LEGISLATIVE COUNCIL

Wednesday 25 September 2013

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

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:17): I bring up the 32nd report of the Legislative Review Committee.

Report received.

The Hon. G.A. KANDELAARS: I bring up the 33rd report of the Legislative Review Committee.

Report received and read.

PAPERS

The following paper was laid on the table:

By the President—

Report of the Ombudsman SA, 2012-13

RIVERBANK AUTHORITY

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) (14:19): I table a copy of a ministerial statement relating to the Riverbank Authority made earlier today in another place by my colleague the Premier, Jay Weatherill.

ANSWERS TO QUESTIONS

WASTE MANAGEMENT

In reply to the **Hon. J.M.A. LENSINK** (19 June 2013).

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

1. There are no minimum specifications for customers discharging trade waste. All customers discharging trade waste into SA Water's sewerage system must consistently achieve acceptable discharge quality (as set out in SA Water's *Restricted Wastewater Acceptance Standards*) to protect the operation of the sewerage collection and treatment systems.

2. SA Water has not given blanket exemptions for the pre-treatment requirement to any discharger category as there might be significant differences in the operation of seemingly comparable business operations. SA Water considers the likely quality and quantity of discharges from the information provided in each application to discharge trade waste.

3. SA Water's requirements are applied equally to discharges to sewer from mobile vendors as for businesses with a fixed location of operation.

4. SA Water endeavours to resolve all complaints at the first point of contact. There are further opportunities to escalate the matter within SA Water if the customer is not satisfied with the outcome. If still dissatisfied, the business may seek the assistance of:

- Energy and Water Ombudsman of South Australia for billing, credit, connection, supply, marketing and customer service related complaints; and/or
- Ombudsman SA for complaints regarding SA Water's processes and decisions to determine if they are fair, reasonable and lawful; and/or
- Office of the Small Business Commissioner which provides a dispute resolution process for small businesses.

5. Water Services Association of Australia (WSAA) developed the 'Australian Sewage Quality Management Guidelines' which was released in June 2012 and which SA Water uses to audit its Trade Waste procedures.

SA Water's requirements for food and beverage businesses have changed in response to changes in those business types. For example, the trend towards using vegetable oils instead of animal fats when cooking has increased the time needed for effective contaminant separation in an arrestor, and the large growth in sales of take-away coffee (with the attendant rinses of milk jugs) has led to the need for pre-treatment at businesses where previously it might not have been necessary.

6. SA Water has approximately 9,000 trade waste customers who have received authorisation to discharge trade waste within discharge permits.

7. The reduction of loads into the sewer system is being driven by system performance issues and EPA requirements, not to provide savings to SA Water. Through load reductions we should see a reduction in odours and chokes in the network and less corrosion issues. In addition the EPA requires SA Water to reduce nutrient concentrations in effluent discharge to Gulf Waters.

8. SA Water constantly undertakes sewer monitoring, flow and pollutant loadings, thus enabling hydraulic modelling of the sewer network which indicates that there are areas of the inner rim running at design capacity.

SA Water does not require high density developments to install on-site storages, but this may be subject to the requirements of the Office of the Technical Regulator under the plumbing code.

For larger trade waste dischargers or multi tenanted sites e.g. shopping centres, SA Water may seek to regulate flow to sewer through appropriately sized pre-treatment devices.

QUESTION TIME

LOWER LIMESTONE COAST WATER ALLOCATION PLAN

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:21): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray—

Members interjecting:

The Hon. D.W. RIDGWAY: They are easily entertained, Mr President—a question about the Lower Limestone Coast Water Allocation Plan.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Ridgway, you have the call.

The Hon. D.W. RIDGWAY: Thank you, Mr President, and thank you for your protection.

The PRESIDENT: And leave is granted.

Leave granted.

The Hon. D.W. RIDGWAY: As the minister should know, agriculture and forestry directly employ some 30,000 South Australians. Agricultural and wine industries in South Australia contribute more than $5 billion in production value, and more than double this in value adding to the state's economy. Of course, the minister should know, too, that crops need water. In March this year, the government released a draft water allocation plan for the Lower Limestone Coast Prescribed Wells Area. It wants a 34 per cent cut across the board to every allocation in the region known as Area 5A. But, as it turns out, not everyone with an allocation there is drawing on their full entitlement at the moment. According to a decision—I'd like you to listen to this, please. According to a decision—

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: Thank you, Mr President. You shouldn't try to judge the questions on yourself all the time.

The PRESIDENT: I am not judging the question. The Hon. Mr Ridgway.

