Basin, South Australian Arid Lands and South-East, be noted.

One of the Natural Resources Committee's statutory obligations is to consider and make recommendations on any annual levy proposal by natural resources management boards where the increase exceeds the annual CPI rise. Of the seven proposed increases in the division 1 land-based levies for 2013, only two were higher than the 1.7 per cent CPI rate. All the division 2 water levy proposals were equal or lower than the CPI. This is an improvement on previous years when, in some cases, all seven boards together had sought to increase their levies by more than CPI.

Whilst the members are sympathetic to the desire of the NRM boards to increase their funding bases, members believe that above CPI increases should be the exception rather than the norm. The Adelaide & Mount Lofty Ranges NRM Board has sought a 5.1 per cent division 1 increase, while the Kangaroo Island board has sought a 3.8 per cent division 1 increase. In both cases members were told that, due to an increased number of properties, the increase per rateable property was not expected to increase above CPI. This year the committee has determined not to object to all of the proposed NRM levy increases.

The increase in funding that the Adelaide & Mount Lofty Ranges NRM Board will receive will enable it to increase staff numbers at a time when most other state government agencies are being forced to reduce their staffing due to budget constraints. While the increase in the levy per property is only $1, this represents an overall increase in funding to the board of approximately $1 million.

The AMLRNRM Board is extremely lucky to have such a large and constantly growing rate base. The ability of the board to raise funds in its region contrasts starkly with the rest of the state's NRM boards. Now that the Adelaide & Mount Lofty Ranges Natural Resources Management Board has finished its process of levy equalisation, the committee looks forward to a levy increase next year that is much closer to the CPI.

In the case of Kangaroo Island, committee members were impressed with the depth of knowledge shown by the presiding member, Mr Richard Trethewey, and the regional manager, Mr Bill Haddrill, with regard to the island and the management of its natural resources. In particular,

members were impressed to hear that feral goat numbers have been reduced to a same-sex population. This means that, effectively, unless someone brings a goat of the opposite sex to the island and releases it, feral goats should soon be excluded from the island.

Members interjecting:

The Hon. R.P. WORTLEY: Anything is possible. The committee was pleased that the Eyre Peninsula NRM Board has proposed to keep its levy increase equal to 1.7 per cent CPI rate. As members of this house will know, the Natural Resources Committee has been inquiring into the Eyre Peninsula water supply over the past year.

When receiving evidence in April, the committee heard from Eyre Peninsula NRM Board presiding member, Heather Baldock, that several board members will not seek re-election to the board when their terms expire later this year. The committee members were made to understand that one of the reasons for this is that some board members felt that they had become punching bags for disaffected community members. We experienced a little bit of that when we visited Eyre Peninsula recently, where we actually took along a number of members to a particular meeting. A certain amount of aggression was shown to these people. As far as I am concerned, this is part and parcel of the job. However, they were reasonably protected by members of the board who were there.

Whilst we understand that there is a lot of emotion around the issue of water supply, which is the subject of our inquiry, this does not excuse bad behaviour from community members. Board members who have volunteered their time to try to find positive solutions to environmental problems should be applauded for their efforts and not abused. The committee was pleased to note that the Northern and Yorke NRM Board proposed to freeze its levies for 2013-14. Two years ago we received feedback from the Hon. Caroline Schaefer, who we all know was a very highly regarded member of this council and is now the board's presiding member, with regard to the complexity of updating business plans annually.

As a former member of the Natural Resources Committee and current presiding member of the Northern and Yorke NRM Board, Caroline Schaefer in a unique position to comment on the process of amending board business plans. It was Caroline Schaefer's plain speaking in April 2011 in evidence to the committee that convinced members of the need to prepare a special report to parliament on NRM levy and NRM business planning processes. This report was tabled in September 2012.

The Natural Resources Committee was also pleased to hear that for 2013-14 the South Australian Murray-Darling Basin NRM Board is proposing to increase both its divisions 1 and 2 levies by CPI. The committee has been unhappy with above CPI increases in previous years, and warned last year that it would not entertain such increases in future.

Despite the fact that the board included a proposed water levy for the Eastern Mount Lofty Ranges Prescribed Water Resources Area in its business plan last year, the water allocation plan was not adopted during 2012-13. The board has once again included the Eastern Mount Lofty Ranges in its business plan 2013-14. The committee hopes that in the next 12 months the Minister for Environment and Conservation will be in a position to adopt this plan.

Members were impressed with the enormous contribution volunteers make to NRM projects in the South Australian Murray-Darling Basin NRM region. Committee members heard that almost 3,000 volunteers are involved annually in board-managed NRM projects. The Arid Lands NRM Board for the first time ever is proposing to keep both its levies within CPI. After visiting the region in late 2010, members gained a new appreciation of the unique logistical demands facing this remote area board, including difficulties sourcing and securing long-term funding and employment for staff. The committee was impressed with the work the Arid Lands NRM Board had done over the past year in continuing its work eradicating athel pine and date palms.

Members appreciated the preparations the board had made towards monitoring the progress of cane toads towards South Australia. The committee also appreciates the board's continued commitment to ecosystem management understanding (or EMU, as it is known). EMU was initially developed by landscape ecologists Drs Ken Tinley and Hugh Pringle to facilitate sustainable rangeland management. After trying the concept in 2009, the board is new delivering it across numerous properties, including pastoral leases and conservation reserves. This landscape-scale approach is used to deal with soil erosion, invasive species and biodiversity challenges across property boundaries.

The South-East Natural Resources Management Board restricted its levy increase to CPI. The committee was pleased to hear of the good work the board has done in eradicating pest plants and animals. We heard that nearly 1,400 properties, covering more than 160,000 hectares and 15,000 kilometres of roadsides, had been inspected over the past year, during which:

- 657 feral deer and 57 feral goats were removed;
- 300 hectares of rabbit control was carried out on six priority properties;
- 125 hectares of priority blackberry sites were controlled; and
- over 45,000 fox baits and 7,500 kilograms of rabbit baits were sold to land managers and property owners.

In addition, the board facilitated 25 public education events to promote best practice in invasive species management.

Members look forward to hearing more good news from the board next year. The South-East Natural Resources Management Board has consistently worked hard in achieving the aims and objectives of its regional NRM plan, and its board and regional NRM group members have put in an enormous amount of time guiding the efforts of volunteer organisations and staff.

The South-East Natural Resources Management Board is renowned for its high achievements in the area of water resources management and pest control. It has faced enormous challenges in finding the right balance between improving land productivity and preserving wetlands from increasing salinity and reduced rainfall. These challenges will continue as climate continues to change and local drainage schemes are put to the test.

I would like to commend the members of the committee: Presiding Member the Hon. Steph Key MP, Mr Geoff Brock MP, Mrs Robyn Geraghty MP, Mr Lee Odenwalder MP, Mr Don Pegler MP, Mr Dan van Holst Pellekaan MP, the Hon. Robert Brokenshire MLC and, of course, the Hon. John Dawkins MLC. I also acknowledge the contribution of the Hon. Gerry Kandelaars, who recently resigned from the committee. Finally, I would like to thank committee staff for their assistance. I commend these reports to the council.

The Hon. J.S.L. DAWKINS (16:06): It gives me pleasure to rise to support the motion in the name of the Hon. Mr Wortley that the 78th to 84th reports of the Natural Resources Committee be noted. My remarks will be brief, but I want to make it clear that I think that NRM boards, members and staff—who are now, unfortunately, under the Department of Environment, Water and Natural Resources—do extraordinarily good work, in the main. We do hear, in this place and in others, criticisms of some of that work, and I will not say that there are not some staff who at some stage go a bit further than they should but, in the main, those of us who have the privilege to be on the committee—and I include the Hon. Mr Kandelaars who is no longer there but who still retains an interest in the work of the committee—do have the ability, I think, to learn about a lot of good work that natural resource management does.

Certainly, the Liberal Party is supportive of strong structures in natural resource management and, if we are lucky enough to be in government after next year, we will certainly have a look at the way the whole thing is organised. I think our leader, Mr Marshall, the member for Norwood, has indicated that there will be a root and branch review of natural resource management.

However, in the main we are believers that there has to be a structure in natural resource management, and I am one who was a strong advocate in a parliamentary committee of amalgamating the soil boards and animal and pest and plant control boards at the end of the 1990s and in the early 2000s. What has evolved from that is not ideal in the minds of many, but we certainly need a structure, and our party is committed to that. As I said, I very strongly support the comments of the member for Norwood, who is, of course, the Leader of the Opposition.

In noting this report, I want to make some comments in relation to the Adelaide and Mount Lofty Ranges levy proposal. As the Hon. Mr Wortley said, it was one of two that were greater than the CPI level of 1.7 per cent. The Kangaroo Island Natural Resources Management Board was the other one that was above CPI, and I think the committee always has a degree of empathy with the work of the Kangaroo Island board and the Arid Lands board because they are both dealing with a very small population and unique circumstances. So, the increase on the Kangaroo Island board was approved.

In relation to the Adelaide and Mount Lofty Ranges board, they proposed a division 1 increase of 5.1 per cent which is three times the CPI. In the previous year the Adelaide and Mount Lofty Ranges board came in with a proposed increase in excess of 11 per cent. The Natural Resources Committee actually knocked that back and subsequently at the minister's suggestion the Adelaide & Mount Lofty Ranges Natural Resources Management Board reduced that to 6.1 per cent. They have now come in with 5.1 per cent.

For the reasons outlined by the Hon. Mr Wortley, the committee has approved that increase but, in doing so, the letter to the minister has noted that the board has consistently proposed increases above CPI since 2008-09. My personal view, and I am sure I am not alone on the committee, is that an increase above CPI in the future from the Adelaide & Mount Lofty Ranges NRM Board should not be agreed to by the committee. We have to recognise that while the board's geographical area is not huge—it goes from Victor Harbor to the southern banks of the River Light—it has by far the vast majority of the population of South Australia in it, and I think it is time that board cut its cloth more appropriately.

I enjoy the work of the committee, particularly in our dealings with the various boards. The visits we make to the boards as described the Hon. Mr Wortley are most valuable, but also we appreciate the efforts that are made by the board chairs and staff to come and give evidence to the committee. In supporting the motion, once again I commend the efforts of the presiding member of the committee, the Hon. Steph Key, other committee members and our two staff.

Motion carried.

