LEGISLATIVE COUNCIL

Tuesday 24 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 Kaurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kaurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

PORT PIRIE SMELTING FACILITY (LEAD-IN-AIR CONCENTRATIONS) BILL

His Excellency the Governor assented to the bill.

POWERS OF ATTORNEY AND AGENCY (INTERSTATE POWERS OF ATTORNEY) AMENDMENT BILL

His Excellency the Governor assented to the bill.

MOTOR VEHICLES (PERIODIC PAYMENTS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

CONNELLY, MR E.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:20): I move:

That the Legislative Council expresses its deep regret at the passing of Mr Edward (Ted) Connelly, member of the House of Assembly, and places on record its appreciation of his long and meritorious service, and that as a mark of respect to his memory the sitting of the council be suspended until the ringing of the bells.

I rise today to pay respects to the Hon. Edward (Ted) Connelly, who died last week at the Mary Potter Hospice in Adelaide aged 94. Ted was an Independent member of parliament, elected in 1975 to represent the seat of Pirie. Unfortunately, I did not know Mr Ted Connelly but, nevertheless, he has certainly left behind quite a legacy.

He held the balance of power upon his election and sided with then premier Don Dunstan to form a Labor government. Ted Connelly was elected Speaker of the House of Assembly on his first day as an elected member of parliament, serving as Speaker until his parliamentary career ended in 1977.

A former Port Pirie mayor, Ted's popularity in the region hit a high point during his election campaign with a local group penning a song to their mayor, proclaiming him to be their man. I will certainly spare the chamber any musical rendition of the tune but the words went something like:

Ted, Ted Connelly, he's the man to vote for in Port Pirie. Ted, the great superman, calls to the other guys, 'Catch me if you can!'

It was sung to the tune of Muhammad Ali the Black Superman.

Ted Connelly had been a very staunch and long-term member of the ALP and was disqualified from the party when he stood as an Independent in 1975—and then supported the Dunstan Labor government. In 1976, seven months into his term, he reapplied to join the Labor Party and was readmitted at that year's state conference. The district of Pirie became the seat of Rocky River following the electoral boundary redistribution, and Ted stood as the ALP candidate in 1977 but did not gain the seat.

An honourable member: He lost it to Mr Venning.

The Hon. G.E. GAGO: Was it? It was Ivan Venning who took it up.

The Hon. J.S.L. Dawkins: Ivan's dad, Howard.

The Hon. G.E. GAGO: After leaving parliament Mr Connelly was appointed as the inaugural chairman of the Outback Areas Community Development Trust by the government of the day. His role focused on much of South Australia's Far North, fostering developments in the areas not then covered by the Local Government Act. We offer our heartfelt condolences to Ted Connelly's friends and family.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:23): I rise on behalf of the opposition to endorse the comments already made by the Leader of the Government and to speak briefly to the condolence motion for the Hon. Edward Connelly. He was born on 6 November 1918 in Scotland and later moved to Port Pirie. He lived in Port Pirie for 45 years and figured in Port Pirie public life for two decades prior to running for the ALP candidacy for the seat of Port Pirie. By that time he had been a member of the Port Pirie council for 22 years and was mayor at the time. He had held posts as the chairman of the Port Pirie Trades and Labour Council, secretary of the Amalgamated Engineering Union and chairman of the Port Pirie Abattoirs Board.

Mr Connelly initially aimed for preselection as a Labor candidate but upon his defeat community support motivated him to run as an Independent. His election in 1975 marked the first time in history that the solid working-class seat of Port Pirie had been lost by the Labor Party. He was 56 at the time and married with five children and had no intention at that time of moving from Port Pirie.

Mr Connelly was Speaker of the House of Assembly for the duration of his parliamentary membership and throughout that time he was readmitted to the ALP. When Port Pirie disappeared in the 1976 redistribution, Mr Connelly stood as the ALP candidate—as the Leader of the Government indicated—for the seat of Rocky River but was defeated by Mr Howard Venning, the father of a current member of the House of Assembly, the member for Schubert, Ivan Venning.

After leaving parliament in September 1977, Mr Connelly was posted within the department of local government and went on to be the chairman of the Outback Areas Community Development Trust. He then relocated to Adelaide to live. I also note, importantly, his service in the Royal Australian Air Force during World War II and his life membership of the Royal Australian Air Force Association in Mitcham. I join with members on this side of the chamber in extending our condolences to his family and friends.

Motion carried by members standing in their places in silence.

[Sitting suspended from 14:25 to 14:42]

PAPERS

The following papers were laid on the table:

By the President—

Report of the Police Ombudsman, 2012-13

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

Reports, 2011-12—
- Adelaide Hills Wine Industry Fund
- Apiary Industry Fund
- Barossa Wine Industry Fund
- Boundary Adjustment Facilitation Panel
- Cattle Industry Fund
- Citrus Growers Fund
- Clare Valley Wine Industry Fund
- Deer Industry Fund
- Eyre Peninsula Grain Growers Rail Fund
- Grain Industry Fund
- Langhorne Creek Wine Industry Fund
- McLaren Vale Wine Industry Fund
- Olive Industry Fund
- Pig Industry Fund
- Riverland Wine Industry Fund
- SA Rock Lobster Fishing Industry Fund
- Sheep Industry Fund
- South Australian Grape Growers Industry Fund

Report, 2012-13—
- Leases granted for Properties held by the Commissioner of Highways

Regulations under the following Acts—

Agricultural and Veterinary Products (Control of Use) Act 2002—Restricted Agricultural and Veterinary Products
Lottery and Gaming Act 1936—Instruments of Unlawful Gaming
Mutual Recognition (South Australia) Act 1993—Synthetic Drugs—Temporary Exemptions
Primary Industry Funding Schemes Act 1998—Cattle Industry Fund
Trans-Tasman Mutual Recognition (South Australia) Act 1999—Synthetic Drugs—Temporary Exemptions
Rules of Court—
District Court Act 1991—
Civil—
Amendment No. 25
Amendment No. 26
Criminal—
Amendment No. 3
Supreme Court Act 1935—
Civil—
Amendment No. 24

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

Report, 2012-13—
Supported Residential Facilities Advisory Committee
Report on the State of the Environment in South Australia, 2013
Regulations under the following Acts—
Controlled Substances Act 1984—Controlled Drugs, Precursors and Plants—Synthetic Controlled Drugs—Schedule
South Australian Public Health (Severe Domestic Squalor) Policy 2013 and associated Guidelines

SELECT COMMITTEE ON SCHOOL BUS CONTRACTS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:44): I bring up the report of the select committee, together with the minutes of proceedings and evidence.

Report received and ordered to be published.

BUDGET AND FINANCE COMMITTEE

The Hon. R.I. LUCAS (14:45): I bring up the report on the operations of the Budget and Finance Committee 2012-13, together with minutes of evidence.

Report received and ordered to be published.

NATURAL RESOURCES COMMITTEE

The Hon. R.P. WORTLEY (14:46): I bring up the report of the Natural Resources Committee on the Alinytjara Wilurara APY Ranges subregion fact-finding visit.

Report received.

The Hon. R.P. WORTLEY: I bring up the final report of the Natural Resources Committee on Eyre Peninsula water supply.

Report received.

FUTURE FUND

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:46): I table a copy of a ministerial statement relating to a future fund made earlier today in another place by my colleague the Premier, Jay Weatherill.

STATE OF THE ENVIRONMENT REPORT

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:47): I seek leave to make a statement.

Leave granted.

The Hon. I.K. HUNTER: Last week I had the pleasure of receiving South Australia's 2013 State of the Environment Report. This is the sixth such report, with the first being commissioned in 1988. Since then, every five years these reports have been undertaken in order to assess the condition of South Australia's environmental resources and share that information with the South Australian public.

I am pleased to advise that this year's report found a reduction in South Australia's greenhouse gas intensity of 42 per cent. Meanwhile, our economy has continued to grow, proving that a reduction in emissions can occur hand in hand with economic growth. There is more good news, such as more efficient use of water and an increase in water availability through diversification of supply. This is through the implementation of good government policy, which is recognised in this report.

This government has worked to maintain the quality of our water and has guaranteed water security by diversifying our water resources, a key part of our Water for Good plan. The Adelaide desalination plant has been fundamental in securing our water supply. The final design, with an output of 100 gigalitres, is capable of supplying half of Adelaide's water supply from a climate-independent source.

Whilst the report highlights that progress to better protect the state's natural environment has been made since the 2008 report, as expected the findings of the 2013 State of the Environment Report are mixed. Many of the challenges we face are similar to those faced in other Australian states and territories and in many other parts of the world. The 2013 State of the Environment Report places South Australia in the context of broader trends and acknowledges the significant contribution the state makes to global and national efforts to respond to environmental issues of concern.

The report highlights there has been growth in the state's population and economy, which results in pressure on natural resources and the environment through actions such as increased waste material and increased private vehicle use. As can be expected with any change in climate, there has been an increase in variability and extremes of rainfall and temperature.

The report notes that there has been a decline in the condition of native vegetation and biodiversity, both terrestrial and marine. Since the 2008 report we have developed and established 19 marine parks, which cover around 44 per cent of the state's waters, or approximately 26,670 square kilometres in total. Marine parks were developed after extensive consultation with local communities and stakeholders. The implementation of marine parks will go a long way to provide protection for some of South Australia's most iconic and ecologically important areas.

This report is significant for a number of reasons. It draws together data and information from numerous and diverse sources to provide an objective and consolidated assessment of environmental trends and issues, provides clarity about what South Australia's environmental risks and pressures are, and sets out what is being done to protect the environment. A key recommendation of the report is the development of an environmental information strategy or plan to better drive coordinated and integrated environmental information and knowledge management.

In summary, improved information management processes are the key to successful environmental management. This informs how we make decisions to ensure sustainability and in turn human wellbeing and economic progress. I would like to thank all the staff at the EPA who have spent countless hours putting together this report. I would like to acknowledge those in the science community who undertook the peer review of the findings and those in the non-government sector who provided much valuable support.

The report outlines our achievements, but also where we need to go. I am looking forward to working with the South Australian community to ensure South Australia remains a sustainable state for many generations to come and also a world leader in environmental management. The publication of this authoritative report is an important reference tool for the community, business and government. I invite everyone to review aspects of this report, including a concise summary, and refer you to the report, which is now available online at www.epa.sa.gov.au. The government will now prepare a formal response to the report, which is expected to be released early next year.

WESTERN MOUNT LOFTY RANGES WATER ALLOCATION PLAN

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:50): I seek leave to make a ministerial statement.

Leave granted.

The Hon. I.K. HUNTER: I am pleased to have adopted the water allocation plan for the Western Mount Lofty Ranges on 17 September 2013. The water resources of the Western Mount Lofty Ranges were prescribed in 2005 under the Natural Resources Management Act 2004 in response to community concern over the impact of water resource development on water sharing and the environment.

Since the prescription of these resources, the Adelaide & Mount Lofty Ranges Natural Resources Management Board, led by the presiding member, Professor Chris Daniels, has been actively engaging with the community and industry groups within the Western Mount Lofty Ranges. The board led an extensive consultation process in 2011, and community and industry input has been instrumental in getting to this point.

The plan will guide water management decisions throughout the Western Mount Lofty Ranges so that water is divided fairly between all users, including also the environment. This is very important, not just for irrigators and residents within the region, but also for metropolitan Adelaide, as rainfall in the Western Mount Lofty Ranges feeds reservoirs that capture drinking water for Adelaide.

This plan also deals with groundwater within the region and it mandates the importance of measuring water use and monitoring the long-term sustainability of the water resources (both surface water and groundwater) in the region. The plan relies on science to determine the sustainable long-term balance between all users—the general community, industry and our natural environment. It aims to manage water use by ensuring that new allocations are within sustainable limits and minimises the risks of new use on existing users.

The plan protects existing users by minimising the risk of new dams having negative impacts on existing dams or downstream environmental assets. Under the plan, no new dams within the catchment of a reservoir can be built for any purpose, unless there is an equivalent reduction in capacity elsewhere in the catchment. Where the proposed dam is in, or near to, a wetland, an on-site assessment is undertaken on a case-by-case basis to determine if the new dam is likely to have a detrimental impact on an existing wetland.

In instances where a landholder wants to build, deepen or enlarge a dam with a capacity exceeding five megalitres or a dam with a wall height greater than three metres above the natural ground level, a development authorisation is needed under the Development Act 1993. The plan introduces the concept of rollover credits, allowing a portion of unused allocation from a previous year to be carried over to following years. This flexibility is particularly helpful to water users in managing the impacts of variable seasonal conditions and enables licence holders to build up a buffer or bank of water in good years to assist in dry years. The plan also introduces the ability to transfer water allocations and outlines how these entitlements can be transferred. Water licences and allocations are personal entitlements that are tradable assets. A technical assessment is undertaken to consider any impacts or risks to the resource or any existing user of a transfer.

While adoption of the plan will make it possible for water users to make applications for new dams or wells, utilise rollover allocations and transfer licence and allocations, a decision has been made to temporarily reserve all new water until all licensing is finalised. This decision means that initially no new water allocation applications will be considered and there will be constraints on allocation transfers and new dam approvals. This decision is consistent with taking a conservative and responsible approach to water allocation, recognising that water availability within catchments across the region will not be certain until outstanding issues arising from licensing are resolved.

We make water allocation plans because we live in the driest state in the driest inhabited continent in the world. We know the impact of drought and that our water resources must be well understood and protected so that we can maintain economic productivity and take care of our environment even when water is scarce.

I congratulate and thank the Adelaide & Mount Lofty Ranges Natural Resources Management Board for the hard work they put into this plan. It represents a major step towards securing sustainable water supplies for the community, industry and environment for future

generations. The community, industry and environment in the western Mount Lofty Ranges region will benefit from the adoption of a water allocation plan to provide water security for the future.

NOARLUNGA RAILWAY LINE

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) (14:55): I table a copy of a ministerial statement relating to the Noarlunga line made earlier today in another place by my colleague the Hon. Tom Koutsantonis, Minister for Transport and Infrastructure.

