

LEGISLATIVE COUNCIL**Tuesday 10 September 2013**

The **PRESIDENT (Hon. J.M. Gazzola)** took the chair at 14:17 and read prayers.

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

WATER EFFICIENCY LABELLING AND STANDARDS (SOUTH AUSTRALIA) BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (FINES ENFORCEMENT AND RECOVERY) BILL

His Excellency the Governor assented to the bill.

SERIOUS AND ORGANISED CRIME (CONTROL) (DECLARED ORGANISATIONS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

FIRST HOME AND HOUSING CONSTRUCTION GRANTS (BUDGET 2013) AMENDMENT BILL

His Excellency the Governor assented to the bill.

APPROPRIATION BILL 2013

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (HEAVY VEHICLE NATIONAL LAW) BILL

His Excellency the Governor assented to the bill.

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (GAMBLING REFORM) BILL

His Excellency the Governor assented to the bill.

RITSON, HON. R.J.

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) (14:21): I move:

That the Legislative Council expresses its deep regret at the recent death of the Hon. Robert John Ritson, former member of the Legislative Council, and places on record its appreciation of his distinguished public service.

I rise today to pay respect to Dr Robert Ritson, who passed away recently in Lismore, New South Wales. Dr Ritson was a Liberal member of the Legislative Council from 1979 to 1993. Although, unfortunately, I never had the pleasure of knowing Dr Bob Ritson, I understand from his colleagues that he was certainly known to his friends and colleagues very well. He brought his interests as a medical practitioner to bear with his focus on issues relating to public health policy. He was passionate about the issues he supported and believed in and very proudly argued those and defended his views in this chamber.

Dr Ritson introduced a bill to amend the Criminal Law Consolidation Act 1935 to make it more difficult for women to seek terminations—a bill which I have to say I am personally relieved was defeated. Although it is clear that he and I might agree to disagree on some issues, we certainly supported a strong interest in a range of other areas. I was pleased to learn that Dr Ritson was a strong supporter of tobacco sponsorship restrictions, supporting Labor's bill to ban tobacco sponsorship of sporting and cultural events.

He was also a staunch advocate, I understand, for safety in amateur diving, arguing in favour of tighter safety standards and for access to recompression facilities by commercial operators. As a doctor, he expressed concern about death or major injury to a diver because of a

lack of adequate safety equipment. These are areas, obviously, that I also am concerned about and sympathise with.

His keen intelligence and good humour that his colleagues talk about are fondly remembered by his friends. His 14 years of very loyal service in parliament is a testament to the deep commitment to public service and his community. I, along with no doubt all others in this chamber, offer our heartfelt condolences to his wife Jill, daughter Maryann, and son Matthew.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24): I rise to speak to the condolence motion for the Hon. Robert John Ritson born in Adelaide in 1936, or Bob as he was known in this place and to his friends. He was elected to the Legislative Council in 1979 and, of course, as the minister said, remained here until 1993. Prior to his service in the state parliament he had been a medical practitioner and he continued some general practice work into his parliamentary career. Upon joining parliament, Bob drew on his professional experience to become a credible voice on several major health issues, such as abortion and euthanasia. His numerous attempts at effecting change over such legislation were born of a genuine concern for social health.

Bob was a strong voice in parliament as a health advocate. He dedicated time to fighting to keep a multipatient recompression chamber active in North Haven for the safety of divers and for MS patients. He was cautious about biological experiments and the likely use of human tissue. He was passionate about the ethical and scientific oversight in these areas and he did not want the government to absolve itself of any responsibility when it came to the health of the community.

He was also vocal in protecting the mentally ill, arguing that the overflow of the intellectually disabled people from hospitals into prisons had to be stopped. Bob was also concerned about the decline of maternity services at the Modbury Hospital and, sadly, I am sure he would be incredibly upset with the recent decisions over the inpatient paediatric services being ceased at Modbury.

Shortly, I know my colleague the Hon. Rob Lucas, who knew Bob very well and served alongside him for about a decade, will make some additional comments, but on behalf of the Liberal team I extend my condolences to his family and friends.

The Hon. R.I. LUCAS (14:26): I rise to speak to the condolence motion for Bob Ritson. As the Hon. Mr Ridgway has indicated, I had the honour of serving with Bob for a period of time and also of knowing him prior to his election to the Legislative Council.

My first recollection of Bob Ritson was meeting him sometime in the mid-1970s and for the 1977 state election we had, as a party, the unfortunate circumstance of losing not only one candidate but two candidates in the period leading up to the election. Bob had a medical practice out in the north-eastern suburbs. As the Hon. Mr Ridgway has indicated, he had been a campaigner and a supporter of the continuation of maternity services at the Modbury Hospital during that particular period and, clearly, from the 1970s, 1980s, 1990s, the noughties and now, 2013, that issue for the people in the north-eastern suburbs continues to be an issue upon which they will campaign and support the ongoing provision of paediatric services at that hospital.

As I said, we as a party had lost a couple of candidates who had resigned and Bob said he had been told that the second candidate who had resigned did so for personal reasons but, as Bob told the story, he found out later after the election that the personal reasons were that the candidate had actually conducted a survey and found out that he (and we) were going to lose by a considerable margin, so for personal reasons he resigned as candidate for the Liberal Party and Bob took over the candidacy. The previous candidate left the party with a parting gift to the incoming third candidate, Bob Ritson, which was the results of that particular survey.

Of course, Bob and the Liberal Party were singularly unsuccessful in the 1977 election in that particular electorate of Todd in the north-eastern suburbs. Bob then contested preselection for the Liberal Party in 1979 and, as members on this side of the chamber will know, that requires a presentation, a speech and answering questions before a most important body in the Liberal Party called the State Council, which comprises some 200 to 250—

The Hon. T.J. Stephens: Very wise people.

The Hon. R.I. LUCAS: —fiercely independent and very wise, as my colleagues tell me, individuals spread from the Western Australian border to the South-East and Victorian border.

It is not in the Liberal Party, particularly in those days, the capacity to sit down in a smoke-filled room with a couple of people and assure your preselection. At that particular time, in 1979, it

was a hotly contested preselection, and Bob's position was that he was very much considered by many as a rank outsider. In a wonderfully what appeared to be impromptu, no-notes, off-the-cuff speech to the State Council, he literally came from nowhere, bypassing other favoured candidates, and won the No. 6 position on the Legislative Council ticket.

I am sure that members know that the No. 6 position on the Legislative Council ticket for major parties or minor parties does not really guarantee you too much. These days, of course, the No. 4 position on the ticket might not guarantee you much at all, either. Certainly, at that time, the No. 6 position was not considered highly likely to give you a guaranteed career in the Legislative Council but, of course, in 1979, there was a landslide to the Liberal Party and the Hon. Bob Ritson was elected for his term in the Legislative Council.

Bob Ritson was very much a sort of *Rumpole of the Bailey* type of person, wonderfully articulate, wonderfully intelligent, widely read, liked by almost everyone, with friends across the political spectrum—Liberal, Labor and Democrat, as it was at that particular time. I think that the two leaders have indicated that he came from a medical background, which perhaps might not have been recognisable from some of his personal eating habits: his favourite breakfast was an awesome combination of pie, sauce and Coke; his luncheon menu generally was a gherkin and pickled onion roll with a Coke. After seeing what he had eaten for breakfast and lunch, I never wanted to know what he had for dinner, but probably it involved a glass of red wine as well.

For those like you, Mr President, who at some time in your past have resorted to having to smoke on the steps of Parliament House, Bob Ritson would have been seen by many people at that particular time having a smoke outside Parliament House with a number of the other members who smoked. Those staff around Parliament House (maybe there is at least one who would probably remember—the Clerk) knew that Bob was legendary for losing almost everything, including his keys. If the staff ever found a set of keys in Parliament House, they did not have to do the equivalent of an email or send a note to everyone: they would all go to Bob Ritson first to find out whether or not they were Bob's keys, and invariably they were his keys, and that saved having to ask any other members or staff.

I have looked back at some comments I made in 1993, when Bob was leaving the parliament. I referred to the infamous impersonation of a Harrier jump-jet that he engaged in whilst visiting a softwood plant in the South-East. I will not go into the gory detail of all of that, but for those members who might like a private description, I am happy to share that information with them.

Bob Ritson was wonderful company on select committee trips and, in our case, party trips, around regional areas of South Australia, and he was highly regarded by all who met him. He had a particular interest, as the leaders have indicated, in obviously health-related issues. He was fiercely conservative in relation to what we would these days refer to as conscience vote issues—voluntary euthanasia, the Natural Death Act and what we now refer to as sex worker legislation, which was in those days simply and accurately called prostitution bills. He had a staunchly conservative view about those sorts of issues and, in relation to those views, he was prepared to articulate them and speak about them on many occasions.

He fought tenaciously for individual cases. There was a particular case in relation to a person who had been unfairly accused of child abuse in a difficult domestic arrangement with this person's wife and children. Bob took up the case, with many others who took up the case, during the period of the Labor government. It was ultimately settled with the incoming Liberal government, when this individual won a cash settlement in relation to some of the trauma he had been required to go through as a result of clearly some major problems within what was then the old community welfare department in those days—now Families SA or part of the Department for Education and Child Development, but I think in those days it was referred to as the community welfare department.

The matter was in relation to allegations of child abuse against their children, and Bob was tenacious on issues like that. He fought for the underdog if he believed in a particular issue, and he had the courage and was prepared to stand up and fight for an issue, whether it was with a Labor government or within his own government, if he believed in a particular cause.

As I indicated, he had come from nowhere with what appeared to be a wonderfully impromptu speech in 1979. When he stood for preselection again in 1985, I remember coming back late one evening (at that stage our offices were on the lower ground floor), and Parliament House was relatively quiet—Martin Cameron was not playing his bagpipes. I walked onto the lower

ground floor and could hear this stentorian voice coming from behind an office. I walked past and realised it was Bob Ritson's office and I paused to listen. There he was, word for word, going through what I was to hear, a week later, was his wonderfully impromptu, off-the-cuff speech, word for word. It was well rehearsed and certainly, I am sure, when the State Council a week later listened to a no-notes, off-the-cuff speech they were suitably impressed. However, his secret was out, as I said to him, as I had heard him rehearsing the speech a few days prior to the State Council.

Bob had the position of whip in this chamber when I was leader for a number of years. I have previously placed on the record, and I want to do so again, my acknowledgement of the wonderful work he did. The work of whips in this chamber and in another place, of course, is essential to the smooth operation of the chamber and the parliament. We have been lucky in the capacity and capability of the whips we have had, at least on our side of the chamber. I am sure, Mr President, on the other side of the chamber you would say the same about the people who have held the position of whip in your party, but I do acknowledge the work of Bob Ritson.

I also want to acknowledge his public service, his community service prior to entering parliament and his parliamentary service, as well as his service to our party, the Liberal Party. Whilst in the end he was not a minister in a government or the president of the chamber, Bob Ritson and people like him are the heart and soul of our parties—our party in this case—and the heart and soul of our parliamentary party.

He was fiercely loyal even when particular issues might not have been consistent with his own personal views. If he did speak differently, he managed it in a way which did the least possible harm or damage to his party, and on many occasions he did not speak publicly, even though he might have had a different view from the one that his party had on a particular issue.

He was wonderfully messy, as I said. I still have a copy of a postcard he sent me from London on one of his overseas trips that encapsulated Bob's approach to the parliamentary office and I have tried to follow it ever since. The postcard simply reads, 'A clean desk is a sign of a sick mind.' As I said, I still have that postcard in my desk as a motivator and, now that he has passed away, as a memorial to the Hon. Bob Ritson. There are some other stories I have shared with some of my colleagues about his approach to paperwork in the office which I will not put on the public record, but on occasions his management of the paperwork that went through his office was unique.

Before concluding, I do want to pass on my condolences to his wife, Jill. Bob was unusual in some respects in that he and Jill did separate and divorce, but a number of years later they were one of that small minority of couples who, having had a period of time apart, came together again and remarried. I think they remarried—they were certainly together for many, many years prior to his passing and Jill was looking after him when he passed away. I do want to formally pass on my condolences to Jill, his family and his friends.

I also want to indicate my sorrow, via this contribution, that we only became aware of Bob's passing on the day there was a notice in the *Adelaide Advertiser* indicating that his funeral was to be held that afternoon or the next day in Lismore. It was just physically impossible for some of us who would have wished to have tried to get to his funeral service to do so. Certainly, had I known earlier, as someone who did know him I would have made arrangements to try to represent the party at the funeral service.

So, I do want to apologise to Jill and his family through this contribution for being unable to be there. It is a shame that someone who gave such great service to the party passed away without many of us (or any of us) knowing that he had done so and therefore the party was unable to be properly represented, in my view, at his funeral. It certainly was not a slight on Bob's service to the party: it was simply a fact of not being aware that he had passed away.

With that, I pass on my condolences to Jill, his family members, his friends and acquaintances, and acknowledge on behalf of the state parliamentary party, on behalf of the Liberal Party organisation, his tremendous service not only to the parliament but to our party over very many years.

The Hon. J.S.L. DAWKINS (14:43): I rise to briefly add to the remarks of my colleague. I do well remember the Hon. Dr Bob Ritson. I was not on the college when he was preselected at No. 6, but I have been well acquainted with the quality or the uniqueness of the speech which got him to that No. 6 position.

The Hon. Dr Ritson was a colleague of my father in my father's last three years in this place and when, in fact, my father was the Government Whip in that period. I am sure that my late father would agree with the Hon. Mr Lucas in describing the Hon. Bob Ritson as someone who was wonderful company and highly regarded. I think the Hon. Mr Lucas would confirm that they both shared that thing he called a 'stentorian' voice. I am also aware that the Hon. Dr Ritson was known by some quite affectionately as Ritso and I think most of us on this side probably would question whether that nickname came from one Hon. Rob Lucas who seems to be good at making up nicknames for most people.

The other thing is that the Hon. Mr Lucas mentioned that Bob Ritson was elected to this place in that unique position of No. 6 on the Legislative Council ticket. I think it happened once on the Labor side, maybe twice, but certainly twice on our side. The other person who was elected at No. 6 to this great chamber from our side is well remembered by some here, the Hon. Angus Redford.

Before closing, I would also like to say that in this time of acknowledging the service of the Hon. Dr Ritson and particularly his services as whip, I am delighted to have the Hon. Rob Lucas's acknowledgement of the role of whips on the parliamentary record. I extend my sincere sympathy to the Hon. Dr Ritson's family.

Members stood in their places in silence.

BLEVINS, HON. FRANK

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:47): I move:

That the Legislative Council expresses its deep regret at the recent death of the Hon. Frank Trevor Blevins, formerly a minister of the Crown, a member of the House of Assembly, a member of the Legislative Council and places on record its appreciation of his distinguished public service.

The Hon. Frank Blevins will be remembered for a great many qualities, but one that clearly stands out is that he was a man of deep and profound principle. The circumstances of his remarkable life helped mould and form those very same principles. From his very early days in working class Manchester where he was born in 1939 to joining the merchant marines in the United Kingdom at the age of 16, he emigrated to Whyalla in 1965 where he worked on tugboats, I am told, and there became heavily involved in union activism and then ALP politics. Obviously his politics were always on the very left.

For his entire life, the belief in defending and supporting the underdog and that collectively working people could grasp the power to transform their lives was a principle that he stood by steadfastly. It was a principle upon which he brought to bear his own considerable capacities and leadership skills with a mixture of blunt force and mercurial lightness of touch.

On his election to the Legislative Council on 13 August 1975 he made a very passionate speech in this place in which among other things he decried the very need for upper houses of parliament, citing the example of the House of Lords as being proof of life after death. He closed his maiden speech with the following:

I wish to make only one more point, Mr President, and it relates to the word 'socialist'. It is obvious that the honourable members opposite see red every time they hear the word. I am afraid that, unless they get a little more rational about it, they will be upset quite a lot over the next few years as I am a dedicated socialist who takes every opportunity to promote the principles and ideals of democratic socialism.

Clearly, Frank Blevins, the merchant marine seaman from Whyalla, was quite willing to nail his colours to the mast.

In a 22-year parliamentary career, first here in the council for a decade and then in the House of Assembly, that zeal never diminished or waned: if anything, it was fuelled by an unquenchable energy that was sustained throughout his entire life. To bring about the change to match that vision, he needed to learn the ropes of his new parliamentary occupation, which he did with characteristic thoroughness.

As he remarked in an *Advertiser* interview in 1984, he loved the craft of being a parliamentarian. In keeping with the proud trade traditions of the Labor movement, he brought to the job the skill and finesse of a consummate craftsman. A true craftsman brings to the task the very best of themselves: commitment, passion, experience and a capacity for hard work. All of these things Frank demonstrated throughout his life.

A long list of portfolios in the period from 1983 to 1993—the ministries of agriculture, fisheries, forests, correctional services, labour, health, transport, finance, mineral resources, and deputy premier thrown in for good measure—all demonstrate that he was, indeed, a superb parliamentarian. He handled all of those portfolios with a great deal of acumen.

His reputation as a skilled negotiator behind the scenes meant that time and time again it was up to Frank to bring calm and order to a troubled portfolio or troubled times. The soft Manchester drawl—who can forget that?—belied a fearless resolve and a razor-sharp wit, as anyone who debated against him will well and truly testify. He was always willing to take on a challenge, even when it was one that required difficult decisions that lesser people may have shied away from.

Over a decade-long history of ministerial responsibilities, there were many great battles, nearly all of which he won. There were many achievements throughout his career, but his achievements in enlightened prison reform were particularly significant and, as always, underpinned by the principle that we must treat all human beings decently. Those prison reforms were indeed very significant for this state and they are still there underpinning a lot of what we do today.

As the Premier said earlier today, Frank was also far-sighted in his support for investment in the electromagnetic mapping of the state. Again, this visionary decision led to a resurgence of mining exploration which in turn has delivered and will keep delivering for South Australia. So they are probably a couple of very important legacies that Frank has left for this state.

It also needs to be said here today that, in doing all these things, Frank Blevins had a very impressive personal style. Always impeccably dressed, courteous and charming, he presented as the modern man of the left. He was a class act in many ways. He never lost the fire in his belly, and he never lost sight of where he was from and he never lost sight of whom he was working for. He so clearly demonstrated those aspects in his maiden speech here in this chamber back in 1975.

The man behind that smooth exterior was so much more than just a successful politician. I knew him as a very generous host. He was famous for his curries, which were very specially mixed and selected. They were very specific and exact recipes, which were certainly fiery delights. His cooking was legendary, always wonderfully prepared as well. He was also known, I understand, to have cooked boiled fruitcakes for cabinet meetings, no doubt to sustain the representatives of the Labor movement as they made hefty and good decisions for the state.

When he retired from parliamentary politics in 1997, Frank entered a period when, one could argue, he did some of his greatest work: as counsel and supporter of particularly up-and-coming politicians, and in particular women in the ALP. I will always value the support, encouragement and assistance Frank gave me throughout my political career. Right from the outset he was always happy to extend a hand, always prepared to offer a word of encouragement and, as my responsibilities grew and so did the challenges, Frank was always there with a practical and wise word, and I valued that assistance and support very much and will treasure those memories.

Frank Blevins was a mentor par excellence, always a ready listener, warm and helpful, with advice that was deeply insightful, practical, always constructive and based on many decades of very solid experience. If things were going wrong, his support was far more than just words of comfort—they were the heartfelt expressions of someone who knew hard times and what it took to get through them.

Frank faced many personal and professional challenges throughout his life, and he always faced and dealt with them with the greatest level of integrity and strength. Such wisdom and compassion clearly will be missed. Our thoughts go out to his wife Doreen, his family, his friends and his colleagues. We are the poorer for the loss of Frank's example of immense courage, his strongly-held principles, his generosity of spirit and his unwavering resolve.