ST CLAIR LAND SWAP

The Hon. J.M.A. LENSINK (16:14): I move:

1. That a select committee of the Legislative Council be established to inquire into and report on all aspects of the St Clair land swap including but not limited to—
   - (a) All previous and current decisions of the Charles Sturt council on this matter, including the vote to request the state government to dedicate this land as a memorial park;
   - (b) The findings of the Ombudsman's Report on the St Clair Land Swap Investigation, including matters of conflict of interest;
   - (c) The significant amount of land lost to roads in the land swap, and reduction of open space;
   - (d) The advice provided and sought by council on the area of open space available to the community before and after the land swap;
   - (e) The communications between council, prospective developers and the state government; and
   - (f) Any other relevant matter.
2. That standing order No. 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.
3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.
4. That standing order No. 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

This motion is following from the many goings on within the jurisdiction of the City of Charles Sturt. We had a motion successfully passed by this Legislative Council which was moved by the leader of the Liberal Party in this place, the Hon. David Ridgway, in February and voted on in March which highlighted a lot of the issues to do with the St Clair land swap. I will not go into extensive detail as the honourable member did, but I will refer to some of the comments he made. For the benefit of those who wish to look at his remarks, he spoke on 6 February 2013 and the vote was taken on 6 March.

This issue has been an ongoing problem for the community of Woodville, St Clair and within the City of Charles Sturt, and has caused considerable disquiet in the community. There are few issues I have seen in recent years that have got the community so activated and outraged by the actions that have taken place within council which have been directed by Labor operatives.

Just to provide a thumbnail of the goings-on: decisions have been made while this Labor government has been in place which have resulted in a popular recreational park (St Clair Reserve) being swapped for a piece of contaminated land at the old Actil site in Woodville. Clearly, the work required to rehabilitate the land is extensive, and when we look at the space that will be provided into the future if this is to go ahead, the land swap is not at all equal.

The assertion that 4.7 hectares will be swapped for 4.7 hectares is a furphy. That is because a significant amount of green space will be lost, particularly through the inclusion of roads, etc., within the St Clair area. Indeed, there are some 2,750 square metres of road which would be taken out of the 4.7 hectares which will not, in fact, be open space.

This issue has been debated significantly by the City of Charles Sturt. There were so many links between the Labor government and council members that the issue has been to the courts, and also to the Ombudsman. The then minister for local government was found not to have complied with her own act because she had not considered the merits for and against the land swap before she agreed to it.

In relation to the Ombudsman's report, it was discovered that several Charles Sturt councillors had potential conflicts of interest, and 12 out of the 17 councillors were members of the Australian Labor Party. This was not known until after the investigation had taken place. So, the relationships were more than just cosy; there were various ministerial staffers and electorate officers, and these were people who were making decisions. They clearly did not make those in the community's interest, and certainly could not set aside their conflicts of interest when they voted on these issues.

Within that report, it showed that the member for Croydon had given advice to people about who should nominate as councillors, provided advice and guidance to those people about which committees they should serve on, organised street meetings and campaign meetings, advertised things in the press, and even hosted a barbeque here at Parliament House, where they talked about doing deals and all those sorts of things.

After the council elections, there was some change in elected members because the community was so outraged. I note the overwhelming support that was given to the now Mayor of the City of Charles Sturt, Ms Kirsten Alexander, who had led the community charge against the land swap.

Although some of the faces have changed, this council is still subject to many complaints. Indeed, I see it was recently reported that, while the average council receives one or two code of conduct complaints, the City of Charles Sturt has recorded 17. Unfortunately, we are not able to know the substance of those and what the outcomes were, but I think it does go to the ongoing issue that takes place down there. There is clearly continuing influence by the Australian Labor Party on the activities of council.

The Local Government Association has done some research on the lack of open space in the western suburbs and found that it is somewhere between 10 and 20 ovals short of the required open space, so the loss of open space through this land swap is not insignificant. The other issue that has been highlighted more recently has been the importance of this piece of land to the veteran community, a community that we should always hold in the highest regard and do our utmost to preserve their memory and respect their service in all things we do.

The plan to build houses on St Clair Reserve has actually been described as 'appalling' by the current director of the Australian War Memorial, who has joined with local residents and actually written a letter to outline his position that he opposes what is taking place there. In 1942, the wartime community decided to turn that site into a memorial park, and there are ashes of veterans who have been scattered there in memory. I note that the council itself voted on 27 May to support honouring the 1942 position calling for the reserve to be retained as a memorial, and 3,000 petitions were handed to the opposition leader, Steven Marshall, in support of that matter.

The final decision on the DPA has not been made by this government, and the Liberal Party believes that, because of the significant potential corruption that is taking place and some of those relationships, clearly the community has spoken through its decision to overwhelmingly support Kirsten Alexander as their mayor. We believe that the government continues to ignore the wishes of local residents, and indeed the veteran community, and therefore that this matter deserves to be referred to a select committee so that those issues can receive ongoing scrutiny. I commend the motion to the house.

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

PETROLEUM AND GEOTHERMAL ENERGY (HYDRAULIC FRACTURING) AMENDMENT BILL

The Hon. M. PARNELL (16:23): Obtained leave and introduced a bill for an act to amend the Petroleum and Geothermal Energy Act 2000. Read a first time.

The Hon. M. PARNELL (16:23): I move:

That this bill be now read a second time.

This bill deals with a matter that will be of concern to all those who care about the environment and the rights of South Australians and, in particular, the rights of farmers and regional communities to avoid the horrors of coal seam gas extraction through hydraulic fracturing or fracking.

Fracking involves pumping large amounts of water and chemicals into the earth at high pressure to force open or fracture rock cracks, allowing gas to escape to the surface. This technique has been banned in France and in other countries. In the United States, it has created serious environmental issues after freshwater aquifers were polluted. Mr President, you may have seen the movie *Gasland*, which explores this problem. The potential for long-term adverse impacts on the environment, on agriculture and on public health is worrying. The CSIRO and the National Water Commission have stated that the impacts on underground water levels, the amount of emissions and long-term impacts on local environments and farmland are still poorly understood, and the National Toxics Network has raised concerns about the environmental and health risks linked to the chemicals associated with hydraulic fracturing.

Preliminary research tells us that it will take up to 75 years for a gas site to recharge its previous groundwater volumes, but the impact of these practices on every site is different, and so a cloud really does hang over this industry and its impacts. Whether these impacts are permanent or temporary, it is a risk that we do not have to take, which is why the Greens have moved this bill today.

Despite this uncertainty, we have seen an enormous explosion of coal seam gas wells in recent years. In fact, there is currently a total of 3,508, so I am advised, active coal seam gas wells in Australia, with 3,249 of those being in Queensland and the remaining 259 in New South Wales. Those figures include both exploration and production wells. In South Australia, it is my understanding that there is one well, up in the Cooper Basin.

This massive expansion of coal seam gas is occurring at a time when the jury is still out on many of its long-term impacts. Of course, one aspect of this industry on which the jury returned a verdict long ago is the impact on the world's climate of the burning of fossil fuels. This Greens private member's bill will permanently protect South Australian farmers, urban South Australians and our natural environment from being subjected to this risky and unnecessary practice.

The bill provides for a permanent ban on fracking in the following areas. Firstly, it provides for a ban on any land used wholly or in part for the business of primary production—in effect, farmland, for short. Secondly, it protects the following zones of land from fracking. Those zones include coastal conservation zones, coastal open-space zones, conservation zones, watershed protection zones, any form of residential zone and also any other zone of a prescribed kind. In relation to the rest of the state, the bill proposes a two-year moratorium on fracking, during which time the minister must prepare a report on the impact of fracking on water quality, soil health, climate change and local economies. That, in essence, is the substance of the bill.

Whilst fracking is an issue that has not yet attracted much attention here in South Australia, we know that it is coming. The state government's Roadmap for Unconventional Gas Projects in South Australia shows that this dangerous and destructive technology is coming to a place near you soon. As I said, fracking involves the high-pressure injection of millions of litres of water mixed with sand and chemicals into the coal seam to release the gas. This fracking mixture is then pumped out, along with a far greater volume of polluted water that occurs naturally in the coal seam. This process lowers the pressure, so that the gas leaves the coal bed and comes to the surface. The small fissures created by the water pressure allow small bubbles of methane to escape and rise to the surface. As members would know, methane, if released into the atmosphere or escaping through fugitive emissions, has 23 times more global warming potential than carbon dioxide.

The process of fracking can also mobilise naturally occurring carcinogens—benzene, toluene, ethylene and xylene, collectively known as BTEX—which are then carried to the surface in

the produced water. The water pumped out is contaminated with salt, heavy metals, hydrocarbons and the added chemicals, and then it needs to be treated. It needs to be quarantined in storage ponds or returned into low quality seam beds. If any of this water finds its way back into surface or groundwater systems, it will contaminate the local water supply, including irrigation water.

Coal seam gas extraction requires pumping water from coal seams potentially connected to underground aquifers, which lowers the watertable and puts soils and water supplies at risk of contamination. Because the amount of gas extracted at wells drops off by 60 to 90 per cent after the first year of production, a proliferation of wells is required to ensure the long-term profitability of the industry. This insatiable appetite for more land for more wells is what is riling farmers in Queensland and New South Wales and fuelling the Lock the Gate movement that sees farmers attempting to deny access to coal seam gas companies, and I think we can expect exactly the same response in South Australia's farming sector.

The Liverpool Plains is just 1.5 per cent of the land area of New South Wales, yet it produces 37 per cent of Australia's cereal crops. Queensland produces more than a third of our nation's fruit and vegetables through its prime fruit and vegetable growing country like the Lockyer Valley and the Darling Downs. Yet, despite the value of these assets and their importance to our food security, these areas are also sites for coal seam gas.

Farmers who are concerned about this are powerless in the face of large corporations. Currently under state and federal law, landholders cannot refuse coal seam gas companies access to their land. Given the implications for their livelihood, farmers have been outspoken and, as I said, the Lock the Gate movement is the result. But this is not just an issue of concern for farming communities. In fact, according to a Nielsen poll in April 2013, 75 per cent of voters in New South Wales opposed coal seam gas exploration on agricultural land, and in 2011 a national poll found that 68 per cent of all Australians want to stop coal seam gas mining until we know whether or not it is safe.

Just this week, a report of the Climate Commission found that 80 per cent of the world's large coal and coal seam gas reserves would need to be left in the ground if we are to keep global warming to less than 2°. We know in the context of an impending climate crisis that the last thing we should be doing is finding new ways to dig up and burn more fossil fuels. So coal seam gas is not just damaging local farming communities: it is also jeopardising the longer term health of our planet and our efforts to tackle climate change. Yet, governments still press ahead.

At the national level and interstate, the Greens have been standing with farmers arguing that their rights should not be trumped by large corporations and we have been standing with other Australians who are concerned about the impact of these practices on their environment, on their health and on their communities. The Greens' national spokesperson on this issue is Senator Larissa Waters, who has been leading the charge in Canberra.