The Hon. D.W. RIDGWAY: According to a decision in the environment court, if the total management limit is not being exceeded and if there are no environmental triggers, then there are no legal grounds to reduce the allocation. In fact, it is illegal to reduce the allocation. My questions to the minister are:

1. Does he plan to sign off on the draft water allocation plan and, if so, when?

2. Is the minister prepared to exempt 5A from the proposed draft so the issues regarding water reduction in that area can be addressed to suit the intent of the act, the South East NRM Board and the water users of 5A?

3. Does he agree that, unless he exempts 5A, he will expose the state to costly litigation?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:22): I thank the honourable member for his most important question and his useful tips that I should know about crops needing water. That is something I had not picked up on my long travails so far. I have to say, Mr President, it is another day and I was expecting another question about Hong Kong but, happily, I can say I did not go, and have not been, so I will deal with the question about the Lower Limestone Coast Water Allocation Plan. For the edification—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: The honourable minister has the call, and he will ignore the Hon. Mr Ridgway.

The Hon. I.K. HUNTER: As much as I possibly can, Mr President, except when I am required to answer a question. For his edification, however, I will say this. The South-East of South Australia is economically and ecologically important to the state. He might not have picked up on that in his travels. The region is reliant on its groundwater resources for irrigation, stock, domestic use, commercial forestry and industry, and to support its ecologically significant wetland environments.

There are growing signs that the limits of sustainable groundwater development are being reached in the region and, as a result, the Lower Limestone Coast Water Allocation Plan will need to consider a number of policy options to address sustainability. To guide the objectives of the water allocation plan, a task force was established to assist in development of the policy principles that are to be further formulated under the draft Lower Limestone Coast Water Allocation Plan. The task force brought together the Department of Environment, Water and Natural Resources, the South East Natural Resources Management Board, the Department of Primary Industries and Regions, and the Department of Treasury and Finance.

In association with the task force, a stakeholder reference group was also established to consider science and policy matters. The group includes key representatives for dryland farmers, potato growers, viticulture, dairy and forestry industries, as well as the South Australian Farmers Federation and the Conservation Council of South Australia. The task force, with the support of the stakeholder reference group, developed a policy issues paper to guide the policy development of the draft plan.

Following this draft, the Lower Limestone Coast Water Allocation Plan was prepared. This draft plan seeks to regulate water use by commercial plantation forests, converting area-based licences to volumetric licences and undertaking reductions to allocations in overallocated management areas. The draft plan was released for public comment for two months from 4 March to 6 May 2013. This process has included three public meetings held in Kingston, Naracoorte and Mount Gambier, I am advised, and public information days at the same locations, as well as more than 20 stakeholder briefings.

The draft plan has been a long time in the making, and I understand that the South East Natural Resources Management Board has engaged comprehensively with industry and the community. The South East Natural Resources Management Board provided me with a revised draft water allocation plan on 12 September 2013 for my consideration. I will refer the draft plan to the Natural Resources Management Council and the Department of Environment, Water and Natural Resources for advice prior to considering the plan for adoption and making my decision.

The PRESIDENT: Supplementary, the Hon. Mr Ridgway.

LOWER LIMESTONE COAST WATER ALLOCATION PLAN

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:26): Is the minister aware that page 61, I think, of the draft allocation plan refers to an Environment, Resources and Development Court decision which said that if the total management limit is not being exceeded and if there are no environmental triggers, then there are no legal grounds to reduce the allocation? Given that your report acknowledges that, will you exempt zone 5A until you have addressed that matter?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:26): I thank the honourable member for his supplementary follow-up question but I repeat: I will take advice from the Natural Resources Management Council and the Department of Environment, Water and Natural Resources before making a decision.

The PRESIDENT: Further supplementary, the Hon. Mr Ridgway.

LOWER LIMESTONE COAST WATER ALLOCATION PLAN

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:26): Will you ask those bodies to review the particular clause I am referring to in relation to the ERD Court decision prior to them advising you to make a decision?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:27): I thank the honourable member for his further supplementary. As I said, I will take advice from my department and the Natural Resources Management Council, and I will take advice across the broad aspects of that report, not just one particular consideration.

SA WATER

The Hon. J.M.A. LENSINK (14:27): I seek leave to make an explanation before directing a question to the Minister for Water and the River Murray on the subject of SA Water's communications.

Leave granted.

The Hon. J.M.A. LENSINK: This morning my office was contacted by Hands On SA, which is a supported employment service for people with disabilities. They told my office that SA Water had cut supply to their premises in Kent Town this morning without any notice, leaving a minimum of 40 people, most of whom are people with disabilities, without access to running water. My understanding is that it was to do with replacing water meters in the building.