Throughout his full life, from a tough working-class upbringing in Manchester, raising a family in his beloved Whyalla, to a dazzling parliamentary career and then his later life, in which he was hugely respected and loved, Frank epitomised right throughout what the Labor movement stands for: that we can all reach our potential and bring out the very best of ourselves to the greater benefit of all people. Vale, Frank Blevins.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:57): I rise on behalf of the opposition to second the condolence motion for the Hon. Frank Blevins, who at the age of

74 recently lost his battle with cancer. In 1956 Mr Blevins left England to embark on what was to become a formative career. He was only 16 at the time, and initially he joined the workforce as a merchant seaman, later became a union official and, at the time of his entry to parliament, was vice president of the Whyalla Combined Unions Council.

In 1975, in his mid-30s, Blevins was elected to the Legislative Council. From a working-class family from inner Manchester, Frank Blevins seemed unintimidated by the prospect of parliament. He quite correctly stated that parliament should be a cross-section of society. He brought real life experience to the chamber and effected real change. Perhaps one of his legacies in this place was the Natural Death Act, legislating that a person could direct that no extraordinary measures could be taken to prolong their life. He believed very strongly in that piece of legislation, and he was indeed the first person to sign on to it.

He was also the curator of legislation that gave Adelaide its first major casino. In December 1985, Mr Blevins was elected to the seat of Whyalla. I know that my colleague the Hon. Terry Stephens, who will of course then have been a constituent of the Hon. Frank Blevins, may make some additional comments shortly. He held various posts throughout this time as a local member, and most notably and later in his career as deputy premier and treasurer. One of his first jobs was boldly reconstructing South Australia's work and compensation laws. It was an issue that had been looming since early in his career.

Regardless of your side of politics, it must be recognised that Mr Blevins was somewhat of a hero to the workers. It was not an easy job; nor was his thankless post as the minister for correctional services. He believed that governments had put prisons at the bottom of the list for three decades, and he took the job of fixing them up very seriously indeed.

He was gifted with great eloquence and apparently was very skilful at handling the media. He described being a parliamentarian as a craft, and it was clear that he was dedicated to perfecting it. Mr Blevins retired in 1997: his achievements were numerous and I would not do justice to them by only briefly mentioning them. I would, however, like to note that he was minister for agriculture and he took that very seriously. It was his passion. He certainly said that our future basically hinged on it, and it was one of the most important portfolios he held.

In fact, in my time I was a young president of the Rural Youth Movement of South Australia; I think I was 22 at the time. We were lobbying the government of the day for extra funding to support the rural youth movement, and it was my job to visit the minister, as it was funded through the department of agriculture in those days. I had to visit the minister. It was a reasonably daunting experience as a 22 year old going into the minister's office, but I am delighted to say that he did see wisdom in giving us additional funding to employ, I think it was, a training and development officer for the organisation. We certainly did so and the organisation continued to prosper.

There were a number of people in the agricultural sector who felt that he did actually understand some of the issues, took a genuine interest and tried to bring about change and improve some of the issues that were confronting agriculture in South Australia at the time. I think he would have been pleased with those achievements and a number of other achievements across a range of portfolios. I extend my condolences to Mr Blevins's family and their friends.

The Hon. CARMEL ZOLLO (15:00): I rise to add my condolences to the family and friends of the late Hon. Frank Blevins. Frank Blevins was one of the generation of politicians who retired prior to my entering parliament, but I know that he was one of our Labor Party members of parliament respected for his competence and hard work. He was also considered a fair man and, as has already been said, an eloquent speaker. Whilst a strong left-wing politician, he was someone who understood that the Labor Party needed to be a broad church and accommodate a spectrum of social and political attitudes.

As we have heard, before being elected to the lower house, he served in this chamber for over 10 years. As has already been placed on the record, he had a distinguished career where he was responsible for a number of legislative initiatives and rose to the position of deputy premier. In looking at some of the media comments, as the former minister for correctional services I particularly took note of those referring to that portfolio and certainly found myself in empathy with his comments all those years ago.

In his retirement, he was just as well respected and sought after for his quiet and effective leadership and sage advice. I know he made a significant public contribution post retirement. He always had a ready smile. He was a regular visitor to the bar, probably not in the last few years, but

prior to that. I remember thinking how well he handled and accepted his unfortunate accident when he lost his leg. He did it with good grace and continued helping others in life.

Whilst I was not a close personal friend, I am proud to say that I made it to the fruitcake circle. As we have already heard, Frank was a good cook, though not just of fruitcakes. One day when I dropped into his home, he presented me with one of his boiled fruitcakes. It was very much appreciated by all who got to taste it. While society has lost a respected former politician, at a personal level I know his wife Doreen and family will miss him dreadfully, and I again offer my condolences to them.

The Hon. T.J. STEPHENS (15:03): I rise to support the comments of both the Leader of the Government and the Leader of the Opposition about the Hon. Frank Blevins. Can I say from the outset that I pass on my family's condolences to Doreen and her family. My wife actually went to school with Frank's children and I certainly knew a couple of them reasonably well. I had the pleasure, or displeasure, of coming second to Frank Blevins in the 1993 Giles contest. I have to say that it was a contest that was conducted honourably. I knew Frank well prior to that contest. I always had a decent respect for him and that continued after he had towelled me up in 1993.

He was a passionate man of the Labor Party. There were no ifs, buts or maybes, but he could certainly have a conversation and was not dismissive of other people's views, for which I respected him. I will share with the chamber that a number of his friends from the tugs, who I also knew and knew quite well, were thrilled that he had taken up the fight for his workmates in the parliament, but most of them could never understand why you would give up a job on the tugs in Whyalla to enter parliament because, I have to say, at different times I was quite envious of their particular role and the terms and conditions of the working men on those tugs. Just with those few words, I pass on my absolute best wishes and sincerest condolences to Doreen and to her family.

The Hon. J.S.L. DAWKINS (15:05): I just want to add a few comments to those that have been made on both sides of the chamber about the Hon. Frank Blevins. As I indicated in my contribution regarding the Hon. Dr Bob Ritson, my father was the whip for our party for some time in this house on both sides of the chamber. He and the Hon. Mr Blevins were whips together for some period of time. When you look at the contrasting backgrounds of the Hon. Mr Blevins, who came from a left-wing merchant seaman background, as has been illustrated by the Hon. Mr Stephens, and my father, who, while the Hon. Mr Lucas is probably the only one here who knew him reasonably well, thought he was quite progressive. There were some in his own party who described him as a troglodyte—unfairly, of course.

My father and Frank Blevins worked together very well as whips and had an enduring high regard for each other. When Frank became the minister for agriculture, I was in the presence of both of them when we bumped into Frank. My father proceeded to say, as he could quite bluntly, 'You know nothing about agriculture,' although he did not use the word 'nothing', he used a couple of other words instead, 'so you should take advice from good people who do'. I can say that my late father always felt that on balance that was what Frank did in his term as agriculture minister and, from someone who could be quite critical about matters to do with primary industry and their handling by some Labor ministers he had seen, that was high praise. I pass on my condolences to the family of the Hon. Mr Blevins.

The Hon. R.P. WORTLEY (15:07): I rise briefly to make a few remarks about the Hon. Frank Blevins. He was a member of the Legislative Council for about five years when I joined the Labor Party in about 1980, and I remember very early in my membership seeing him on television when Malcolm Fraser visited Whyalla and there was a massive protest against him closing the shipyards. Frank Blevins was at the forefront of that, and I saw him abusing Fraser on TV and, I must say that from then I had a great admiration for the man for the rest of my life. I remember early in the mid-eighties when we got news that Doug Elkins, who was the preselected candidate for Whyalla, was not travelling very well in the polls so they turned to Frank Blevins to run for the seat of Whyalla, which he did, and he won and served it very well until his retirement.

When he was a minister, we approached him to get representation on the plumbers and gasfitters registration board, and we were vehemently opposed by Bob Fairweather, the secretary of the plumbers union. I remember sitting at the meeting in Frank's office and Bob Fairweather was frothing at the mouth and abusing and screaming at us all, and he threatened to stand as an independent against Frank Blevins in Whyalla. Frank Blevins quite calmly looked at him and said, 'Well, just stand in line.' That was the nature of the man, how calm he was. He went on and appointed me to the plumbers and gasfitters registration board.

As members would know, Frank Blevins resigned in 1994, I think it was, not long after our quite significant defeat. He went on to still make a good contribution to the Labor Party; he was a campaign manager for a number of Adelaide elections. After I was elected, he also would often come into this chamber. He was a very keen Manchester United soccer fan, and he would bring in Manchester United memorabilia and leave it in my letterbox for me to give to my son. We would go around to Frank's place with my lad just to talk about soccer.

Doreen was an amazing woman. She was always in the background, never in the limelight. When you went around to have a cup of tea with Frank and to have a chat about things, she would sit there and keep you there for a long time talking about life, the kids and their family. I remember when Frank had his accident and broke his leg, and lost his leg, we went around to have a talk. He said that it was quite a frightening experience to contract golden staph in hospital, knowing that it could have taken his life. Hopefully, the new hospital we are building will put an end to that because of the very nature of the single rooms in the design.

Frank Blevins was always a decent human being. He was very quietly spoken on many occasions and very relaxed. I pass on my deepest sympathies to Doreen and the family. I support the council's motion.

The Hon. K.J. MAHER (15:12): I support the comments already made. Frank Blevins was quite simply a prince of a man and a giant of the left. I did not have the privilege of knowing Frank when he served as an MP, but it was a great pleasure to get to know him very well since that time. It is a pity that I did not know him when he was an MP. When I was looking through some of the press clippings, one quote that stood out was from his first media interview after he became deputy premier, when he was talking about matters to do with one of his former portfolios, labour laws. In that interview, Frank told *The Advertiser*:

None of our employers are geniuses, far from it I can tell you. Some of them are too stupid to cross the road, some of them. They need some intervention.

He went on to say:

Industry has been revitalised by unions, not redneck bloody thick employers.

You cannot imagine someone even contemplating trying to say that today as a deputy premier or thinking that they could get away with it.

Frank, in a lot of ways, was a South Australian left version of Paul Keating in that he was very sharply dressed, respected by many and had a great way with words. One of the great things I really admired about Frank, which others have referred to, is that he stayed very involved with and contributed to the party long after his time in parliament. Frank would always attend his monthly sub-branch meetings, always did a round of letterboxing when there was material to be distributed and, as the Hon. Gail Gago mentioned, he cooked curries. When he was going to be away for fundraisers, he would have a curry frozen so that his famous goat curries would be there for a fundraiser. He was the sort of party elder that every branch of a political party needs, and I respected that.

One of my earliest very strong memories of Frank Blevins is of a meeting of the Adelaide sub-branch some time in the late 1990s, when a reasonably new, fresh-faced Independent member of the Legislative Council, a new bloke called Nick Xenophon, came to address the branch. As soon as Nick started speaking to the Adelaide sub-branch, Frank ripped into him, really gave it to him about Frank's and Nick's differing views on pokies and gambling. One of the lines that has stayed with me since then—and a number of us who were there at that meeting still use that line on each other to this day—was Frank a number of times asking, 'Nick, why would you come here and tell these good comrades lies?' That line still gets used a lot today.

I do not know whether Nick Xenophon remembers that meeting, but I sure do. I was fresh out of uni, the new president of the Adelaide sub-branch, with no experience at chairing meetings and no idea of how to handle conflict—and Frank just tore Nick apart at that meeting. Frank was a ferocious defender of his views, and I respected that.

As the Hon. Russell Wortley mentioned, Frank helped to run the Adelaide campaign. I remember well, in 2002, helping run the Adelaide campaign with Frank. I treasure not only the effort put into that campaign but the time and effort he put into mentoring others, particularly me, and everything he did since that time. Ever career decision I have taken in the Labor Party, from my first job as a staffer up to deciding to nominate for the Legislative Council, I discussed first with Frank, and the role he played in my career is very much appreciated.

After my first speech in parliament last year, when I was honoured to have Frank in the chamber, I received in my mailbox a package wrapped in tinfoil in a plastic bag. We took it back to my office where my staff and I wondered what to do with it. We did not want a dodgy package sort of thing and were not sure about opening it. Eventually, we decided to open it and it became very apparent who it was from: it was a fruitcake wrapped in tinfoil.

Since then, and up until the last couple of months, every few weeks something has appeared in my mailbox: either more fruitcake, some baked biscuits, political DVDs or notes of encouragement and support, or critiques of speeches I have given. *House of Cards*, the American version, was the latest one. It also included some very wise advice that he wrote down in relation to one of my speeches saying, 'Good work. Get stuck into Lucas.' That is very wise advice indeed, very good counsel.

I, too, wish to express my condolences to Doreen and to Frank's family. I am going to dearly miss the advice. Frank was a ferocious leftie, a prince of a man and, frankly, the sort of person and parliamentarian that I would like to be.

The Hon. R.I. LUCAS (15:16): I rise to express my support for the condolence motion for the Hon. Frank Blevins and a nice segue, I guess, from the contribution from the Hon. Mr Maher. As he indicated, we shared some time together in the Legislative Council. Certainly, from my viewpoint, he was a worthy adversary. He, as the Hon. Mr Maher and others have indicated, was a fierce advocate for the particular views that he had. They were sharper and rougher and readier, I guess, at the start of his political career.

He was a fierce opponent of uranium sales anywhere and, in particular, to France at that particular time. As the Hon. Mr Wortley indicated, he was publicly part of major verbal confrontations with the former Liberal prime minister, Mr Fraser, in Whyalla—and I am sure probably in other places as well—but certainly in this chamber he was a passionate advocate of the left view of the world.

He did not see much role for the Legislative Council, as I think one of the contributors to this speech has already indicated. He also did not see much of a role for capitalism in a number of his speeches in the early stages of his career. I think as the suits got sharper, and as he got more used to living in the North Adelaide area as opposed to Whyalla, his views tempered a little bit as they tend to do when you are from the left.

It did not necessarily change what he felt on the inside, but I think he acknowledged in a number of his contributions towards the latter part of his career that he accepted that pragmatism became an ingredient within which he had to mix the fiercely-held views that he might have had and those that the left held. They had to be balanced in those days with that particular creature that members these days do not have to worry too much about other than their remnants—the centre left—that held sway and power for good periods of the time that the Hon. Mr Blevins was active within the Labor Party and within the parliament as well.

In those days Mr Blevins, together with the Hon. Mr Sumner and the Hon. Mr Cornwall—and a number of others from the Labor viewpoint, I imagine—would have been an impressive leadership team. Certainly, as they fiercely defended their particular views, whether it be in this chamber or whether it be publicly, I am sure those who were within their caucus would have been encouraged by the fierceness of the representation of views that they represented on behalf of their party and their government or opposition at the particular point in time.

In part, it was a recognition of that and in some areas he was seen as potentially a future leader of the party in the period post John Bannon. His name and Lynn Arnold's—and to a degree one or two others—were being touted in media circles and within party circles as potential leaders of the party post John Bannon and he then moved through a series of other portfolios, as members have indicated.

I remember well the debate on the Natural Death Bill which the Hon. Mr Ridgway has referred to, and he certainly had very strong views and continued to have very strong views right through the years on that issue and related issues in that particular area. He was never short of having an argument in relation to gambling issues, and the Hon. Mr Maher's description of an internal exchange with the then Hon. Mr Xenophon and those of his ilk in relation to gambling issues was reflected on many occasions in the public arena and the parliamentary arena as well.

I think, and as other members have referred to, he was the instigator of the debate on the first Casino in my first term in parliament and led the charge. My recollection is either he and he

alone, or perhaps with a small number of others, were the active ingredients in terms of the introduction of poker machines or gaming machines in the early 1990s. I suspect that is why the particular exchange that the Hon. Mr Maher has referred to between Senator Xenophon, the former honourable member of this chamber, and the Hon. Mr Blevins would have been so fierce because Mr Xenophon would have seen and been aware of Frank Blevins' role in this particular issue. Frank certainly would have been aware of all the arguments against the points of view that Nick Xenophon was putting. As the Hon. Mr Maher would have indicated, he was never backwards in coming forwards in expressing his point of view, and his disagreement. He did not worry too much about the niceties if the situation warranted it and he was prepared to express his views strongly.

On those occasions with the Casino and the gaming machine debate, I was on the same side of the chamber as the Hon. Mr Blevins in terms of supporting the widening of gambling options in South Australia. Many people these days, including some within the Labor Party, of course, hasten to say they would never have supported the legislation, but I am not sure whether they would have actually said that to Frank Blevins—whether it be at a branch meeting of the Labor Party or anywhere else. They might have said it privately to others.

Frank was active as well. As you know, Mr President, you would often see him at the AHA annual Christmas lunch where he was treated with some reverence and respect by the hoteliers, the publicans, and was always regarded highly by the hotel industry for being prepared to take up what was an unpopular view with many in the community in terms of provision of gaming machines and he was prepared to be the public face.

He was also prepared to take up the lot of the ordinary working man in terms of members of parliament. The stories are legendary, and I will not put two of them on the public record of his approach to salary and conditions issues for members of parliament to vis-a-vis the then premier of the day. Suffice to say that when the premier was away on an overseas trip, he did occasionally take the opportunity to ensure that one or two cabinet submissions went to cabinet and were considered by those and the rest of the cabinet who might have had a view similar to Mr Blevins and different from the then premier of the day in relation to the working conditions of members of parliament.

Having had the opportunity through the FOI process of cabinet submissions, I have managed to get a copy of one or two of those old submissions just for historical records in terms of confirming the urban folklore that has come from some within the Labor caucus in terms of his approach to those sorts of issues on behalf of his fellow colleagues within the Labor caucus and within the parliament as well.

I always had the highest regard for the Hon. Frank Blevins. We clashed, as shown by the Hon. Mr Maher's comments, which I am sure were given good-naturedly, on political issues and publicly, but he never once crossed me. If he gave a guarantee or gave his word on a particular issue, he never went back on that word or issue. I am sure, Mr President, that if he had a bet with you he would have paid up as you do, Mr President, unlike some other members of the Labor caucus who come from the western suburbs of Adelaide and who do not follow that principle. They should follow the role modelling of the Hon. Frank Blevins in relation to these sorts of issues.

In terms of being political opponents, there were many issues such as gaming or superannuation or salaries or other issues of state, and if he gave his word to me or other colleagues, I am not aware of him ever crossing members in terms of a commitment that he gave on any particular issue. For those reasons I have always regarded him highly.

We still saw him occasionally as he came to the former members' lunches at Parliament House. I occasionally saw him, as he was active in and around Parliament House lobbying on various issues. He was always very friendly and affable in terms of an issue he might have wanted to put at any point in time. Sometimes he was very free and easy in giving advice in relation to issues that I had a particular interest in at the time. With that, I pass on my condolences to his family, friends and acquaintances.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:27): I also rise to offer my condolences on the recent death of the Hon. Frank Blevins. As we all know, Frank was a Labor legend, a stalwart of the party who served our labour movement and his adopted home town of Whyalla, and indeed the entire state of South Australia, with distinction for many years.

Frank served in both this chamber and the other place during his political career and made friends on both sides of the parliament. Frank was born in Manchester, England, and emigrated to Whyalla in 1965. Like so many people of that era, he sought work within the steel town but also a new start with fresh opportunities. Within 10 years Frank was sitting in this place. Frank embraced the challenges of being a migrant to this country and turned them to his advantage. While working in the Whyalla shipyards, he became a leader of the labour movement and in turn a leader of his community and the state. The Frank I knew hated injustice, and it was this hatred of injustice that was fundamental to his personal politics and it formed the basis of his political engagement with the Labor Party and his community more broadly.