As a result of the strong Greens campaign, just this week, the federal environment minister will be given new powers to take into account the impacts on groundwater and surface water when considering the approval of new coal and coal seam gas mining. That is a good start but there is no assurance, of course, that the federal minister will do the right thing, and what the next federal environment minister might do is just as frightening.

I also acknowledge that this an issue that not just the Greens are campaigning on. It is something that has unified people from across the political divide, from Bob Brown to Bob Katter, from the city to the bush, and it has even been championed by Alan Jones who, last time I checked, was not a card-carrying member of the Greens but someone who nevertheless recognises that it is wrong for large fossil fuel corporations to ride roughshod over local communities, as has occurred in New South Wales and Queensland.

Even the federal opposition leader, Tony Abbott, had a brief 24-hour road to Damascus conversion on this issue back in 2011, only to reverse his position the following day. The views of the Australian community will not change so quickly. People are concerned about the implications of coal seam gas and other forms of unconventional gas, and they are looking to their parliaments to halt fracking either permanently in farming, urban and conservation areas or to impose a moratorium until questions can be answered.

There is of course much at stake for South Australians here. As I flagged earlier, the government's roadmap for unconventional gas released in December 2012 indicates that fracking is coming to an area near you. The roadmap earmarked potential locations for gas mining in the Lower, Mid, Upper and Far North regions, the South-East, Eyre and Yorke peninsulas, the West

Coast and the Adelaide Hills—and I am not sure that there is much of the state left outside those areas.

Chris Russell, who is an enthusiastic spruiker of the industry, revealed in an *Advertiser* article last year that this may be only the tip of the iceberg. The executive director of the Energy Division of the Department of Resources and Energy, Barry Goldstein, well and truly belled the cat when he said of the government's roadmap:

> ...if we have the conversation (about coal seam gas) before the hair on the back of the neck has risen, then people are so much more receptive. We want people to have the time to be informed.

So, what will come after this teaser campaign? Is this a curtain-raiser for something that is much bigger? We do not yet know but we, in the Greens, and I think many South Australians are vigilant and they are ready to tackle this looming menace. Why would we expose our wine, fruit and vegetable industries and our cropping and grazing lands to these kinds of risks? That certainly does raise the hair on the back of the neck.

The experience interstate has shown that once the genie is let out of the bottle it is difficult to put back in again. Through this private member's bill, there is an opportunity for this parliament to heed the warnings and ensure that South Australian primary industries, communities and the environment are protected from these kinds of risks. It is an important opportunity for all sides of politics to do what is best for our state, and it is an opportunity that members ignore at their peril. I commend the bill to the house.

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

ELECTRICITY INDUSTRY SUPERANNUATION SCHEME

The Hon. R.I. LUCAS (16:36): I move:

That this council—

1. Notes the concern of pension scheme members regarding the Electricity Industry Superannuation Scheme (EISS) and the set of documents providing the basis of that concern provided to members of parliament by the organisation SA Superannuants and Mr Richard Vear, a pensioner of EISS;

2. Refers the following matters and their associated administrative acts to the Ombudsman, pursuant to section 14 of the Ombudsman Act 1972, for investigation and report on the EISS method for calculating its taxed-source pensions and compliance of that method with the Electricity Corporations Act 1994 (as modified by the Electricity Corporations (Restructuring and Disposal) Act 1999)—

   (a) probity of processes resulting in a letter dated 7 June 2002 addressed to the then under treasurer being received by the Department of Treasury and Finance and accepted as coming from the EISS board to advised that the board supported and recommended rule changes for EISS developed by the financial services firm Mercer;

   (b) probity of processes resulting in receipt by the Department of Treasury and Finance of the Mercer explanatory memorandum dated 27 June 2002, which is a document that has been cited as providing evidence that the method for calculating EISS taxed-source pensions had no effect on employer costs;

   (c) inconsistency between the claim made in the Mercer explanatory memorandum of 27 June 2002 that EISS rule changes would have no effect on employer costs and analyses contained in the Mercer reports of 1998 and 2004 showing that the rule now being used by EISS to calculate its taxed-source pensions would reduce employer costs if applied to pensions of the state pension scheme;

   (d) probity of the decision to provide only the explanatory memorandum of 2002 and not the Mercer reports of 1998 and 2004 to the Crown Solicitor when advice was sought on compliance of the method with the Electricity Corporations Act 1994;

   (e) probity of advice and recommendations of the Department of Treasury and Finance to the EISS board and the then treasurer, Kevin Foley, in connection with his authorisation of use of the method in June 2002 and to both Mr Foley and the Minister for Finance, Hon. Michael O'Brien MP, in connection with representations about the validity of the method that have since been made by SA Superannuants and Mr Richard Vear;

   (f) whether the method used to calculate EISS taxed-source pensions has reduced employer costs for those pensions compared to what the cost would be if the pensions had continued as untaxed-source pensions;

(g) whether the method complies with the Electricity Corporations Act 1994 including schedule 1, part F, clause 11: Treasurer may vary rules in relation to taxation, subclauses (1) and (2); and

(h) any other relevant matter.

3. Resolves that, in all the circumstances of the case, administrative acts associated with these matters warrant investigation by the Ombudsman despite the availability of any alternative appeal, reference, review or remedy of the passage of time since SA Superannuants and Mr Richard Vear had notice of the administrative.

This will probably be the only speech that is shorter than the length of the motion. A similar motion was first moved by me on behalf of Liberal members on 5 September 2012, and it was either unanimously passed or no-one opposed it on 17 October 2012.

Since that time there has been ongoing discussion between the stakeholders who raised their particular concerns in the first place and the Ombudsman. The Ombudsman had some concerns about the drafting of the original motion. As a result of all those ongoing discussions, the member for Davenport, in consultation with the stakeholders, has constructed a new motion which we are hopeful, if passed by this Legislative Council, the Ombudsman would agree is in a form acceptable to him to enable him to conduct the inquiry that has been outlined.

Our understanding is that if the Legislative Council does approve this amended referral, the Ombudsman will then seek crown law advice regarding the wording and his powers under his legislation and, as I said, we are hopeful that this would enable the Ombudsman to conduct the sort of inquiry the Legislative Council envisaged late last year when it passed the original motion.

So, for the reasons I previously outlined late last year on 5 September, whilst the motion is slightly amended in a number of areas, the purpose of this amended motion is exactly the same as the motion that was moved in September last year, and I urge support of the amended referral or the new referral to the Ombudsman.

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

CHERRYVILLE FIRE

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

That it be an instruction to the Select Committee into Community Safety and Emergency Services in South Australia that its terms of reference be extended by inserting new paragraph 1A:

1A Inquire into and report on the Cherryville fire in order to:

1. Determine the circumstances of ignition and immediate CFS response;

2. Evaluate the effectiveness of the deployment and procurement of aerial assets;

3. Assess the fire danger season process and other decision-making processes in relation to imposing interim fire bans or other fire controls; and

4. Evaluate the communication of emergency response.

(Continued from 15 May 2013.)

The Hon. CARMEL ZOLLO (16:38): The government opposes the motion from the Hon. David Ridgway to extend the terms of reference for the Select Committee into Community Safety and Emergency Services in South Australia to incorporate inquiring into the Cherryville fire. We do so because of a firmly held confidence in the integrity of already established review mechanisms and, to be frank, we are sceptical of the motives of those who seek to extend this inquiry. One would understand such a call to see this extension if there had been a sad and unfortunate loss of life, extensive property damage and/or a fundamental procedural failure.

We do not believe that parliamentary inquires are designed simply to establish that there was in fact a bushfire and that it did in fact occur in the month of May. Any observer might be lulled unsuspectingly into believing that the opposition's calls to extend the terms of reference are reasonable. They are not! Instead they are cynical and arguably vexatious. Such a call is cynical because it tries to infer that the government has something to hide or is somehow lax about natural disasters. This is entirely false. The call for the extension of the terms of reference is vexatious because it ignores the realities of this unfortunate event compared with other major fires during the season. This is a media stunt—that is all it is.

There were no calls from the opposition for an inquiry into the Tulka fire at Sleaford Bay last November. Regrettably, that particular fire destroyed one house and two sheds, the same as

the Cherryville fire. However, it also destroyed 14 holiday cabins. The Tulka fire burned 2,000 hectares, compared with 650 at Cherryville. The Cherryville fire occurred outside the prescribed fire danger season, which typically signals the onset of colder weather.

The fire danger season is determined according to meteorological and topographic modelling, scientific expertise and probability. Let us consider the precedent which such an inquiry would establish, that is, what other meteorological anomalies would warrant such scrutiny. I believe I am a responsible politician and, as a former minister for emergency services I know that for those directly affected it was a distressing experience. The response of the media and the public reflects how seriously natural disasters are treated by all South Australians. Ours is a community which pulls together and displays its best character when called upon. It is because the government takes incidents such as these seriously that we do not wish to treat them as political fodder.

Not one of the five larger fires last season led to calls for a parliamentary inquiry. None of the other almost 3,000 bushfires attended to since July 2012 have produced these calls, nor for that matter have any of the, I am told, 700 house fires attended by the Metropolitan Fire Service since that time. That a fire occurred outside the season and presented a logistical challenge does not imply, nor should it, that the entire management process requires reshaping. The Cherryville fire was the confluence of a remarkable stretch of unseasonably hot weather: 8 May was one of the hottest May days in 100 years.

The fire was caused by private burn-off that got out of control. It destroyed 650 hectares, one house and two sheds on Blockers Road. By the simple metric of acreage lost, there were five incidents throughout the fire danger season that were larger than Cherryville, yet none attracted the same attention from the media and the public, let alone be inquired into by the parliament. Having said that, we all appreciate the fire's proximity to Adelaide, the accessibility of the location, the logistical challenge posed and, of course, the time of the year.

The Cherryville fire was a sting in the tail at the end of a long season, a reminder that nature can unleash her power at any time. The circumstances of the Cherryville fire do not excuse us from thinking hard about how such disasters could be prevented or mitigated in the future. This is why we should be relieved that the review procedures already in place are so comprehensive. The CFS does not sit on its hands; indeed, a separate inquiry by politicians who are not experts in the field could be counterproductive. However, I appreciate that it is not always easy to take at face value claims regarding the scope and adequacy of existing review mechanisms. Bearing this in mind, I will not ask the chamber or any member of the public to simply 'rest assured' that the CFS does all it can to keep South Australians safe; I will explain just how these procedures do so.

The State Bushfire Coordination Committee (SBCC) was established in February 2010 through an amendment to the Fire and Emergency Services Act 2005. The committee's purpose is to advise the Minister for Emergency Services on matters relating to bushfire management and prevention in risk-prone country and urban areas. The SBCC is also tasked with, where possible, the promotion and coordination of statewide bushfire management policies and procedures. The SBCC oversees the nine bushfire management areas across the state. These comprehensive independent oversight procedures are integral to the mandatory internal review processes of the CFS.