QUESTION TIME

CHINA DELEGATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:57): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries questions regarding $2.5 million, a storm in a teacup and Fujian Province.

Leave granted.

The Hon. D.W. RIDGWAY: In September last year South Australia signed a memorandum of understanding with Fujian Provincial Government in China to open trade links for South Australian premium food and wine. The minister called it a big win for South Australia. She bragged it would improve the awareness of South Australia's premium food and wine in China. Very recently, almost a year to the day since the MOU, the government organised a big South Australian delegation to visit Fujian to make it happen. I am told there were three days of official appointments. The Chinese hosts had organised a series of official functions with the minister as the guest of honour. I am told they even had a banner made welcoming her by name. However, the minister—

The Hon. R.L. Brokenshire: That's twice.

The Hon. D.W. RIDGWAY: The Hon. Mr Brokenshire interjects that twice they have done that. However, the minister didn't hang around to go to these appointments. Instead, using the excuse that a typhoon was coming and a storm had been predicted, she hightailed it to Hong Kong leaving the South Australian delegation behind red faced and, importantly, the Chinese hosts losing face. My questions to the minister are:

1. Did the typhoon merely turn out to be a storm in a teacup, with the rest of the South Australian delegation continuing the program despite the minister fleeing early?

2. What is the lasting impression this has given the Chinese?

3. Have South Australian taxpayers already committed $2.5 million to a project the minister seems in a hurry to abandon?

4. Did the minister spend two days in Hong Kong without official appointments while the rest of the delegation stayed in Fujian to finish the job the minister wouldn't?

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) (14:59): That is a disgraceful question I have to say. It is a disgraceful question because I know that the honourable member has received a detailed response about all of these matters whilst he asked questions of my officers during a finance committee meeting. I know that the honourable member is well aware and—through information that was given by my chief executive and other senior officers during the committee meeting—has been fully informed of all of the accurate information around this event. So it is an absolute disgrace that he comes into this place and suggests that anything improper or untoward has occurred. A typhoon happened. I know I am a very gifted woman, but I cannot stop typhoons. I know I am good, but I am just not that good.

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: Because the rest of the delegation went earlier on. The rest of the delegation left by bus earlier on. My meetings meant that I was in Fujian until later, requiring me to catch a train. The train tracks were destroyed by the typhoon. That is what a storm in a teacup it was. The whole train line, a major train line right throughout China, was stopped—no trains. That is why I was not able to get there. The rest of the delegation left before me. I had appointments to

continue with. I was leaving later, requiring me to catch a train, and I was unable to catch the train because it was not operating. It was not operating because a typhoon destroyed part of the tracks. I know that the honourable member knows this.

I had back-to-back appointments right throughout China, Hong Kong and Japan. So what I did was move on to my next set of appointments. It gave me, in total, an additional half a day in Hong Kong. I undertook a series of alternate appointments. I met with the Consul-General, I met with Austrade and I went to the opening of a supermarket that purchases products from South Australia. I went along to that opening. I never waste a minute of any day and I am always there, pushing and trying to develop further markets, particularly for our primary producers here in South Australia. That is how I spend my time.

I know that the honourable member has been briefed. I know he knows this. I know he knows that the train was taken offline because of the typhoon. I know he was given all that information, but he is more than happy to misrepresent, to come into this place with his snide innuendo, suggesting that something untoward has happened. It is quite a dishonest thing to do, and I would expect more of the Leader of the Opposition. I expect far more. It was extremely disappointing that a typhoon interrupted the half-day visit to that part of China. I was disappointed and so were the Chinese delegates.

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: It affected half a day, Mr President. I did not leave two days early. The honourable member again is misleading this place. He is being dishonest and he is misleading this place and it is an absolute disgrace!

The Hon. R.L. Brokenshire: Churlish.

The Hon. G.E. GAGO: It is. It is dishonest. It is completely dishonest. It is disappointing. I am so outraged. These primary producers came back with signed contracts for $4.6 million. That is how upset they were. Four winemakers that were in my delegation signed contracts as well; another two in Hong Kong. That is how outraged they were. They came back with a signed contract—a rare thing: that delegates, particularly primary producers on an international delegation such as this one, would actually sign contracts there and then during a delegation.

Because of the relationships that I have been able to form both in China and Hong Kong during the three trips in just over a year, going back time and time again to build on those relationships, build on the trust, promote what we are doing, taking our primary producers there so they can showcase their wares, introducing them to the right business and industry people—that is how successful this delegation was. They were signing contracts there and then during that trip, not waiting until they came home. I am sure that there will be lots of flow-on effects as well. I can tell you, Mr President, that all that delegation were extremely pleased with the overall outcomes of that trip.

Red Lion, South Australia's export company of premium seafood, honey, olive oil, dairy products, meat, health products and fine wines, signed a contract for $4.6 million and, as I said, there will be flow-on effects as well. Woodstock Wine, Brothers in Arms, Wines by Geoff Hardy and Nardone Baker Wines signed a memorandum of understanding for future trade opportunities, and I think that was for a container worth about half a million dollars.

In Hong Kong, a major coup was achieved for our wine and food producers. From next year, South Australian premium food and wine is set to be on the menu of Hong Kong's premier tourist attraction, Ocean Park. Since opening more than 30 years ago, over 100 million guests have visited these facilities. I also appointed South Australia's first internationally-based food and wine ambassador, high profile Hong Kong master chef Wong Wing Chee, and promoted South Australia's premium wines at a showcase dinner for Crown Wine Cellars, one of the world's finest wine cellar facilities.

In Japan, I took part in an investment seminar attended by 50 high profile investors and trading companies, banks and businesses. I also met with a number of Japanese businesses that are negotiating to import agricultural products from South Australia. During these meetings, I was particularly pleased to be able to reinforce our state's credentials as a producer of premium food and wine from our clean environment.

One of those businessmen, Mr Hirata, from the Hirata company, is visiting this week, and I joined him over on Kangaroo Island. His company purchases large quantities of canola from Kangaroo Island, as well as honey products. As I said, it is very important to keep building on these

relationships and to keep building up these international markets. The Japanese, obviously, are very concerned about the credence of their food products, and I was able to reinforce the GM-free status of South Australia and how the moratorium until 2019 will ensure continued GM-free products.

So, Mr President, you can see that the trip was highly successful. It has benefited many South Australian primary producers and other industries—

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: Well, Mr President, when the opposition leader comes into this place and misleads this place—deliberately misinforms in a dishonest way—when I know he's got the information, I will read him the riot act. Letter by letter, I will take him through what I have achieved and what the benefits for this state have been.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Ridgway, do you have a supplementary?

CHINA DELEGATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:08): Arising from the minister's answer. When the minister was in Hong Kong, did she attend a high-end dinner at a company, I think it was called Crown Wine Cellars, with a number of South Australian winemakers?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:08): I organised it. I took the winemakers there, and a number of those winemakers are at the high end of the Hong Kong wine industry. Hong Kong has now become the gateway of premium wine to the world. It has become so elevated internationally it has surpassed the UK in the movement of premium wine. It is the gateway. If we want to market and sell our premium wine, that is a key place for us to go and that is what I was doing there, with four of our key winemakers. I plan future trips as well with other winemakers to meet with key industry people. The people in this room were the high end of the wine industry.

These are huge retail outlets, big international hotels, the top end of town, and they are after the premium quality and clean credentials that Australia has to offer. I visited there in my trip before last. I was approached by the person who manages the place there, and he inquired as to whether I would be prepared to bring delegates over and he host the event and invite key industry people. I indicated that I was willing—and I delivered.

As I said, a number of those winemakers, wine producers, again, have already signed contracts with businesspeople, resulting from that particular forum. That is the place to be. I suggest that the Leader of the Opposition should be congratulating South Australia for being right there in the space where it should be and getting on the front foot, taking our industry people there, leading the way, and signing up international export contracts for our premium grade wine. Rather than snide innuendo, he should be congratulating me on these efforts.

The Hon. D.W. RIDGWAY: I have a supplementary question.

The PRESIDENT: What, you're wondering where your invitation got to? The Hon. Mr Ridgway, you've got a further supplementary.

CHINA DELEGATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:11): Did South Australian taxpayers pay for any of the winemakers' travel and accommodation while visiting Hong Kong?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:11): I understand that these questions were also asked in the finance committee, so obviously he doesn't bother to listen. It begs the question: why bother wasting our officials' time attending these committee meetings when we waste taxpayers' money back here in this chamber?

As indicated, the South Australian government covered the costs of three of the winemakers' airfares. I'm not sure about accommodation, but I understand that we picked up the airfares—that was around about $7,500, I understand—and they were the costs that were covered.

The Crown covered the costs of the dinner. They hosted that event, so there were no costs incurred there.

CHINA DELEGATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:12): I have a final supplementary question. At this high-end dinner, did the Penfolds chief winemaker attend, and when did he arrive in Hong Kong?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:12): Four winemakers attended that dinner: they were from Gemtree, Rockford—

The Hon. D.W. Ridgway: And d'Arenberg.

The Hon. G.E. GAGO: —no, it was from Coonawarra; it will come to me—and Penfolds' winemaker, Peter Gago. The government did not cover any of the costs of Peter Gago; he was on a trip of his own. He had other business there and was generous enough to give us his time. When I initially spoke with Crown during my visit before last, when I was approached to—it was d'Arenberg, I beg your pardon, and Majella; they were the wineries. When I was originally—

Members interjecting:

The Hon. G.E. GAGO: Yes, as I said—

The PRESIDENT: Ignore the interjections, minister; I'm listening.

The Hon. G.E. GAGO: I have been advised that PIRSA offered to cover the travel costs of three of the four winemakers. That is the information I have. Whether one or more of those three decided not to take up the offer I don't know, but certainly three of the four were offered. As I said, there were no costs at all incurred by Peter Gago.

The Crown had mentioned specifically on my previous visit, when they were suggesting that I host a forum, that they would very much like Penfolds' chief winemaker to attend if he could. So, they had specifically mentioned that and, as I have said, Peter Gago was generous enough, during his trip through Hong Kong, to attend the event. I cannot remember how many days he was in Hong Kong. As I said, he had other business there. He got on with his business, I got on with mine, and I know that we returned at different times and that we didn't travel together, either.

WATERPROOFING WHYALLA

The Hon. J.M.A. LENSINK (15:15): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray questions regarding Waterproofing Whyalla.

Leave granted.

The Hon. J.M.A. LENSINK: The Whyalla City Council has been working on a project to reduce their reliance on the River Murray, known as Waterproofing Whyalla, which kicked off in 2011 with a goal to provide 100 per cent of recycled water to sporting ovals, schools and the council's own land, including median strips, the Bradford Street Reserve, Memorial Oval, Jubilee Park and other areas.

The project, it was anticipated, would save at least 265 million litres of potable water sourced from the River Murray each year, reduce pollutant discharge into Spencer Gulf, and provide the community with green streetscapes, community spaces, parks and ovals. The $5.7 million project was funded by the federal government to the tune of $2.7 million, our state government, $50,000, and the remainder by council. The project was completed in 2012 and is ready for use.

However, the council has not been able to commission its project because SA Water is supplying only 20 per cent of the volume originally agreed to, which doesn't allow the system to function, the quality of water is not suitable to run the system efficiently due to turbidity and algae in the water, which is clogging pumps and filters. This has resulted in cancellation or rescheduling of a number of events, including Monster Trucks, the Whyalla Gift, Relay for Life, SA Cricket Academy for primary students, SA Rugby and Women's Football First.

I am advised that there have been numerous conversations with SA Water, which has said that it will take two to three years to rectify the plant. So, the plant is not being used, even though it cost considerable sums. My questions are:

1. Is the minister aware of this issue?

2. Can the minister explain why the council needs to wait another two to three years to receive a response and a solution from SA Water?

3. Will the minister commit to an investigation into why this system is not working?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:18): I thank the honourable member for her most important questions. My answer to those three questions is: no, no and yes.

WATERPROOFING WHYALLA

The Hon. J.M.A. LENSINK (15:18): I have a supplementary question. I am wondering whether the minister might further expand on that or whether he will bring some more detail back to us.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:18): My answer is yes.

ABORIGINAL CHILDREN, EDUCATION

The Hon. S.G. WADE (15:19): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question relating to the education levels of Aboriginal children.

Leave granted.

The Hon. S.G. WADE: The South Australian Strategic Plan identified a target to 'Increase yearly the proportion of Aboriginal children reading at age appropriate levels at the end of Year 1.' The Audit Committee on the State Strategic Plan notes that the target merely refers to an increase, not a rate of increase, not a target year. Between the period of 2007 and 2011, the Audit Committee reports that figures provided by the state government show an increase of merely half a per cent per year. The statewide reading level at the end of year 1 at the same point of time was 70.7, whereas for Aboriginal children it was 31.9. If the statewide reading age remains stagnant, at this rate of increase it would take almost 74 years for Aboriginal year 1 children to reach reading rates comparable with the statewide level.

The results suggest that the government's state strategic objective is that we actually maintain intergenerational disadvantage for Indigenous South Australians. My question to the minister is: given the lack of a rate of increase or a target year, is the government indeed planning for long-term intergenerational disadvantage in the education of Aboriginal children?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:20): I thank the honourable member for his most important question. This government believes that education and training are fundamental to reducing Aboriginal disadvantage and enabling greater self-governance, determination and responsibility into the future. That is why we are focused on literacy and numeracy, Aboriginal education and working with communities to lift school attendance.

Most recently this government doubled retention rates from years 8 to 12 for Aboriginal students in government schools from 33.1 per cent in 2002 to 66.9 per cent in 2011. This government believes that Aboriginal families and communities should have involvement in schools and decision-making processes and recognises that employing more Aboriginal teachers and education workers and providing opportunities for them to rise into leadership roles will create better outcomes for Aboriginal students. We are focused on encouraging greater participation by Aboriginal children in preschool and other early childhood development activities. It is vital that Aboriginal children are receiving at least the same education opportunities as those of other children.