In preparing for this motion today I had the opportunity to reread Frank's maiden speech delivered on 13 August 1975 following his election to this place. In his first parliamentary speech he did not waste any time talking about himself, which is a lesson that perhaps many of us should have taken on board before we made our own first speeches. Frank launched into a full-scale assault on the injustices of the electoral system that at the time saw the Liberal Party hold 46 per cent of the seats in this place after only receiving 29 per cent of the vote during the election of that year.

This theme of fighting injustice was to continue throughout his life. In his parliamentary career Frank tackled all manner of matters, including issues ranging from industrial relations, which was his bread and butter, to matters of conscience such as the alternative treatments for heroin addicts and his own private member's bill, the Natural Death Act 1983. Frank was a champion of the left—we have heard that today and there is no doubt about that—but Frank also understood that the key to achieving improvements in the quality of life for working people was a strong economy and a productive workforce.

Frank dealt with many challenges in the various roles he held within the Bannon ministry. Perhaps his biggest challenge was as finance minister during the late 1980s recession, an era of low growth and dwindling state finances. Frank knew the key to overcoming this challenge, the challenge to continue to deliver a social democratic government in a time of dwindling resources, was contingent on reforming the public sector, so he set out to do just that.

However, Frank did not do this through slashing and burning. He did so through modernising the public sector and focusing the sector on its key roles; a focus on teachers, nurses and police, a focus on the services people needed, the services they deserved as hard-working citizens and taxpayers: a good education for their children, a good health system and a safe community. When he was minister for finance, Frank was quoted as saying:

We believe in this state you can do it in a sophisticated way, rather than take out the knife. The knife's effective but it's short-sighted and I object to that approach.

He went on to say:

I'm not afraid of the creation of wealth and certainly, we want to make it as easy as we can to create wealth—but if there is no such creation, there is nothing to be distributed.

Frank understood where power came from. His battle with the public sector union at the time was, of course, well publicised. Many in the union movement who did not understand the necessity of modernising and reform attacked him personally, but Frank was completely unfazed. His formidable skills as a negotiator and his commitment to a long-term vision of a prosperous state, a state that could afford the necessary services that working people and those less advantaged relied upon, won through in the end.

Through this period Frank never forgot who he represented, and again I will quote from his first speech in this place:

I represent in this council ordinary people, comprising the working class of this state who have been on the receiving end of the Hon. Mr Laidlaw's actions and policies, and I can assure the honourable member that the receiving end is not pleasant.

Frank never lost sight of who he was for. His commitment to the Labor cause continued after he left parliament, as we have already heard from honourable members. He was a regular at the Adelaide sub-branch of the ALP and he attended state convention, engaging in our debates. He supported us in other ways, too. As we have heard, he was a keen baker. He regularly dropped off home-made baked goods on his travels into the city to various ministerial offices because he knew that we needed political nourishment, but he never forgot that an army marches on its stomach and so he took care to nourish his Labor foot soldiers with his baked goods, too.

Frank is no longer with us, but his legacy is. He began his working career as a ship stoker and a tugboat seaman. He spent hours in front of a burning furnace, maintaining the fire of the steam engine with coal, sweat and determination, all to pull much larger and unwieldy ships into harbour. This perhaps can serve as a metaphor for Frank's political career. He burned with a fierce determination to fight for working people, to fight injustice and to steer a course for a better life for South Australians.

His efforts at moving the labour movement and this state into the future—a future of prosperity but one also of fairness for those less advantaged—is stuff of Labor legend and we will not forget it. The Hon. Mr Lucas, I think, talked about Frank's development from a fierce campaigner to a pragmatic statesman. I can remember some of his advice to me when I was a young Labor Party member, when he talked about how we often start out in our political life in the role of the bomb thrower, the shock troops who smash into our opponents, leaving them stunned, when elder statesmen come in to mop up, putting their arm around opponents saying, 'There, there' and driving them towards a compromise that Frank always wanted to get to in the end anyway.

Frank, I think, developed from the bomb thrower of his early days to that elder statesman who came in and cut the deals. That was his forte. That is what he did. He was a negotiator and he was a dealmaker and he usually got what he wanted in the end.

Frank can now cease from mental fight. He can pass on the sword he never let sleep in his hand. For those of us in his Labor family, we will continue his fight to build Jerusalem here in his adopted land. I offer my condolences to Doreen, his wife and lifelong love, his children and his grandchildren.

The PRESIDENT (15:33): I also wish to pay tribute to the Hon. Frank Blevins and support the comments of all honourable members. I acknowledge his exceptional work and his contribution to the community, the union movement, the workers of South Australia and the Australian Labor Party. I did have the privilege of knowing the Hon. Frank Blevins and it is with great sadness to hear of this news. On behalf of Mrs Jan Davis, Clerk of the Legislative Council, I offer our deep condolences to Doreen, family and friends in this difficult time.

Motion carried by members standing in their places in silence.

[Sitting suspended from 15:35 to 15:53]

ANSWERS TO QUESTIONS

The PRESIDENT: I direct that written answers to questions 13 and 78 on notice be distributed and printed in *Hansard*.

MINISTERIAL TRAVEL

13 The Hon. R.I. LUCAS (29 November 2012). Can the Minister for Transport Services state—

1. What was the total cost of any overseas trips undertaken by the minister and staff since 2 December 2011 up to 30 November 2012?
2. What are the names of the officers who accompanied the minister on each trip?
3. Was any officer given permission to take private leave as part of the overseas trip?
4. Was the cost of each trip met by the minister's office budget, or by the minister's department or agency?
5. (a) What cities and locations were visited on each trip; and
(b) What was the purpose of each visit?

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:

This information has been provided to you under the *Freedom of Information Act 1991*.

CONSULTANTS AND CONTRACTORS

78 The Hon. R.I. LUCAS (29 November 2012). Can the Minister for Communities and Social Inclusion advise—

For the year 2011-12—

1. Were any persons employed or otherwise engaged as a consultant or contractor, in any department or agency reporting to the Minister for Education and Child Development, who had previously received a separation package from the state government; and
2. If so—
 - (a) What number of persons were employed;
 - (b) What number were engaged as a consultant; and
 - (c) What number engaged as a contractor?

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 Education and Child Development has been advised:

A list of individuals who have been engaged as contractors by the department for the year 2011-12 has been identified from the Procurement database (Contracts Register). This list did not include the following:

- the engagement of companies such as universities, school uniform suppliers, ICT suppliers etc;
- commitments made by corporate business units within their \$22,000 purchase delegation; and
- commitment made by schools and preschools within their \$220,000 purchase delegation.

The Procurement Unit has advised they were not aware of any person employed or otherwise engaged as a consultant or contractor in the department that had previously received a separation package from the state government within the last 3 years.

PAPERS

The following papers were laid on the table:

By the President—

Report of the Auditor-General on the Adelaide Oval Redevelopment pursuant to section 9 of the Adelaide Oval Redevelopment and Management Act 2011, for 1 January to 30 June 2013

Registrar's Statement—Register of Members' Interests, June 2013.
[Ordered that the Statement be printed.]

Members of the Legislative Council Travel Expenditure, 2012-13

Park Lands Lease Agreement between the Corporation of the City of Adelaide and the Adelaide Bowling Club Inc.

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

Reports, 2012-13—

Government Boards and Committees Information

Industrial Relations Advisory Committee

Legal Practitioners Disciplinary Tribunal

Suppression Orders made pursuant to Section 69A of the Evidence Act 1929—

Report for the year ended 30 June 2013

Supreme Court Act 1935—Report for the year ended 31 December 2012

Report prepared by the Department for Correctional Services following the Coronial Inquiry into the death of Franklin Delano Miller

Regulations under the following Acts—

ASER (Restructure) Act 1997—General

Development Act 1993—Activities of Major Environmental Significance

Fisheries Management Act 2007—

- Abalone Fisheries—Southern Zone
- Blue Crab Fishery—General
- Demerit Points—Miscellaneous
- Fish Processors
- Fishery Permit Fees
- General—
 - Miscellaneous Broodstock and Seedstock Fishery—Undersize Fish
 - Undersize Fish
- Miscellaneous
 - Broodstock and Seedstock Fishery
 - Development Fishery
- Miscellaneous Fishery—Issue of Licences
- Miscellaneous Research Fishery
- Vessel Monitoring Scheme—Interpretation
- Independent Commissioner Against Corruption Act 2012—General
- Juries Act 1927—General—Jury Pool
- Liquor Licensing Act 1997—
 - Dry Areas—
 - Edithburgh-Stansbury
 - Morgan Area 1
 - Noarlunga Downs Area 1
 - General—Cases Where Licences Not Required
- Livestock Act 1997—General
- Local Government Act 1999—Code of Conduct
- Mines and Works Inspection Act 1920—General
- Motor Vehicles Act 1959—Use of Photographs by Registrar
- Primary Industry Funding Schemes Act 1998—Grain Industry Research and Development Fund
- Protection of Marine Waters (Prevention of Pollution from Ships) Act 1987—General
- Public Corporations Act 1993—
 - Adelaide Festival Centre Trust—Application of the Act
 - Adelaide Entertainments Corporation
- Second-hand Dealers and Pawnbrokers Act 1996—General
- Security and Investigation Agents Act 1995—General—Variation
- Stamp Duties Act 1923—General
- State Records Act 1997—General
- Subordinate Legislation Act 1978—Postponement of Expiry
- Unclaimed Goods Act 1987—General
- Wheat Marketing Act 1989—Revocation
- Rules of Court—
 - Coroners Court Act 2003—Amendment Rule 13(11)
 - Supreme Court Act 1935—
 - Supreme Court Bail Review—Amendment No. 4
 - Civil—Amendment No. 23
 - Criminal—Amendment No. 2
 - Criminal Appeal—Amendment No. 5
 - Independent Commissioner Against Corruption Act Rules
- Codes of Practice Under Acts—
 - Authorised Betting Operations Act 2000—Advertising (Live Odds)
- District Council By-laws—Ceduna—
 - No. 1—Permits and Penalties
 - No. 2—Moveable Signs
 - No. 3—Local Government Land
 - No. 4—Dogs and Cats
 - No. 5—Roads
- Enquiry into the Operation of Section 7A of the Criminal Law (Sentencing) Act 1988
- Minister's Response to Economic and Finance Committee's Report into Workforce and Education Participation
- Revocation of Directions to the Commissioner of Police under the Police Act 1998
- WorkCover Corporation Charter

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

Report of Actions taken by SA Health following the Deputy State Coroner's finding of 13 February 2013 into the death of Franklin Delano Miller AKA

James Watson McKernan

Regulations under the following Acts—

Environment Protection Act 1993—

Authorisation and Application Fees

Variation of Act, Schedule 1—Prescribed Activities of Environmental Significance

Gene Technology Act 2001—Notifiable Low Risk Dealings

Libraries Act 1982—General

National Parks and Wildlife Act 1972—

Breakaway Conservation Park

Lake Gairdner National Park

Tobacco Products Regulation Act 1997—Smoking Ban in Public Areas—Longer Term—Moseley Square Glenelg

ANSWERS TO QUESTIONS

HORSERACING

In reply to the **Hon. M. PARNELL** (17 May 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): As the Minister for Sustainability, Environment and Conservation I have received this advice:

The *Animal Welfare Act 1985* does not specifically address or regulate what type of horse races can be run. Rather, the Act focuses on the prevention of ill-treatment of animals.

The Minister for Recreation and Sport has provided the following information:

Thoroughbred Racing SA, the racing controlling authority for thoroughbred racing in South Australia, determines what types of races are appropriate. The decision to continue with jumps racing events in South Australia rests with them.

FACEBOOK

In reply to the **Hon. D.G.E. HOOD** (8 June 2011) (First Session).

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

1. Yes.
2. Privacy is a federal issue.
3. The Attorney-General has asked that the Standing Council on Law and Justice examine this issue, as it is a question of Commonwealth law.

MINING, MCLAREN VALE AND BAROSSA VALLEY

In reply to the **Hon. D.W. RIDGWAY (Leader of the Opposition)** (29 September 2011) (First Session).

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

1. The Character Preservation Bills for the McLaren Vale and Barossa Valley do not prohibit mining in the character districts. Clause 7 of the respective Bills do however provide that a person or body involved in the administration of an Act, including the *Mining Act 1971*, must, in exercising powers and functions in relation to the districts, act consistently with and seek to further the objects of the Act(s).

YOUTH DRUG AND ALCOHOL SERVICES

In reply to the **Hon. J.M.A. LENSINK** (17 July 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 Mental Health and Substance Abuse has been advised:

1. Life Without Barriers has been contracted to provide 720 two-hour counselling appointments per annum (this equates to 1,440 hours of counselling per annum). These services can be accessed by youth and adult clients.

2. Life Without Barriers is a 'not-for-profit' organisation that commenced operation in 1995. It currently has 85 support centres nationally providing services to the community. Life Without Barriers met all the tender criteria and demonstrated capacity for service mix, value for money and the location of service provision across the state.

3. There has been no savings. The total pool of funding for drug and alcohol treatment services under the Drug and Alcohol Services Program and the Police Drug Diversion Initiative has remained the same.

4. The service agreement with Life Without Barriers is for the period 1 July 2012 to 30 June 2015.

5. No young person in the South East will be worse off as a result of the tender process as there are sufficient interventions available to provide a range of services that can be accessed by young people.

In 2011-12, 19 young people (up to 19 years of age) were provided counselling services under the Drug and Alcohol Services Program.

In 2011-12, 22 young people (10 to 17 years of age) were diverted by the South Australia Police under the Police Drug Diversion Initiative.

The number of available appointments for these services from 2012-13 to 2014-15 will be more than able to accommodate this level of service utilisation by young people.

PUBLIC TRANSPORT

In reply to the **Hon. K.L. VINCENT** (20 September 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 Transport Services has received this advice:

1. Following the incident, the Department of Planning, Transport and Infrastructure (DPTI) investigated the matter with Torrens Transit, the operator of the B10 service.

Torrens Transit advises that the bus in question was a Mercedes Benz 2 diesel vehicle built in July 2002 and purchased interstate by Torrens Transit. The bus is a low-floor accessible vehicle with a manually operated wheelchair ramp at the entrance, which can accommodate up to two wheelchairs.

All buses in service are required to hold a current inspection certificate indicating the vehicle has met safety standards and is subject to ongoing service and maintenance requirements. All buses in service are also subject to mandatory safety inspections.

While the Torrens Transit workshop was unable to identify a problem with the accelerator or the brakes on this particular bus, they did consider that the driver may have had the 'retarder' switched on which may have been why the braking felt harsh. The retarder should only be used when descending hills and the driver has been counselled regarding its use.

It also is acknowledged that driving techniques and ability differ between drivers. However, no driver would deliberately drive in a dangerous and unsafe manner with the intention of causing injury. All bus drivers are regularly reminded of their responsibility in relation to observing the road rules and driving in a courteous manner, including when arriving and departing bus stops. While drivers must endeavour to remain on schedule wherever possible, I must stress that the safety and comfort of customers overrides all else.

All reports of unsafe driving practices are taken very seriously and any claims against drivers are investigated and appropriate action taken should it be found that a driver displayed unsafe or inappropriate driving practices.

2. I appreciate your concern regarding passenger safety and advise that it is a very important consideration in the provision of public transport services, and bus travel in Australia has a very good safety record when compared with many other forms of transport.

DPTI has only purchased accessible buses since 1995, with bus operators introducing some of their own buses over the past 10 years. These buses have all passed the regulatory inspection by DPTI's vehicle standards unit.

The average age of the bus fleet has fallen to approximately nine years. With the Labor Government's commitment to replacing older buses with brand new fully accessible buses, it is expected that the entire fleet will be fully accessible by 2020.

3. A significant investment in the bus fleet has been undertaken in recent years for both new and replacement buses which has seen the level of accessibility rise significantly from 31 per cent ten years ago to over 80 per cent. It is expected that the entire fleet will be fully accessible by 2020, two years ahead of the schedule required under the *Disability Discrimination Act 1992* (DDA), which requires 100 per cent accessibility by 31 December, 2022.

Further, all tram and train services across the Adelaide Metro network are accessible.

4. As part of major works to deliver Adelaide's first electric rail services, significant rail closures, including closure of the Adelaide Railway Station was required in January 2013, taking advantage of the quietest time of the year to minimise disruption to commuters and avoid the need for repeated disruption.

As with previous closures, tailored substitute bus services were provided and matched, as closely as practical, the train timetables they replaced. Substitute bus timetables are available on the Adelaide Metro website (www.adelaidemetro.com.au). Due to the number of the rail substitute bus services required, these buses were not all wheelchair accessible.

However, the substitute buses used on the Belair and Outer Harbor lines operated by Torrens Transit are wheelchair accessible.

For travel on the Gawler and Noarlunga lines (including Tonsley), it is recommended that customers requiring an accessible bus service forgo rail substitute services, and utilise the regular Adelaide Metro bus service wherever possible.

Where it is not possible to use the Adelaide Metro bus service, customers are encouraged to contact the rail substitute bus provider to request that an accessible bus be provided for their rail substitute service. It is preferable that the substitute bus operator be notified one day prior to travel. If an accessible bus cannot be provided upon request, an Access Taxi was provided at no cost to the customer.

FORESTRYSA

In reply to the **Hon. R.L. BROKENSHIRE** (18 October 2012).

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations): I am advised that the Northern Forests and the Mount Lofty Ranges (MLR) Forests are managed as community forests due to their social and environmental values as well as their economic value. This is in line with ForestrySA's Charter.

They deliver an important commercial function and the Community Forest status reflects the importance of the Northern Forests as a recreational resource for local people and visitors, with significant heritage qualities and conservation values. Visitors are becoming increasingly aware of these values, including that they were established in 1876 and are some of the oldest planted forests in Australia. This legacy is appreciated by those who attend one of the largest forest festivals in Australia—the Bundaleer Festival—which was again held in March this year.

The forest reserves are highly valued by the community for recreation and are the location of choice for over 200,000 visitors per year undertaking more than 30 different types of activities. It is important to note that it is in fact the plantation areas that provide unique recreation opportunities for mountain bike riding, horse-riding, bushwalking and camping, and dogs are allowed. Some of

these activities are generally unavailable on other public lands such as conservation and national parks.

The government continues to assist ForestrySA in the provision of these services through Community Service Obligation funding.

Timber processing activities in those regions depend almost entirely on ForestrySA logs. EconSearch Pty Ltd estimated the total direct and indirect economic contribution of these forests to gross state product as \$44.9 million in 2008-09, generating 550 full-time jobs.

Of course since then the difficulties in the Australian housing and construction sector and competition from imports have and continue to affect the forestry sector's profitability and performance, and the Mount Lofty Ranges and Mid North are no exception. In the Mount Lofty Ranges, Brownwood Panels has closed, but on a positive note SA Sawmilling and Recut Industries have combined and are building a new drymill and kilns at Monarto.

The performance of these forests varies from one year to the next, and in order to improve revenue and return to profitability, ForestrySA is pursuing initiatives such as export log sales and the potential for a biofuel facility.

Collectively these forest operations together with non-commercial activities provide a significant benefit to the people of South Australia.

TOURISM COMMISSION

In reply to the **Hon. D.W. RIDGWAY (Leader of the Opposition)** (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 Tourism has received this advice:

Domestic travel expenditure in 2011-2012 totalled \$626,675 including GST. The South Australian Tourism Commission does not segregate the report on Domestic Travel into the categories of intrastate or interstate travel as there are no government reporting nor accounting standard requirements to segregate. Therefore, this information is not available.