An after-action review process is undertaken at the local, regional and state levels of CFS command respectively. The local response for Cherryville was handled by an incident management team at Uraidla, which incorporated information from the East Torrens CFS. The regional response was managed by the Regional Coordination Centre at Mount Barker. This response required the support of agencies such as SAPOL and ForestrySA and included linkage to the Zone Emergency Centre, also based at Mount Barker. The CFS State Coordination Centre will conduct its own after-action review. The State Emergency Centre will debrief with all emergency functional services involved.

In addition to this harmonised three-tier response, an internal operational performance review is being undertaken within the CFS. This review is made up of three experienced and independent members of staff. These senior members of staff were asked to implement this review according to well-defined terms of reference and to report to the Chief Officer of the CFS, Mr Greg Nettleton, with lessons and recommendations as appropriate.

The distinct chain of command in place at the CFS was forged from tragedy. The 2005 Eyre Peninsula bushfires, enshrined in the collective memory of South Australians as Black

Tuesday, claimed nine lives, 93 homes and over 145,000 hectares of land. Important lessons were learnt from that terrible incident.

By the time I became minister, in March 2005, the CFS had already established its own internal review, Project Phoenix. I asked Dr Bob Smith to conduct an independent review, and his report was tabled in parliament. We established a bushfire management review, chaired by Mr Vince Monterola, and, of course, we had the coronial inquest. Later, when Deputy Coroner Anthony Schapel brought down his findings and recommendations (34 of them, from memory), many had already been enacted, were in the process of being enacted, or were under consideration.

Also, and as to be expected, substantial capital investments and reforms were made to the organisational structure of the CFS. I have good reason to know this, because I was closely involved with the implementation of those reforms post the Wangary bushfires.

However, I should place on the record that since that catastrophe the implications of bushfire inquiries, as well as the Victorian royal commission, have been well observed by the CFS, which seeks to learn from every, single incident. For those honourable members who may not be aware of it, post the Victorian bushfires our CFS established its own bushfire task force into those fires to learn and report to the State Emergency Management Committee.

Again, regrettably, there were larger fires in Cherryville last summer. Others caused more damage to houses and property, but I need to stress that no organisation is better placed than the CFS to evaluate the effectiveness of the immediate response, the deployment of aerial assets and consider the length of the fire danger season. To call to see the extension of the terms of reference of the Select Committee into Community Safety and Emergency Services to extend it to inquire into just one fire which occurred this year is driven largely by transparently political motives. It seeks to impugn the government and the CFS and implies a breakdown in procedure when, in fact, the process tolerated all scrutiny.

I believe this is a time to thank and congratulate the fine work of CFS members and commend the integrity of a process which remained strong and robust. The Cherryville fire is already being scrutinised by established processes. The government believes it does not warrant a contrived inquiry by us as politicians. My humble view would be that this unfortunate fire was managed with minimal property loss and there was a reasonable outcome given the circumstances. As someone who has some knowledge of the thinking of our tremendous volunteers, I am certain the majority of them would be of the following view: just let us get on with it.

I live in the electorate of Morialta and, as to be expected, receive the newsletter by the Liberal member of the seat on a regular basis.

Members interjecting:

The Hon. CARMEL ZOLLO: He obviously has plenty of money. I was pleased to see an accurate account of the fire and, more importantly, that he heaped praise on all our volunteers. If I may in part quote from his newsletter, 'The work done by the CFS speaks for itself.' Again, I remind members that this is not a time to be dragging our volunteers or the CFS before a select committee and, indeed, there were no calls for an inquiry from this local member who values the work of the CFS, unlike his colleagues in this chamber.

If there are any honourable members who are yet to make up their minds whether to support this motion, I say to you that our extraordinary CFS volunteers are there to see a safer community. They are not there to be part of political games, so I urge all honourable members to just let them get on with it. The government opposes the motion.

The Hon. T.A. FRANKS (16:53): I rise on behalf of the Greens and as a member of the select committee to support this motion put forward by the Hon. David Ridgway. The select committee, which is chaired by the Hon. Robert Brokenshire, sat on the *Notice Paper* of this place for some time before we had the capacity to set it up. The overall terms of reference of this Select Committee into Community Safety and Emergency Services in South Australia, I believe, are not partisan. If the government truly did believe that it was a partisan committee, then perhaps they should have provided more than one member to this committee to ensure that their political interests were protected. What we are about as members of this committee putting in the hard time, listening to submissions from volunteers—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Ridgway will get his opportunity to make a contribution later. The Hon. Ms Franks has the call.

The Hon. T.A. FRANKS: What we on this committee are interested in is a better deal, better treatment and better respect for emergency services and community safety in this state. I must say, and I cannot reflect too much on the business of the committee I understand under standing orders, but so far I am yet to hear great confidence in some of the ministerial decisions in this area. However, getting back to the particular motion we have before us, I believe these are legitimate and fair terms of reference to add to the already large terms of reference of the committee, which we are working through with, as I said, the assistance of only one government member to that burden of work.

The Cherryville fire attracted greater attention than many of the fires that the Hon. Carmel Zollo has mentioned, and as she said herself, it was on one of the hottest May days in 100 years and outside of the fire season. This in itself is cause for some review of our processes and procedures. The fact that only one house was lost means the CFS volunteers and support agencies are to be commended; they did a fantastic job. However, there are clearly changes, perhaps in climate change, that need to be addressed in our state's current policies and procedures.

This is a timely point at which those members of the opposition and crossbench, who have put their hands up to do the hard lifting that the government was unwilling to do, are quite prepared to do. So, how about you let us get on with the job of ensuring the voices of the emergency and community safety volunteers and others in this state are heard?

It cannot go unrecognised that this is the government that refuses to accept that the CFS volunteers deserve the same recognition with regard to the presumptive cancer legislation as their MFS comrades. As I have said many times, the fires cannot differentiate between whether or not somebody takes home a pay packet for standing there and fighting those fires. The science is in: the science is about the type of structural fires that are fought by our CFS volunteers, as are fought by the MFS volunteers. Yet, on that issue, the government has sat on its hands.

The CFS are not being blamed in any way. I believe that with the crossbenchers and the opposition, we have a nonpartisan committee that is actually putting the safety and needs of this state first. As I have said, if the government was truly concerned that this was a partisan committee, they would have done the numbers and actually put some people on this committee other than the Hon. Kyam Maher. With that, I commend the motion to the council. I look forward to taking submissions—

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Franks.

The Hon. T.A. FRANKS: —and I trust that our process will be more robust than that which the government claims to favour.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Ridgway.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:58): I thank members for their contributions. I do not want to prolong things today, but I will respond to a couple of—

Members interjecting:

The Hon. D.W. RIDGWAY: Well, I could, but I do not want to prolong it. I think, as we all know, this was a particularly unusual set of circumstances, as the Hon. Carmel Zollo and the Hon. Tammy Franks have alluded to—it was after the end of the fire danger season and it was an extremely hot day. I think that, for those facts alone, it would be worthwhile having a quick forensic look at what went on.

Let us look at the extra terms of reference. 'Determine the circumstances of ignition and immediate CFS response'—because it was a hot day and because it after the fire danger season, were there any reasons why that response was perhaps not as prompt as it could have been? 'Evaluate the effectiveness of the deployment and procurement of aerial assets'—I would hate to

think that, with the budget in the parlous state it is, the aerial assets were not on standby because it was the end of the fire danger season, even though it was the hottest day in 100 years.

I think there are some things that need to be looked at, not to point blame or say anybody is at fault, but to make sure that these sorts of things do not happen again in the future. We certainly do value the CFS, but as always with government when they have made a mess of the state's finances, the resources that are given not just to our volunteers but to all people who protect our state are often reduced and brought under pressure.

I think it is important that we add these terms of reference. I know that the select committee is quite happy to have a look at that almost as a matter of urgency so that those issues can be addressed. If there is anything to be learnt from it, then the select committee can make some recommendations to this parliament, maybe by way of an interim report prior to their final report. So, with those few words, I would urge all members to support this motion.

Motion carried.

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

Adjourned debate on motion of Hon. T.J. Stephens:

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

(Continued from 1 May 2013.)

Motion carried.

SAME-SEX MARRIAGE LEGISLATION

Adjourned debate on motion of Hon. G.A. Kandelaars:

That this council—

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

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

(Continued from 1 May 2013.)

The Hon. K.J. MAHER (17:01): I rise to support this motion, and I will be reasonably brief, although I have come to learn in this chamber that by saying that it is often used ironically. I will be reasonably brief, as I intend also to make a contribution on this issue in the near future congratulating the Australian parliament on passing laws, as it no doubt soon will, in this country.

At the end of last year in my first speech to this chamber, I spoke about this issue. My view has not changed. In fact, as other countries and states around the world move to a more enlightened and reasonable set of laws, my views have solidified. In the US, right up until the late 1960s, interracial marriage was still illegal in some states. These historic denials of marriage to entire groups of citizens, based entirely on their biological make-up, will no doubt be seen by future generations just as unreasonably and will be judged just as harshly as those who currently advocate against same-sex marriage.

Many of the arguments used against same-sex marriage today bear an eerie resemblance to the arguments used in the past by those who opposed interracial marriage. The Californian Supreme Court became the first US court in the 20th century to declare unconstitutional bans on interracial marriage. In the 1948 Perez v Sharp decision, the arguments that were put up by those who were opposed to declaring interracial marriage unconstitutional were very similar to the arguments we hear today. Some of the arguments included:

- that it would degrade the institution of marriage;
- that, historically, that is the way it has always been so it should continue;
- that people of different races can still get married, just not to each other—between the races; and
- that interracial marriage would be harmful for children.

To quote that case from 1948, 'Interracial marriage has an adverse effect not only on the parties thereto but on their progeny.' Of course, in that case in 1948 on interracial marriage, it was also claimed that it runs counter to God's plan. These arguments against interracial marriage then sound very familiar to many of the arguments we hear today.

Marriage equality is not a social issue, it is not a moral issue, it is not a religious issue—it remains a basic human rights issue. As one of my political heroes said on this topic of marriage equality a couple of years ago:

> Human rights can never be at the mercy of individual opinions or individual prejudices.
>
> They are not privileges to be extended to one person and denied to another according to the winds of popular opinion or the whims of the government of the day.
>
> They are inherent in each and every one of us, quite simply because we are human.
>
> It is not for governments to grant human rights but to recognise and protect them.
>
> And it is not for any of us to approve of human rights—only to choose whether to respect or to ignore them.