The government continues to support the policy that provides for all Aboriginal and Torres Strait Islander children to attend preschool for up to four sessions per week from three years of age. The number of Aboriginal children enrolled in SA preschools, I am advised, has continued to increase from 994 in 2003 to 1,275 in 2011. For the very first time, all Aboriginal children in the year before full-time school who are living in remote communities will have access to an early

childhood education program. The South Australian government is using three key strategies to ensure that children have access to preschool: the delivery of 15 hours of preschool in existing preschool services; expanding on the number of preschool places available in partnership with non-government child care and preschools; and expansion of the provision of preschool education has been progressed with all government funded preschools being provided with funding to deliver 15 hours of preschool per week.

The South Australian government is establishing 38 children's centres for early childhood development and parenting across the state. These centres are developed in accordance with local community needs and provide easy access for families to family support programs, child care and education, and health services for children from birth to eight years. They support close collaboration with other agencies and regional office staff. I am advised that four Aboriginal children and family centres are being developed in South Australia at Ceduna, Whyalla, Christies Beach/Noarlunga and Pukatja on the APY lands as part of the Indigenous Early Childhood National Partnership.

The PRESIDENT: Supplementary, Mr Wade.

ABORIGINAL CHILDREN, EDUCATION

The Hon. S.G. WADE (15:22): Thank you, Mr President. The minister mentioned that there had been a doubling of retention rates of Aboriginal children and the stat that I referred to talked about the 31.9 per cent of Aboriginal students in year 1. I ask the minister, would he seek further information as to whether in fact the parameter needs to be changed, because if a major issue is a problem with retention and we're measuring people who are actually in year 1, perhaps the increase in retention rates is leading to an understatement in the achievement?

The PRESIDENT: There is no debate in supplementaries. The honourable minister.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:23): I thank the honourable member for his very relevant question. It is not a question that I can answer but I undertake to take that to the Minister for Education and Child Development in the other place and seek a response on his behalf.

ENTERPRISE ZONE FUND

The Hon. R.P. WORTLEY (15:23): I seek leave to ask the Minister for Regional Development and Status of Women a question about the Enterprise Zone Fund, Upper Spencer Gulf and Outback.

Leave granted.

The Hon. R.P. WORTLEY: The Enterprise Zone Fund, Upper Spencer Gulf and Outback is designed to strengthen Upper Spencer Gulf and outback communities by supporting growing industries. Can the minister inform the chamber about the women in the Civil Plant Operations Training Program funded through the Enterprise Zone Fund, Upper Spencer Gulf and Outback?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:24): I thank the honourable member for his question. The Enterprise Zone Fund, Upper Spencer Gulf and Outback is a $4 million rolling fund, available over four years, which seeks to support growing industries in the North and Far North regions of our state. The fund is intended to capture the benefits of this growth in the USG and outback communities via strategies such as capitalising on opportunities that are focused on, but not limited to, the expansion of the resource and energy sectors, and by providing access to organisations in the USG and outback for projects that make a major impact in the region by changing competitive advantages in its favour.

The fund is accessible by organisations, including local government, businesses and industry associations in the region. As honourable members would be aware, realising the benefits of the mining boom for all South Australians is a strategic priority for this government. It is grant programs, such as the Enterprise Zone Fund, that enable our regions to be proactive and supported in capturing the benefits of this growth for all members of their communities.

The Upper Spencer Gulf and outback regions are well placed geographically to capture business from the expansion of the resources and energy sectors. The Upper Spencer Gulf and outback areas have within them a very solid base of small to medium enterprises which have the

capacity to participate in the increased mining and energy generation activity. There is great scope for these businesses, including Aboriginal enterprises, to be assisted in growing their individual and collective capabilities and to maximise the opportunities of job creation and sustainable and growing communities in the region.

I have spoken in this place previously on how vital it is that regional women have access to scholarships and training opportunities that enable them to participate in STEM industries. Women in our regional, rural and remote communities often encounter significant barriers to accessing opportunities in skill development and mentorship, more so than women based in metropolitan regions. Our STEM industries continue to grow in our regions. It is of the utmost importance that we ensure that women have the skills and confidence to access the employment opportunities available.

Women wanting to engage with STEM industries obviously face obstacles in not just accessing training opportunities but often having to fight against those stereotypes that women are unable or unwilling to participate in STEM careers. The South Australian government remains committed to encouraging and financially supporting women to access training in high demand, high growth, non-traditional industries, such as mining, defence and construction.

I am very pleased that today I was able to announce $75,000 of funding to Civil Train, the training division of the Civil Contractors Federation (CCF), which covers a variety of training programs to CCF members and also to civil contractors around Australia. Civil Train is also a Skills for All provider which currently delivers accredited training for those employed in civil construction, horticulture, agriculture and a range of allied industries.

The funding gives the opportunity for 12 women from communities in the North and Far North to train for jobs in mining and allied industries, with particular focus on recruiting Aboriginal women to the program. Training is conducted over an eight-week period, with the first five weeks of the program run to fulfil the national training unit competencies, meaning that all graduates of the program will leave with a Certificate II in Civil Construction.

The practical component of the training is held within the Davenport Aboriginal community at Port Augusta and will involve work on community-based projects. This is real-world experience that not only helps the participants but brings benefits to the whole community. Further, the participants will also undertake a minimum of 24 hours' training on the Civil Train plant simulators and licensing to operate a minimum of two pieces of plant equipment, including an elevating work platform, a skid steer loader and an excavator. Participants have the opportunity to gain licences for all three, dependent on their skill level of course, and I would be very keen myself to have a go at some of this equipment. I wouldn't mind hopping into one of those simulators.

This experience, along with their certification, ensures that participants will begin employment as skilled employees as soon as they graduate. I am advised that this hands-on training is highly valued and preferred by potential employers. It also establishes a collection of qualified women from which local and regional businesses can select and increases opportunities for employment for successful participants in associated industries, such as local government.

I am advised that the application process is expected to commence at the beginning of October this year, with the program scheduled to kick off mid to late October and due for completion in late December this year. I wish all the applicants the very best in their training. Continuing to cultivate strong regions and growing industries in South Australia is dependent on ensuring the full participation of South Australian women in all industries, and this Labor government certainly continues to consistently deliver for our regions and our regional and rural women.

APY LANDS, DISPUTE RESOLUTION

The Hon. T.A. FRANKS (15:30): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question regarding dispute resolution on the APY and Maralinga Tjarutja lands.

Leave granted.

The Hon. T.A. FRANKS: As the minister is aware, under the provisions of the APY Land Rights Act 1981, every traditional owner of the APY lands should be able to appeal to a government appointed conciliator if they are unhappy with the decision or action of the APY Executive. Similarly, under the Maralinga Tjarutja Land Rights Act 1984, disputes shall be resolved by what is called a 'tribal assessor' playing that same role of conciliator.

Accordingly, in September 2008 the then state minister for Aboriginal affairs and reconciliation appointed a panel of three conciliators under the APY Land Rights Act 1981. They were Mr Adrian Dangerfield, Mr Chris Vass and Mr Garry Hiskey. Each conciliator was appointed for a three-year term. Those appointments expired in June 2010. They have not been renewed or, indeed, replaced.

At the time of those appointments, information was provided about dispute resolution processes to Anangu. It stated that any Anangu person who wanted to make an appeal to the conciliators could do so by sending a fax to a given number—(08) 8226 8999. On receiving the fax, the panel members would decide among themselves who should hear that appeal. In light of those 2008 appointments for APY lands dispute resolution, the *Paper Tracker* then wrote to the then minister for Aboriginal affairs and reconciliation seeking information on the appointment of the tribal assessor under the relevant Maralinga Tjarutja act.

On 16 December 2008, the then minister replied in correspondence that, 'There is nobody appointed as a tribal assessor…as there are no matters requiring that type of intervention at this time.' Since then no new appointments have been made for APY nor to my understanding for the Maralinga areas. My questions are:

1. In the absence of either a conciliator or a tribal assessor, as required under those relevant acts, are you as minister confident that no traditional owner has ever had any relevant dispute requiring resolution under the term of your ministry?

2. If not, why have you as the current minister failed in your duty to provide this important conflict resolution option?

3. If so, how do you as minister now propose to respond to the concerns of traditional owners regarding the APY Executive as reported in today's *Australian* newspaper and, to my understanding, previously raised with you as minister?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:33): I don't really thank the honourable member for this pathetic question because it really is in the same mould as the Hon. Mr Ridgway's pathetic question earlier—based on inaccurate information; false and misleading information. If the honourable member wanted to ask me at any time what I am doing about this process, I would have told her, as I am going to tell her now, I am currently in the process of appointing a conciliation panel right this very minute.

The PRESIDENT: Supplementary, the Hon. Ms Franks.

APY LANDS, DISPUTE RESOLUTION

The Hon. T.A. FRANKS (15:33): Will the minister refer any complaints that are being received under his ministry to this person, or have the emails been lost?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:33): I have nothing to add to my first answer.

LAKE EYRE BASIN CONFERENCE

The Hon. CARMEL ZOLLO (15:33): My question is to the Minister for Water and the River Murray.

The Hon. J.S.L. Dawkins: He will probably give a longer answer this time.

The Hon. CARMEL ZOLLO: You'll have to wait and see, won't you? Will the minister inform the chamber of the importance of the sixth Lake Eyre Basin Conference, recently held in Port Augusta?

Members interjecting:

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:35): I could reflect on those members opposite who just don't bother to listen. They didn't bother to listen either to my notice of motion earlier nor did they bother to listen to that excellent question from the Hon. Carmel Zollo. Being such an excellent question, I will proceed to give it a very worthy answer, in my humble opinion.

I thank the honourable member for that most important question. Last week I had the pleasure of attending and opening the sixth Lake Eyre Basin Conference in Port Augusta. This conference is held as part of the Lake Eyre Basin Intergovernmental Agreement, a joint undertaking of the Australian, Queensland, South Australian and Northern Territory governments. The purpose of the agreement is to ensure the sustainability of the Lake Eyre Basin river systems, in particular to avoid or eliminate cross-border impacts. This agreement was signed in 2000 between the federal, Queensland and South Australian governments, and I understand that the Northern Territory became a party to the agreement in 2004.

The conference was exceptionally well attended with people coming to Port Augusta from right around South Australia and the country. I heard estimates of 120 to 140 attendees which is just fantastic. The conference schedule provided much information of great value for the conference participants. Lake Eyre Basin is one of Australia's most impressive natural assets and it is of great interest to those who have to rely on it. The basin itself covers about 1.2 million square kilometres, which I am told is roughly the same area as South Africa (why that is important, I don't know), and is considered to be one of the world's last unregulated wild river systems. To those who live and work in the region, it is an area of beauty and mystery, a place that sustains pastoral and mining industries, and a place that is important to the tourist industry as well. Most importantly, it is a place that is a crucial ecosystem in our central Australian environment.

Its rapid change in periods of high rain from arid desert to flourishing waterholes and great lakes filled with birdlife is one of this continents most amazing natural phenomena. Yet, it is these unpredictable water flows and extreme changes in climate and multiple environmental, economic and government interests that make looking after such a unique landscape a real challenge. From a South Australian perspective, much like the River Murray, most of the water starts in other jurisdictions and ends up in ours. Historically, being situated at the bottom end of the basin has been a frustration for many South Australians in the region. Because of this, the signing of the Lake Eyre Basin Intergovernmental Agreement was an historic achievement for all parties involved, particularly South Australia. It has provided us with a framework to ensure the sustainable management of the major cross-border river systems of the Lake Eyre Basin, six policies and 12 high priority strategies to ensure the sustainable management of the basin's resources.

The theme for this year's conference was 'Basin voice: shared understanding and action for a sustainable Lake Eyre Basin future, linking science and management'. This theme explored the need to continue strengthening local decision-making by bringing together all those involved in the Lake Eyre Basin, whether they are residents, traditional owners, pastoralists, park managers, miners, scientists, policymakers or, indeed, entrepreneurs. This government knows that decision-making on natural resources and conservation happens best at a local level, not in some government building in a city hundreds of kilometres away.

This government has a long history of empowering communities to make decisions at that local level. In 2004 this government introduced the Natural Resources Management Act, and almost 10 years later we are seeing this community focused approach to land and water, our air and marine environments, delivering great outcomes right across our state. Just this year we recognised the importance traditional owners have in conservation roles by handing back the Finniss Springs Station to the Arabana people. That coincided with the renaming of Lake Eyre to its traditional name of Kati Thanda and the entering into a number of comanagement agreements between the Department of Environment, Water and Natural Resources and traditional owners of the Wabma Kadarbu Mound Springs Conservation Park, the Lake Eyre Conservation Park and the Elliott Price Conservation Park. It is expected that these arrangements will deliver the management of these important places that recognises the expert local knowledge traditional owners possess and also enables the cultural value of these places to be protected and promoted to parks visitors.

The Lake Eyre Basin is everyone's resource and it is only by bringing all who rely on the basin together that we can ensure its viability and sustainability as a natural resource and also ensure that everyone's voice is heard. This was made all the more clear to me by attending this conference and hearing the views of those people who live in and rely on the basin. This is particularly important because at this very moment the Queensland government is exploring plans to amend the Cooper Creek and Georgina and Diamantina Wild Rivers declarations. Now we have heard that Queensland has plans to alter water licensing conditions to attract more irrigators on their side of the border. Anyone who relies on the basin should have very serious concerns about these proposals.

Fortunately both sides of politics in this state recognise what damage this could do on our side of the border. I would particularly like to acknowledge the great work of the member for Stuart in the other place, who has been very vocal about his concern regarding the Queensland government's plans.

As I said earlier, the fact of the matter is that South Australia and Australia collectively cannot afford to allow the mistakes made with the Murray-Darling Basin to be repeated with Lake Eyre. That is why I gave notice today that I would be moving a motion in this place that expresses concern about Queensland's proposals and calls on the Queensland government to formally consult with South Australia, as a cosignatory to the Lake Eyre Basin Intergovernmental Agreement.

Mr President, the passion that the Lake Eyre Basin community have for their resource is no different to that held by those in the Murray-Darling Basin, and I can assure you and all members here today that the state government's passion—and Premier Jay Weatherill's passion—is no different. We have fought upstream states before and, if we have to, we will do it again. I would like to congratulate the conference organisers and the community of Port Augusta on running such a fantastic and successful event.