TOURISM COMMISSION

In reply to the **Hon. D.W. RIDGWAY (Leader of the Opposition)** (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 Tourism has been advised:

Rent paid for the Visitor Information Centre located at 18 King William Street during 2011-12 was \$0 as the centre ceased to operate as of 30 June 2011.

CHILD PROTECTION

In reply to the **Hon. D.G.E. HOOD** (14 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 Education and Child Development has been advised:

1. The Crisis Response Unit has a total of 67.5 full time equivalent staff. This includes administrative support and social work staff. There are 63.5 social work positions rostered over the 24 hour/7 days a week period, on a rotational shift basis between the Child Abuse Report Line during business hours, as well as after hours on the Child Abuse Report Line and the Crisis Care service for Families SA.

The overall annual budget for the Crisis Response Unit is \$6.511 million and encompasses the Child Abuse Report Line and Families SA Crisis Care. Included in this figure, is an annual salary budget of \$5.822 million and an operational budget of \$569,640 which includes fleet, accommodation, services and power. A further \$120,000 is allocated for the provision of Emergency Financial Assistance for clients accessing Crisis Care.

DISABILITY ACCESS, PUBLIC TRANSPORT

In reply to the **Hon. K.L. VINCENT** (6 February 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):
The Minister for Transport Services has been advised of the following:

1. The Department for Planning, Transport and Infrastructure (DPTI) advises that all staff undergo rigorous instruction in customer service delivery during staff training, and being alert to the needs of passengers (particularly the elderly and those with mobility difficulties) is an integral part of this training. Staff that do not meet the high standards set, may be counselled and required to undertake additional training.

2. A significant investment in the bus fleet has been undertaken in recent years, for both new and replacement buses, which has seen the level of accessibility on the regular Adelaide Metro fleet rise significantly from around 31 per cent ten years ago to approximately 86 per cent. It is expected that the entire fleet will be fully accessible by 2020, two years ahead of the schedule required under the *Disability Discrimination Act 1992 (DDA)* to be at 100 per cent by 31 December 2022.

DPTI is very sensitive to the needs of people with disabilities or those who have difficulty in boarding and alighting buses, and is not resting on the achievement of DDA requirements. A fully accessible bus fleet as soon as financially and operationally possible is the goal.

DPTI acknowledges there are times when older, non-accessible buses are used to provide Adelaide Metro services; however, these are rotated across the network to provide the best spread possible of accessible vehicles to all customers.

In addition, some older buses are currently being used to supplement the regular Adelaide Metro fleet to provide replacement rail services while major track upgrade works are undertaken on the network. These buses are required to be used due to the size and nature of the closure and the need to provide a continuous public transport service for passengers without impact to regular bus services.

These buses have been granted an age extension in line with a special exemption under the *Passenger Transport Act 1994*. Before this extension is granted, the vehicles must pass both the annual regulatory inspection undertaken by DPTI (required under the Road Traffic Rules), and also undergo a frame inspection by an approved vehicle inspector.

It is important to note that all tram and train services across the Adelaide Metro network are fully accessible.

3. As outlined above, all staff receive training in being alert to the needs of all passengers. It is important to note that while bus drivers are encouraged to assist customers wherever possible, due to occupational health, safety and welfare requirements, drivers cannot be directed to assist passengers in contravention of their own safety, as well as that of the passenger. However, I am advised that all drivers are constantly reminded to assist passengers where possible, including the elderly, mobility impaired and parents with prams.

4. In regard to the age and condition of buses, firstly let me assure you, strict requirements apply to vehicles before they are used as part of Adelaide Metro's fleet including ongoing maintenance and adherence to service standards.

DPTI advises that for a large passenger vehicle to be registered in South Australia, buses must meet technical requirements outlined within the Australian Design Rules and Code of Practice for Buses. Any bus up to the age of 25 years is able to provide a passenger transport service as long as it has a current inspection certificate indicating that it has met safety standards and the operator ensures the vehicle is subject to ongoing service and maintenance requirements. All buses in service are subject to mandatory safety inspections and must pass minimum requirements to be permitted to operate on the Adelaide Metro network.

It is an exciting time for public transport in South Australia with over \$1.5 billion invested into our public transport system over the past five years, with over \$800 million being invested over the next two years.

This investment has included the addition of 100 brand new, fully accessible air-conditioned buses added to the fleet, providing over 1000 additional or expanded services across the Adelaide Metro network. These extra buses are in addition to the ongoing bus replacement program, which introduces approximately 25 to 30 new fully accessible air-conditioned buses into the fleet each year, to replace existing buses which reach the end of their service life or compulsory

retirement age. The introduction of new buses has seen the average age of the State Government's regular Adelaide Metro bus fleet fall to currently just over nine and a half years.

COUNTRY HEALTH

In reply to the **Hon. R.I. LUCAS** (21 February 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): The Minister for Health and Ageing has received the following information:

1. The government is not considering an X-ray machine for Penola War Memorial Hospital. Penola is located 30 minutes from Mount Gambier where a full range of radiological investigations are available.

2. The treating doctor makes a decision whether or not to admit a patient to hospital. This is done with consideration of the patient's condition and the type of care required. Patients who need to be under the care of a specialist, or who need surgical procedures, will be admitted to a hospital that has the relevant services.

3. The cost for a full time locum to cover the Penola Medical Clinic, accident and emergency service, and hospital inpatient is around \$10,000 a week. These costs are reduced by charges to Medicare for patient appointments in the GP Clinic.

4. The Minister for Health and Ageing has visited Penola War Memorial Hospital. He has been briefed by Country Health SA Local Health Network and receives regular updates. The minister has responded directly to concerns raised by the Penola community. The minister supports the planned call for Expressions of Interest from other medical practices to move the Penola Medical Clinic into the private sector.'

ANIMAL TESTING

In reply to the **Hon. T.A. FRANKS** (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): As the Minister for Sustainability, Environment and Conservation I have received this advice:

The South Australian *Animal Welfare Act 1985* states that no person may use animals for research purposes or for teaching any science unless they are working under a licence issued by me, as the Minister for Sustainability, Environment and Conservation.

Licence conditions stipulate that a nominated Animal Ethics Committee must approve all research and teaching projects and the work must be carried out in accordance with the directions of that Committee.

It is also a condition of licence that all use of animals must comply with the *Australian Code of Practice for the Care and Use of Animals for Scientific Purposes, 7th Edition 2004*.

Animal Ethics Committees apply a set of principles that are outlined in the Code. These principles govern the ethical conduct of people whose work involves the use of animals for scientific purposes.

The Code covers all aspects of the care and use of animals in research and teaching.

External reviews of all institutions that conduct animal based research, including universities and their Animal Ethics Committees, are conducted every three years. All South Australian institutions and their Animal Ethics Committees have been reviewed at least twice. I am advised that the level of compliance with the requirements of the Code has been extremely high and that animal welfare is given high priority in all aspects of the work being undertaken by our universities. Recommendations from these reviews have been favourably received.'

BICYCLE MECHANICS

In reply to the **Hon. K.L. VINCENT** (2 May 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): The Minister for Employment, Higher Education and Skills has received this advice:

1. Under *Skills for All* there is currently a Certificate II and Certificate III course in Bicycles through Quality Automotive Training. As at June 2013 there are nine students enrolled in the two qualifications.

2. A Certificate IV level course in bicycles does not currently exist. Auto Skills Australia is the relevant national Industry Skills Council responsible for developing qualifications in this area. It has recently established a committee to represent the bicycle industry to direct improvements and new developments in bicycle courses.

Extensive consultation with industry will be undertaken to ensure that any qualifications developed meet industry needs.

3. I am advised by Auto Skills Australia, the relevant Industry Skills Council, that there are currently no specialist qualifications available for wheelchair mechanics and other mobility aid mechanics. I am advised that training generally occurs 'on the job' by up skilling people who have skills in mechanics, fabrication or electronics.

4. There are currently no plans to investigate an innovation hub in wheel based technologies in Adelaide. Through the Manufacturing Works strategy the South Australian Government is directing its efforts in growing advanced manufacturing on four pillars:

- Enhance the Capacity of Manufacturers to Innovate;
- Upgrade the Leadership, Knowledge and Skills of the South Australian Workforce;
- Capture Future Markets and Opportunities; and
- Address Infrastructure and Policy Gaps.

SA WATER

In reply to the **Hon. J.M.A. LENSINK** (4 June 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):
As the Minister for Water and the River Murray, I have received this advice:

SA Water received the following high water usage queries from 2010 to 2013:

Year	No. of high water usage queries
2010-11	535
2011-12	1,030
2012-13	808

Water lost through SA Water pipe network in 2011-12 was estimated to be 24,117 megalitres, which includes water loss through background leakage and water main breaks.

SA WATER

In reply to the **Hon. J.M.A. LENSINK** (18 June 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):
As the Minister for Water and the River Murray I have received this advice:

1. As at 18 July 2013, SA Water was recruiting for three executive roles.
2. SA Water has restructured the leadership team from nine positions to six positions.
3. It is envisaged that once appointed, the three positions mentioned in response to question one will be remunerated above \$106,000.
4. SA Water has restructured the leadership team from nine positions to six positions.'

STRATHMONT CENTRE LIBRARY

In reply to the **Hon. K.L. VINCENT** (18 June 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):
The Minister for Communities and Social Inclusion has received this advice:

The resources available at the disability library at Strathmont play an important role in supporting South Australians living with a disability, their families and their carers.

With the planned closure of the Strathmont Centre, the Department for Communities and Social Inclusion (DCSI) needs to ensure the public continues to have access to those resources. In addition, demand is likely to increase with the introduction of DisabilityCare Australia.

DCSI is therefore investigating alternative options to locate these resources at a community-based library. Any new location for the disability library will be accessible for people with disabilities. There are no plans to move the disability collection to the Riverside Building on North Terrace in the CBD.

The value of having up to date resources available to public, professionals and people in the disability community is without question and the disability library will continue to provide this service into the future.

SA WATER

In reply to the **Hon. J.A. DARLEY** (4 July 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): As the Minister for Water and the River Murray I have received this advice:

Both Allwater and SA Water have established standard work procedures for repairing Asbestos Cement pipes and provide training to employees on them.

The key requirements of the standard work procedures include:

- Wearing personal protective equipment (disposable overalls, goggles, respirator, disposable gloves, eyewear);
- Keeping the pipe wet and cutting the Asbestos Cement pipe with non-powered hand tools to minimise dust;
- Using a drop sheet under the pipe to collect any off-cuts;
- Collecting and wrapping any removed pieces of Asbestos Cement pipe in polyethene; and
- Storing wrapped Asbestos Cement pipe in a designated Waste Disposal Bin for subsequent disposal to a licensed facility.

Traffic control devices are in place around excavation areas during repairs and an observer is placed at the site ensuring members of the public are protected.

QUESTION TIME

GOVERNMENT ACCOUNTABILITY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:02): I seek leave to make a brief explanation before asking the Leader of the Government questions regarding an act of transparency.

Leave granted.

The Hon. D.W. RIDGWAY: There never has been an act of transparency passed by this parliament. The act to which I refer is the Premier's, who last week promised to publish credit card statements of government ministers and their staff as an 'act of transparency'. The Premier said that credit card spending from the start of the current financial year by government ministers, their staff and departmental chief executives would be published online. He also, I think, went on to say that it was in part to remove the freedom of information burden when numerous hardworking members of the opposition often lodge FOIs for the same information regarding the same ministers. I am also aware that, under the current FOI arrangements, often individual invoices and transactions are also requested.

The Premier went on to say that also to be published would be the ministers' overseas travel arrangements and the cost of hosting and attending functions by ministers, their staff and chief executives. My questions to the minister are:

1. When can we in this parliament and the general public expect to see this promised information?

2. How often will the information be published: monthly, weekly, half yearly? In fact, how often will it be published?

3. Will the information include credit card details of all ministerial staff and all departmental staff accompanying the ministers on overseas, interstate and intrastate travel?

4. Will the details made available be as detailed as the current FOI procedure or will further FOIs be required to get that detailed information?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (16:04): Indeed, this government has led the way in terms of providing transparency and accountability. The former Liberal government never saw fit to introduce these sorts of changes. In fact, I do not believe that it put anything in place during its time in government to improve accountability and transparency whilst it was in government.

I believe that the opposition is being incredibly hypocritical in coming into this place today and scoffing at the incredible leadership, instead of congratulating this government for providing such vision and leadership. I think we are about the only jurisdiction in Australia (I will have to check that detail) that is about to provide the greatest level of transparency and accountability in relation to access to government documents. I congratulate Jay Weatherill on his leadership in relation to this, and I think it is a fabulous step forward.

On 12 November 2012, cabinet noted the development of the proactive disclosure strategy for South Australian government agencies. The proactive strategy proposes that certain proactive disclosure initiatives be implemented in five stages. Stage 1 is the proactive disclosure of selected cabinet documents 10 years or older. Again, we led the way there. The previous Liberal government never sought to introduce such changes. It took a Labor government that was prepared to provide that level of transparency to make those changes. Stage 2 is to update and launch a revised Citizens' Rights to Information Charter and brochure; stage 3 is improved agency FOI information statements; stage 4 is publishing information that is regularly requested and released under FOI online; and stage 5 is that agencies adopt other proactive disclosure processes.

On 17 December, cabinet approved stage 1 by approving an amendment to the cabinet documents 10-year rule policy to allow for proactive disclosure of cabinet documents selected by the minister responsible for the FOI Act in consultation with cabinet and DPC. The policy was also amended to allow DPC to proactively publish cabinet documents previously released under the FOI Act, including those released under the 10-year rule.

Stage 1 was completed on 15 April 2013, when the government published 28 of its own cabinet submissions from the year 2002 that were considered to be of interest to the public. These cabinet submissions related to things like Peter Lewis' compact, the Murray-Darling Basin and major drought, and are available on the Department of the Premier and Cabinet website.

South Australia is the first jurisdiction in Australia to publish, in full, cabinet submissions of a sitting government on a website for all members of the public to access—the first jurisdiction in Australia to do so. Each year a selection of 10-year-old cabinet submissions will be published online.

The Hon. D.W. Ridgway: This isn't what I asked.

The Hon. G.E. GAGO: The question was around transparency—

The Hon. D.W. Ridgway: The question was about the Premier's announcement about—

The PRESIDENT: Order! You've asked your question.

The Hon. G.E. GAGO: —and that's the very issue I am going to. The very issue I am going to is the level of transparency this government is prepared to show—unlike the former Liberal government that was not prepared to put any of these measures in place whatsoever. Other cabinet submissions that have already been released through FOI will also be published as resources permit.

This type of disclosure is scheduled to occur again in 2014, and preparations have commenced on cabinet submissions from the year 2003 with the intention of publishing significantly more than the 28 published this year. Stage 2, updating the Citizens' Right to Information Charter,

was put on hold while consideration was being given to the possibility of a broader statement or declaration as part of the accountable government's project.

The implementation of stage 3, improving information statements, is mandated by the FOI Act. It began in May 2013 and is to be completed as part of the agency's annual reporting for FOI. This will assist members of the public to better understand the information held by agencies and how to access that.

The first part of stage 4 was approved by cabinet initially on 29 April 2013, with the policy approved on 2 September 2013. The first part of stage 4 requires state government portfolio agencies to proactively publish on their websites selected information relating to the expenditure of other details of ministers and chief executives, including their mobile phone and credit card usage, hospitality, entertainment and overseas travel expenses, certain procurement policies, and expenditure on consultants. I have also been advised that the Premier's Circular 035, re disclosure of regularly requested information, is publicly available on dpc.sa.gov.au.

The policy, in relation to stage 4, requires portfolio agencies to publish information from 1 July 2013 as soon as practicable, and in any case before the end of September 2013, with most of the information to be published on a monthly basis. Stage 5 is a longer term initiative, since its implementation is likely to require amendments to the Freedom of Information Act and possibly other legislation. However, parts of stage 5 will be implemented, if that is possible to do so.

GOVERNMENT ACCOUNTABILITY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:10): A supplementary question: information regarding expenditure and in relation to costs incurred by other departmental staff, other than the chief executives, will not be put on the public website?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (16:10): I will have to check that detail, and I am happy to bring back a response.

SA WATER CONCESSIONS

The Hon. J.M.A. LENSINK (16:10): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question relating to SA water concessions.

Leave granted.

The Hon. J.M.A. LENSINK: Last month, it was reported that the state government was having some fairly severe issues with concessions, including verifying eligibility, which have resulted in continual overpayment of concessions over a five-year period.

Over the past five years, the Department for Communities and Social Inclusion, which administers the payments, has been attempting to rectify this issue, allegedly; however, the problem still remains, and they say they are now seeking to recoup overpayments.

SA Water is the largest provider of these concessions, and SA Water was quoted as saying that they are taking this matter seriously and 'will be raising it with DCSI'. A source has been quoted as saying that the bureaucrats keep telling the minister there is no problem but there is. It has been estimated by the software designers that around \$50 million has been paid in concessions to ineligible recipients. My questions are:

1. Has SA Water spoken to DCSI?
2. Has the minister been briefed?
3. What actions have been taken to determine eligibility and recoup overpayment?
4. Why is this taking five years?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:12): I thank the honourable member for her most important question. I am advised that SA Water has not been made aware of any ineligible customers receiving concessions. SA Water receives data on customer eligibility from the Department for Communities and Social Inclusion, and its responsibility is for applying these concessions as advised to wastewater and water bills based on that information.

If issues have been identified with the eligibility of concessions customers—and I understand that investigation is happening at the moment—SA Water will work with the required agencies to determine and rectify any errors that are made plain to us, but at this stage I have no such advice.

The PRESIDENT: Supplementary question, the Hon. Ms Lensink.

SA WATER CONCESSIONS

The Hon. J.M.A. LENSINK (16:12): Is the minister aware of the number of people who are likely to be ineligible who have received payments and what the value of those would be?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:13): As I said, I have no such advice from DCSI. I believe and understand she asks the question in good faith, but I have no advice at the moment from DCSI on this so I can't make any comment.

SA WATER CONCESSIONS

The Hon. J.M.A. LENSINK (16:13): As a further supplementary, has the minister sought the advice or has he just not received it yet?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:13): For me to be able to stand here and say that I haven't received that advice does necessarily mean that I have requested any information on this matter. There is no advice to my agency, SA Water, from DCSI that would cast any light on the allegations the honourable member raises in her question.

CLEAN ENERGY

The Hon. S.G. WADE (16:13): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question relating to clean energy.

Leave granted.

The Hon. S.G. WADE: In December 2010, the state government announced a package of measures to tackle climate change. The proposed package included, firstly, opening up 400,000 square kilometres of crown land for solar and wind farms; \$1 million in grants to kickstart the creation of community-owned and operated solar farms; supporting further research and development in solar energy through \$100,000 in grants for the development of an affordable, automatic solar tracking system; and aims for a further 10 per cent improvement in minimum energy efficiency standards for air conditioners by 2014, installing with the Adelaide City Council, Adelaide's first public electric vehicle recharging station at the Central Market.

My question to the minister is: given that the announcement was made in 2010, can the minister please provide the house with an update on the progress of the clean energy package?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:15): I thank the honourable member for his most important question, although I must say at the outset that the majority if not all of the question pertains to another portfolio, that of minister Koutsantonis in the other place, but I will take the opportunity that arises from the question to talk about climate change.

It is important to start out with this statement: governments, I believe, have a responsibility to act on and follow the best scientific advice that they have available to them. Scientific advice that I have is that global warming is happening, that the climate is changing, that greenhouse gas emissions caused by human activity are contributing to this change and, if climate change is not tackled, it will cause significant human environmental and economic costs. Advice from scientific organisations, including the CSIRO, the Bureau of Meteorology and the Australian Academy of Science, supports these statements.