I fully endorse the words spoken two years ago by Senator John Faulkner.

Yesterday, South Australian Senator Cory Bernardi was foolish enough to share his views on this subject once more, and again, his offensiveness was only matched by his intellectual laziness. He again contended that allowing same-sex marriage would lead to polygamous marriages and bestiality. The first time he talked about this issue, he was sacked from a portfolio position by Tony Abbott. You would think that, if he had gone too far on social issues for Tony Abbott, he would have learnt his lesson—but not Senator Bernardi. Like the embarrassing uncle who gets drunk by midday each Christmas and is rude and nasty to everyone, Senator Bernardi felt compelled to prove that his offensive, bigoted and hateful outburst was not a one-off.

Yesterday, Malcolm Turnbull said in response to Senator Bernardi, 'I disagree with Senator Bernardi, and I think his remarks create a lot of offence with same-sex couples.' That is a nice way of saying, 'You're a disgrace, you're a complete dill. You're embarrassing yourself, you're embarrassing the rest of us, just stop it.' Apart from Senator Bernardi's offensiveness and the rudimentary logical fallacy of his slippery slope argument, Senator Bernardi's statements do not stand up to even the most basic of intellectual rigour. To suggest that same-sex marriage will necessarily lead to polygamous marriage is absurd.

A very cursory look at those jurisdictions around the world that allow or tolerate polygamy shows that those states and countries tend to be some of the most fundamentally religious jurisdictions and also have the lowest tolerances for same-sex relationships—think of Utah in the US, parts of North Africa and some areas in the Middle East. If you are going to draw conclusions slightly more rational and reasonable than Senator Bernardi's, you would probably say the evidence points to exactly the opposite of what Senator Bernardi concludes in relation to same-sex marriage. Unlike Senator Bernardi, I would want proper research before I drew any conclusions on this matter.

Today, we are congratulating and noting the New Zealand parliament's passing of same-sex marriage laws. Many people would have seen the contribution made in the New Zealand parliament by National Party minister Maurice Williamson on this bill. His four-minute contribution has been seen by an estimated one billion people in 48 countries and officially translated into at least nine different languages. This morning, I spoke to New Zealand National Party minister Maurice Williamson, and he confirmed that none of the apocalyptic scenarios that some predicted with the passing of same-sex marriage has occurred—not a single one has occurred.

He confirmed to me that, contrary to the predictions of a reverend in his electorate, there was no gay onslaught the day after the bill passed—no gay onslaught, either in the form of troops coming down the highway or gas flowing into his electorate. He did say that he got an email that asked:

> Maurice, are there any good restaurants to eat in as I march down the Pakuranga Highway towards your electorate? Regards, The Gay Onslaught.

He also noted a distinct lack of the promised fire and brimstone. The weather in New Zealand has been pretty terrible, but as a scientist he is pretty sure it is not related to same-sex couples who love each other being allowed to marry. Maurice also informed me that the passing of the bill has not stopped the sun rising, has not stopped teenage daughters from answering back, and has not increased anyone's mortgage. Perhaps most worryingly, he informed me that the passing of the bill

has not had any negative effects on the All Blacks' preparations for the 2015 World Cup and that he thinks they will likely smash the Wallabies.

When marriage equality laws eventually pass here, I do not think we are going to see any of the terrible apocalyptic scenarios. The Hon. Russell Wortley's hair will not suddenly fall out and, by the same token, I do not think the Hon. David Ridgway will grow a whole lot more either. Far-fetched, unreasonable predictions are highly unlikely to come true.

I have a couple of good friends in heterosexual relationships who are refusing to get married in a show of solidarity until same-sex couples are allowed to get married. If for no other reason, we should pass these laws because this fig leaf of an excuse ought to be taken away from them and they ought to get married and allow me to have some free drinks and meals on them. So, if for no other reason, we should be passing these laws in Australia very soon.

In closing, I would like to congratulate the New Zealand parliament and, in particular, Labor member Louisa Wall on the introduction and the passing of this bill and on leading the way in our part of the world. I sincerely hope and firmly believe that we will soon follow their example and get ourselves on the right side of history in Australia.

The Hon. T.A. FRANKS (17:08): I rise, unsurprisingly, to support this motion and commend the Hon. Gerry Kandelaars for giving us an opportunity to express support for marriage equality, albeit over the ditch. I travelled to the New Zealand parliament last year and had an insight into the origins of this bill. While I absolutely congratulate Louisa Wall for her work, I note that in fact it was exactly the same bill as a Greens bill which the Greens' member Kevin Hague had put up, but the New Zealand system is such that bills go into a ballot, and it was Louisa Wall's that was drawn out first to be debated. Certainly, for anyone who has seen the beautiful and moving passage of the bill through the parliament in New Zealand, eight of the nine leaders of those political parties in New Zealand in fact supported this bill. Indeed, 77 members supported the bill and 44 opposed it. That is symbolic, I believe, of just how far New Zealand is ahead of us, unfortunately.

I hope that we will play catch-up sometime soon, and certainly in South Australia we do have that opportunity here to move towards marriage equality laws at a state level as well as supporting our federal colleagues in that process. An online blogger quite wittily put that Australia indeed appropriates many of New Zealand's best exports. I would certainly be encouraging them to take up this one along with Kimbra, Crowded House, Phar Lap and pavlova. We might not want to keep Russell Crowe. They can possibly have him back, but marriage equality would be a fair trade, that is for sure.

The woman who introduced this bill was indeed a Labor member, however, and in her speech you could not but be moved by the enormous amount of effort that went into ensuring the passage of the bill there with an engagement with New Zealand citizens that is also to be commended. They had quite an extensive committee process in that country; they took many thousands of submissions and heard many hundreds of witnesses on this issue. She said in her second reading speech on this bill:

> The issue of coming out, of being true to who you are, is difficult enough for any person. The discussion around this bill has emphasised how real the discrimination is. The agony and hardship that so many who have bravely made submissions have had to face is unreasonable, but what is totally unacceptable is the State perpetuating that agony and hardship by not issuing marriage licences to loving, consenting, and eligible non-heterosexual couples.
>
> This bill is about marriage equality. It is not about gay marriage, same-sex marriage, or straight marriage; it is about marriage between two people. There is no distinction to be made—that is equality. Whether the form of that marriage is religious, secular, or cultural is a matter for the couple to determine. Denying marriage to a person is to devalue that person's right to participate fully in all that life offers. It is essentially not recognising someone as a person. No State has the right to do that. To deny trans people, intersex, lesbian, and gay people the right to marry is to deny them recognition as a person.

I concur with the words of Louisa Wall and I believe that we do not have the right as the state of South Australia to deny people their human rights. Certainly I encourage the federal parliament to ensure that we have progress there with a real move to real equality.

However, the reality, I think, is that we are a long way behind New Zealand in this country and indeed it will fall to the states to take up the baton if we see the government change at a federal level as, I think, we in this place all realistically expect it to do after 14 September. I urge members to consider that and to consider why we continue in the year 2013 to deny Australian citizens the right to marry the one that they love if they are same-sex attracted, when it is a very

personal thing, it is a very human thing and it is very much about the absolute basis of creating joy in our lives. What right do we have to take that joy from any one of our citizens?

In conclusion, I certainly will not touch on the speech made by the honourable member who spoke before me. I certainly was going to pinch a few of his wonderful lines and certainly I would love to see a big, gay rainbow over Parliament House here in South Australia sometime in the coming months. Indeed, after the rain, we do see the rainbows, so I take heart from that.

I also draw members' attention to the words of a speaker at the last marriage equality rally that was held on the steps of this place. Her name was Heather and she was a trans-woman. She gave a wonderful speech that was fitting of one of those delivered in the New Zealand parliament. I do not have it word for word, but she said something to the effect that she must be a very special person because, should she be accorded some human rights, somehow people might be allowed to marry elephants. That makes her a very special person indeed. Now, Heather is a very special person and I can assure Heather and members in this chamber that should Heather be allowed to marry one day in our state, I doubt that we will see anyone being able to marry elephants. It is simply a farcical distraction from a basic human right.

I certainly have spoken long and often in this place on marriage equality and I indicate to members I will be doing so in the future, hopefully with actual legislative reform to come as a result, but here and now, I congratulate New Zealand on their great step forward, and I hope that we will follow in their footsteps.

The Hon. CARMEL ZOLLO (17:15): As this is a conscience vote for Labor members of parliament, I simply rise to indicate my view. I will not be supporting the honourable member's motion. Whilst I appreciate how strongly my colleague and indeed many others feel about this matter, it is my long-held view that the institution of marriage is between two people of the opposite sex. I know the honourable member will respect my opinion as indeed I respect his and that this is one matter where hopefully we agree to disagree. I will not be supporting the motion.

The Hon. M. PARNELL (17:16): I am delighted to support this motion and I fully endorse the comments of my colleague, the Hon. Tammy Franks, and I commend her for her tireless work in this area. The day after the vote in New Zealand, as I imagine many of you did, I watched a replay of the vote and the reaction of both members and the gallery in the New Zealand parliament. What that showed to me was a parliament in a democracy responding to the people. There was wild applause, there was singing and there was dancing, and for a moment I felt as if I was re-watching the final scenes of *Strictly Ballroom* because love was in the air.

Like other members here who have spoken, I look forward to the day when the Australian parliament catches up to our colleagues across the ditch and recognises marriage equality here in this country. That will be a good day. With those brief words, Mr President, I support the motion.

The Hon. S.G. WADE (17:17): I rise to indicate that I will support this motion but with no great enthusiasm. On the one hand I have in the past and continue to support non-discrimination in relationship recognition. If a parliament is legislating to recognise relationships, I think it should be made available to all citizens including same-sex couples.

On the other hand I consistently advocate separation of church and state. I would prefer that state-based relationship recognition should not be expressed in terms of marriage. Faith communities and other loving couples should be able to establish and express marriage in accordance with their beliefs and values. I expressed my perspective in more detail in this council on 9 November 2011.

This motion seeks to congratulate New Zealand on legislating for same-sex marriage. I welcome the fact that the New Zealand parliament has affirmed non-discrimination, but I think that it is unfortunate they have done so within marriage. Nonetheless I will not be voting against this motion. I note that the motion congratulates parties within the New Zealand House of Representatives on working together to enact legislation. The spirit of mutual respect expressed in the motion is not always demonstrated on the ground.

It was disappointing to hear that, at a recent marriage equality rally on 25 May, the organisers of the rally called for a boycott of all Liberal Party candidates, even those who support marriage equality. That is not principle, that is politics. I was informed that the Hon. Tammy Franks used the marriage equality rally to condemn the Liberal Party for not supporting the Greens' unconstitutional same-sex marriage laws. The Greens know that there is support for non-

discrimination relationship recognition in the Liberal Party, yet they persist with misleading statements that attempt to politicise and divide rather than to foster consensus.