ELECTRICITY PRICES

The Hon. D.G.E. HOOD (15:40): I seek leave to make a brief explanation before asking the minister representing the Minister for Mineral Resources and Energy a question about contract prices for electricity.

Leave granted.

The Hon. D.G.E. HOOD: The Minister for Mineral Resources and Energy spoke on radio yesterday about loyal electricity customers who did not change retailers. I make no criticism of the minister; I think what he said is probably correct. He specifically said the following:

> And once you're one of those sticky customers you're trapped because they will keep on putting up your power prices because they know that you will not move.

My understanding of retail contracts for electricity is that the retailer can increase the price, including during the one or two-year period when the customer is not able to change retailers without incurring a termination fee, and these increases are not limited to any increase approved by ESCOSA or any other body.

In the radio segment, the point was made that retailers increased their rates of charge to customers and then offered lower rates to new customers and to existing customers, but otherwise continued to charge the high prices to those who were locked in to contracts. The minister went on to say:

> ...25 per cent of all South Australians have not switched retailers since ETSA was privatised...those 25 per cent of South Australians are paying the highest possible bills in South Australia.

Again, I make it clear that I make no criticism of the minister, but these are very significant comments. My questions are:

1. How can it be that electricity retailers can increase their charge rates by an amount they decide while the customer is bound to continue for the contract period?

2. Some elderly and some disabled people are not able to cope with performing the calculations necessary for comparing rates offered by various retailers and may not feel comfortable or confident in confronting retailers about rates. What is the government doing to enable these people to access the same rates that are offered generally in the marketplace, that is, to new customers?

3. Has the government considered regulating or not regulating to prevent them from increasing rates to existing customers, as I have just outlined? What is the government's plan in order to address this problem?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:43): I thank the honourable member for his most important questions. I will refer them to the Minister for Mineral Resources and Energy in another place and bring back a response.

HEALTH DEPARTMENT STAFF

The Hon. R.I. LUCAS (15:43): I seek leave to make a brief explanation before asking the minister representing the Minister for Health a question on the subject of health job numbers.

Leave granted.

The Hon. R.I. LUCAS: In the budget papers for 2013-14, Treasury indicated that for this financial year there would be full-time equivalent job cut numbers of 959 in the health portfolio. During the estimates committee, the minister indicated that, subsequent to the budget papers being produced, the required job cut numbers in health for this year of 959 had been reduced to 600 because there had been an extension for 18 months of the national partnership agreement for subacute and emergency department funding with the federal government. That agreement had been extended for 18 months.

The questions that have been raised with me in relation to these issues have been twofold. That is, when the federal government grant expires in 18 months, does Treasury require an additional 359 job cuts consistent with the original budget papers? The other issue that has been raised with me is that the budget papers for 2013-14 also indicate that in the forward estimates for 2016-17, the job cut numbers in health are required to be 242. So, if Treasury requires job cuts of 959 in total plus 242 by 2016-17, is health actually facing job cut numbers of 1,201 full-time equivalents over the full forward estimates period? My questions to the minister are as follows:

1. For each of the financial years 2013-14, 2014-15, 2015-16 and 2016-17, what are the job cut number full-time equivalents required by Treasury of the health department?

2. In particular, when the 18-month extension of the national partnership agreement for subacute and emergency department funding expires, does Treasury require SA Health to cut the additional 359 full-time equivalent job numbers?

3. For each of the forward estimate years 2013-14 through to 2016-17, what is the estimated number of nurse and doctor positions that will be cut as part of the total cuts of up to 1,201 full-time equivalent job cut positions?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:46): I thank the honourable member for his very important questions, which I will undertake to send to the Minister for Health and Ageing in the other place and seek a response on his behalf. I have to say that it is a very odd call for a member of the Liberal Party to be talking about job cuts when they have been flagging job cuts of up to 25,000 to 35,000 public servants as part of their secret plan to cut, cut, cut.

ZONTA CLUB OF GAWLER

The Hon. G.A. KANDELAARS (15:47): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question regarding Zonta Club in Gawler.

Leave granted.

The Hon. G.A. KANDELAARS: Established in 1919, Zonta International is an organisation which works together to advance the status of women worldwide. Zonta has chapters across the globe and Zonta Gawler recently celebrated its 20th birthday. Can the minister inform the chamber of the celebrations held by Zonta Gawler to recognise 20 years of work?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:48): I thank the honourable member for his very good question. The Zonta Club of Gawler Inc. began in 1993 and for the past 20 years has supported local women and the wider community via a number of projects and scholarships. I was very pleased to be invited by Ms Pru Blackwell, President of the Zonta Club of Gawler, to attend their birthday celebrations in August and to speak to the Zonta past and present members, volunteers, local councillors and supporters who attended.

Zonta is renowned for their work worldwide in advancing the status of women through service and advocacy. Zonta Gawler has shown commitment to local community issues, especially those affecting women and young girls and their education. In keeping with their philanthropic spirit, they even used their birthday celebrations to highlight one of their favourite programs that they contribute to, the Birthing Kit Foundation (Australia). This foundation is dedicated to improving

conditions for women who give birth at home in developing countries. Kits provide clean equipment to reduce the incidence of infection and death for mothers and babies during childbirth.

Their efforts are also felt widely in the Gawler community. Zonta Gawler is a longstanding contributor to the International Women's Day events and I have been very pleased, over the years, to be able to provide financial support to them for that purpose. Further, it is organisations such as Zonta that provide the valuable training ground for young women to help them to identify their own leadership potential and the confidence to pursue their ambitions.

I have spoken in this place before of the marvellous work that the Gawler IWD committee undertakes in its fundraising events each year to provide financial assistance to young women in years 10 and 11 from each of the three secondary schools in the area: Gawler and District College, Trinity College and Xavier College. The scholarships are awarded each year to young women from local schools to advance their education. I was pleased to again be able to offer my financial assistance to contribute to a scholarship for a young woman from each of these schools.

These types of initiatives are so important in supporting young women to believe that they are capable of and have the right to participate in and be actively engaged with the whole community, not just some parts of it. As Minister for the Status of Women and Regional Development, being able to attend events such as these supports two of my passions: equality for women and advancing women's leadership at not only the state and national level but also within a regional context. Our rural and regional women make a significant contribution to South Australia's development in economic and social terms. It is my belief that promoting and increasing the participation of regional women in leadership and decision-making roles are key to ensuring that their voices are not only heard but that policies reflect the diverse needs of the whole community, not just half.

Increasing the number of women to actively pursue leadership opportunities in their businesses, communities and industries ultimately helps to produce stronger regional communities. For many regional women these opportunities can be difficult to come by when compared to their city counterparts. The chamber would have heard me speak previously about the scholarships announced by the Premier and myself for 25 women to attend governance training delivered by the Australian Institute of Company Directors. I am very pleased to be able to update the chamber and inform members that this training, held on Friday 23 August, was considered to be a considerable success. I have received correspondence since this training was completed, attesting to the value of offering opportunities like this to South Australian women who otherwise may not have that chance.

Further, more than half of these scholarships went to women living in regional areas. This demonstrates the willingness of women to stand up and take a leadership role within their business and community and, again, shows that it is this government—a Labor government—that will stand up and advocate for our regions and support regional women to reach their full leadership potential. I wish to congratulate Zonta Gawler on the 20 years of work in supporting their region and the women in their community. Congratulations to Zonta Gawler.

DISABILITY ACCESS, PUBLIC TRANSPORT

The Hon. K.L. VINCENT (15:52): I seek leave to make a brief explanation before asking the minister representing the Minister for Transport Services questions regarding the provision of information to passengers with disabilities on Adelaide Metro bus services and the overall accessibility of bus services.

Leave granted.

The Hon. K.L. VINCENT: Following a constituent inquiry I have been giving some further consideration to the adequacy of the information provided regarding public transport services on Adelaide's network of metropolitan bus services, specifically whether information on upcoming stops might be able to be presented to bus passengers, as it is to train and tram passengers, over a loudspeaker system.

Members in this chamber are regularly told by proud ministers that some 86 per cent of Adelaide's buses are currently considered accessible, with the rest of the fleet to be made accessible by 31 December 2022, as required by the commonwealth Disability Discrimination Act 1992. I also note that the minister, in her recent correspondence with my office, has admitted that only 68 per cent of Torrens Transit buses are actually labelled accessible.

However, it appears that there is a concerning lack of clarity from the government as to what actually constitutes an accessible bus. On the Adelaide Metro website, the Disability Standards for Public Transport set out by the commonwealth Attorney-General under the Disability Discrimination Act are referred to but very little detail is provided as to how the standards are interpreted by the department and what measures have been taken to ensure compliance. I note that part 27.4 of the Disability Standards for Accessible Public Transport 2002 states:

> All passengers must be given the same level of access to information on their whereabouts during a public transport journey.

I should stress that I am not paraphrasing; that is a direct quote from the standards. I could be wrong, but from my reading of this it is possible to assume that not providing a loudspeaker announcement which helps a cohort of people obtain the same level of information about their whereabouts as other passengers on a bus trip, which is a kind of public transport journey, could be against the standards.

It is important that information is relayed to passengers regularly. While loudspeaker announcements of upcoming stops are usually seen as a measure to aid people with vision impairment, my constituent makes the valid point that there are also many other people with a range of disabilities (a cognitive impairment, for example) which impedes a person from understanding directions well enough to know when to get off the bus. My questions are:

1. Given that the commonwealth Disability Discrimination Act 1992 requires making all buses accessible by 2022, what does 'accessible' mean to the South Australian government: is it purely accessible to people with physical impairments or is it 'accessible' in a much broader and, I would argue, more accurate sense?

2. Does the government's definition of 'accessible' bear any resemblance to the broad and far-reaching range of issues encompassed by the Disability Standards for Accessible Public Transport 2002?

3. Can the minister provide clarification as to whether the failure to provide audio announcements on our state's bus routes contravenes part 27.4 of the standards and, if so, will she see to it that they are provided in the future?

4. If the minister is unwilling to implement audio announcements, what are her reasons for this and what are some alternatives she may consider?

5. As only 68 per cent of Torrens Transit buses are currently accessible, will the minister be advising people with disabilities, in particular, in Adelaide not to live in regions of the city where Torrens Transit runs the bus routes?

6. Given that the minister has notified us that only 61 per cent of 174 bus routes were accessible over a random three-day survey, does the minister intend to inform people with a disability to live elsewhere but on the 174 bus route?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:58): I thank the honourable member for her very important questions. I will undertake to take those questions to the Minister for Transport Services in the other place and seek a response on her behalf.

FLINDERS RANGES NATIONAL PARK

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:58): I move:

> That this council requests His Excellency the Governor to make a proclamation under section 27(3)(b) of the National Parks and Wildlife Act 1972 to exclude sections 52 and 53 in deposited plan 90825, out of hundreds (Parachilna), from the Flinders Ranges National Park.

The purpose of the motion is to excise these parcels from the Flinders Ranges National Park. Under section 27(4) of the National Parks and Wildlife Act 1972, an alteration to the boundary of the Flinders Ranges National Park will require a resolution of both houses of parliament and a subsequent proclamation by the Governor.

The Flinders Ranges National Park is located 450 kilometres north of Adelaide. The park is an iconic South Australian landscape and known for both its geological and cultural significance.

The land to be excised from the park (sections 52 and 53) is located on the park's northern boundary. I am advised that it comprises 411 hectares, and this land covers less than 1 per cent of the national park's total area. The sections are within the area identified as Dead Man's Bore, and my advice is that they are considered to be of low conservation value to the park.

Environmental assessment of this area has concluded that the systems are relatively degraded and otherwise well represented elsewhere in the park. Once excised from the park, it is intended that these land parcels be included in the Gum Creek Station pastoral lease. Given the lack of conservation value of the parcels, this is a more appropriate tenure and use for the land. In return, Gum Creek Station has surrendered 423 hectares of land from their pastoral lease to be included in the Flinders Ranges National Park.

Once proclaimed as an addition to the park, the additional land will be managed by the Flinders Ranges National Park Co-management Board under the National Parks and Wildlife Act 1972. Land to be included in the Flinders Ranges National Park is located adjacent to the Aroona campground. It will be a valuable contribution to the national park, and my advice is that it contains significant intact biodiversity and landscape values.

This excision has been supported by the Flinders Ranges National Park Co-management Board and the Adnyamathanha Traditional Lands Association, and I commend the motion to the council. I understand that we contacted officers and honourable members back in July, flagging this, and again in September. I am not quite sure whether we are prepared to go ahead with it, so I will stop.

The Hon. J.M.A. LENSINK (16:01): This is one of two motions which proposes to add bits and exclude bits from existing national parks. Flinders Ranges National Park obviously is an iconic national park in South Australia and is world renowned. I support the comments of the minister in relation to the purpose for which these alterations are being made; in doing so, I would like to thank the member for Stuart, Mr Dan van Holst Pellekaan, for his advice that he is also satisfied. I understand that he has spoken to the lessees and that they, too, are supportive of this move.

Motion carried.

MARINO CONSERVATION PARK

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:02): I move:

That this council request His Excellency the Governor to make a proclamation under section 30(2)(b) of the National Parks and Wildlife Act 1972 to exclude allotment 801 in deposited plan 91248, hundred of Noarlunga, from the Marino Conservation Park.

The purpose of this motion is to excise this parcel from the Marion Conservation Park. Under section 30(4) of the National Parks and Wildlife Act 1972, an alteration to the boundary of the Marino Conservation Park will require a resolution of both houses of parliament and a subsequent proclamation by the Governor.

The Marino Conservation Park provides spectacular views of the Adelaide metropolitan shoreline and provides protection to a number of plant species, including the inland bright eye, considered endangered across the country. The western boundary of the park is shared with the Noarlunga rail line. This rail line is included in the government initiative to electrify the Noarlunga and Seaford rail lines.

During the execution of this project, the Department of Planning, Transport and Infrastructure identified that the physical fence line along the western boundary of the park was not aligned with the legal boundary of the park. It was discovered that land held in title by the Minister for Transport and Infrastructure had been fenced inside the park and a small area of the existing Marino Conservation Park infringed on the eight-metre offset required to ensure rail safety standards.