Across the globe, 2001 to 2010 was the warmest decade on record. Each decade in Australia since the 1940s has been warmer than the last and the Bureau of Meteorology records show that in South Australia the climate has warmed by about 1°C since 1950. Rainfall has declined during the important autumn growing season over the last two decades, and these are the facts as reported to me. The newly formed federal government claimed to accept the science of

climate change and that they understand the impact it will have on the Australian environment and economy, but unfortunately they have not supported this with credible policy to deal with the challenges that climate change will bring. I understand that it is very early days and I look forward to working with the new federal government in trying to assist them in coming to terms with the science around climate change.

At the federal level the former government acted responsibly. It heeded scientific advice and made a decision not to put future generations at risk by refusing to tackle the problem. The former federal government took the responsible action to reduce carbon pollution and adapt to the impacts of climate change through moving to an emissions trading scheme as soon as possible. This mechanism would have assisted in meeting Australia's international commitment to reduce greenhouse gas emissions by 5 per cent of 2000 levels by 2020.

Here we have now the prime minister elect—and I congratulate him on achieving that office—indicating that legislation to repeal the carbon pricing mechanism will be introduced on the first sitting day of parliament. The Labor government believes that polluters, not taxpayers, should pay to reduce carbon pollution. By putting a price on pollution the former federal Labor government was creating incentives for Australian businesses to develop new, innovative low emission technologies. In contrast, the coalition's policy will have bureaucrats deciding how businesses should cut emissions and how taxpayers will be paying for those cuts. Under the coalition, taxes will increase to pay polluters, and this is going to impact on the whole economy.

Federal Labor's emissions trading scheme only applied to around 370 large polluters, such as coal-fired electricity generators and other large industrial activities. These businesses would have had to buy a carbon permit from the federal government for each tonne of carbon pollution they put into the atmosphere each year. This serves to create a powerful incentive, a price signal, to cut pollution and ensures that pollution is cut at least to cost.

Many countries around the world are taking action to reduce their carbon pollution, including through emissions trading schemes and by putting a price on carbon. Under the former federal Labor government, Australia sought to do its fair share to respond to the challenge of climate change. Ninety-nine countries have made pledges in the United Nations international climate change conference to reduce their carbon pollution by 2020 and beyond, including the United States, India and China.

Many countries already have emissions trading schemes or carbon pricing in place. These include 28 countries in the European Union, Norway, Iceland, Switzerland, Austria, Shenzhen in China, New Zealand, the US state of California, and Quebec in Canada. Several other countries have legislated or are planning emissions trading schemes or carbon prices to start in the next two years. These include countries as various as South Korea, South Africa, Mexico and seven Chinese cities and provinces which have a combined population of more than 200 million people.

At the United Nations climate change conference in Durban in 2011, all countries agreed to negotiate a new international agreement by 2015 with legal obligations to reduce emissions. The coalition will let Australia fall behind on addressing climate change unless it reassesses its approach to carbon pricing. Their policies are not designed to reduce pollution and they have been described by Malcolm Turnbull as a fig leaf to disguise the fact that the coalition have no real policy to deal with climate change.

That was then, this is now. They are now in government, they now have to address these important policy issues and, as I said, I will be very happy to work with them very closely government to government to come up with a solution to climate change and renewable energy that will benefit the whole of Australia.

GRAINS RESEARCH

The Hon. G.A. KANDELAARS (16:20): 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: During show week much focus is directed to the successes in our agricultural sector. This type of success is, I expect, not just a flash in the pan but, rather, the result of dedication and hard work. It is a great joy to see on display the best of the best of our regional produce laid out in the Exhibition Hall. A favourite is the grains, at which South Australia excels. Can the minister advise the chamber how grains research has been secured by the government?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (16:21): South Australia's proud record in grains production is built on generations of research and applied science. South Australia has the unique advantage of a well-established and, I understand, highly respected organisation which dedicates itself to ensuring that pure and applied science on grains is funded.

The South Australian Grains Industry Trust, more usually known as SAGIT, was established in 1991 and is supported by a voluntary contribution of 30¢ per tonne of grain sold from grain growers, which is dedicated to research and development into the growing, harvesting, storage, processing and marketing of grain in SA and for the dissemination of technical information to the state's grains.

The fund collected is over and above funding from the Grains Research and Development Corporation, so South Australian growers get the benefit of their own inputs and priorities by making this extra contribution. I am advised that South Australia is the only state with such a levy for its own grains research.

Members may recall that following a period of instability in SAFF, I stepped in to ensure that support mechanisms for the SA grains industry was secured. This was done first by the creation of the PIFS, the Primary Industry Funding Scheme (Grain Industry Fund) Regulations, commencing on 1 March 2012, which effectively moved the head of power of the South Australian Farmers Federation Grain Section fund to the Primary Industry Funding Scheme, and, secondly, more recently moved to ensure that SAGIT's future was secured. I then established a second new fund by way of the PIF (Grain Research and Development Fund) Regulations 2013, commencing on 8 August 2013, effectively moving the head of power for the grain research fund South Australian Grain Industry Trust (SAGIT) to the Primary Industry Funding Scheme.

From this valuable Grain Research and Development Fund, I will be making payments to the trustees of the South Australian Grain Industry Trust Fund (SAGITF) to be applied for prescribed purposes defined in Regulation 7, including for grain research and development activities. SAGIT will in turn undertake a call for relevant projects and assess these against research development and extension priorities before deciding to which of these to award funding. I understand that all SAGIT projects leverage resources or funds from research bodies which further enhances the value growers are getting for their levy.

SAGIT, as I said, has a proud record of supporting valuable research, and one such example is the study of epigenetics, which is sometimes called plant memory, to determine what traits are passed on through successive generations of grain. This groundbreaking research, undertaken by SARDI and funded by the South Australian Grain Industry Trust, is built on preliminary research which connects seeds sourced from grain grown in harsh conditions to yield increases of up to 20 per cent, a big improvement.

The project aims to help growers to identify seed that will perform better under stresses, such as terminal drought or soil constraints, such as subsoil salinity or boron toxicity. The aim is to continue to test grains' ability to handle stresses and further widen understanding of how the grain's germplasm adapts to these sorts of growing conditions, passing on beneficial characteristics. By routinely sourcing better adapted seed, greater productivity can be obtained without increasing water use, leading obviously to significant yield gains and profit to cereal production, with little additional cost.

This kind of very clever research fits squarely into our government's priority for premium food and wine from a clean environment, aiding our grain industry and grain growers to improve productivity in a sustainable manner, and I congratulate SAGIT and SARDI's Dr Klaus Oldach, Associate Professor Victor Sadras and Rob Wheeler and their teams on this very exciting SAGIT epigenetics project.

For those who want to go down to the Showground and enjoy a premium food and wine experience, there is the premium food and wine trail that I encourage people to go along. There are about 14 different ingredients—fresh fabulous products from South Australia, all grown, produced and made here—often presented by the producers themselves and their family members, and at the end you collect each of your ingredients and there is a recipe in the bag and that can be your dinner for the night. I encourage honourable members to go down and enjoy that, meet the farmers and primary producers firsthand, talk to them about their products and enjoy and celebrate our fabulous premium food and wine.

RAW MILK

The Hon. D.G.E. HOOD (16:27): I direct my questions to the Minister for Agriculture, Food and Fisheries:

1. Has Mark Tyler from Moo View Dairy been charged with an offence?
2. If so, what offence has he been charged with, under what act and what is the maximum penalty for this offence?
3. Does the minister think that the penalty is appropriate for, essentially, providing milk to willing consumers?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (16:27): I have discussed this matter previously in this place. I have made very clear in this place before that a South Australian dairy is supplying raw cow's milk to the public through a cow share scheme. The dairy farm is near Willunga and it is called Moo View. As I have put on the record before, the government is continuing to require that Mr Tyler from Moo View become accredited and have his milk pasteurised to protect consumers from pathogens that may be present in the milk. The matter is obviously now before the courts, and it would be inappropriate for me to make further comment at this particular point in time.

However, I can discuss raw milk and the health dangers that exist in drinking raw milk. Even extremely good hygiene procedures will not ensure that dangerous pathogens are not present. Therefore, raw cow's milk is not permitted for sale because there is a safer and simple alternative readily available, namely, pasteurised milk, and more vulnerable individuals in the community may not be aware of the increased risk if they consume unpasteurised milk.

As I have said, a national standard has been put in place by FSANZ, our Food Standards Australia New Zealand authority. They conducted extensive public consultation on raw milk and milk products. I think their study took around five years or so, so it was an extremely exhaustive study on raw milk, which included a thorough scientific assessment on the public health risk and the specific consumer research about community views on raw milk.

It was not just the scientific evidence; it was also consumer attitudes. Their public discussion papers are all publicly available on their website. After weighing up all the evidence and public submissions, the final report of FSANZ in May 2012 concluded that raw drinking milk presents too high a risk to consider any permission in the national Food Standards Code. FSANZ said that:

For raw drinking milk, even extremely good hygiene procedures won't ensure dangerous pathogens aren't present. Complications from bacteria that can contaminate these products can be extremely severe...

In fact, there is a great deal of evidence in terms of health incidents that have occurred related to unpasteurised milk here in Australia, but particularly overseas, where standards are not as high. One of those is haemolytic uraemic syndrome (HUS) and of course we have seen the results of that previously here in a processed meat incident when a child died.

FSANZ also said that people with increased vulnerability to diseases caused by these bacteria include young children, elderly people, people with compromised immune systems and obviously pregnant women and their foetuses. As the unpasteurised milk supply chain becomes more and more complex, there is less and less control over ensuring that people are aware of the dangers and are aware of the product that they are drinking and the risk that might be associated with that. Because of these things FSANZ determined to exclude unpasteurised milk from the standard. As I said, there is a simple, cheap, readily available alternative—and that is pasteurised milk. South Australia, along with every other jurisdiction here in Australia, has incorporated the same standard.

RAW MILK

The Hon. M. PARNELL (16:32): I have a supplementary question. Precisely what charges have been laid by you, or by other government departments, against the proprietors of Moo View Dairy?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (16:32): They are matters relating to the requirement under

the accreditation requirements and also under our food safety legislation. Those provisions under both of those acts are being pursued, and as I said, it is before the courts and it would be most inappropriate of me to talk publicly about that.

AUTOMOTIVE 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) (16:33): While I am on my feet, I table a ministerial statement by the Premier, Jay Weatherill, on the car industry.

POLITICAL REFORM

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (16:33): I table a ministerial statement by the Premier, Jay Weatherill, on integrity.

QUESTION TIME

RAW MILK

The Hon. K.J. MAHER (16:33): I have a supplementary question. Are there known views from those in the dairy industry who produce pasteurised milk, particularly in that area?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (16:33): I thank the member for his most insightful question. Yes, there are. In fact, the dairy industry is overwhelmingly supportive of the government's position in pursuing these matters in relation to this particular cow share scheme.

Not only does most of the dairy industry understand the dangers associated with the human consumption of unpasteurised milk but they also understand the importance of the integrity to our industry and that is, we know that particularly overseas (I have talked about it in this place) emerging and growing markets like China are very concerned about food safety. It is critical that we are able to maintain a dairy industry here in South Australia of the highest integrity. That means scrupulous food safety standards.

We have a dairy industry that gets that. They understand the outbreaks associated with unpasteurised milk, and there is evidence of that all around the world. Where the practice of drinking unpasteurised milk increases, there is evidence, I have been told, that so too does the incidence of harm associated with that. It increases the risks significantly of suffering ill health effects.

The dairy industry is behind us 100 per cent and, overwhelmingly, the dairy industry understands the risks associated not just in terms of health risks, but they understand the potential threat to the integrity of the industry, and that will cost our industry dearly in terms of confidence, not just domestically but particularly internationally.

I have already had discussions with a number of interested parties, particularly during my Chinese visits and delegations, where there has been interest in developing milk powder processing here in South Australia. I can tell you, Mr President, that if we start having outbreaks of listeria and other such pathogens there will be no hope whatsoever of us ever being able to attract that sort of development and investment in our very important dairy industry.

RAW MILK

The Hon. M. PARNELL (16:36): As a supplementary question, is the minister aware of any attempt by anyone to export raw milk from South Australia?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (16:36): I am not too sure of the relevance of that question to my answer. I talked about the interest in our powdered milk, in particular. I have made that really clear—that it was about powdered milk production. It is about attracting investment here in this state and our reputation and credentials as being clean and being able to be reliable in relation to producing safe food that has high levels of food security, biosecurity and other protections.

MURRAY-DARLING BASIN

The Hon. K.J. MAHER (16:37): My question is to the Minister for Water and the River Murray. Does the minister have any concerns regarding the federal Coalition's plan to strip \$650 million from the Murray-Darling Basin funding?

Members interjecting:

The PRESIDENT: Order!

The Hon. R.L. Brokenshire interjecting:

The PRESIDENT: Order! The Hon. Mr Brokenshire, you had your opportunity on dairy milk.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:38): Goodness me, they are particularly touchy over there. I thank the honourable member for his most important question. It is a very important question for our state and particularly for the river communities.

In the final week of the federal election campaign, the Coalition announced its plans to strip \$650 million in funding from the Murray-Darling Basin, previously earmarked for water buybacks, and push that funding allocation into the out years of the federal budget. This is a slap in the face for our river communities. It undermines everything that South Australians have fought so hard to achieve in relation to the River Murray and the water.

Signing the Murray-Darling Basin Plan represented a significant victory for South Australia, a significant win for the River Murray and a significant win for the communities that rely upon it. We secured, as a state, \$1.77 billion dollars in commonwealth funding from the Labor government to recover the additional 450 gegalitres of water required to achieve 3,200 gegalitres of water recovery and to address the constraints in the system.

Importantly, this government secured commitments from the commonwealth government for \$445 million in funding for water recovery, industry regeneration, regional development and environmental works and projects in our state. It is now clear that the Coalition government does not take the health of the river seriously, certainly not on the South Australian side of the border, nor do they have any regard for the irrigators in these communities. How else could they commit to something that could delay environmental water flows to our river, environmental water that is desperately needed to restore the health of our river systems?

Those opposite pride themselves on their advocacy for those in those regions, but where were they when this government took up the fight to their Liberal colleagues in the Eastern States for a better deal for the Murray-Darling Basin? They were being asked to forget the Rolls-Royce version we were demanding and to settle for the clapped-out Mazda.

With their track record, we know what the Liberal opposition's response will be to the federal Coalition's announcement: they will accept second best for the state once again. They will let their colleagues in Canberra walk all over them and let their colleagues in the Eastern States dictate how we deal with this most precious of resources. We in South Australia—

Members interjecting:

The PRESIDENT: Order! The minister.

The Hon. I.K. HUNTER: We in South Australia remember what it was to be in a drought. We remember the damage done by overallocation of this precious resource. Our irrigators have done the right thing for decades. They are the most efficient in the country, and they deserve better. Our river communities deserve better, and our river deserves better than what this federal government has proposed.

Throughout the development of the Murray-Darling Basin Plan, the South Australian government actively championed the interests of the Murray-Darling Basin and its communities. We based our fight on the best available science available to us at the time, and that science said that more water was needed for a healthy, sustainable river. It was a non-negotiable that we needed more water to ensure a healthy river system, to restore environmental values and to provide for viable and productive industries and communities into the future, and it must flow downstream, not stop at the border.

We brought together industry, irrigators, Riverland communities and everyday South Australians who cared about the future of the river and our state. We took the fight with the Eastern States right up to them and ultimately secured a basin plan which secured the health of the basin for long into the future. That required a federal government to work in partnership with us.

What is most concerning about the details of the incoming government's overall position on water buyback is that it remains completely unclear. The Coalition's election costings paper—released, I should say, in the last hours of the campaign—states that it would rephase four years' worth of water buyback spending over six years. However, as the paper includes only budget estimates to 2016-17, the full detail of the new funding profile is not readily apparent to us. I have grave concerns about what will happen after that time—

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

The Hon. I.K. HUNTER: And you should have grave concerns, too, the Hon. Mr Dawkins. It is about time that you stood up for those river communities. It is about time that all of you over there stood up for South Australians living on the Murray. But, no, supinely, they will bend over once again to those Eastern States Liberals who control the politics of water.

Members interjecting:

The PRESIDENT: Order!

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

The PRESIDENT: Order!

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

The PRESIDENT: Order! The minister.

The Hon. I.K. HUNTER: We will see how well the Liberal federal members of parliament for South Australia stand up for South Australians in the coming months. We will see how well they defend the River Murray and the communities that depend on it, and I have to say that, at this point in time, I have not seen much to recommend them to me. I have grave concerns about what will happen after that time. I understand that the likely effect of this 'rephasing', as it is called, will be to slow and compress the pace of approved water purchasing. This means that the bulk of any remaining water—

Members interjecting:

The PRESIDENT: Well, no-one's getting any percentage in here. The minister.

The Hon. I.K. HUNTER: I have deep and grave concerns about what will have happen after 2016-17. I understand that the likely effect will be to slow and compress the pace of required water purchase. If this means that the bulk of any remaining water purchase is delayed until the later years of the buyback period (2017-18 and 2018-19), it could result in a risk that there are not sufficient willing sellers during this period and increased risk that the gap may not be bridged by 2019.

This would have implications for states being able to comply with the new sustainable diversion limits in the basin plan from 1 July 2019 and may result in associated uncertainty for basin communities, and the ability for businesses to plan for their future, and a delay in the return of water to the environment. This announcement is also concerning in the context of other proposals to cap buybacks.

I am advised that, in a speech to the Committee for Economic Development of Australia on 12 June 2013, then Senator Barnaby Joyce stated that, if it won government, the Coalition would cap water buybacks at 1,500 gigalitres. I am advised that the cap on water buybacks at 1,500 gigalitres is likely to make it more difficult for the gap between current diversion limits, the new basin plans, sustainable diversions limits to be bridged.

The cap will be particularly concerning if it also limited water purchase as part of irrigation efficiency proposals including as part of the South Australian River Murray Sustainability Program. Of course, this is something that the Eastern States Liberals have been pushing on the federal government to adopt. Will those opposite oppose what the Eastern States are forcing the federal government to do? Are they going to stand up for our state and work with us on this side of the parliament to persuade the federal government to achieve better results for the Riverland communities? Recent history suggests that they are not prepared to stand up for South Australia.

We are beginning to see the benefits of these increased flows to the river. The rehabilitation of long-lived vegetation, including iconic river red gums, black box, river cooba and lignum have been observed across the basin and greeted with great joy. I have observed this myself during trips to the region.

Fish are starting to spawn. The Coorong, Lower Lakes and Murray Mouth are being restored to health. We had record low water levels in the lakes and Goolwa Channel and with that came acid sulfate soils causing concern that the acid in the soil could leach into the river and the waters, acidifying the water body.

The Liberal Party has left our state and its people, its businesses and its industry at the mercy of the climate, which is changing in a way that is likely to lead to more frequent and intensive dry periods into the future. They scoff regularly at what the South Australian government has done to secure our water supply and deliver a healthy river for South Australians.

South Australians deserve better; they deserve a state government that will constantly work with the federal government for what is our right. Liberal Party members in this state do not do it. It only takes a Labor Premier, Jay Weatherill, to stand up to the Eastern States and now we will provide—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: Premier Jay Weatherill will lead this state government in the interests of this state and will work with the federal government to make sure, if the Liberals opposite will not work with us, we will work with the federal government to make sure that we get what is our right as a state and the Riverland communities get a healthy river and what was promised to them.