By insisting on their state legislation, the Greens are peddling false hope, asking same-sex couples in South Australia to pin their hopes to a reform that is more than likely to be declared invalid. Rather than work to progress consensus, they are pursuing political gain; nonetheless, I will not vote against this motion. I will vote for this motion simply to affirm my commitment to non-discrimination in relationship recognition, including for same-sex couples.

The Hon. D.G.E. HOOD (17:20): I rise briefly to speak to this motion. Members will be aware that I am not a supporter of same-sex marriage, and for that reason I will not support the motion before the house today. The motion is quite cleverly written in one sense; in fact, point 1 notes the passing of the New Zealand Labor Party person's bill, and it is hard to disagree with that. You would certainly find consensus in the chamber for point 1. However, No. 2 is the heart of the matter.

The problem we have in many ways, whatever an individual's feelings about same-sex marriage—and I acknowledge there are strong feelings on both sides—in this particular chamber it is interesting that the motion tips its hat, if you like, to the New Zealand situation but completely ignores the fact that our Australian parliament actually voted against same-sex marriage legislation by a ratio of about 2:1.

It is obviously a deliberate tactic the honourable member is using—I am not criticising him for that—as he has decided to point to support for his particular views, and there is nothing wrong with that, but to be fair it needs to be pointed out that our parliament here in Australia actually voted against same-sex marriage by a ratio of about 2:1. I will not support the motion, and I think its important to acknowledge that this is just a motion, and whether or not this chamber supports it really has no bearing whatsoever in terms of its view on the passing of same-sex marriage legislation.

The Hon. K.L. VINCENT (17:22): Today I will speak in very strong support of the motion of the Hon. Mr Kandelaars regarding the passing of gay marriage or same-sex marriage legislation in New Zealand and urging Australia to do the same. I am sure that will come as no surprise to anyone, as I have previously spoken with equally strong support of very similar bills and motions in this place regarding the rights of same-sex couples and same-sex attracted individuals.

In speaking in favour of this motion, I point out maybe a few reasons I have not touched on in previous speeches. I will not go into too much detail on the ones I have already canvassed. First, I again pass on my congratulations to our neighbours across the ditch for their vision and progressive nature to acknowledge the existence and need for recognition of same-sex relationships.

I note that as a result of this legislation passing the New Zealand parliament the world has not tilted on its axis, and it would appear that there has been less earthquake activity on the shaky isles than before. As much as some Aussies might like to imply that some Kiwis might like this to happen, I am not aware of any Kiwis as yet marrying sheep. I could be wrong, but until I see photographic evidence I will assume this has not happened and will continue not to happen.

I believe in good science, so maybe I am being too facetious. Maybe I should not make reference to earthquakes, and so on, and there is very good reason for that. That is because earthquakes have nothing to do with gay marriage. There is no relationship between earthquakes and same-sex marriage. However, some opponents of same-sex marriage might make spurious links between droughts, the breakdown of society and the end of morality and, quite frankly, I find this utterly ridiculous.

In supporting this motion, I point members of the chamber to Maurice Williamson's speech on same-sex marriage, also known as the big gay rainbow speech, to which I believe the Hon. Mr Maher made reference in his contribution. I do not know much about New Zealand politics, for very good reason, but I imagine that an MP from a conservative electorate and a right of centre political party is not the sort of person you would expect to see on YouTube performing a big gay rainbow speech. Yet this speech has received more than 1.5 million hits on YouTube and he was invited to speak on the Ellen DeGeneres show (Ellen being, of course, a well-known same-sex rights advocate).

Perhaps I am getting off the topic. The thing that strikes me most about his speech is the manner in which he rejects the ridiculous assertions that some make in this debate. It is

disgraceful, and I find some of the things opponents say horrendous, to say the least, and I was so pleased to see this MP putting things in perspective.

On this issue I have received letters suggesting that if we are going to legalise same-sex marriage simply because same-sex relationships exist, then perhaps we might as well allow murder, rape, car theft and child abuse because those things exist too. Well, quite frankly, we should not allow those things, and that is because the difference between those issues and same-sex marriage is that child abuse, car theft, rape and so on have victims. I cannot see any victims in this debate save, perhaps, logic, compassion, empathy and basic human rights.

I strongly believe that, like New Zealand, we should be enshrining in law recognition for the relationships that already exist and make valuable contributions to our society on social and economic bases. Unlike Senator Cory Bernardi in our federal parliament, I place no credence on the outrageous assertion that allowing same-sex marriage somehow leads to bestiality or polyamorous marriage. Surely if we follow this logic we should say that legislating opposite-sex marriage should lead to legalising gay marriage.

Legislating for same-sex marriage simply leads to same-sex marriage. I say it again: allowing same-sex marriage leads to same-sex marriage. It does not encourage people to marry animals or have relationships with animals, nor does it inspire them to do the same in a polyamorous context. It does not allow people to marry multiple partners. It does not save nor ruin the manufacturing industry. It does not make the Crows or Port Power win. Gay marriage does not cause droughts, nor was it responsible for the global financial crisis, although we could certainly see great economic benefits if we brought same-sex marriage to South Australia. If we pass this motion today, Mr President, I promise you, you have my word, that the Socceroos can still go and play the World Cup in Brazil.

New Zealand does some things really well, and so does South Australia, but on this count our 'fush and chup-eating' friends have well and truly beaten us off the mark. We do not like it when the Silver Ferns and the All Blacks beat us in the sporting arena, and I do not think we should tolerate it on human rights issues either.

I would really like to be a member of a parliament that passed laws in favour of same-sex marriage, for reasons I have outlined today and at other times, and I hope to do this very, very soon. I hope to be someone who can attend the marriage of some friends I have who would like to marry people of the same gender, and I would like to see that happen as soon as possible, because this is a human rights issue, and there is no difference between these marriages.

I believe the real issues that we should be concerned about in marriage are not the gender of the partners, their race or their creed: the real issues regarding marriage that this parliament should be concerned with are abuse, indifference and being intolerant of the wishes of your partner. It is those issues that we as a society and a parliament should be standing firm against, not two people of a consenting age and a consenting nature who simply want to get a piece of paper that says something they have probably known for years, that they want to be together.

The Hon. J.M.A. LENSINK (17:28): On these particular topics I am always pleased to be able to follow the Hon. Stephen Wade, because his comments are elegant and considered, and he has a fine-grained understanding of the separation between church and state.

In the matter of motions like this, let us recognise this particular motion for what it is. It is a device to put pressure on the federal parliament. I would personally prefer that this parliament stuck to its knitting and debated matters within our own jurisdiction. Whether the federal parliament comes up with a solution regarding marriage or civil partnerships will ultimately be a matter for them, so I see this as a symbolic motion. In spite of this criticism, I have too many gay and lesbian friends not to support it on their behalf. Relationships and stability should be encouraged.

Several years ago this parliament passed—the last jurisdiction, in fact, to pass it—legislation to recognise same-sex and de facto relationships in spite of a fairly trenchant campaign from some interesting quarters, including some of the government's own members. I was proud to be part of that to see some level of recognition of people in same-sex relationships. I support the motion.

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) (17:31): I also rise to support this important motion. It is a symbolic motion but I believe it is important to take advantage of every opportunity we have to

shine the light on this very important social equity issue. I will not speak for long; I have spoken about my support for same-sex marriage in this place on many other occasions.

I acknowledge and congratulate the Parliament of New Zealand on the passing of their marriage amendment bill, a bill that defines marriage as a union between two people, and I was pleased to see the bill pass 77 votes to 44 and that it was supported by leaders of seven of the eight political parties in New Zealand. It was a wonderful multipartisan outcome.

I think this is further evidence that support for marriage equality is simply the right thing to do. Marriage equality is not a political ploy, although some might choose to use it in that way. Fundamentally it is a human right but we see some within our media positioning it as an attack on our social norms and morals and all sorts of weird and wonderful speculative outcomes that I will not repeat but many have recounted and referred to them in this place. Marriage equality is about acknowledging the LGBTIQ community, their relationships, their families, and that their love for each other should be respected and acknowledged in the same way as heterosexual affections are acknowledged.

What is traditional does not define the normal nor is it sensible for society to bind itself to the past without question. Numerous examples have been given in this place. It was not so long ago that we saw women continue to be the property of their husbands, when women were unable to vote—these were the norms. It was the norm to be paid cash in little envelopes; I remember those days. It was considered quite acceptable and normal to drink drive, to place the baby's bassinette on the back seat of a car and for little Johnny to sit on dad's lap while he drove the car. Those things were considered normal, yet we questioned those. Our knowledge, understanding and tolerance improved with time and we changed legislation accordingly. Time is well overdue to change the legislation here in Australia and South Australia.

Marriage equality acknowledges relationships that have always been present in our society. They have always been present. Since human beings had the capacity to document, same-sex relationships have been well and truly documented and established. They have always been part of our society. One could say they have always been a normal part of our society. However, elements of this society continue to vilify and demonise these relationships. Well, that time has come to an end.

The love between same-sex partners is no different from the love between heterosexual couples, and this needs to be recognised within our community. I have no doubt that it will one day be reflected in our legislation. I commend the Parliament of New Zealand for having the courage to challenge this discrimination within their legislation and bring about a more inclusive society for all, and I certainly look forward to the day when same-sex marriage is legally available here in South Australia, as well as right throughout Australia.

The Hon. J.S.L. DAWKINS (17:35): I rise to briefly indicate that I will not be supporting the motion; however, I know that those who have proposed it understand that I respect them greatly for the sincerity of the motion and of their strong views. My position is that I strongly support the current commonwealth law; that is, marriage between a woman and a man.

I was in New Zealand recently, and while I did not go around seeking views on the change of legislation, there seemed no great level of joy or outrage about the decision made in their parliament. In fact, there seemed very little comment from anybody in the community about the change. I certainly did not have anyone asking me whether Australia will do likewise, or indeed what the view of the South Australian parliament is. I will not be supporting the motion.

The PRESIDENT (17:36): As this is a conscience vote, I wish to put on the record that I support the motion in the name of the Hon. Gerry Kandelaars, and congratulate Louise Wall of the New Zealand Labour Party on introducing the private member's bill, Marriage (Definition of Marriage) Amendment Bill. I also wish to extend my congratulations to the seven parties in the New Zealand parliament for working together to enact the legislation.