A new boundary for the park is proposed to ensure rail safety standards are met and that the land in the park has the correct legal tenure. The new boundary will require the excision of 1,059 square metres of land, being allotment 801, from the Marino Conservation Park for transfer to the Minister for Transport and Infrastructure. This transfer of land will legally realign the boundary of the park to ensure that the fence line is the required distance from the track and electrical infrastructure, meeting rail safety standards.

As part of the boundary realignment, the Minister for Transport and Infrastructure will also transfer allotments 701 and 702, approximating 3,089 square metres of land, to me for addition to the Marino Conservation Park. This land is currently fenced within the park and will continue to be managed for conservation by the Department for Environment, Water and Natural Resources.

As previously mentioned, the excision of land from the conservation park requires a resolution of both houses of parliament. Following the parliament's consideration of this matter, allotment 801 will be formally excised from the Marino Conservation Park by way of proclamation, and the parcel will resume tenure as unalienated crown land. I will then dispose of the land for no consideration under sections 24 and 25 of the Crown Land Management Act 2009 to the Minister for Transport and Infrastructure.

This excision has been supported by the Adelaide & Mount Lofty Ranges NRM Board, the Department of Planning, Transport and Infrastructure and the Friends of the Marino Conservation Park. I commend the motion to the council.

The Hon. J.M.A. LENSINK (16:05): This is a fairly straightforward issue in relation to the realignment of the boundary, which clearly was not done quite correctly in the first place. I commend the work of Friends of Marino Conservation Park. I was down there a couple of months ago at the invitation of the Liberal candidate for Bright, Mr David Speers.

The Hon. J.S.L. Dawkins: A very good candidate.

The Hon. J.M.A. LENSINK: He is a very good candidate, and hopefully he will make an excellent member of parliament after March next year. One of his key concerns has always been environmental issues, and this park forms a significant part in that particular area and contains remnant dunes, as the minister well knows, as we both attended at the Tennyson dunes. We need to protect the parks and conservation areas we have left. With those remarks, I endorse the motion.

Motion carried.

CHILD SEX OFFENDERS REGISTRATION (MISCELLANEOUS) AMENDMENT BILL

In committee.

Clauses 1 to 6 passed.

Clause 7.

The Hon. A. BRESSINGTON: I have to apologise to the council. This particular amendment is not in my folder. I have been without staff for four days. I thank the Hon. Stephen Wade for a copy of the amendment and will try to make some sense of it. I move:

Amendment No 1 [Bressington–1]—

Page 5, after line 22—After inserted subsection (1a) insert:

(2) Section 9—after subsection (3) insert:

(3a) If the person is a child, or committed the relevant offences as a child, the court must also be satisfied that the person has displayed a persistent pattern of violent or anti-social behaviour that justifies the making of the order.

I filed this amendment because I am quite concerned that perhaps what might be described as overly mischievous or unfortunate behaviour could actually land a young person on the child sex offenders register and cause a great deal of hardship for that person in later years. I have asked the council to consider the amendment that the child can only be considered to be on the register if he or she has displayed a persistent pattern of violent or antisocial behaviour that justifies the making of the order.

I have been approached by one mother whose son has an intellectual disability and who has been subject to being accused of sexually offensive conduct. It has made the mother's life quite difficult but also, given that the person in question has, I think, the intellectual development of about a six or seven year old, it seems that in this particular case, for some reason that has not been taken into account, he has landed himself on the sexual offenders register and she has been unable now for about two years to get any joy in having his name removed.

This is a precautionary amendment, because things happen; life happens. I just think that we should make it very clear that people who are under age still get up to the same sort of mischief that they did 20 or 30 years ago, and also that there is a group of people who could be caught up in

this web where there should obviously be some sort of leeway given. I commend the amendment to the committee.

The Hon. G.E. GAGO: The government strongly opposes this amendment. We feel that this is a very ill-conceived amendment that has quite serious potential consequences. I will just take a minute to outline that. Section 9 of the act sets out the circumstances in which a court may order certain persons to be subjected to the operation of the act who are not automatically captured under the legislation. This includes persons who are being sentenced for a class 1 or class 2 offence that was committed while a person was a child.

Prior to making the order, the court must be satisfied that the person poses a risk to the sexual safety of any child or children—poses a risk. This amendment would require the court to be satisfied of an additional requirement and that is that the person has displayed a persistent pattern of violent or antisocial behaviour that justifies the making of an order. This additional requirement is not relevant to whether a person is a risk to the sexual safety of children. They may be but they are not necessarily of themselves the only things that might pose a risk to the sexual safety of children.

For instance, violence—I will break it down and make it a bit simpler. Violence does not in and of itself indicate whether a young person poses a risk to the sexual safety of another child. Therefore, if the behaviour did not include violence but still constituted a risk to the sexual safety of children, they would slip through. They would get off scot-free. As I said, this is very ill conceived. I can see what the honourable member thinks that she is doing with this amendment, but in fact it has quite devastating consequences that are really the antithesis of this bill which is to protect the safety of children.

The government cannot support this. The amendment would mean that even if a court is satisfied that a person presents a risk to the sexual safety of children, the court could not place the person on the register without also being satisfied that the person is, for instance, violent. In addition, history demonstrates that the courts with respect to young offenders has not often made these orders. The provisions are not overutilised and should not be further restricted. There is no evidence that further restriction is needed of these particular provisions.

The Hon. S.G. WADE: The opposition has a similar reading of the effect of the amendment to that of the government. In the opposition's view, once a court is satisfied that a person poses a risk to the sexual safety of any child or children, that should be sufficient for an order. There should be no need for further criteria even if the offender is a child or was a child at the time of the offence.

The Hon. K.L. VINCENT: I wonder if, before I state a clear position on this, I might be able to ask some questions of the mover with your permission, Mr Chairman.

The CHAIR: Go ahead.

The Hon. K.L. VINCENT: For the sake of clarity, I wonder if the Hon. Ms Bressington can expand upon her thinking in terms of the need for the further criteria in that I would have thought that sexual advances that cause us to believe that a person is a risk to a community would constitute violence and antisocial behaviour. I would have thought those kinds of actions were exactly those things—violent and antisocial—so why does the mover believe there is this need for the extra criteria? I don't know if I am articulating this correctly.

The Hon. A. BRESSINGTON: I remember two weeks ago when there was a big kerfuffle about a 13 year old photographing his genitals and sending it around. That is undesirable behaviour—I get that—and I would certainly be quite shocked if any of my children did anything like that. But I want to draw the line that when we were growing up, when I was growing up, the larrikins driving around in their HR Holdens would moon people out the window. They did not necessarily take a photo of it because there weren't any mobile phones but it was never a big hullabaloo to consider that kind of behaviour as a sexual offence.

I heard the commissioner on FIVEaa saying that he has the determination of whether or not a person goes on the sexual register and it would be highly unlikely that this kind of conduct would get someone on the register. As far as I am concerned, 'highly unlikely' for this kind of behaviour is not a guarantee that I am looking for when we are talking about the possibility of a 13 year old being put on the sexual register for what may be just a stupid, mindless, tasteless prank. That person will be on the register for a very long time. That sort of stigma follows a person around for a very, very long time. I just think that sometimes what is now interpreted as sexual misconduct is a bit overstretched in the real world.

No-one could say that I have not championed in this place the cause of protection for children against predators, that I have not introduced bill after bill after bill to amend the Child Protection Act to ensure that children are safe from paedophiles. Mark Trevor Marshall comes to mind, when this government would take no action to ensure that this repeat offender, who had abused around 250 children, was not released into the community. As a matter of fact, this government was trying to find him accommodation and keep it a secret. So if we want to talk about keeping children safe, by all means let's do it, but let's not go that little bit overboard.

I would assume that, by law, the sexual abuse of a child would be considered violent, that the sexual abuse of a child would be considered antisocial behaviour and that a persistent pattern of violent and antisocial behaviour that justifies making the order would take into account any act of child sexual abuse. I want it clarified that, unless it is persistent behaviour, we need to actually think quite long and hard on this before we go around potentially catching stupid, adolescent people in a net.

The Hon. K.L. VINCENT: I appreciate that the Hon. Ms Bressington is extremely passionate about this issue, but I would appreciate her patience. Just to clarify, on the Hon. Ms Bressington's reading of this amendment, it would only apply to what we may consider a more minor offence, such as the 13 year old photographing his own genitals and cases like that. Is that where you believe there would be a need for extra criteria, not where someone actually physically molested a child, for instance?

The Hon. A. BRESSINGTON: Absolutely. That was the intention of this. As I said, I have absolutely no tolerance for anybody who is going after young children and causing them any kind of distress. As I said, this is for stupid, adolescent, careless, thoughtless behaviour that may offend some but is not actually a sexual offence.

The Hon. G.E. GAGO: May I reassure all members of the chamber that the bill, as it stands, does not capture stupid and careless behaviour. Stupid and careless sexual misconduct is not captured by this. The only people who would be captured by this and end up on the register are those people who pose a risk to the sexual safety of children. Someone taking a photograph of their genitals of itself is not necessarily posing a risk to the sexual safety of children. It would have to be done in an additional context clearly demonstrating that it poses a risk to the sexual safety of children. So it is simply misleading to come into this place and suggest that that silly sort of nonsense, accidental stupid behaviour, is going to be captured by this.

The assessment is the posing of risk to the sexual safety of children. I would suggest that to be posing a risk to the sexual safety of children does not necessarily require acts that are violent or necessarily—

The Hon. A. Bressington: What?

The Hon. G.E. GAGO: That is outrageous, that the Hon. Ann Bressington does not actually understand that a risk to the sexual safety of children does not necessarily involve an act of violence. That she does not understand that, as she has indicated to this chamber, shows that her amendment is ill informed and she does not actually understand this provision. This is posing a risk to the sexual safety of children. A violent act, in and of itself, does not necessarily pose a risk to the sexual safety of children.

As I said, the test is high enough. It does not require any further restrictions. Just to reassure members, currently there are no juveniles on the register. So, as I said, there is no evidence to suggest that somehow the current provisions are being overprescriptive and capturing a whole heap of poor innocent children. That is not the case. It has always been used responsibly and will continue to be used responsibly. I strongly urge members to oppose this amendment.

The Hon. S.G. WADE: I would reiterate that the opposition has already indicated that they are not supporting this amendment. I welcome the minister's advice to the council that there are currently no juveniles on the register, and I accept her point that that is indicative of the court system's not overly using this order under section 9(3). I would also remind members that the order under section 9(3) is appealable under section 10, and I would also make the point that this is not a new provision that the government is proposing. This is a current provision in the act. The minister has assured us that she is advised that the register currently has no juveniles on it.

I certainly hold in very high regard the commitment of the honourable member to protecting children and would not want to question that in any way, and I certainly appreciate her desire that people not be placed on the register inappropriately. But, considering the fact that the order has to

be subject to a current risk to the safety of children and that that order is appealable and the advice the minister has given us in relation to the current state of the register, the opposition will continue in its intention not to support this amendment.

The Hon. K.L. VINCENT: Having listened to the debate, I am not at this point inclined to support the amendment.

Amendment negatived; clause passed.

Clause 8 passed.

Clause 9.

The Hon. A. BRESSINGTON: I will not be moving my amendment.

Clause passed.

Clauses 10 to 18 passed.

Clause 19.

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

Amendment No 1 [AgriFoodFish–1]—

Page 10, lines 34 to 37 [clause 19, inserted section 20A and Note following it]—Leave out all words in these lines and substitute:

that contact to the Commissioner within 2 days of such contact occurring.

This amendment adds the words 'to the Commissioner' to proposed section 20A. This ensures that it is clear that reportable contact with a child must be reported to the Commissioner of Police. This is a drafting error that is being fixed for greater clarity.

The Hon. S.G. WADE: I just want to clarify the reportable contact referred to there and the reporting obligation within two days: does that time frame also apply in relation to the proposed reporting obligations to parents and guardians under proposed section 66EA?

The Hon. G.E. GAGO: I am advised no.

The Hon. S.G. WADE: Can I ask what reporting time frame would be required under section 66EA?

The Hon. G.E. GAGO: I am advised that no time frame has been set as yet and, in the absence of a time frame, it would default to 'as soon as practicably possible'.

The Hon. S.G. WADE: I thank the minister for her answer and indicate that the opposition will be supporting this amendment.

Amendment carried; clause as amended passed.

Clauses 20 to 35 passed.

Clause 36.

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

Amendment No 1 [Darley–1]—

Page 18, line 3 [clause 36, heading to inserted Part 5A]—Delete 'Modifications' and substitute:

Exemptions, modifications

This is, if you like, a test clause for this set of amendments, which all deal with the same issue. The purpose of the amendment is to enable a registrable offender to apply to the commissioner for a declaration modifying his or her reporting obligations or exempting him or her from the operation of part 5, or specified provisions of part 5, either generally or in respect of classes of child-related work. They are intended to cover what I loosely refer to 'young love cases' which have resulted in persons becoming listed as registrable offenders. The reason for the amendments is similar to earlier considerations in this place in relation to the Spent Convictions (Miscellaneous) Amendment Bill 2012.

It is quite timely that we should be debating this bill now, especially in light of a very recent criminal case which I believe highlights the need for these amendments. The case I am referring to involved a young man, aged 19, who pleaded guilty to three counts of unlawful sexual intercourse

with a person under the age of 17 years. The maximum penalty for that offence is 10 years' imprisonment. During sentencing, His Honour Judge Slattery made the following remarks:

> I have taken into account the fact that the age difference between you and the victim was a mere four years and that the victim was cooperative in enabling the offending to take place. I make that finding based on the text messages attached to the police statements as well as the factual basis agreed by counsel.