MURRAY-DARLING BASIN

The Hon. J.M.A. LENSINK (16:47): If the minister is so concerned about funding for the Murray River, why has his government decided to halve funding to the Murray-Darling Basin Authority?

The PRESIDENT: You weren't listening to the answer.

The Hon. J.M.A. Lensink: Hypocrite!

The PRESIDENT: Order!

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:47): The honourable member casts epithets around this chamber, and I can cast them straight back. This is another example of the upstream states not pulling their weight and those opposite refusing to stand up for South Australia. They will not stand up for South Australia or the river communities. This decision to reduce funding from 2014-15 was not made lightly. I reiterate: it was for next year, 2014-15. We flagged well in advance that this would be our response to New South Wales cutting its allocation hugely. Our state—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: Exactly right, that's what the Liberals stand for.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: Mr President, my leader makes a very important point. The Liberals in this state want our farming communities to subsidise New South Wales—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: Thank you, Mr President. Our state only takes 7 per cent of the extractions of water from the River Murray, I am advised.

The Hon. G.E. Gago: How much?

The Hon. I.K. HUNTER: Seven per cent of the extractions of the water from the River Murray comes from our state. We have been contributing 24 per cent of funding for the Murray-Darling Basin Authority. This is what the Liberals refuse to accept and understand. We extract from the river 7 per cent of the total extraction from the River Murray. However, we are contributing 24 per cent of the funding for the Murray-Darling Basin Authority—that was before New South Wales cut its contribution by 60 per cent in July 2012.

That reduction, I am told, will be followed by a further cut, with the contribution from New South Wales to be capped at \$8.9 million in 2013-14 and 2014-15. So, with even more than 60 per cent, New South Wales (which takes the vast bulk of water out of the system) is saying, 'We don't care about funding it anymore.' And here we have the Liberals in South Australia defending that New South Wales outrage.

After these New South Wales cuts, New South Wales will be contributing only 13.8 per cent and South Australia's share will be 29.3 per cent. That is what they are saying—that we should continue to subsidise New South Wales at a cost to South Australia's taxpayers. That is what they are saying, be quite clear about that. Even after the South Australian reductions take effect, New South Wales will be contributing 11.3 per cent and South Australia's share will be 18.2 per cent—and, remember, we take 7 per cent of the extractions.

Our reduction in funding is to take place from the 2014 financial year and our contribution during 2013-14 will be maintained at \$26.4 million. Prior to making this decision, the South Australian government expressed serious concerns in response to the New South Wales' decision to reduce funding. Unfortunately, New South Wales—

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

The Hon. I.K. HUNTER: What else were we to do? Lay down and roll over? That is what they want us to do time and time again. Whenever we get challenged by the Liberal states and the Eastern States they say, 'Roll over, take your medicine, don't stand up for South Australia.' That is their policy position every single time on these issues, 'Let's just take our medicine with the begging bowl and take what is on offer from New South Wales or Victoria.' Mr President, the Labor government will never do that. We will not roll over; we will not do that. We will fight for South Australia at every stage.

We expressed serious concerns in response to the New South Wales' decision to reduce funding. Unfortunately, New South Wales has continued with its proposed action and has refused to consider increasing its contribution over the next three years. With New South Wales reducing its contribution, South Australia was, in effect, subsidising New South Wales at the expense of our other programs in our state for the environment, health and education.

New South Wales, like the Liberals opposite, is refusing to pull its weight. In fact, in a recent letter I received from the Chair of the Murray-Darling Basin Authority, Mr Craig Knowles, it stated:

Following the unilateral decision by the New South Wales Government to reduce its funding contributions well below its historical obligations under the MDB Agreement—

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

The Hon. I.K. HUNTER: The honourable member asked the supplementary question; presumably she would like to hear the answer—

Following the unilateral decision by the New South Wales Government to reduce its funding contributions well below its historical obligations under the MDB Agreement, the South Australian Government has also indicated its intention to reduce funds. Quite reasonably, South Australia and Victoria have made the point that they cannot continue to be in the position of subsidising activities in New South Wales, as is currently the case.

They are the words of the Chair of the Murray-Darling Basin Authority, Mr Craig Knowles, yet they give him no weight. He says to us quite reasonably—

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

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —South Australia and Victoria have made the point they cannot continue to be in a position of subsidising activities in New South Wales as is currently the case. The reduction in funding is for joint projects only. The implementation of a Murray-Darling Basin Plan is funded by the federal government and that is not affected by these announcements.

South Australia has fought hard to ensure that the Murray-Darling Basin Plan provides for a healthy river. We will work to ensure the effective management of the Murray-Darling Basin Authority because we stand up to the upstream states. We do not roll over like they do opposite here. We stand up to the federal government to demand more for South Australians, more for the River Murray, and more for our river communities. We fight for South Australians, unlike the Liberals.

The states and the authority must work together to ensure the efficient management of our vital basin infrastructure and ensure that every jurisdiction is pulling its weight. It is crucial and I offer the Liberals this in a bipartisan manner: join with us, because we need to ensure that this process works well because it is so vital to South Australia. We need every jurisdiction to pull its weight and that means bringing on board New South Wales and Victoria. We will continue to work with the MDBA, we will continue to work with our friends in Victoria, to try to bring New South Wales to the table.

MURRAY-DARLING BASIN

The Hon. K.J. MAHER (16:55): A supplementary question: is the minister aware if the Liberal opposition have made such claims publicly chastising the New South Wales government for taking the money away in the first place?

The Hon. J.M.A. Lensink: What kind of stupid question is that?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:55): In response to the very perspicacious supplementary question from the honourable member, I can say that the Hon. Ms Lensink said, 'What a stupid question!', but in fact if it is a stupid question, is it just as stupid as a question the Hon. Ms Lensink asked me earlier about SA Water concessions? No, I have no such advice, the Hon. Mr Maher, that the Liberals have ever stood up for South Australians in relation to the River Murray and I suspect very strongly that if I went looking for it I wouldn't find any.

Members interjecting:

The PRESIDENT: Order!

HOSPITAL FUNDING

The Hon. K.L. VINCENT (16:56): I seek leave to make a brief explanation before asking the minister representing the Minister for Health and Ageing regarding cuts to the Women's and Children's Hospital and Modbury Hospital.

Leave granted.

The Hon. K.L. VINCENT: In the past 24 hours we have learnt that the Minister for Health will be cutting up to 82 full-time equivalent positions and up to 30 beds from the Women's and Children's Hospital. At the same time he plans to close paediatric services at the Modbury Hospital. These announcements follow a review by Deloitte following budgetary pressures within our health system. The review does not take into account clinical guidelines and outcomes. It is quantitative rather than qualitative.

The Women's and Children's Hospital provides specialist services to women and children who do not only live in Adelaide but who are also from all over the rural and regional areas of South Australia. This hospital provides services to the most complex cases which by their nature are more expensive to treat. It also provides high level services to children with the most difficult chronic or acute health conditions and illnesses and some with the most severe disabilities.

Since the Minister for Health made these announcements yesterday, the decision has been roundly criticised by the South Australian branches of the Nursing and Midwifery Federation (ANMF), the Australian Medical Association (AMA), the Royal College of Surgeons, and the Salaried Medical Officers Association (SASMOA) as completely missing the mark and for being cuts made for purely economic reasons without concern for the health outcomes of the people involved.

The SA Health website lists all these responses to the Deloitte report from the AMA (SA) and the ANMF (SA), the SA Child Health Clinical Network and the Australian New Zealand Neonatal Network, and they are also highly critical of the peer comparisons the Deloitte report

makes. The Neonatal Network submissions point out that the Women's and Children's is unique in Australia in the service provided with a high case load of complex premature newborns.

As the Minister for Health's colleague Premier Jay Weatherill frequently highlights, money spent in the first year of a child's life on their health care and education, particularly if they have additional medical or disability related needs, is money spent today that will not only improve life outcomes personally for the child involved but save the health, education, housing, disability, corrections and justice budgets in the longer term.

Down the road from the Women's and Children's Hospital that services the most complex neonatal cases and the most challenging disability and health conditions in the state's children, we have the Adelaide Oval redevelopment and a half-constructed bridge that are costing \$580 million to South Australian taxpayers. I will not speculate what message this sends to South Australians but I do have some questions for the minister. My questions are:

1. Does the minister believe that watching AFL and cricket games in comfort is of higher priority than the health and wellbeing of South Australian children and mothers, particularly those with more complex needs?

2. Does the minister acknowledge the somewhat contradictory concept of making a \$16.7 million cut to services on offer at our only purpose-specific Women's and Children's Hospital in South Australia while being prepared to waste up to \$500,000 per year on housing—and I use the word 'housing' loosely—for people declared fit for discharge from hospitals because of the woeful communication and case management between state government departments of SA Health, housing and disability services?

3. Does the minister acknowledge that the continuing SA Health budget blowout could be better attributed to failings in the housing and disability portfolios to provide adequate transition to the community for adult patients at the Royal Adelaide Hospital and other metropolitan hospitals?

4. What cross-departmental action is the minister taking, or planning to take, to prevent adult patients from languishing in hospital beds when they are declared fit for discharge?

5. Does the minister agree that \$1,000 extra per patient at the Women's and Children's Hospital seems a small amount of money in comparison to spending \$450,000 on accommodating a single patient in the Royal Adelaide Hospital after they have been declared fit for discharge?

6. How many of the 82 job cuts at the Women's and Children's Hospital relate to medical, clinical and health staff?

7. How many children with disabilities, children from disadvantaged backgrounds, indigenous children and children from rural and regional areas will experience adverse health outcomes as a result of these cuts?

8. Were the administrative functions of the Women's and Children's Hospital and the cost of those removed for the purposes of analysis by Deloitte for the peer review?

9. Why did the Deloitte report not compare Adelaide's Women's and Children's Hospital to Perth's equivalent hospital, given the geographic challenge similarities?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (17:01): I thank the honourable member for her most extensive list of questions. I understand that the Minister for Health and Ageing released a response to the recommendations of the Women's and Children's Hospital budget performance review this week. I understand that the review, conducted from February 2013 to June 2013, led by independent consultant firm Deloitte, focused on the performance and efficiency of the Women's and Children's Hospital services and included a six-week public consultation period.

I also understand that the review benchmarked the cost of providing inpatient services at the Women's and Children's Hospital against national peers using 2010-11 data. The results of this benchmarking identified that the hospital was 20 per cent less efficient than its national peers for inpatient costs—

The Hon. T.A. Franks interjecting:

The Hon. I.K. HUNTER: You don't need to. I am on my feet.

The Hon. R.I. Lucas interjecting:

The Hon. I.K. HUNTER: I filibustered for 34 seconds. The Hon. Mr Lucas said I am filibustering, but I am filibustering for 34 seconds, and I am now continuing with the indulgence of the chamber. The greatest area of inefficiency compared with the benchmark peers was in the costs associated with how long a patient stays in hospital and other associated operating costs.

Improvements in medical knowledge and techniques have meant that we can now safely and comfortably discharge patients sooner than was the case five or even 10 years ago. I know from my previous experience—and my honourable leader would know as well—that you do not want to be in hospital any longer than you need to be. You are better off getting the treatment you need and being discharged by your clinician when you are ready to go rather than staying in hospital for an extended period of time.

Nevertheless, patients will only be discharged, I am advised, when it is clinically safe and appropriate to do so. The length of stay targets that the Women's and Children's Hospital is seeking to achieve are those of some interstate peer hospitals.

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. S.G. WADE: I will not move my amendment [Wade-1] 1. This amendment and related amendments propose to recognise the independent bar and the Bar Association, to enforce professional standards of the bar and engage the Bar Association in professional support of barristers. The opposition has agreed to the Attorney-General's suggestion that these amendments be further considered through a working party, engaging both the Law Society and the Bar Association.

The government proposes to move an amendment later that would require a report on the operation as it affects barristers to be prepared. The opposition considers that this is an appropriate assurance of the goodwill of all stakeholders in the discussions on the recognition of the bar in the act. In that context, I will not be moving this and related amendments and will support the government's amendment to insert a next new section 55A. By way of clarification, I will also not move my amendments [Wade-1] 2 to [Wade-1] 8 inclusive.

Clause passed.

Clauses 5 to 31 passed.

Clause 32.

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

Amendment No 9 [Wade-1]—

Page 25, line 18 [clause32(2), inserted paragraph (g)]—After 'the Commissioner' insert:

(if he or she is a legal practitioner)

I draw members' attention to the fact that this is a sister amendment to [Wade-1] 16. The regulation of any profession is about the balancing of community interests and the interests of the profession itself. The legal profession relies on the confidence of the community to fulfil its vocation. Without that confidence the effectiveness of not only the profession but the whole justice system can be severely undermined.

Overall the firms and individuals constituting the legal profession in South Australia maintain very high standards and perform an outstanding service to the community. They play an important role in dealing with society's disputes and advocating for the safety and rights of South Australians. On occasions, people who have engaged legal services have been let down by the service they have received. Such instances can threaten to bring the profession into disrepute and undermine public confidence in both the profession and the advice it provides. The public confidence in the profession depends as much on the fairness of the services provided as on a perception of whether complaints are fairly and fully dealt with.

The government's bill proposes that the Legal Practitioners Conduct Board be dissolved and replaced with a legal services commissioner. The board currently comprises seven members:

four lawyers and three non-lawyers. The Legal Practitioners Conduct Board is an independent body responsible for the handling of complaints about lawyers. The board takes disciplinary action in relation to professional conduct before the Legal Practitioners Disciplinary Tribunal and the Supreme Court.

The opposition supports the government's move to establish a legal services commissioner. We share the government's hope that it will lead to more timely resolution of disputes. In establishing a legal services commissioner, the government is following the lead of three other states which have also established legal services commissioners, those states being New South Wales, Victoria and Queensland.

All three of those jurisdictions allow for a non-lawyer to be appointed as the commissioner and some have done so. New South Wales and Queensland require the person to be familiar with the nature of the legal system and legal practice and possess sufficient qualities of independence, fairness and integrity. Victoria requires that the attorney-general appoint a person that they consider has sufficient knowledge of legal practice and the legal system to be able to perform the functions of commissioner.

The national legal profession reform envisaged a national legal services board not controlled by the legal profession. As all these jurisdictions have demonstrated, the idea that only a lawyer is capable of contributing to oversight of the legal profession is an outdated concept. This bill perpetuates that view by requiring the legal services commissioner to be a lawyer of at least seven years' standing, or a former judge of a court. The bill thereby removes lay input to the professional oversight of professional conduct. South Australia would become the only state where lay involvement in the legal profession is not possible. That is unacceptable to the Liberal opposition. Quite reasonably, the community expects more. That is why I will be moving and amendment after clause 41 to ensure that there are non-lawyer members of the tribunal.

Returning to this particular amendment, the real value of this change is to allow an appointment of a commissioner completely on merit. I acknowledge that a strong understanding and experience of the legal profession is essential for the role, but you need not be a lawyer to be an effective advocate of legal profession standards. It may well be that by far the majority of candidates for the role are lawyers.

Indeed, the criteria we are proposing, adopted from Queensland and New South Wales, heavily weight the appointment in favour of those who practise law. However, there are examples of people who are not lawyers who have a wealth of experience in the sector who have not been admitted or practised for seven years, and they should be able to be considered for the role. If members share the opposition's desire to ensure that community engagement and expectations are respected, I urge them to support the amendment.

The Hon. G.E. GAGO: The government opposes this amendment. Section 51 of the act is concerned with the entitlement to practise before any court or tribunal established under the laws of South Australia. The bill currently allows the commissioner, and legal practitioners employed by the commissioner, to appear before a court or tribunal. Provided that certain criteria are met, the opposition proposes that a layperson should be eligible to be appointed the commissioner. Given that laypersons do not have an entitlement to practise before the court or tribunal, this amendment clarifies that section 51 only applies if the commissioner is a legal practitioner.

This is a consequential amendment if the proposed amendment to section 71 regarding the appointment of the commissioner is adopted. In respect of the proposed amendments to section 71 to allow the appointment of a layperson as the commissioner, the government and the profession are firmly opposed. In regulating the legal profession, the commissioner will be exercising statutory duties and powers. Experienced legal practitioners are most qualified to interpret, review and decide matters of this nature. This amendment and later amendments are therefore strongly opposed.

The Hon. M. PARNELL: I find the minister's response to this amendment quite interesting because until very recently we had, for a period of many years, an attorney-general who as the first law officer of this state, would not have been eligible to fill this position under statute, and I find that quite remarkable. I have certainly appreciated the briefings I have had with government officers and I do understand that in this role the commissioner will have to weigh up evidence and determine how the law ought to be applied to that evidence.

The minister in her response just now said that the role of the commissioner would be to exercise statutory duties and powers and I come back to the fact that we had in the present

Speaker of the House of Assembly, a long-serving attorney-general, someone who would not be eligible for this position and who also, as attorney-general, exercised statutory duties and powers, in fact, far more significant powers than that being given to the commissioner under this act. I just make that point at the outset.

At the heart of this amendment, and others we will be looking at, is that question of the extent to which the supervisory role over the legal profession ought to be comprised only of legal practitioners or whether there is a role for non-lawyers. I think that if we take this particular amendment as a test for some of these other issues that will arise later, if you were to ask members of the public what they thought about the competency and ability of lawyers to exclusively regulate themselves they would probably just come back, if they understood the question, with one answer—McGee. That is what they would say. They have seen cases where the legal profession has been through various representatives out of touch with popular opinion.

The position we are talking about here, that of the commissioner, replaces a board which did have three of its seven members being non-lawyers. I understand that there is an argument that you could put the non-lawyers elsewhere in the system, perhaps as members of the tribunal, and the Hon. Stephen Wade has foreshadowed he has an amendment to do just that.

The Greens' position is that we can see no logical reason why, in addition to that, we ought not to at least leave the door open for an appropriately qualified person, not necessarily being a lawyer of seven years' standing, to fill the position of commissioner. Whilst I certainly will not speak for the Hon. Stephen Wade, and I am sure he has other career goals in mind than this position, again, as shadow attorney-general, I understand, probably would not be eligible under the government's model for this position, yet I would be having had the requisite years of experience.

The Greens' position is to support this amendment. I accept what the Hon. Stephen Wade said, that in all likelihood a senior lawyer will be the person who ends up in a role like this, but need not be. It is not a prerequisite for this job. There are other people in the community who understand the legal system, they understand the legal profession, and they would be more than adequate to fill this role.

The Hon. D.G.E. HOOD: I think the Hon. Mr Parnell has said it well. We do not see why this position should be exclusively for senior lawyers, although I think in all likelihood the position of commissioner, in particular, would be filled by a senior lawyer. That being said, Family First can envisage situations where it may, in fact, be desirable that the person was not a senior lawyer. For that reason, we will be supporting the amendment.

The Hon. J.A. DARLEY: For the points already outlined by the Hon. Mark Parnell, I will be supporting the amendment.

The committee divided on the amendment:

AYES (11)

Darley, J.A.
Lee, J.S.
Parnell, M.
Vincent, K.L.

Franks, T.A.
Lensink, J.M.A.
Ridgway, D.W.
Wade, S.G. (teller)

Hood, D.G.E.
Lucas, R.I.
Stephens, T.J.

NOES (5)

Finnigan, B.V.
Kandelaars, G.A.

Gago, G.E. (teller)
Maher, K.J.

Hunter, I.K.

PAIRS (4)

Dawkins, J.S.L.
Bressington, A.

Zollo, C.
Wortley, R.P.

Majority of 6 for the ayes.

Amendment thus carried.

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

Amendment No 1 [AgriFoodFish-1]—

Page 25, after line 19 [clause 32(2)]—After inserted paragraph (g) insert:

and

- (h) the Independent Commissioner Against Corruption and a legal practitioner engaged by the Independent Commissioner Against Corruption.