I also want to thank all the members of the public who have emailed me asking that I either support or oppose same-sex marriage. To assist those people, I advise that I would support a bill that enables same-sex couples to marry. I also support the LGBTIQ community in their campaign to end discrimination and vilification, and I urge honourable members to support the motion.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (17:37): I was not going to speak in this debate—I think my position on these matters is well

known—but perhaps I should declare an interest. On this day six months ago, I married my husband in Spain. I have to say, the world did not end. For us, I have to say that not much changed, in many respects—

The Hon. G.E. Gago interjecting:

The Hon. I.K. HUNTER: Well I was floored there for a while, that is true, and I was moved in many ways. But, I do not suddenly take my husband for granted (any more than I already do). I have not suddenly stopped taking him out for romantic dinners, because we stopped doing that about 20 years ago. I have not stopped doing any housework around the house, because I do not do any anyway.

So, nothing much has changed for us in terms of our relationship, but I must admit I have noticed a very definite change in how I am treated in my partner's family. The concept of marriage is so well known to all of us. Other concepts of relationships? Well, some of them are relatively modern, but everybody knows what marriage means, and for members of our extended family who did not really know how to cope with our relationship, now they know: it is a marriage.

Suddenly, my relationship with my husband's family has not so much changed dramatically but has crystallised. I am now part of a broader family relationship that the concept of marriage has enshrined for them and for me. It just remarkable how that little institution of getting married makes changes in people's lives, and it made very emphatic changes in our life.

I come to support the Hon. Mr Kandelaars' motion today; I thank him for putting it forward for our consideration. I support it as a symbolic celebration of our shared humanity. I join with other members in this house in a nonpartisan way to express our support for the concept of non-discrimination and recognition of fundamental human relationships.

I do that because I sincerely believe that this legislation in the commonwealth will not pass in the Australian parliament unless it has the support of MHRs and senators of all political persuasions. This is an issue where I am adamant there should be no partisan benefit. This is an issue that goes so deeply to the lives of ordinary Australian citizens that we should not seek to make political gain out of it, and I have refrained as much as humanly possible from doing so in the many times I have spoken on this issue publicly and in this place.

I firmly believe also that such commonwealth legislation will eventually be passed. I have no doubt of that. It may take one or two parliaments for that to happen, but with the effluxion of time and the moving of members through the parliament, I note more and more young people from all political parties have no problems with the concept of same-sex marriage. I encourage young people in the Liberal Party, the Labor Party, the National Party, the Greens and every other political party to get involved in their parties and, when they become representatives for their state and the commonwealth, to vote with their conscience and support same-sex marriage equality.

I commend the New Zealand parliament for its wonderful embrace of all of its citizens in marriage equality and I look forward to the day where we as Australian citizens can do the same, too.

The Hon. G.A. KANDELAARS (17:41): In rising to respond to the honourable members' contribution to this motion, I have to say that I do have a very personal interest in this issue. I have a son and a daughter who I love equally. Unfortunately, as the law stands today, my son can and is married, but my daughter cannot marry her partner. This not only affects my daughter, it affects our whole family. The question is: why?

We in Australia pride ourselves on a fair go. I ask: how can the current Australian marriage laws be fair? Neither my wife nor I see our marriage, and we have been married nearly 38 years, threatened in any way by the suggestion of my daughter being allowed to marry, nor do my son or his wife see their marriage being threatened. So, this affects my family, like so many other families in South Australia, and we see it as a great injustice. This is an issue of equity and equality.

As I said earlier when I moved this motion, the fact that the Hon. Ian Hunter and his partner Leith had to travel to the other side of the world to Spain to marry just shows how inequitable the current situation of Australian marriage laws is and how farcical it is in terms of their application to same-sex couples. But, the tide worldwide is turning. The following countries allow same-sex marriage: Argentina, Belgium, Canada, Denmark, France, Iceland, the Netherlands, Norway, Portugal, South Africa, Spain, Sweden, Uruguay, and of course New Zealand has passed its bill to allow same-sex marriage, though this is yet to come into force. I believe it comes into force in August.

In the United Kingdom, on behalf of England and Wales, the House of Commons has passed a bill to allow same-sex marriage, but this bill is yet to pass the House of Lords, as I understand it. In the United States, same-sex marriages are not recognised federally, but same-sex couples can legally marry in 12 states, plus the District of Columbia, and three Native American tribes recognise same-sex marriage. As well, Rhode Island will recognise same-sex marriage from 1 August 2013. The President of the United States, Barack Obama, has indicated he supports same-sex marriage.

Here in Australia, public opinion supports same-sex marriage, with recent opinion polls showing a significant support of same-sex marriage. Let's take the Galaxy research polling from 2009 to 2012, which shows 64 per cent of Australians support marriage equality. A majority of Christians (53 per cent) support marriage equality, 76 per cent of Coalition voters want Tony Abbott to allow a conscience vote in their party on this issue, 75 per cent believe the reform is inevitable, and 81 per cent of young people aged 18 to 24 support marriage equality.

Let us have a look at other polls. *The Sydney Morning Herald* Nielsen poll in December 2011 shows that 81 per cent of Australians want Coalition MPs to have a conscience vote on marriage equality. *The Sydney Morning Herald* Nielsen poll in November 2011 shows that 62 per cent of Australians support marriage equality. News Ltd poll, mid-August 2011: seven in 10 Australians support marriage equality. Roy Morgan poll, early August 2011: 78 per cent of Australians believe the institution of marriage is still necessary and 68 per cent of Australians support marriage equality. News Ltd poll, December 2010: 65 per cent of Australians support marriage equality or do not mind either way.

You get a consistent outcome here, that there is broad support in our community to see a change. We see this consistent theme across our community and it is time that we considered acting here in Australia. Coming back to New Zealand, the New Zealand Marriage (Definition of Marriage) Amendment Bill was passed in New Zealand's House of Representatives by a substantial majority of 77 to 44. It was a momentous occasion when our New Zealand neighbours took a move towards a more inclusive, equal and just society.

I cannot put the case against opposition to marriage equality more eloquently than the Hon. Maurice Williamson, a minister of the New Zealand conservative National Party government. He gave a commitment to New Zealanders that he described as 'a watertight guaranteed promise'. Although I quoted the Hon. Maurice Williamson in the earlier speech I made on this matter, it is worth repeating:

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

Well-known Australians have commented in favour of marriage equality. I note the Hon. Michael Kirby AC, CMG, formerly a chief justice of the High Court, has stated how shocking it is that he served on the country's highest court, served the nation and has been a good citizen, and he is still considered, in his view, a second-class citizen in his own country. Further, Nick Greiner AC, the former New South Wales premier, has said that the issue of marriage equality is not a left and right issue, but a matter of natural justice. It in no way stops religions or individuals from acting in accordance with their conscience.

Both of these gentlemen are right and, as I have said, appear to reflect the views of the majority of Australians, those people who elect us to represent them. In closing, I congratulate the members of the New Zealand parliament who had the foresight and courage to pass the New Zealand Marriage (Definition of Marriage) Amendment Bill, and I commend this motion to the council.

The council divided on the motion:

AYES (11)

Darley, J.A.	Franks, T.A.	Gago, G.E.
Hunter, I.K.	Kandelaars, G.A. (teller)	Lensink, J.M.A.
Maher, K.J.	Parnell, M.	Vincent, K.L.
Wade, S.G.	Wortley, R.P.	

NOES (10)

Bressington, A.	Brokenshire, R.L.	Dawkins, J.S.L.
Finnigan, B.V.	Hood, D.G.E. (teller)	Lee, J.S.
Lucas, R.I.	Ridgway, D.W.	Stephens, T.J.
Zollo, C.		

Majority of 1 for the ayes.

Motion thus carried.

STATUTORY AUTHORITIES REVIEW COMMITTEE: ENVIRONMENT PROTECTION AUTHORITY

Adjourned debate on motion of Hon. Carmel Zollo:

That the report of the committee, on an inquiry into the Environmental Protection Authority, be noted.

(Continued from 6 February 2013.)

Motion carried.

ROAD TRAFFIC (EMERGENCY VEHICLES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 March 2013.)

The Hon. R.P. WORTLEY (17:55): The government intends to support the amended bill. Indeed, during the 2010 election the government announced a proposal similar to the one we discussed today so as to ensure that when passing emergency services vehicles attending a call, other vehicles would reduce their speeds from 40 to 25 km/h.

Underpinning this approach was advice from the University of Adelaide Centre for Automotive Safety Research which showed that, while the risk of fatal injury to a pedestrian by a passing vehicle at 25 km/h is 0.95 per cent, the risk rises to 3.56 per cent if the vehicle is travelling at 40 km/h. We would agree that is a significant difference.

The government encountered considerable support as to the general tenor of the provisions from other key stakeholders, including the SES, the United Firefighters Union, the Ambulance association, the SES Volunteers' Association and the CFS volunteers, but acknowledged SAPOL's responsible reservations regarding their enforcement.

Given the need for all agencies involved to have access to an appropriate forum for comment on the matter, the establishment of a select committee was agreed. The government agrees with the select committee that the research data provides a compelling argument for a preventative approach to road safety for emergency service workers; however, there still remains some concern on our part about the proposed penalties in the revised bill.

Consequently, I take this opportunity to express our appreciation for the member for Stuart's willingness to accept the government's suggestion that penalties should align with those applied to general speeding. I want to thank all members for their outstanding work on the select committee. Their bipartisan approach to road safety has been much appreciated and the spirit of all concerned in working through these issues in the interests of enhanced road safety demonstrates a shared willingness to deliver good results for all emergency services and the community generally. I commend the bill.

The Hon. T.J. STEPHENS (17:57): I would like to thank the Hon. Russell Wortley for his well considered words and indication of support from the government for this really quite sensible bill. I have had a number of discussions with other crossbench members and I have been pleased to see that there does not seem to be any concerns at this particular point. With that, I commend the speedy passage of the bill.

Bill read a second time.

Bill taken through committee without amendment.

The Hon. T.J. STEPHENS (17:59): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ADOPTION (CONSENT TO PUBLICATION) AMENDMENT BILL

Second reading.

The Hon. J.S. LEE (18:00): I move:

That this bill be now read a second time.

It is my pleasure today to rise and make a contribution to the second reading of the Adoption (Consent to Publication) Amendment Bill in the Legislative Council. This is a bill for an act to amend the Adoption Act 1988. I place on the record my heartfelt congratulations to the member for Morialta, Mr John Gardner, in the other place for his persistence and compassion in introducing the bill. He and the many advocacy groups were delighted that the bill was passed in the House of Assembly last sitting week.

I was at the briefing with advocacy groups organised by the member for Morialta regarding this bill. I commend Mr John Gardner, the member for Morialta, for taking a strong stand for freedom of speech by removing the gag rule against adoptive parents talking publicly. For the interest of honourable members in the chamber, currently parents in South Australia who have an adopted child are prohibited from being identified in the media unless they first obtain permission from a court or from the chief executive of Families SA. Failure to do so can result in fines of up to $20,000.