His Honour then went on to say:

> The legislation that you have been charged under exists to protect children like the victim from their own immature inclinations. Even at your young age, parliament has stated that you are old enough to know better than she did and has subjected you to the possibility of a lengthy period of imprisonment. Not only that, but whatever sentence I impose, you will be classified as a registrable offender under the Sex Offenders Registration Act 2006.
>
> Upon my interpretation of that Act, because you had your 19th birthday before rather than after the offending and because the unlawful sexual intercourse occurred over a period longer than 24 hours and on three separate occasions, you will be liable to report as a child sex offender for the rest of your life.
>
> This will have a deep impact on your future employment opportunities and the way that you are able to function within the community. It is likely to have a negative impact on your rehabilitation.
>
> I personally fail to see why such registration is necessary in the distinct circumstances of this case, but I have no discretion in the matter and unfortunately can do nothing about it and do not take it into account in formulating your sentence. You do not present a danger to society and I am satisfied that you will not offend in this manner again in the future. You are far from what the courts would usually describe as a sexual predator. Whether the current law is an appropriate fit for circumstances in matters like yours is a matter out of my hands. As I have said I have no discretion in this matter.

My reading of this case clearly demonstrates the need for some flexibility in cases involving young people who engage in sexual activity. There is no question that, without some degree of flexibility, these laws can have wide-ranging and continual ramifications on a young person's life.

Under the Sex Offenders Registration Act, child-related work is defined very broadly and covers work involving contact with a child in connection with any of the following: preschools or kindergartens; childcare centres; educational institutions for children; child protection services; refuges or other residential facilities used by children; foster care for children; hospital wards or out-patient services in which children are ordinarily patients; overnight camps, regardless of the type of accommodation or of how many children are involved; clubs, associations or movements, including of a cultural, recreational or sporting nature, with significant child membership or involvement; programs or events for children provided by any institution, agency or organisation; religious or spiritual organisations; counselling or other support services for children; commercial babysitting or childminding services; commercial tuition services for children; and services for the transport of children.

Without this amendment, a young person involved in a similar situation to the one just referred to would not be able to take part in any child-related work. It is not just employment opportunities that would become affected. If they themselves become parents, this would extend to things such as volunteering at school events; volunteering at the school canteen; reading to kids at day care; taking part in children's sporting events; coaching football, soccer or tennis; commuting children to and from sporting events; volunteering at church; teaching children to play musical instruments—the list is endless.

As alluded to by His Honour Judge Slattery, there is absolutely no question that, without some degree of flexibility, this legislation will continue to have a deep impact not only on a young person's employment opportunities but also on the way in which they are able to function within the community. I am by no means suggesting that sexual predators be granted any sort of exemption from the operation of the act. Clearly, we are not talking about sexual predators in this instance. What I am suggesting is that we show some compassion in cases involving young adults who are not a threat to children but who have, at one point in their life, made a bad decision. I urge honourable members to support the amendment.

The Hon. G.E. GAGO: The government sees this as a test clause to further amendments the Hon. John Darley intends to put forward, so I will talk to those matters now. The government supports this series of amendments. Under proposed new section 66A(1), a registrable offender may apply to the Commissioner of Police for a declaration that modifies his or her reporting obligations. Under this amendment, the registrable offender would also be able to apply to the commissioner for a declaration exempting him or her from the operation of part 5 with respect to working with children or specified provisions of part 5, either generally or in respect of specified classes of child-related work.

As with the current provision, the capacity of the commissioner to make this declaration applies only to a very limited class of offender, and very strict eligibility criteria apply. This amendment is not opposed because it is consistent with the purpose of this bill, namely, to provide the commissioner with the discretion and flexibility needed to efficiently and effectively apply this act.

The Hon. S.G. WADE: As the bill currently stands, where it says that obligations can be modified, couldn't the modifications be, basically, an effective exemption? I am just wondering what the government sees would be achieved by the amendment, considering that a modification could be an effective exemption?

The Hon. G.E. GAGO: I am advised that our bill only allows the commissioner to modify reporting obligations and this does not include part 5, which concerns people working with children, and the Hon. Mr Darley's amendment expands part 5.

The Hon. S.G. WADE: This might be a matter for parliamentary counsel rather than for policy advice but I am interested to look at the implications of using the word 'exemption'. Exemption might suggest that the modification cannot be revoked. Is the government confident that the exemption could be revoked by future behaviour? Presumably they would still stay on the register, but can a modification which constitutes an exemption be varied in the future?

The Hon. G.E. GAGO: I have been advised that the bill as it currently stands enables the commissioner at any time to vary a declaration including a declaration under Mr Darley's amendments, and revoke.

The Hon. S.G. WADE: The minister indicated at the end that that included revocation. The opposition has decided to support these amendments and I thank the minister for her answers. They are reassuring that these provisions should work as both the opposition and Mr Darley anticipate.

The Hon. K.L. VINCENT: For reasons already outlined, Dignity for Disability will support these amendments. We think they are very sensible and we will be supporting them wholeheartedly.

Amendment carried.

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

Amendment No 2 [AgriFoodFish–1]—

Page 18, after line 4 [clause 36, inserted Part 5A]—Before inserted section 66A insert:

66AA—Interpretation

In this Part—

reporting obligations includes the obligation to provide information to a parent or guardian under section 66EA.

This amendment relates to the creation of a new reporting obligation to be inserted by government amendment No. 3 for a registered offender to report certain information to a parent and/or guardian. This amendment clarifies that this new obligation is taken to be a reporting obligation for the purposes of section 66A, together with all other reporting obligations contained in part 3 of the act.

The Hon. S.G. WADE: I think the minister is referring to amendment No. 4, rather than to No. 3, but we will support that amendment and support this amendment.

Amendment carried.

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

Amendment No 2 [Darley–1]—

Page 18, lines 7 and 8 [clause 36, inserted section 66A(1)]—Delete inserted subsection (1) and substitute:

(1) A registrable offender may apply to the Commissioner for a declaration—

(a) modifying his or her reporting obligations; or

(b) exempting him or her from the operation of Part 5 or specified provisions of Part 5 (either generally or in respect of specified classes of child-related work).

Amendment No 3 [Darley–1]—

Page 19, after line 39 [clause 36, inserted section 66C]—After subsection (4) insert:

(5) The Commissioner must give a registrable offender written notice as soon as practicable after a declaration exempting the offender from the operation of Part 5, or specified provisions of Part 5, is made, varied or revoked.

Note—

See also section 48(2)(g) in relation to the giving of notice in respect of declarations relating to reporting obligations

For the reasons already outlined, I urge honourable members to support these amendments. These amendments provide simply that the commissioner must give a registrable offender written notice after a declaration exempting the offender from the operation of part 5 or specified provisions of part 5 is made, varied or revoked. It is consistent with clause 30 of the new section 48(2)(g), which also provides that a notice is to be given to registrable offenders when a declaration relating to his or her reporting obligations is made, varied or revoke had under part 5A.

The Hon. G.E. GAGO: The government supports both amendments.

Amendments carried.

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

Amendment No 3 [AgriFoodFish–1]—

Page 21, line 8 [clause 36, inserted section 66DA(4)]—Delete 'under this Part'

This amendment removes the words 'under this Part'. This is a typographical error that could have been fixed administratively, but we have chosen to correct it whilst making these amendments.

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

Amendment carried; clause as amended passed.

Clause 37.

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

Amendment No 4 [AgriFoodFish–1]—

Page 24, after line 38—After inserted section 66E insert:

66EA—Information to be provided to parents and guardians

A registrable offender who—

(a) generally resides in the same household as that in which a child generally resides; or

(b) stays overnight in a household in which a child is also staying overnight,

must tell a parent or guardian of the child who generally resides in the same household as the child—

(c) that he or she is a registrable offender under this Act; and

(d) what the offence or offences were that resulted in him or her becoming a registrable offender.

Maximum penalty: $25,000 or imprisonment for 5 years.

This amendment creates a new reporting obligation for registered offenders. Any registered offender who generally resides in the same household as a child, or spends the night in the same household as a child, will now be obliged to tell any parent or guardian of that child, with whom the child resides, two things: first, they will be obliged to tell the parents and guardians that they are a registered offender; and, secondly, they will be obliged to tell the parents and guardians of the offences they were convicted of that led them to being registered.

A breach of this section attracts a maximum penalty of five years imprisonment or a $25,000 fine. The aim of this amendment is to address community concern that registered offenders have no obligation to inform anyone of their status as a registered offender, not even parents of children who they might spend the night with.

The Hon. S.G. WADE: I indicate that the opposition supports this additional reporting requirement, 66EA. Perhaps in exploring whether this is the best form of the clause, I move:

Amendment No 1 [Wade–2]—

Amendment to Amendment No 4 [AgriFoodFish-1]—Clause 37, page 24, after line 38—

In inserted section 66EA delete 'must tell a parent or guardian of the child who generally resides in the same household as the child' and substitute:

must, as soon as reasonably practicable, tell a parent or guardian of the child and any adult (other than the registrable offender) who the registrable offender believes has primary responsibility for supervision and care of the child at that time

I may seek leave to withdraw it once we have explored it, but I think it is a good opportunity for the committee to see if this is the best it can be. The amendment seeks to address two issues: firstly, timeliness and, secondly, scope. In terms of timeliness, I note the minister's earlier advice in relation to government amendment [1] 1, that reporting obligations under 66EA would be as soon as reasonably practicable. My amendment has that element in it, and so in that sense that element might be superfluous. It might already be implicit in the act.

The other element which the opposition would ask the government and the committee to consider is thinking through the implications of 66EA(b). It talks about a registrable offender who stays overnight in a household in which a child is also staying overnight. It turned the opposition's mind to the fact that the reporting obligation is to the parent or guardian, but the parent or guardian may not be present in the house overnight, and in fact that possibility was canvassed in government comments beyond this council.

We are posing the question whether it be useful to extend the obligation to notify not only the parent but also the responsible adult—the responsible adult on that night. There could be a range of circumstances in which a child is in another household; sleepovers are one. They could be also visiting the house of a registrable offender where the other people in the house do not know, and also both the child and the registrable offender could be visiting a third household. Without wanting to overly complicate the clause, the opposition suggests the amendment to the committee as a possible enhancement.

The Hon. G.E. GAGO: I thank the honourable member for this amendment. The government certainly has a degree of sympathy because relationships can be quite complex, and the sleepover arrangements of children can be quite complex as well. The government is very concerned to make sure that we capture that the intent of this particular provision applies to a wide range of circumstances so that the scope is broad. We are not convinced at this point in time that this amendment does that.

We are concerned that it may have the potential to water down the safety provisions for children, but we just have not had enough time to think through those issues in detail. For the time being, as a precautionary principle the government is going to oppose this amendment, but we will indicate formally that we are happy to continue discussions between the houses with the Hon. Stephen Wade to try to reach an agreement on the issues of concern he has.

The Hon. S.G. WADE: I thank the minister for her answer. I appreciate that this has been a project over some years. We were advised that both police and A-Gs have been working on this for at least two years, linking in with national best practice.

We fully appreciate this is an evolving regime. In that regard, my reading of the government's amendment was that it might, if you like, be the seed of expanded provisions in the future because there are a lot of situations where a child is put at risk that do not involve the parent or guardian, and I think the minister acknowledged that.

In that context, I am happy to withdraw the amendment and let it be a flag, if you like, for possible reform in the future, just as this legislation is an evolution of the original bill. I am more than happy to withdraw the amendment and that it might be a watching brief to see how we can enhance the bill in the future. I seek leave to withdraw the amendment.

Leave granted; amendment withdrawn.

The Hon. D.G.E. HOOD: I indicate for the record that I do not often speak when both government and opposition agree as our vote is sidelined in that circumstance, but I indicate that we are likely to support such an amendment. I commend the government for being prepared to take on the idea and I think it is worthy of further investigation.

Amendment carried.

The Hon. D.G.E. HOOD: I indicate that I will not be moving my six amendments. They are all essentially around the same issue, that is the mandatory adoption of electronic monitoring. I am informed that we do not currently have the ability to do that in South Australia as my amendments suggest, and furthermore there has been some communication with SAPOL who have raised some legitimate issues around some of these amendments and, for that reason, I will not be proceeding with them.

The Hon. S.G. WADE: I respect the decision of the honourable member not to move the amendments but I note that the government with some fanfare earlier this year proposed an amendment to facilitate GPS tracking.

The Hon. A. Bressington: On my bill.

The Hon. S.G. WADE: And as the Hon. Ann Bressington indicates, it was first flagged in the government contribution by the Hon. Kyam Maher in relation to her bill. I think the South Australian community would feel somewhat misled that the government had such fanfare about a GPS tracking facility which they were not ready, willing and able to implement.

The Hon. G.E. GAGO: Although there is not an amendment before us, I will take this moment for the government to put on record its concern about the Hon. Dennis Hood's amendments and the mandatory tracking requirements. It is not just about resources. The principle that we had concern about was that it removed discretion from the commissioner to determine who should be tracked and who should not. We believe that that discretion should and must rest with the commissioner, so that is the main issue of concern that we have.

The Hon. S.G. WADE: As we continue our disorderly state discussing amendments that have not been moved, I would just mention that the opposition's understanding of the Hon. Dennis Hood's amendments is that the commissioner would retain discretion. The commissioner would have the discretion not to have the tracking imposed but in relation to serious offenders that would be the presumption. I understand that we are only talking about a dozen or so offenders and considering we have 1,500 offenders, I did not think it was a huge resource ask.

Clause as amended passed.

Remaining clauses (38 to 40), schedule and title passed.

Bill reported with amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (16:59): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ABORIGINAL LANDS TRUST BILL

Adjourned debate on second reading.

(Continued from 11 September 2013.)

The Hon. T.J. STEPHENS (17:00): I rise to speak on behalf of the opposition on the Aboriginal Lands Trust Bill 2013, which replaces the Aboriginal Lands Trust Act 1966. The intention of this bill is to improve the use of trust land for the ultimate benefit of the Aboriginal people in this state.

The minister's explanation went into the history of the bill and the philosophy around it, and I will not go into that again. I will, however, talk about the practical changes this bill makes and the potential it unlocks for Aboriginal people. This bill looks to change the structure of the trust board in order to better prepare the trust to be self managed. The current structure of appointment by the Governor of community representatives does not maximise the trust in its pursuit of commercial operations and economic opportunities as the proposed structure would.