Section 51 of the Legal Practitioners Act sets out persons who are entitled to practise before any court or tribunal established under the law of the state. Currently, the list includes lawyers acting for the Crown or the Director of Public Prosecutions, legal practitioners acting on the instructions of the Corporate Affairs Commission, and legal practitioners employed by the society. This amendment inserts a new paragraph into subsection (1) to give a right of audience to the Independent Commissioner Against Corruption and any lawyer engaged by the commissioner. This amendment was requested by the new commissioner.

The Hon. S.G. WADE: The opposition supports this amendment and therefore humbly submits that there will be no need to divide.

Amendment carried; clause as amended passed.

Clause 33 passed.

Clause 34.

The Hon. S.G. WADE: As I indicated earlier, my two amendments are bar-related amendments and therefore I do not propose to move them.

Clause passed.

Clauses 35 to 37 passed.

Clause 38.

The Hon. J.A. DARLEY: I move:

Amendment No 1 [Darley-1] 1—

Page 31, lines 20 to 25 [clause 38(1)]—Delete subclause (1) and substitute:

- (1) Section 60(1)—delete subsection (1) and substitute:
 - (1) Subject to this Part, if a person suffers loss as a result of a fiduciary or professional default, the person may, by instrument in writing served on the Society, claim compensation under this Part.
- (1a) Section 60(2)(b)—delete ', or may reasonably be expected to recover (otherwise than under this Part)'

The amendment seeks to make the guarantee or fidelity fund one of first resort. Under the current act, where a person suffers loss as a result of fiduciary or professional default and there is no reasonable prospect of recovering the full amount of that loss, the person may claim compensation. The amount of a claim cannot exceed the actual pecuniary loss suffered by the claimant in consequences of the fiduciary or professional default, less any amount that the claimant has received or may be reasonably expected to recover.

Section 64 of the act goes on to provide that where the society has published a notice in respect of a specified fiduciary or professional default, or a specified series of fiduciary or professional defaults, the maximum amount that may be applied towards satisfaction of all claims to which the notice relates is the prescribed percentage of the balance of the guarantee fund. At the moment, the regulations prescribe an amount of 5 per cent. Further, the act provides that where the maximum amount that may be applied to satisfy claims does not permit the full satisfaction of the claims, the Law Society may apportion that amount between the various claims in such manner as it thinks fit.

Under the existing act, really what we have is a situation where not only do claimants have to establish that they have no reasonable prospect of recovering the full amount of their loss by other means but also the possibility of not recovering the full amount of money owed to them by virtue of the fact that the net amount of all claims cannot exceed 5 per cent of the balance of the guarantee fund.

As I pointed out during my second reading contribution, these claimants are innocent victims. When a person puts money into a solicitor's trust account they do so in good faith and with the expectation that they should be able to have access to that money when necessary. If that money goes missing through no fault of their own, they should be able to recover it from the fund without having to endure what the Magarey Farlam victims were confronted with. The fact that no other jurisdiction has a fund of first resort is no excuse. South Australia should lead by example. The bill provides that the society may, at its absolute discretion, make payments to a claimant in advance of the determination of a claim if it is satisfied that the claim is likely to be allowed and a payment is warranted to alleviate hardship.

The suggestion that an individual be forced to demonstrate that they are experiencing financial hardship before they can get their hands on their own money is nonsense. This is a fund that is made up predominantly of money earned from clients' funds. What the government is really proposing is no different from the 2007 situation. Innocent victims will have to explore every other avenue possible, including the firm in question, the firm's bank, the firm's auditors, and ultimately the courts in order to get their money back. If all that fails, they can then make a claim against the guarantee fund, but even then there is no guarantee that they will recover the full amount owed to them.

This amendment is a sensible amendment. It is consistent with that moved by the former shadow attorney-general in 2007. I would urge all honourable members, and the opposition in particular, to give it the consideration it deserves.

The Hon. G.E. GAGO: The government rises to oppose this amendment. This amendment seeks to make the fund a fund of first resort. This is impractical and therefore we oppose it.

The government has attempted to address the hardship that potential claimants had with the requirements under the act as it stands by inserting a reasonable test, that is, the prudent self-funded litigant test. The government considers that the insertion of this new test is a reasonable approach to address this issue and will continue to oppose attempts to make the fund a fund of first resort.

The Hon. S.G. WADE: As indicated in my second reading contribution, the opposition has given this issue a lot of thought and believes that there are no grounds for shifting the fund from a fund of last resort to a fund of first resort. We did indicate that we believe that, consistent with the national legal profession reform, there should be a consideration given to a claims management at arm's length from the Law Society, but we cannot support this amendment.

The Hon. D.G.E. HOOD: It appears that this amendment is going to be defeated, but I just want to place on the record that Family First supports it strongly.

The Hon. M. PARNELL: Six years is quite a long time, and when this matter first came up back in 2007 this question about whether the fund should be one of first resort or one of last resort was in fact, I think it is fair to say, probably the main sticking point in the bill. We had a procession of Magarey Farlam victims coming through our offices and telling us their genuine stories of hardship about how, as the Hon. Stephen Wade said, they had entrusted their money to a lawyer, the money went missing, and the lengths that they were forced to go to in order to get compensation.

Back in 2007, the Greens accepted the view presented by the government and the Law Society, but we did so with some little disquiet because we were not convinced that the fairness was being built into the system. The government has now made some changes. We have a new test, the prudent self-funded litigant test, to try to make clear the lengths to which people need to go to try to recover the money themselves before calling on the guarantee fund.

Given that it is a dead rubber, the Hon. Dennis Hood has said it is not particularly a live issue for us, but I just want to put on the record now that the Greens are inclined to support looking at this again and would be inclined to support either an increase in accessibility to the fund or, as the Hon. John Darley has put forward now, making it a fund of first resort.

But it is a dead rubber at the moment, so it does not really matter what the Greens or any of us on the crossbench think because the amendment will be defeated, but I acknowledge the Hon. John Darley for putting it back before us because the issue has not gone away. There is still unfairness in the system, and I think we will eventually be revisiting this probably after the next defalcation. That is the most likely time people are going to be thinking about this issue again.

The Hon. K.L. VINCENT: Again, the decision has been made but I would like to make it very clear that Dignity for Disability supports this amendment and would have liked to see it pass.

Amendment negatived; clause passed.

New clause 38A.

The Hon. J.A. DARLEY: I move:

Amendment No 2 [Darley-1]—

Page 31, after line 34—After clause 38 insert:

38A—Amendment of section 61—Limitation of claims

Section 61(1)—delete 'three' and substitute '6'

Section 61 of the act provides the society may fix a day not earlier than three months after the publication of the notice on or before which claims in respect of a fiduciary or professional default or a series of professional or fiduciary defaults must be made. It goes on to provide that a claim not made within the time prescribed by the notice is barred unless the society determines otherwise. The amendment is straightforward. It seeks to replace the reference to three months with six months instead. All it does is provide potential claimants with a bit more time to make a claim.

The Hon. G.E. GAGO: The government is willing to support this amendment at this particular point in time; however, we reserve the right to amend this provision further at a later stage when we have had an opportunity to consult with the Law Society. Unfortunately the timing of the tabling of this particular amendment by the Hon. John Darley did not allow us time to consult with the Law Society about this. Nevertheless, we are keen to progress this bill and we reserve our right to come back and address this at a later stage if we need to. So, for the time being, we support this amendment.

The Hon. S.G. WADE: The opposition welcomes the government's position and we look forward to the advice, presumably in the House of Assembly, as to the Law Society's consideration of the proposal.

New clause inserted.

New clause 38B.

The Hon. J.A. DARLEY: I move:

Amendment No 3 [Darley-2]—

Page 31, before line 35—Before clause 39 insert:

38B—Amendment of section 64—Satisfaction of claims

Section 64(2)—delete 'the prescribed percentage' and substitute:

a percentage (which must not be less than 30%) prescribed by regulation for the purposes of this subsection

As I explained earlier, section 64 of the act provides that where the society has published a notice in respect of specified fiduciary or professional default or a specified series of fiduciary or professional defaults, the maximum amount that may be applied towards satisfaction of all claims to which the notice relates is a prescribed percentage of the balance of the guarantee fund. At the moment the regulation prescribes an amount of 5 per cent.

My preferred position is that there not be prescribed limits applicable to claims. I do not agree with the government's position that there needs to be a limit. However, as I understand it, any such amendment would most definitely be opposed. As such, I am proposing that section 64 be amended so that the prescribed percentage be no less than 30 per cent of all claims. The government's concern, of course, is that if there were to be a repeat of the Magarey Farlam saga in South Australia but on a much larger scale and without some sort of prescribed cap then this could potentially deplete the fund of all of its assets. I expect that this could be a problem but I do not accept that it is a problem that cannot be overcome. There could, for instance, be some sort of mechanism for changing the gap in these sorts of extraordinary cases.

As I understand it, there are at least two other jurisdictions that do not have a cap on the limits that can be paid out of their respective funds and they do not seem to have the same concerns as we do here. The point is that, once again, we are dealing with innocent victims. History has shown us that neither the government nor society have shown a great deal of concern about

the innocent victims of these sorts of affairs. In closing, I understand that there may be an alternative amendment to mine proposed by the opposition. I am certainly willing to consider that if honourable members are more inclined to support that position.

The Hon. S.G. WADE: The Hon. Mr Darley foreshadowed the fact that I was considering an amendment, and I propose to do that orally. I move:

Amendment No 1 [Wade-2]—

Amendment to Amendment No 3—Inserted clause 38B—

Delete '30%' and substitute '20%'

Again, it may well be that this is a matter that the government might want to, if you like, take on board without prejudice and consider between the houses. It is the opposition's general position that 5 per cent seems to be far too low a cap considering the experience of the fund over recent years. The payouts have been low, the quantum of the fund is relatively high.

We are a fiscally conservative party; that is why we won government last Saturday. We do not want to do anything that would damage the interests of consumers by threatening the viability of the fund, so we feel more comfortable with a quantum of 20 rather than 30. If the government sees fit to support the amendment or consider an alternative when it goes to the other place, that may be a way forward.

The Hon. G.E. GAGO: The government rises to oppose the Hon. John Darley's amendment. The current requirement is a prescribed percentage of the balance of the fund as disclosed in the accounts of the fund as last audited before the proposed application of money towards satisfaction of the claims. The prescribed percentage is 5 per cent. Five per cent of the fund as of 2011-12 would be approximately \$1.3 million. Providing a high percentage minimum gap in the act we think is too inflexible. There could be a situation where the fund is severely depleted by a claim, leaving insufficient funds to meet a minimum cap.

In its current healthy state, the fund could cope with a significant claim, but that may not always be the case. However, the government accepts that the current cap of 5 per cent is too low so, with that, the government is prepared to indicate now that it will accept the Hon. Stephen Wade's amendment of 20 per cent with the same proviso as the earlier amendment, and that is that we reserve the right to be able to consider this further between the houses and revise our position when it goes back to the lower house. So, we support 20 per cent but not 30 per cent.

The Hon. D.G.E. HOOD: I had intended to support the Hon. Mr Darley's amendment but, in light of the comments by the minister, I think it is an excellent proposition that the government has put forward. I commend the government, in fact, for being flexible in that regard. Frankly, I see no reason why it should not be 50 per cent, but 20 per cent is a lot better than 5 per cent, and we will certainly support it.

The Hon. M. PARNELL: The Greens, too, will be supporting the 20 per cent figure as a way of moving this forward.

The CHAIR: Therefore, the question becomes that the amendment moved by the Hon. Mr Wade to new clause 38B as proposed to be inserted by the Hon. Mr Darley be agreed to.

Amendment carried; new clause as amended inserted.

Clauses 39 and 40 passed.

New clause 40A.

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

Amendment No 13 [Wade-1]—

Page 32, after line 26—After clause 40 insert:

40A—Amendment of section 67A—Annual report

Section 67A(2)—delete subsection (2) and substitute:

(2) The report must—

- (a) state the amount of the payments from the Fidelity Fund during the financial year and the nature of the claims in respect of which payments were made; and

- (b) contain the audited statement of accounts of the Fidelity Fund for the period to which the report relates.

This amendment relates to the annual report of the Fidelity Fund. This amendment would require the annual report of the Fidelity Fund, which is already required under section 67A of the act to be prepared by the Law Society to include information detailing the number and nature of claims made each year and the audited statement of accounts for the fund.

At present the annual report to parliament only requires that the report state the amounts of payments from the guarantee fund during the financial year and the nature of the claims in respect of which payments were made. The Law Society, I understand, prepares more detailed information in its own annual report, but these reports are not publicly available. To support public confidence in the fund, it is the opposition's view that there needs to be more transparency. This is a simple change in administrative terms, but it is our view that it will contribute to the overall accountability of the fund and the programs and the claimants it supports. I commend the amendment to the council.

The Hon. G.E. GAGO: The government supports this amendment.

New clause inserted.

Clause 41.

The Hon. S.G. WADE: I indicate that [Wade-1] 14 is a bar-related amendment and I do not intend to move it. Instead, I move:

Amendment No 15 [Wade-1]—

Page 34, line 8 [clause 41, inserted section 71)2)]—After 'the Governor' insert:

, following consultation about the appointment by the Attorney-General with the Society and the South Australian Bar Association Incorporated,

This amendment would require the Attorney-General to consult with the Law Society and the Bar Association about the appointment of a commissioner. Given that it is important that the commissioner has the respect and confidence of the legal profession, it is the opposition's view that it is appropriate that this consultation should occur. While one would usually expect the consultation would happen in practice, it is not our view that this should be taken for granted. Hence I move this amendment on behalf of the opposition to provide assurance that the consultation does occur.

The Hon. G.E. GAGO: The government opposes this amendment. It is again linked with the opposition's attempt to insert the South Australian Bar Association into the act without full consequences of such action, we think, being thought through properly.

The Hon. S.G. WADE: To clarify, in case members are asking why we are not pursuing the other bar-related amendments and why we mention the Bar Association here, the Bar Association exists, it is an incorporated body and recognised under the law of South Australia. Whether or not it is an appropriate body to engage in professional oversight is a matter the working group is discussing but, considering that it is standard practice for all members of this chamber, the government and the opposition, to consult the Bar Association, we think that, if it is appropriate for the government to consult them about legislation and not consult them about the appointment of an important person like a legal services commissioner, it is somewhat bizarre.

I understand they are consulted about appointments such as QCs and I presume judges, although I admit that I am vague on that. This is a consultation. They do exist, they might provide appropriate input and, considering that the house has already indicated that we think it is appropriate for a non-lawyer to be appointed, I think it is particularly important that consultation be assured so that the Attorney-General, whoever that might be at the time, can ensure that he or she is aware of the views of the legal profession in a private appropriate way rather than those matters becoming a surprise after an appointment.

The Hon. M. PARNELL: Could I ask a question of the mover? In response to the minister's comments in relation to the other amendments that the opposition is not proceeding with that related to the Bar Association, my question of the mover is: if it is okay for those matters to be deferred to a working group, why does this particular amendment not fall into that category?

The Hon. S.G. WADE: I will make another attempt at explaining that. The other amendments I was moving, what I call the 'role of the bar' set, are intended to recognise the

independent bar to enforce the professional standards which the Bar Association enforces on the independent bar and to engage the Bar Association in professional support of barristers.

That requires a certain level of governance standards. You cannot have, shall we say, a gentlemanly cigar club imposing what are statutory duties, but with all due respect I would not think it necessary or appropriate to consult a gentlemanly cigar club. The Bar Association does operate at a much higher level than that, but one of the issues the working party will be working through is: do they reach a sufficient threshold to take part in the regulatory framework under this act?

I am saying that the working group is going to discuss whether or not they reach the government's threshold, and relevant issues. I appreciate governance is not the only issue. There is a range of issues that will need to be discussed to, as the government puts it, consider the operation of the act in the context of those people who operate solely as barristers. To be an appropriate body to be recognised for the sake of consultation, I believe you need to meet a much lower threshold. I know it is the best suggestion.

It would not be hard to look in legislation for bodies that are required to be consulted that would not meet the high standard of governance that might be required for a body exercising statutory regulatory roles. This is not proposing a statutory regulatory role. All we are asking is that they be consulted. The Attorney-General does not have to agree with their view. For that matter, if the Bar Association Inc. ceases to exist, there is nothing stopping the Attorney-General going ahead and making appointment.

I hope that clarifies for the Hon. Mark Parnell that this is not, as the minister suggests, an attempt to put the foot in the door in terms of the Bar Association and pre-empting the discussions of the working group. We believe the consultation issues are very different from the regulatory issues.

The Hon. M. PARNELL: I thank the member for his answer and I accept that incorporated bodies are referenced in a number of statutes, usually in a consultative role. Thinking this through, the Greens have accepted that the commissioner may be a non-lawyer, or at least a lawyer without the requisite seven years' experience, so in fact I think it is consistent that if that was to be proposed by the government, that either a less experienced or a non-lawyer be appointed, then the legal profession be consulted, so that they hopefully are comfortable with the position.

I take the honourable member's point that the only requirement is to consult with the Law Society and the Bar Association. It is not a right of veto, and there is no comeback if the minister decides not to take any account of their concerns, but it seems to me consistent with the position we took earlier. If there is to be a less experienced lawyer or a non-lawyer then the more consultation with the legal profession the better. We will support this amendment.

The Hon. D.G.E. HOOD: I agree. I think a consistent position is to support the amendment and compel the consultation.

The Hon. J.A. DARLEY: I will be supporting the amendment.

The Hon. K.L. VINCENT: I am also supporting the amendment.

Amendment carried.

The Hon. S.G. WADE: I know why the committee is being so focused in its considerations. On one side, I have the President suffering and on the left-hand side I have the Hon. Mark Parnell suffering. I hope to stay standing before this debate concludes. The winter recess might have passed, but the winter ills have not passed us by. I move:

Amendment No 16 [Wade-1]—

Page 34, lines 10 to 17 [clause 41, inserted section 71(3)]—Delete subsection (3) and substitute:

- (3) Although a person appointed as Legal Profession Conduct Commissioner need not be a legal practitioner, the Commissioner must be a person who, in the opinion of the Attorney-General—
 - (a) is familiar with the nature of the legal system and legal practice; and
 - (b) possesses sufficient qualities of independence, fairness and integrity.

In my contribution in relation to [Wade-1] 9, I argued the case, and I would suggest therefore, whilst this is a more substantial amendment, it is nonetheless consequential on [Wade-1] 9.

The CHAIR: We understood you were not moving this one.

The Hon. S.G. WADE: I am moving it, but I would suggest to the committee that it is effectively consequential. I am happy to re-run the argument.

The CHAIR: No, that is alright.

The Hon. G.E. GAGO: The government accepts that this amendment is closely related. They are sister amendments, and we oppose this, as we did the former amendment.

The Hon. M. PARNELL: As there is a new member in the chair, I agree with both the minister and the shadow attorney that this is consequential and therefore the Greens will support it, as we supported its companion amendment.

Amendment carried.

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

Amendment No 17 [Wade-1]—

Page 35, after line 5 [clause 41, inserted section 72]—After inserted subsection (3) insert:

- (4) The Commissioner may be represented in proceedings before any court or tribunal by a legal practitioner employed or engaged by the Commissioner.

I would also submit that this is consequential. Given the possibility that the commissioner may not be a legal practitioner, it is necessary in our view to insert the proposed subsection so that the commissioner can be represented in proceedings.

Amendment carried.