We all agree that protecting the privacy and confidentiality of a child and their adopted parents is fundamental. However, the South Australian Liberals believe that caring parents are best to make decisions when it comes to the welfare of their children and families and not government. South Australia is currently the only state in the nation where this gag remains in place. The South Australian Liberals are committed to ensuring that all parents, including those of adopted children, have a voice and that they are free to contribute to public debate and policy development without fear of retribution. That is why we are seeking to amend section 31 of the Adoption Act.

As it currently stands, section 31 of the Adoption Act states that any person who publishes or causes to be published in the news media the name of a child or the name of a parent or guardian or the name of any party or material tending to identify any of those people relating to proceedings under the Adoption Act is guilty of an offence with a maximum penalty of $20,000. Any reasonable people will agree that caring parents and loving families are in the best place to make decisions relating to their lives and wellbeing, not the chief executive of a department.

The core issue we are arguing or dealing with here is that exemption currently rests on the decision of the chief executive of the department or of a court. This bill will seek to amend exemption to be provided by the parent or the child themselves when they are over 18.

I congratulate the member for Morialta on his tireless work in bringing this matter to parliament and for supporting the campaign by the South Australian Chinese Adoption Support Inc. I first became aware of this important issue when Mr John Gardner, the member for Morialta, was successful in getting the government to change the measure to enable Chinese adoptees to be granted birth certificates. Until last year South Australian regulations did not allow South Australian birth certificates to be supplied because adoption had taken place overseas. I was very excited for the Chinese adoptees who are finally able to have birth certificates.

A Chinese media company contacted me wanting to interview the families about their experience. I spoke to the member for Morialta about arranging a possible interview and photo session of adopted families celebrating the change of legislation. It was then that I found out about the gag rule. I was shocked to find out that the parent community was unable to talk about their positive story in the media. Even though the parent community had won the battle of getting birth certificates for their adopted children from China, they could not talk about the impact that had in their life. This type of so-called protection from the media by the government just does not make sense. These families should, rightly, be able to make decisions about whether or not their child appears in the media—for example, in a photograph for a newspaper or magazine—just as other parents do.

I would like to acknowledge the South Australian Chinese Adoption Support group for presenting the community case against section 31. One of their campaign ads on their website, with the title 'Free speech for adoptees and adoptive families', says:

> Not everyone in Australia enjoys equal rights to voice their opinion in the media. Adopted individuals and their families living in South Australia face $20,000 fines if they identify themselves in the media without the express permission of the department. If you believe this law is wrong then please help us to change what we believe is a highly discriminatory and damaging situation. Use your voice to help those who have been silenced.

Well, Mr President and honourable members, we are the people who have a voice to speak up and make the necessary amendment to section 31 of the Adoption Act.

The member for Morialta has already outlined the many compelling arguments against section 31, and I think it is important for honourable members in the Legislative Council to be aware of them. The list includes the following:

- it restricts freedom of expression;
- it impacts on parental rights;
- it is inherently discriminatory;
- it is unnecessarily paternalistic;
- it limits transparency and accountability;
- it compromises the integrity of government;
- it instils fear in the community;
- it damages relationships;
- it does not protect enough from the media; and
- it has allegedly been misused in the past.

As the member for Morialta pointed out in his speech, this alleged misuse in the past stems from 2005. Although this provision has been in place for more than 20 years, it really only came to light in the public arena in 2005, when the government took over the operation of all overseas adoption processes from a non-government private agency and brought them within the then department for families and communities. Outraged adoptive parents were told that if they spoke out against this and were identified, they faced a $20,000 fine.

The member for Morialta has provided me with a copy of *The Advertiser* article, dated 18 February 2005, which states:

> Masked protestors gathered on the steps of parliament yesterday to voice their concerns regarding proposed changes to adoption laws. The threat of a $20,000 fine for identifying parents or adopted children meant protestors had to cover their faces in front of the media. The crowd called on the state government to overturn its proposals to incorporate adoption services into a government department.

The member for Morialta, in his comprehensive and passionate speech, outlined many cases of injustice and discriminatory actions faced by adoptees and adopted families. I encourage all honourable members to reflect on his comprehensive findings, case studies and contribution by referring to the *Hansard*.

This bill, the Adoption (Consent to Publication) Amendment Bill 2013, is very simple. It has one effective clause. As it presently stands, South Australian parents who have adopted a child must obtain permission from the chief executive of Families SA or a court to have themselves or their child identified in the media as parties to adoption. The state Liberals believe that an application to the chief executive is bureaucratic and only serves to make those loving adopted families feel like second-class citizens, unable to make timely and spontaneous decisions about the welfare of their children as other families do. The fact that failure to seek this approval can result in a fine of $20,000 is particularly unreasonable.

We are pleased that the government has considered a number of matters relating to these aspects of the Adoption Act the member for Morialta has brought to the House of Assembly. The member for Morialta has accepted those government amendments to section 31, which include:

- any adult party to a legally completed adoption may consent to being identified in the news media as a party to an adoption;
- where the adoption is legally completed, an adopted child can be identified in the news media as such, provided consent is given by the parents or legal guardians of the adopted child; and

- where any child who is placed with prospective adoptive parents but who is still under the guardianship of the chief executive, approval to be identified in the news media as a party to adoption proceedings must be granted by the chief executive or the court.

The amendment by the government preserves the safeguards during the process of changing guardianship whilst ensuring that once adoption is complete, families are no longer required to go through the process of asking for permission from the department or the court for their child to be identified in the media as an adopted child.

As the member for Morialta has pointed out, this bill is long overdue. The House of Assembly has passed the bill and now it is our turn in the Legislative Council. This bill is necessary because it will bring us into line with the rest of the country and it will give loving families in our community of free speech the right to make timely decisions about the welfare of their adopted children, just like any other families. I commend the Adoption (Consent to Publication) Amendment Bill to the chamber and ask for members' support for a speedy passage of this bill.

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

MAGISTRATES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 June 2013.)

The Hon. S.G. WADE (18:11): I rise on behalf of the Liberal opposition to indicate our support for the Magistrates (Miscellaneous) Amendment Bill 2013. The Liberal opposition supports the government's stated intention to expedite the passage of this bill through the parliament. On 2 May 2013, Attorney-General John Rau introduced the bill on the basis that the bill was to modernise the Magistrates Act 1983 and improve public confidence in the judicial system.

The bill modernises the Magistrates Act by removing references to outdated terms and positions. Notably, all references to stipendiary magistrates are to be removed and replaced with references to magistrates. The government contends that the term 'stipendiary magistrate' is antiquated and it is neither understood by the public nor used in other jurisdictions.

In light of the court's expanded jurisdiction and increased workload, the bill amends the act so that the chief magistrate has clear flexibility to administer the court. In the interests of consistency, the bill purports to place the responsibility and control of the administration of the magistracy on the chief justice by removing the proviso that the administration of the magistracy is 'subject to the control and direction of the Chief Justice'. Similar amendments have been made to the District Court Act 1991. I note that despite these amendments the court hierarchy remains and the chief magistrate and the Magistrates Court are still overseen by the chief justice and the Supreme Court. I am not clear what will change in practice in this regard.

The bill also intends to codify the current practice of the attorney-general consulting with the chief justice and the chief magistrate when deciding who to appoint to the magistracy. Currently the act only requires that the chief justice be consulted. Further amendments propose to remove the requirement that only current magistrates are eligible for appointment as the chief magistrate or deputy chief magistrate. The amendment will merely require that the person have at least seven years practice as a legal practitioner.

Notably the bill makes amendments to the grounds for removing magistrates from office. Clause 12 of the bill proposes to replace section 11 of the Magistrates Act which governs the removal of magistrates from office. Former attorney-general Michael Atkinson introduced a similar bill in 2009, the Magistrates (Removal from Office) Amendment Bill 2009. That bill lapsed in the House of Assembly at prorogation.

The current bill proposes to add to the circumstances which amount to proper cause for removing a magistrate to include where 'the magistrate is guilty of conduct that renders the magistrate unfit to hold office as a magistrate, regardless of whether that conduct relates to the functions of the office'. This provides for a wider set of conduct to be considered as proper grounds for removing a magistrate. Interestingly, the 2009 bill proposed to amend the act so that the Governor may remove a magistrate on an address from both houses of parliament praying for their removal—a similar process to the process for the removal of judges of the District Court and justices of the Supreme Court.

However, the magistrates bill provides for a process similar to that already contained in the Magistrates Act; that is, that the Full Court of the Supreme Court is to adjudicate whether or not the

magistrate should be removed from office and the Governor may act on that decision. I query why the government decided not to follow the approach taken in the 2009 bill.

Again, on behalf if the Liberal opposition, I welcome the government's intention to expedite the passage and proclamation of this bill. If that occurs, it will serve to allay concerns as to the reasons the government was failing to commence part 7 of the Statutes Amendment (Courts Efficiency Reforms) Act 2012. I note that in response to a question asked by the member for Heysen in the other place, the Attorney-General stated that:

> ...it is intended, when the other piece has been dealt with—and that is in the hands of the opposition and others—that it will be proclaimed.

The Attorney-General was suggesting that, when the magistrates bill was dealt with, the reform act would be proclaimed. The opposition does support the expeditious passage of the bill. On behalf of the Liberal opposition, I commend the bill to the council.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (18:16): I rise to thank the opposition and others for their support for this bill, and also thank the opposition for their second reading contribution. The bill seeks to amend the Magistrates Act and it is really seeking to modernise the Magistrates Act in a number of ways. The bill seeks to introduce changes that are designed to improve public confidence in and understanding of our judicial system, and I look forward to this being dealt with expeditiously through the committee stage.

Bill read a second time.

Bill taken through committee without amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (18:19): I move:

> That this bill be now read a third time.

Bill read a third time and passed.

APPROPRIATION BILL 2013

The House of Assembly requested that the Minister for Agriculture, Food and Fisheries (Hon. G.E. Gago) and the Minister for Sustainability, Environment and Conservation (Hon. I.K. Hunter), members of the Legislative Council, attend and give evidence before the estimates committees of the House of Assembly on the Appropriation Bill.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (18:20): I move:

> That the Minister for Agriculture, Food and Fisheries (Hon. G.E. Gago) and the Minister for Sustainability, Environment and Conservation (Hon. I.K. Hunter) have leave to attend and give evidence before the estimates committees of the House of Assembly on the Appropriation Bill, if they think fit.

Motion carried.

At 18:21 the council adjourned until Thursday 20 June 2013 at 11:00.