The new structure binds the minister to select board members based on set criteria of merit and expertise, allowing the board to better coordinate the commercial operations of the trust. This will allow the trust to fully realise commercial opportunities which more traditional board members may not recognise. I do have a concern that where there was a confirmed geographical representation on the board previously, there may not be now, and this may lead to potential disenfranchising of some groups. This will mean that extensive and genuine consultation will be

needed in order for the minds of the many represented to be put at ease. I trust that the selection process of these board members will be rigorous and merit based.

Removing much of the day-to-day operations from the administrative burden of the minister will allow the trust to operate much more independently and efficiently. Under the provisions of this bill, the trust will have complete autonomy over the operation of its lands and it will have the power to grant leases and licences. This autonomy extends to dealings with mining. This bill suggests that the trust will act as custodian of the land for traditional owners as native title is considered suppressed on trust-owned land. Therefore, it is expected that the trust will act in the interests of the local Aboriginal people affected by any mining lease granted and that those people will be in the same position as those on the APY and NT lands and have the same rights afforded as those realised in the APY and NT acts.

Further to this, on the subject of royalties, which was brought up during the briefing the minister's office was kind enough to provide this morning, the Treasurer will be bound to transfer two-thirds of the royalties received from any trust land-based mining operation to the trust subject to any limit imposed by the Treasurer. As I mentioned earlier, we have only small areas of concern with this bill and we wholeheartedly support it. It is good to see that on something as important as the management of Aboriginal lands, there is some bipartisanship. I can only hope that in areas of Aboriginal affairs the government can come up with worthy solutions that will lead to the real benefit of our first nation peoples.

Finally, I want to quickly congratulate the previously constituted boards on their efforts to run the trust and all that they have done over the previous four decades. I would like to thank the myriad people involved in the long process of consulting and bringing all aspects of this bill together. I urge the support and swift passage of this bill.

Debate adjourned on motion of Hon. Carmel Zollo.

TORRENS UNIVERSITY AUSTRALIA BILL

Adjourned debate on second reading.

(Continued from 12 September 2013.)

The Hon. T.A. FRANKS (17:05): I rise on behalf of the Greens to put forward our position on the bill before us, the Torrens University Australia Bill 2013. This bill provides for an act to establish a new university in Adelaide, Torrens University Australia, although I understand from the briefing provided by the minister's officers that there is, indeed, no legislative requirement for Torrens University Australia to have its own act. That is my first question of government: can it confirm that there is no need for this act?

I note that all three established public universities in Adelaide have their own act and I understand that Torrens University is keen to be seen as equal with those institutions, but there is a difference here in that Torrens University is a privately owned and operated US-based institution under the umbrella of Laureate Universities Inc. Tertiary education, of course, as many members are aware, usually falls under federal jurisdiction and not state jurisdiction. Certainly, by virtue of the historical facts, we usually have acts that have established our state public universities, but we are in an interesting position here.

I note that this bill was introduced by minister Portolesi (Minister for Employment, Higher Education and Skills) on 7 July with scant detail as to what this act would do once it is law. The minister did not, in my opinion, make a second reading explanation. A mere few words and a commendation of the bill to that house was done with a lack of detail that I think most South Australians would not expect of a minister introducing a bill for an act for what I believe is quite an important institution.

I thank the minister, however, for her officers' briefings, in particular, Michaela Schiru and Caroline Battye. I particularly thank the Vice-Chancellor and President of Torrens University Australia, Professor Fred McDougall, who provided a much more comprehensive briefing than had been presented to the parliament or, indeed, provided by the minister. I thank the minister's office for providing written responses to questions raised by my staff and me with regard to international students' tuition assistance and ombudsman conditions.

I ask, however, that the government provide some clarity as to what ombudsman provisions will exist for Torrens University Australia. I have been given conflicting information by the vice-chancellor of the university and the government. If the government could clarify what they

believe to be the provisions for an ombudsman, that would be helpful from the Greens' perspective to ensuring support for this bill. I also note that I have had consultations with the NTEU and others within the university sector.

Overall, Torrens University Australia is part of Laureate Education Inc., as I stated earlier. It is part of a global higher education group, and I understand it received conditional approval from the government of South Australia to establish its new university in Adelaide on 17 October 2011. I ask the government what those conditions were.

I also note that the transfer of responsibility for universities from state governments to the commonwealth in January 2012 immediately created some key problems for Torrens University Australia in the sense that TEQSA did not recognise greenfield start-up universities. TEQSA is the Tertiary Education Quality and Standards Agency and is Australia's independent national regulator of the higher education sector.

As a consequence, registration of this new university was delayed until 24 July 2012. I ask the government to provide information to this council regarding the conditions under which Torrens University Australia was established. There have been media reports that there is a total of $30 million in payments associated with this bill's passage and the establishment of the university. I understand, from a briefing with the vice-chancellor, that $10 million has been paid by Torrens University or Laureate International to the Rann/Weatherill government.

I understand that, while it had been publicised that South Australia was to receive an additional $10 million on the enrolment of the first student and then another $10 million on the enrolment of the 500th student, these conditions no longer apply. I ask the government's representative to provide information on why this money will no longer be coming to South Australia and why these conditions no longer apply and whether or not there was some transferability of those payments to a federal body or whether the university is now no longer required to make those substantial contributions.

Laureate is indeed a fine institution. Across the world it has a total of 780,000 students in 30 or so countries. It has over 150 campuses and a global workforce approaching 70,000. It continues to grow rapidly with a particular emphasis on expanding higher education across Asia, Latin America and, more recently, Africa. Most notably, of course, former president Bill Clinton is the honorary chancellor of Laureate International Universities and the chairman and CEO of Laureate Inc. is Mr Douglas Becker. Its head office is in Baltimore, USA.

It is the honorary chancellor position that I now take particular note of. I believe that in 2011 it was announced that there would be a naming competition for this university. It was then known as the Torrens University and it continues to be known as the Torrens University. Yet in advertising the competition to name our new South Australian-based private university it was announced that potentially the prize for coming up with the name—which competition was open to entrants of South Australia or indeed any of the Laureate International faculties' students and staff, I believe—was the chance to meet former president Bill Clinton.

I ask the government: what became of that naming competition and why did Torrens University never announce a new name? Will anyone ever get to meet former president Bill Clinton as a result of that particular competition? Were any submissions provided to cabinet with recommendations for potential names in that competition, as was reported in the media, or was this something without substance? If the government would like to take the opportunity to clarify that, it would be most appreciated.

The Torrens University administration, at this stage, in response to my questions about where the university will be located, will be in the Torrens Building where, as members will be well aware, Carnegie Mellon and UCL currently have offices. I am told that there will not be educational delivery expected from this particular location, and I would like the government to clarify where in South Australia education lectures, tutorials, academic activities and the like will be undertaken.

I understand that there is a shortlist of properties. Could the government give some clarity as to where those properties are, whether or not they will be leased at market rates, whether or not Torrens University is looking to buy those properties outright, what the arrangements will be to acquire those pieces of real estate or to lease those pieces of real estate, or what arrangements have been made with the government?

I also ask the government to clarify, given the Carnegie Mellon example, whether it will provide any government scholarships to enhance the student enrolments in this particular

university or whether it will declare that it will not be providing that financial support. I do so not because I do not support scholarships but because it has been said that we will not give a cent of state taxpayer money to this institution to set up. I want the government to clarify that that is indeed the case—that there will be no subsidies given in the way of scholarships, that there will be no subsidies given in the way of land or real estate.

I also ask the government to ensure that we are made aware of the recent agreements that have been made between Torrens University and TAFE SA—whether the government can provide more information to this council on the recent contract the group has been awarded to operate a number of new technical colleges in Saudi Arabia, which I understand has been done in consultation with TAFE SA.

Torrens University, we are told, will begin enrolling students in January 2014. It will initially offer bachelor degrees on campus, and I have been told by the vice-chancellor that these will in business, health and design and, indeed, that postgraduate coursework degrees in these and other fields of studies will be provided. I note that a lot of that is online, and I ask the government to clarify what level of staffing they expect by 2015, when I understand this Torrens University is required to comply with Universities Australia in accreditation as a university with that breadth of offerings.

By the end of 2013, I understand that over 20 staff will be employed by Torrens University Australia in Adelaide. This number, I believe, will grow as the university introduces its new programs, and I note that so far it seems to have been attracting quite high-quality and high-calibre staffing. I understand that teaching will be a very high priority of the institution, with small classes and a very high level of academic offerings. This will have to be the case because this will be the top end of the market, who will be paying top dollar for these courses.

With the government's commitment to Adelaide being a university city, I ask the government to provide information as to how it will ensure that Torrens University succeeds and, indeed, thrives, and how the government will ensure that it does so not at the expense of our private institutions, the University of Adelaide, the University of South Australia and, indeed, Flinders University.

I know that, within the university community, there is a lot of scepticism about this university emerging; many people I have spoken to do not see that we have the market. Indeed, the debate currently in South Australia is that we need fewer universities rather than more. Certainly, the government needs to be making more assurances that this university will not take away from our public institutions.

Having said that, I have many questions for the committee stage. I look forward to the government providing in great detail information about what has become of that $30 million before I support this bill through the committee stage. I look forward to the committee stage.

The Hon. J.S. LEE (17:18): I rise today to support the Torrens University Australia Bill on behalf of the opposition. As the shadow parliamentary secretary for education and training, as well as shadow parliamentary secretary for multicultural affairs, I recognise how important it is for South Australia to embrace higher education diversity, to offer choices, to provide something different, and to provide more competitive education pathways for both Australian and international students.

The shadow minister for education (the member for Unley, Mr David Pisoni) and other opposition members have spoken in support of this bill in the other place. I therefore also indicate our support in this chamber. The Liberal Party welcomes the establishment of Adelaide-based Torrens University, which is a part of the Laureate Education group. Being a part of Laureate will allow students to enjoy an international education experience that taps into the Laureate network of universities around the world.

Torrens University, based in the Torrens Building in Victoria Square in Adelaide, will be the nation's 40th university and only the third private university to establish itself in Australia. It is envisaged that Torrens University Australia will draw on the resources and experience of Laureate International Universities. Laureate has a network of more than 70 accredited campus-based and online universities offering undergraduate and graduate degree programs for more than 780,000 students around the world.

As we know, globalisation creates many opportunities for trade and transactions and capital and investment movements between countries. It also encourages migration and movement of people around the world. Today, people travel extensively for work, study and leisure reasons.

Laureate is an attractive option for students because Laureate students are part of an international academic community that spans 29 countries—five institutions in North America, 29 in Latin America, 19 in Europe, 13 in the Asia-Pacific region, and five in North Africa and the Middle East.

These institutions offer hundreds of career-focused undergraduate, masters and doctoral degree programs in fields including architecture, art, business, culinary arts, design, education, engineering, health sciences, hospitality management, information technology, law and medicine. Every institution in the Laureate International Universities network operates as its own unique brand, guided by local leadership, proactively involved as a member of the community in which it operates.

Adelaide-based Torrens University will open its doors to many, and the university will be a private institution, available to domestic students as well as to fee-paying international students. The university estimates that about half of its intake will be domestic students and expects to receive accreditation for the commonwealth's FEE-HELP program. Unlike foreign universities that have opened campuses in Adelaide before, such as Cranfield, Carnegie Mellon and University College London, Torrens will be legislated as an Australian institution.

Unlike the Labor government's previous strategy to use subsidies to attract foreign universities to open offshoots in Adelaide—for example, Carnegie Mellon received around $40 million of taxpayers' money—Torrens University, on the other hand, is not receiving any state government funds but will be able to access commonwealth higher education funding. I agree with the Hon. Tammy Franks in terms of raising some of those important questions in regard to the conditions placed on establishing the university. We would like the Labor government to also explain some of those conditions.

Recent figures released by Education Adelaide revealed that 1,517 international students were enrolled in vocational education and training courses in South Australia at the end of May, a 35 per cent drop on the previous year. The higher education sector has been negatively impacted by the high Australian dollar and changes to visa entry requirements, which remove incentives to international students to come to Australia.

Education is seen by many as the gateway to jobs and better life opportunities. The choice of selecting an educational institution depends very much on the reputation and credibility of that university. The fact that Laureate International Universities is partnered with the Clinton Global Initiative, which was established in 2005 by president Bill Clinton, certainly has helped the Laureate brand further. We sincerely hope that Torrens University will have a bright future here in South Australia and receive a similar level of success and recognition enjoyed under Laureate around the world.

The university aims to take on 3,000 South Australian students. It will begin with about 200 students in 2013 undertaking about four degrees in design, hospitality, education and business. By 2016, the university intends to be covering six broad areas of study at undergraduate and postgraduate levels.

The university network includes two of the world's leading design schools in Milan, Italy, and globally recognised hospitality institutes in Switzerland. Those studying at Torrens University Australia will undertake part of their degree program in Adelaide and part at other Laureate campuses around the world. By offering international and integrated exchange programs to students, Torrens University will equip students with an international qualification and global career prospects.

The member for Unley in another place already mentioned in his speech the key people appointed by Torrens University. I offer my congratulations to the many high calibre professionals and distinguished educators who will play significant leadership roles with Torrens University now and into the future. The list includes: Mr Michael Mann AO, as chancellor; Professor Fred McDougall, as vice-chancellor; and, two distinguished members of the governing council board, including the Hon. Greg Crafter AO, and Emeritus Professor Dennis Gibson AO.

I am passionate about empowering people to reach their full potential. I see Torrens University as another option for people to access affordable higher education and career opportunities. I understand that students at Laureate will pay between $65,000 and $85,000 for their degrees, which includes the cost of compulsory overseas study. For instance, Torrens University would offer a trimester system, which will allow a typical bachelor degree of three years duration to be completed in just two years. The shorter term degree, however, will not compromise the high standards of the qualification. Undergraduate students will be expected to spend a

trimester studying at another Laureate institution and also complete an internship program in business, government or a professional organisation.

While there are some concerns that this private university may compete directly with existing universities in Australia, in speaking to many leaders of the other universities they believe healthy competition can be an effective vehicle to grow the educational pie and make Adelaide a more attractive destination for educational excellence. Having a big name like Laureate associated with Adelaide will arguably increase our presence on the world stage.