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

Amendment No 18 [Wade-1]—

Page 36, lines 12 and 13 [clause 41, inserted section 77(1)]—Delete '(except the matters referred to in subsection (2) or any other prescribed function or power)'

It is up to the committee as to whether it wants to regard this amendment as consequential. We believe that the commissioner, as a lot of statutory officers, should have the freedom to delegate matters. There may be circumstances in which a delegation is necessary, for example, to handle issues such as conflict of interest, and so the limitations on the delegation we would say, even in a general sense, should be considered carefully, but particularly in the context of the possibility of a commissioner who is not a legal practitioner there may be matters that are peculiarly of a legal nature which the commissioner may wish to delegate. I would stress that this—

The Hon. G.E. GAGO: If it helps, we see it as consequential.

The Hon. S.G. WADE: Thank you for that indication, minister.

Amendment carried.

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

Amendment No 19 [Wade-1]—

Page 36, lines 14 to 21 [clause 41, inserted section 77(2)]—Delete inserted subsection (2)

Amendment carried.

The Hon. S.G. WADE: It if assists the Chair, and I am sure that the government would agree, the bar amendments [Wade-1] 20 through to [Wade-1] 26 are all bar-related amendments and therefore I do not propose to move them.

Clause as amended passed.

New clause 41A.

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

Amendment No 27 [Wade-1]—

Page 50, after line 12—After clause 41 insert:

41A—Amendment of section 78—Establishment of Tribunal

- (1) Section 78(2)—after 'Chief Justice' insert:
of whom—

- (a) 10 must be legal practitioners; and
 - (b) 5 must be persons who are not legal practitioners but who are familiar with the nature of the legal system and legal practice.
- (2) Section 78(3)—after 'Tribunal' insert 'under subsection (2)(a)'
 - (3) Section 78(4)—after 'member of the Tribunal' insert 'who is a legal practitioner'
 - (4) Section 78(4)—after 'another member' insert 'who is a legal practitioner'

I will try to expedite my comments because I have had an indication from the government that they are inclined to support this amendment. I will briefly summarise it for the sake of the record. In the context of maintaining appropriate engagement with the community in the context of the government's proposal to remove laypeople and consumers from the legal profession oversight, we looked at ways, whilst we supported the Legal Services Commissioner concept, we could maintain consumer involvement.

The Medical Board of South Australia has similar proportions of lay members as is proposed by the amendment, as does the legal practitioners' disciplinary tribunal in Tasmania. We believe that it is an appropriate balance, and there is assurance provided in the amendment that legal practitioners will be the majority and will provide the presiding member. I commend the amendment to the committee.

The Hon. G.E. GAGO: The government supports this amendment. Currently, the tribunal consists of 15 members who are legal practitioners of at least five years' standing. This amendment would change the constitution of the tribunal to comprise 10 legal practitioners and five laypeople who are familiar with the legal system and legal practice, so we consider this to be a reasonable amendment to put forward.

The Hon. M. PARNELL: The Greens, too, will be supporting this amendment. I know that it is just a matter of semantics. Often when we talk we interchange the terms 'laypeople' and 'consumers' but, just to make it clear, I do like the wording of the honourable member's amendments. They are people who are not necessarily consumers of legal services; they are people 'who are not legal practitioners but are familiar with the nature of the legal system and legal practice'. They may, in fact, be community advocates who might be appropriate. Whether or not they have actually used any legal services themselves is neither here nor there. I just make the clarification that we are talking about five well-informed non-lawyers.

New clause inserted.

Clause 42.

The ACTING CHAIR (Hon. R.P. Wortley): The next amendment is amendment No. 28, which is consequential.

The Hon. S.G. WADE: Mr Acting Chair, I have the right to move the amendment. I move:
Amendment No 28 [Wade-1]—

Page 51, after line 5 [clause 42(2)]—After inserted subsection(1b) insert:

- (1c) The Tribunal when constituted of a panel of 3 of its members must include at least 1 member who is a legal practitioner and at least 1 member who is not a legal practitioner but when the Tribunal consists of only 1 of its members the member constituting the Tribunal must be a legal practitioner.

I submit that this amendment is consequential.

Amendment carried; clause as amended passed.

The Hon. S.G. WADE: I indicate that amendments [Wade-1] 29 through to 35 are all bar-related amendments, and I do not propose to move them.

Clauses 43 to 53 passed.

New clause 53A.

The Hon. S.G. WADE: I move:
Amendment No 36 [Wade-1]—

Page 60, after line 8—After clause 53 insert:

53A—Repeal of section 95C

Section 95C—delete the section.

This amendment would restore the common law privilege against self-incrimination. The Liberal Party has consistently sought to preserve the privilege against self-incrimination in the face of a consistent attempt by this government to undermine it. If I can briefly restate the creed that I put forward on this matter, that we believe in the opposition that the privilege against self-incrimination should be maintained unless there are strong public policy grounds not to do so. We do not believe that the legal profession bill represents such a risk to public health and safety that the privilege against self-incrimination should be removed.

I recognise that some stakeholders would prefer to codify the privilege in an attempt to protect it. On advice, the opposition considers that the best way to protect the privilege is to remove these provisions and to rely on the common law.

The Hon. G.E. GAGO: The government rises to oppose this amendment. As the honourable member outlined, this section removes the privilege against self-incrimination and legal profession privilege for the purposes of obtaining information or documents under the act so that investigators who may be investigating serious breaches of the act, such as the Magarey Farlam defalcation, can get to the truth of the matter.

However, the privileges are only abrogated to a limited extent. In the case of privilege against self-incrimination, any information furnished in compliance with the requirement is not able to be used against the person other than in proceedings in respect of the making of a false or misleading statement. In the case of legal professional privilege the answer or document will not be admissible in civil or criminal proceedings against the person who would, but for this section, have the benefit of the legal professional privilege.

There has been no objection to the operation of section 95C in the past, and the government considers that there is good reason for the retaining of section 95C. In this situation that reason is ensuring that all relevant information is disclosed to assist officers in the investigation of serious breaches of the act and, therefore, for those reasons outlined, we oppose this amendment.

The Hon. M. PARNELL: This is obviously a live issue now as we have two different viewpoints. My understanding is that, as the minister has said, section 95C has been in the legislation for some period of time and the opposition has taken the opportunity to revisit that question because the act is being revised. We make no criticism of the opposition for doing that and, in fact, it is a technique that all of us have used at various stages. When an act is opened up for reform, it is opened up for reforms other than those that the government had in mind.

I agree with the Hon. Stephen Wade that the principle of the right to silence, if you like, which is also referred to as the right not to have to incriminate yourself, can be overridden if there are strong public policy grounds. The most recent debate we had on this issue was in relation to natural resources management. I think it is probably fair to say that the only real question is: where do we draw the line? The question I pose is: what is at stake? Examples have been given of people who may have poisoned a water supply: do they have the right to silence or do we have a right as a community to insist that they answer questions? I think most people accept that no, we insist they answer questions.

In relation to NRM it might have been some harm that was potentially being done to the environment, not necessarily to human health but to environmental health. The Greens took the view that they were strong public policy grounds that meant that the right to silence, the right against self-incrimination could be overridden. The question we have to ask ourselves here is: what is at stake? The minister may have another answer but the only answer I can think of is that it is probably just money. I cannot see that much else is at stake; it is really just about money.

I guess the question—and it is a bigger public policy question—would be: to what extent do we want our legal system to retain this right to silence, the right against self-incrimination and, if we want it to remain but we want some exemptions, where do we draw the line? For now, the Greens are not convinced but I will hear anything more from the minister. We are not convinced that the convenience of investigators to perhaps find where the missing money went is sufficient reason to do away with the long-held legal right that a person does not have to incriminate themselves.

Certainly, I know in my discussions with officers, that I used the example of someone who might have robbed a bank. Do they have a right to silence? Well, yes, they do. Then the question

became: what if it is an inside job; what if it is the bank teller who actually robbed the bank? Is there any particular duty that attaches to them that is different from the external bank robber? I am not sure there is. I think that that general principle that you are not obliged to incriminate yourself applies through most of the criminal law with rare exceptions but I think, as the Hon. Stephen Wade has alluded to, a growing number of exceptions. The question is whether this is a category here that should fall into that.

The Greens' starting position is that we are not convinced that section 95C is appropriate. We are inclined to support its deletion but I would be interested to hear any other arguments that the minister puts forward and, in particular, whether there is any human life at stake, whether there is any major environmental harm at stake, or whether we are really just talking about money.

The Hon. D.G.E. HOOD: Family First is not aware that there have been any complaints or abuses or allegations of complaints, if you like, about the misuse of section 95C in this particular bill. It is a fundamental issue, I think, and as the Hon. Mark Parnell has outlined quite succinctly, these are matters that our law takes very seriously, and so it should. However, Family First is persuaded by the minister's position and that is that this will be of assistance to investigators in the very rare circumstances that it would be required to be used. For that reason, we will not be supporting its deletion or the amendment.

The Hon. G.E. GAGO: Can I answer a question asked by the Hon. Mark Parnell?

The ACTING CHAIR (Hon. R.P. Wortley): Yes, minister.

The Hon. G.E. GAGO: Substantially, what is at stake was the question. It is basically money and a lot of it. There may be other considerations, and if there are I am happy to take that on notice and bring that back, but certainly the financial considerations are significant.

The Hon. S.G. WADE: I thank the minister for her answer to the Hon. Mark Parnell's question and also for the reflections the Hon. Mark Parnell provided. He raised the point that if you have a criminal who is grabbing the money out of the bank, we are going to give them the protection and the privilege against self-incrimination, but if you have a lawyer who is grabbing it out of their trust account, we will not give them that privilege. So the government and those who are inclined to support them are giving more protection to criminals than to members of the legal profession. We believe that is a fundamental right, as members have alluded to, and we can see no public policy grounds to treat this as a special case and have the privilege removed.

The Hon. J.A. DARLEY: I am persuaded by the government's argument and I will be opposing the amendment.

The Hon. M. PARNELL: Maybe it is a clarification that the minister can provide because I actually do not have the full text of section 95C in front of me, but I would have thought the consequences of someone breaching is simply extra charges or extra penalties to add to those that they are already facing. What I mean by that is that if the law says you do not have the right to silence but you exercise or you choose to be silent anyway, then all you are really doing is adding to the charge sheet and it is an extra offence that you will be charged with and extra penalties may be imposed on you. Have I understood the nature of a breach of that self-incrimination provision?

The Hon. G.E. GAGO: I am advised yes, that is the correct interpretation.

The committee divided on the new clause:

AYES (9)

Franks, T.A.
Lucas, R.I.
Stephens, T.J.

Lee, J.S.
Parnell, M.
Vincent, K.L.

Lensink, J.M.A.
Ridgway, D.W.
Wade, S.G. (teller)

NOES (8)

Brokenshire, R.L.
Gago, G.E. (teller)
Wortley, R.P.

Darley, J.A.
Hood, D.G.E.
Zollo, C.

Finnigan, B.V.
Maher, K.J.

PAIRS (4)

Bressington, A.
Dawkins, J.S.L.

Kandelaars, G.A.
Hunter, I.K.

Majority of 1 for the ayes.

New clause thus inserted.

Clauses 54 and 55 passed.

New clause 55A.

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

Amendment No 1 [AgriFoodFish—4]—

Page 61, after line 15—After clause 55 insert:

55A—Insertion of section 98

After section 97 insert:

98—Review of operation of Act in relation to barristers

- (1) The Minister must, within 6 months after the commencement of this section, cause a review to be undertaken into—
 - (a) the operation of this Act insofar as it affects legal practitioners who practise the profession of the law solely as barristers; and
 - (b) the operation of section 6, with particular reference to the role of a separate bar.
- (2) A report on the review must be submitted to the Minister within 3 months after the commencement of the review.
- (3) The Minister must, within 12 sitting days after receiving the report under this section, cause copies of the report to be laid before both Houses of Parliament.

This amendment reflects the government's intention to consider the Bar Association's request to be included in the new legislation. The government is happy to support further work on how the independent bar in South Australia ought to be recognised in the act but is mindful that it will involve the resolution of a number of interesting policy issues, including how to ensure that South Australia retains a fused profession whilst recognising the existence of an independent bar. This issue is being considered by a working party.

The Hon. S.G. WADE: As indicated in my comments on clause 4, the opposition welcomes this amendment and supports it.

New clause inserted.

Clause 56.

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

Amendment No 1 [AgriFoodFish—2]—

Page 77, after line 18 [clause 56, inserted Schedule 2, clause 1(1)]—After the definition of *approved ADI* insert:

barrister means a legal practitioner who practises the profession of the law solely as a barrister;

Amendment No 2 [AgriFoodFish—2]—

Page 82, line 34 [clause 56, inserted Schedule 2, clause 10]—Delete 'legal practitioner' and substitute 'barrister'

Amendment No 3 [AgriFoodFish—2]—

Page 99, after line 5 [clause 56, inserted Schedule 3, clause 1]—After the definition of *adjudication* insert:

barrister means a legal practitioner who practises the profession of the law solely as a barrister;

Amendment No 4 [AgriFoodFish—2]—

Page 103, line 18 [clause 56, inserted Schedule 3, clause 9]—Delete 'person engaged only as a barrister' and substitute 'barrister engaged'

As detailed earlier, the Bar Association has requested recognition in the new legislation, and the way that this can properly be done is the subject of a working party. These amendments insert a definition of 'barrister' as a first step in the process of that recognition.

Amendments carried.

The Hon. J.A. DARLEY: I move:

Page 103, after line 30 [clause 56, inserted Schedule 3, clause 10(1)]—After paragraph (b) insert:

- (ba) whether or not the law practice is prepared to enter into an arrangement with the client under which the law practice will not receive trust money for the purposes of the client's matter; and

The purpose of this amendment is to make it clear to clients that they can come to a mutually agreeable alternative to depositing money into a lawyer's trust account, provided, of course, that both parties agree. Law firms are well within their right to refuse to enter into such an agreement, which means that clients who have concerns about how their money is held on trust can shop around for another firm that is willing to accommodate them. It could be that they agree to deposit the money into an account that is not held or controlled by the lawyers at all, or they can provide the lawyers with some sort of guarantee or security with respect to their fees. There is nothing in the act that says a client must deposit money into a lawyer's trust account.

This amendment just reinforces the point and makes it clear that parties do have other options. There is little doubt in my mind that victims of the Magarey Farlam affair would find it extraordinarily difficult to trust any other lawyer or law firm with their money in the future. Having said that, there is no guarantee that they will not need to retain the services of another lawyer in the future. This amendment may provide them with some comfort. I ask all honourable members to support the amendment.

The Hon. G.E. GAGO: The government supports this amendment. As with Darley amendment No. 2, we are willing to support the inclusion of this amendment; however, we reserve the right to further amend this provision in the upper house.

The Hon. S.G. WADE: The opposition will certainly be interested to hear the government's considered view because on our consideration thus far, the term 'trust money' is too broadly cast. We look forward to the government's considered view.

Amendment carried.

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

Amendment No 37 [Wade-1]—

Page 129, lines 16 and 17 [clause 56, inserted Schedule 4 clause 5(2)(a)]—Delete paragraph (a)

Amendment No 38 [Wade-1]—

Page 129, lines 20 to 37 [clause 56, inserted Schedule 4 clause 5(3)]—Delete subclause (3)

Amendment No 39 [Wade-1]—

Page 130, line 6 [clause 56, inserted Schedule 4 clause 5(6)]—After 'the requirement' insert:

- (other than on the ground that the giving of the information or access to information may tend to incriminate the practitioner)

Amendment No 40 [Wade-1]—

Page 130, lines 11 and 12 [clause 56, inserted Schedule 4 clause 5(7)]—Delete 'to comply with the requirement' and substitute:

- of a kind referred to in subclause (6)

These amendments are consequential on the self-incrimination consideration on [Wade-1] 36.

Amendments carried; clause as amended passed.

Schedule 1.

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

Amendment No 41 [Wade-1]—

Page 139 [Schedule 1, table, entry relating to section 67A(2)]—Delete both lines of the entry relating to section 67A(2)

I suggest to the committee that this amendment is consequential to [Wade-1] 13.

Amendment carried; schedule 1 as amended passed.

Schedule 2.

The Hon. J.A. DARLEY: I move:

Amendment No 5 [Darley-2]—

Clause 11, page 141, lines 11 to 14—Delete clause 11 and substitute:

11—Claims against Fidelity Fund

- (1) Subsection (1)(b) of section 60 of the principal Act as in force immediately before the commencement of section 38(1) does not apply to a claim served on, but not determined by, the Society before that commencement.
- (2) Subsection (2)(b) of section 60 of the principal Act as amended by subsection (1a) of section 38 applies to a claim served on, but not determined by, the Society before the commencement of that subsection.
- (3) Section 64 of the principal Act applies to any claim in relation to a fiduciary or professional default, or a series of fiduciary or professional defaults, in respect of which the Society has published a notice under Part 5 of the principal Act before the commencement of section 38B as if—
 - (a) the amendment to section 64(2) made by that section had not been made; and
 - (b) the prescribed percentage for the purposes of section 64(2) were 5 per cent.

This is a consequential amendment.

The Hon. G.E. GAGO: The amendment is consequential and the government opposes it. We think it is related to the Fidelity Fund to do with a fund of first resort. We oppose it, but I do not believe we have the numbers.

The Hon. S.G. WADE: I do not think it relates to the fund of first resort but rather to the amendment on the cap—the second half is the cap. Be that as it may, we support the amendment. If it needs to be considered in the context of the consideration of other amendments between the houses, so be it.

I thank the government for clarifying the relationship between this clause and previous clauses. On the basis of that conversation, we would suggest that an alternative amendment that I propose to move would more accurately reflect the consequential implications of previous resolutions of the committee. I move:

Amendment No 1 [Wade-3]—

Page 141, after line 14 insert:

- (2) Section 64 of the principal Act applies to any claim in relation to a fiduciary or professional default, or a series of fiduciary or professional defaults, in respect of which the Society has published a notice under Part 5 of the principal Act before the commencement of section 38B as if—
 - (a) the amendment to section 64(2) made by that section had not been made; and
 - (b) the prescribed percentage for the purposes of section 64(2) were 5%.

I do apologise if members do not have that, but I think it is actually in the pile. It is [Wade-3] 1. I urge the committee to support my amendment rather than Mr Darley's because I think it more accurately reflects the consequential implications of previous resolutions of the council.

The ACTING CHAIR (Hon. Carmel Zollo): For clarification, we require the Hon. Mr Darley to withdraw his amendment, I understand, so that we can deal with the Hon. Stephen Wade's.

The Hon. J.A. DARLEY: I will withdraw my amendment.

The ACTING CHAIR (Hon. Carmel Zollo): Thank you, Mr Darley.

The Hon. G.E. GAGO: The government supports the Hon. Stephen Wade's amendment.

The Hon. J.A. DARLEY: I will be supporting the Hon. Stephen Wade's amendment.

Amendment carried.

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

Amendment No 42 [Wade-1]—

Page 143, after line 27 [Schedule 2 Part 4]—After clause 17 insert:

18—Tribunal members

- (1) The office of all members of the Legal Practitioners Disciplinary Tribunal will become vacant on the commencement of section 41A of this Act.
- (2) A person who ceases to hold office as a member of the Tribunal under subclause (1)—
 - (a) may be appointed to the vacant office; or
 - (b) may continue to act as a member of the Tribunal for the purpose of completing the hearing and determination of proceedings part-heard on the commencement of section 41A.

I would submit to the house that this amendment is consequential on [Wade-1] 27.

The Hon. G.E. GAGO: The government sees this as consequential and supports this amendment.

Amendment carried; schedule 2 as amended passed.

Title passed.

Bill reported with amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (18:32): I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 18:33 the council adjourned until Wednesday 11 September 2013 at 11:00.