With those few words, I indicate that the Liberal Party supports this bill and the establishment of a new university in Adelaide. We believe Torrens University under Laureate will offer a different educational experience, another choice for students living in the modern global world.

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

CRIMINAL LAW (SENTENCING) (SUSPENDED SENTENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 July 2013.)

The Hon. D.G.E. HOOD (17:28): The government has introduced the Criminal Law (Sentencing) (Suspended Sentences) Amendment Bill to strengthen the test used by a court to decide whether to suspend a sentence of imprisonment for certain serious offending. Family First supports the government's proposal in this bill and we will support it. This will be no surprise to other members because in both 2008 and 2012 I introduced bills for a very similar purpose, but neither of those bills passed.

It is pleasing to see, however, that upon consideration the government has taken the view that there is a need to place some restriction on the suspending of sentences in extreme cases. I have mentioned a number of these in the media over several years now. The bill targets adult offenders from either of two groups: the first group consists of those being sentenced for a serious and organised crime offence; the second group consists of those who have previously had the benefit of a suspended sentence for a designated offence, and within three years are again before the court for another designated offence. A designated offence is one taken from a list that includes such things as shooting at a police officer, armed and unarmed robbery, kidnapping and rape, to give just a few of the examples. In the case of either of these two groups, a sentence of imprisonment can only be suspended if exceptional circumstances exist.

I would like to say a few words about why this bill is necessary. As stated in the second reading explanation by the government when the bill was introduced, the problem arises from the wording of section 38 of the Criminal Law (Sentencing) Act. The effect of this section, as confirmed by various court decisions, is that a sentence should be suspended if there is no good reason not to do so, and the test of good reason relates primarily to the circumstances of the offender. There is no need to find something special or exceptional, which may in fact be more appropriate.

The suspension of a sentence can be appropriate in any circumstances where there is a good reason to do so, according to the act. It is not surprising that defence counsel place great emphasis on detailing the personal circumstances of the offender and in almost every case indicate that he or she is genuinely remorseful and would greatly benefit from being given another chance through the sentence being suspended.

When a judge is faced with such a submission and must consider whether there is good reason to suspend a sentence, the result is often that good reason to suspend that sentence is found. I have taken surveys of cases in District and Supreme courts over three months from June to August this year and found that, in 54 per cent of the sentences of imprisonment, the sentence is suspended—over half. That is a very high number considering that the District and Supreme courts deal with the more serious criminal cases, the less serious ones being heard in the Magistrates Court. Of course, the question of suspension is a question for each case and each individual offender.

Whilst the need for general deterrence is often acknowledged, over several years, the last year or so in particular, I have come across examples of offenders who have been given suspended sentences for such offences as armed robbery, home invasion at night whilst carrying a knife, operating an methylamphetamine laboratory for commercial purposes in flagrant breach of a good behaviour bond, and trafficking a large commercial quantity of illicit substances.

These are just a few cases that I have found where sentences have been suspended—there are many more—where it appears to me that it was clearly inappropriate to do so. One judge in his sentencing remarks commented that one of the reasons for the decision to suspend the sentence was that the offender had had a fight with his girlfriend that day.

This bill operates in very extreme situations of the most serious offending. It will not change the day-to-day sentences handed down by the courts. I find it hard to understand how anyone could argue that an offender who has had the benefit of a suspended sentence already for a designated offence and then commits another designated offence within three years should possibly hope to receive another suspended sentence, particularly given that this bill focuses on the serious end of crime.

This bill does, however, make a clear statement of policy, and I accept the statement in the second reading explanation given by the government that this bill sends a message to repeat violent offenders, and to offenders involved in serious and organised crime, that unless your case is truly exceptional—truly exceptional—you will not receive the benefit of a suspended sentence.

It is important to understand that the bill does not prevent suspended sentences for these offenders. It does not prevent it nor does it remove judicial discretion from the sentencing process, and I am certainly not advocating that it should. It merely changes the test for the decision to suspend a sentence of imprisonment from the need to demonstrate what is currently 'good reason' to the new term, which will be 'exceptional circumstances'. This tightening up is appropriate and receives Family First's support.

Indeed, I have formed the view that the bill does not go far enough in two respects. Firstly, the relevant period between the first sentence and the second crime is three years under this bill, that is, no one can receive two suspended sentences in three years for the designated crimes. My view is that three years is probably too short. If any person is sentenced for one designated offence—remember, it could be armed robbery or something very serious—and within five years commits another designated offence, there should not be a suspension of the sentence unless exceptional circumstances are shown to exist. To me, this is appropriate. I have therefore proposed an amendment that has been filed to change the relevant period from three years to five.

A second group of amendments will be to slightly enlarge the list of designated offences. The list should include dangerous driving to escape police pursuit, in my view, and should also include home invasion (which it currently does not), which is also known as serious criminal trespass in a place of residence. In my opinion, these offences are serious enough to justify a custodial sentence for a first offence in most cases, so it seems clear that if a second offence is committed, the test for suspension should certainly be the higher test of exceptional circumstances, and that would be the cause of my amendment.

As I said, Family First supports this bill. We believe it is necessary to ensure that an appropriate test is used in reaching a decision as to whether a sentence of imprisonment should be suspended in a serious case as defined. As I said, I have two amendments, one moving the period of time to five years and the other to make it absolutely clear what qualifies and what does not in terms of expanding the list of offences to include home invasion, for example.

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

NOT-FOR-PROFIT SECTOR FREEDOM TO ADVOCATE BILL

Adjourned debate on second reading.

(Continued from 11 September 2013.)

The Hon. K.L. VINCENT (17:35): I will speak very briefly but very freely as is fitting with the theme of this bill today to support the second reading and further passage of the Not-For-Profit Sector Freedom to Advocate Bill 2013. I thank Meagan Hackett from minister Piccolo's office for arranging a briefing for my office by the appropriate officer within the Department for Communities and Social Inclusion. I also acknowledge that SACOSS, as the peak body for the communities services sector, has written to Dignity for Disability and is strongly supportive of the measures in this bill and would like it passed expeditiously. In keeping with the request of SACOSS, I will hold up the passage of this bill no longer. I commend the second reading of this bill to the chamber.

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

MAJOR EVENTS BILL

Adjourned debate on second reading.

(Continued from 4 July 2013.)

The Hon. S.G. WADE (17:38): I rise on behalf of the Liberal opposition to indicate our support for the passage of the Major Events Bill 2013. On 21 March 2013 the Attorney-General introduced the bill in the House of Assembly. The bill proposes to allow the government to declare an event to be a major event and thereby increase the level of control of people, products and promotions related to that event, designated event areas and airspace.

South Australia is one of the few mainland states that does not have an overarching piece of legislation which regulates commercial activities associated with major events. The bill includes measures to deal with ambush marketing, ticket scalping, unauthorised event associations and unauthorised broadcasting. I am not clear about how this bill intends to help tourism operators to increase the benefits of major events in South Australia and the opposition holds concerns about the particular implications the bill will have on local councils and community organisations.

During his second reading speech, the Attorney claimed that increasingly international sporting bodies such as the International Cricket Council, the Commonwealth Games Association, the International Rugby Board, the International Olympic Committee and FIFA require protection against the infringement of certain activities associated with their events. He specifically went on to claim that:

> It is a requirement of South Australia's 2015 Cricket World Cup bid that the protection that would be afforded by this proposed legislation be in place for at least 12 months prior to that event.

Yet, at the government briefing on the bill, the government adviser admitted that there was no such demand from the Cricket World Cup organisers. It became clear that the government was more focused about protecting its own commercial interests in events such as the Tour Down Under.

Recently, the Attorney-General was also caught out criticising the Legislative Council for holding up the liquor licensing bill when the bill had not even passed the House of Assembly, where they had the numbers. The government cannot be trusted to tell the truth to the parliament or to the public.

Many of the proposed legislative tools in this bill currently exist under other types of legislation. The bill creates multiple offences for prohibited conduct, such as ambush marketing, distribution and sale of non-approved goods and ticket scalping, all of which carry hefty penalties. The opposition is concerned about the disregard the government has about maintaining the presumption of innocence for citizens in the bill, through the reversal of the onus of proof onto the accused person to show they had a reasonable excuse in acting how they did.

The ambush marketing provisions and the use of logos and official titles in the bill are restrictive and could potentially penalise private property owners and small tourism operators seeking to link to major events such as the Tour Down Under. Under the bill, a small tourism operator would be prohibited from using the logo or titles of an event unless the minister has issued an authorisation for them to do so. For example, a Tour Down Under breakfast would be prohibited without authorisation, carrying penalties of a $50,000 fine for an individual or $250,000 for a body corporate. The opposition seeks to confirm that charitable and community groups can use logos and titles without fear of penalty.

The opposition is concerned that the power to make regulations under clause 7(g) to prohibit disorderly or offensive conduct, or clause 7(i) to prohibit or regulate any other conduct for the purposes of maintaining good order, are significantly open ended in terms of both offences and law enforcement powers.

Enhanced enforcement powers already exist under the public safety order provisions of part 4 of the Serious and Organised Crime (Control) Act 2008 and the 'special powers to prevent serious violence' in sections 72A to 72C of the Summary Offences Act. The opposition seeks to ensure that the regulations do not have the capacity to create public order offences or enforcement powers.

In addition, penalties of up to $1,250 can be prescribed by regulation under clause 7, and fines imposed under the regulations could be for relatively minor breaches of regulations, such as bringing food into an event where it is banned. There is no requirement to consult with legislation before declaring a major event area, which could include the closure of roads, regulation of driving,

parking or standing of vehicles, and regulation of other public spaces within a local council jurisdiction.

The cooperation of local councils in such events is essential. The Adelaide Hills Council, for example, has expressed concern about the negative impact of this bill on their decision-making ability, their local community, and their finances and infrastructure for the hosting of major events.

Concerns have been raised from multiple constituents about the lack of justification for the bill, including the lack of information available about the economic benefit, whether the powers already exist under current laws and that in the past residents' rights have been infringed by road closures. The opposition looks forward to the government's response at the end of the second reading stage and to exploring these issues further in the committee stage.

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

NATIONAL GAS (SOUTH AUSTRALIA) (GAS TRADING EXCHANGES) AMENDMENT BILL

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

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (17:44): I move:

That this bill be now read a second time.

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

Leave granted.

The Government is again delivering on a key energy commitment through legislation to implement a new voluntary gas trading market that will offer a low cost, flexible method to transfer title of gas from one party to another.

The new trading market is an important development in the Eastern Australia gas market. It will assist market participants adjust to changing market conditions following the commencement of liquefied natural gas export from Queensland from 2014.

The National Gas (South Australia) (Gas Trading Exchanges) Amendment Bill 2013 will make small but important amendments to the National Gas Law, a schedule to the *National Gas (South Australia) Act 2008*, to provide for the establishment of gas trading exchanges.

The benefits of a gas trading exchange are expected to include enhanced transparency of gas trading, strengthening participants' short term ability to allocate and price gas efficiently and support for the efficient trade and movement of gas between regions.

This Bill will clearly provide for gas trading exchange functions as a statutory function of the Australian Energy Market Operator. New functions for the Australian Energy Market Operator provided for in the Bill include operation of a gas trading exchange, making and administering a gas trading exchange agreement, trade in natural gas for the efficient operation and of the gas trading exchange and the ability to suspend trading on a gas trading exchange.

The rights and obligations of the operator and market participants will be governed by new Rules to be included in the National Gas Rules. The Bill provides that the South Australian Minister may make initial Rules and will provide that the subject matter of the National Gas Rules may include operation, administration, settlement, duties, obligations and conduct related to the gas trading exchanges and gas trading exchange agreements.

The Rules will outline the minimum content that must be provided for in an exchange agreement, which will be the agreement that addresses the detail of market operation and participants' rights and responsibilities.

The Rules will also provide for the Australian Energy Market Operator to charge exchange fees, appoint another person to operate a gas trading exchange, and to determine the payments to be made by parties as a consequence of a failure to deliver or supply gas.

The Bill will provide that once initial Rules have been made by the South Australian Minister on the subjects provided for in the Bill, the Minister will have no power to make any further Rules under this power.

The gas trading exchange will be operated by the Australian Energy Market Operator or a person appointed by the Australian Energy Market Operator and the Australian Energy Regulator will be responsible for monitoring compliance with the market conduct rules.

Extensive consultation has been undertaken in developing the Bill, with an industry reference group working with the Australian Energy Market Operator to design and develop the gas trading exchange and a public consultation process on the draft Bill and Rules.

The first gas trading exchange is planned to begin operation in early 2014 at the Wallumbilla gas hub, Queensland.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *National Gas Law*

4—Amendment of section 2—Definitions

This clause sets out new definitions that will be required in the National Gas Law in connection with the enactment of this measure.

5—Amendment of section 74—Subject matter for National Gas Rules

This amendment will allow rules to be made with respect to AEMO's gas trading exchange functions and the operation of gas trading exchanges.

6—Amendment of section 91A—AEMO's statutory functions

This is a consequential amendment that recognises that AEMO is to undertake functions associated with the establishment and operation of gas trading exchanges.

7—Insertion of new Division

New Chapter 2 Part 6 Division 2B will set out AEMO's gas exchange functions. These will include being able to establish, operate and administer 1 or more gas trading exchanges, appointing another entity to operate a gas trading exchange, and entering into gas trading exchange agreements with participants in an exchange. A gas trading exchange will operate differently from a regulated gas market.

8—Amendment of section 91H—Obligations under Rules or Procedures to make payments

These are consequential amendments.

9—Insertion of section 294D

The Minister will be authorised to make the first set of rules required for the purposes of AEMO's gas trading exchange functions and other aspects of the scheme to be enacted by this measure.

10—Amendment of Schedule 1—Subject matter for the National Gas Rules

Schedule 1 of the National Gas Law is to be amended in order to list the matters relating to gas trading exchanges that may be the subject of rules under the law.

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

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to amendments Nos 1 to 12, 14 to 18 and 24 to 26 made by the Legislative Council without any amendment and disagreed to amendments Nos 13 and 19 to 23.

At 17:45 the council adjourned until Wednesday 25 September 2013 at 14:15.