At 7am, traffic control was on site at the direction of SA Water and by 8am the water to the building had been shut off. No prior notice, written or verbal, was given to Hands On SA, the plumber or the building site foreman. Hands On SA immediately attempted to contact SA Water customer service to establish how long they would be without water and what they needed to do to re-establish supply. SA Water did not provide any answers and was told that nobody in the administration section was available to discuss the issue.

Hands On SA then attempted to contact the minister's office, where they were advised that the minister and his staff were in a meeting and no-one was available to advise them. They contacted my office and, subsequent to that, they had some unacceptable behaviour from one of SA Water's contractors directed towards them.

This morning, the building's car park was blocked off and a large shrub out the front was removed without warning, and it is my understanding that in these circumstances when it is required to shut down the mains supply, SA Water is supposed to supply bottled water, which did not happen. My questions for the minister are:

1. Why was Hands On SA given no notice that the water would be shut down, leaving it and its 60-odd clients without access to drinking water?

2. Why did SA Water fail to supply bottled water?

3. Why could SA Water customer service not provide any information to Hands On SA?

4. Why was Hands On SA unable to get any assistance from the minister's office?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:30): I thank the honourable member for her most important question. Can I say at the outset that the story that she relates to the chamber today would be a very unusual circumstance indeed.

The Hon. G.E. Gago: They make it up.

The Hon. I.K. HUNTER: I am not going—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: I was not going to go that far myself, but I would say this: I will have to check with my agency first about what the situation is from their perspective. We have heard one allegation, and I'm not going to accept that at face value until I check it out.

Customer service relations are very important to SA Water. It has been a priority in our conversations, and I have expressed to them that my expectations are that they put their customer service relations at the forefront of their business. It is something that I can say the board has taken up with alacrity, and it is an issue that I know they continuously work on.

The usual practice, as the honourable member outlined, is in fact that advance notice is given to premises and customers. I would be very surprised if that was not the case. I hear what she is saying, that she thinks that it was not the case in this situation, and I will ask the agency to report to me and come back with an answer.

MURRAY RIVER SHACKS

The Hon. S.G. WADE (14:31): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray questions relating to environmental compliance.

Leave granted.

The Hon. S.G. WADE: The Mid Murray Council has indicated that it is challenged by the task of controlling illegal development and environmental compliance among 3,000 riverside shacks in 50 settlements along the river from Cadell to Mannum. A report to council in July 2013 states:

> During late 2007 early 2008 Council raised concerns over the level of unlawful development occurring predominantly in shack settlement areas throughout the district.

The report goes on to state that recognising council's inability to adequately enforce the requirements of the Development Act in terms of illegal development and compliance, council wrote to the Attorney-General, the Minister for the River Murray and the Minister for Environment and Conservation. The letters of 2008 and the report of July 2013 address both planning issues and environmental compliance issues. The report goes on to state:

> In short nothing of any substance eventuated from the exercise and the problems/issues highlighted in the original letter drafted by Norman Waterhouse remain largely relevant today.

Later, the report states:

> To complicate matters more State Government agency compliance functions appear to have been reduced. It is understood the Development Assessment Commission no longer follow up or act on matters of non-compliance in relation to applications where they were the approving authority. The Department of Environment, Water and Natural Resources (administration of the River Murray Act) likewise have limited inspectorial resources as do Crown Lands SA.

I understand the environment department has released a statement today saying that it is considering options. My questions to the minister are:

1. How many compliance officers do his agencies dedicate to the River Murray compared with 10 years ago?

2. What options is the government considering?

3. Given that the council wrote to your predecessor on 25 June 2008 to outline their concerns, when can the council expect tangible action from this government?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:33): I thank the honourable member for his important questions; however, I have to correct

him in some respects. He is seeking, I think, to imply in his question that the issue is one for government when, in fact, my advice is that the shacks mentioned in the media recently are not on crown land. They are on private freehold land, which is under the control of councils in other ways.

However, he is correct in saying that, notwithstanding that, the department is always happy to work with councils and assist where they can. I am advised by my department that we are not aware of any shacks in the Mid Murray Council area in particular that are considered to be unauthorised use of crown land. However, the department is aware of intermittent unauthorised development—for example, sheds associated with shack areas along the River Murray.

There is a higher concentration of shacks, I am told, in the Mid Murray Council area compared with other council areas along the river. However, as I said at the start, most are privately owned and are not on crown land. The council has compliance powers, under the Development Act 1993, to deal with unauthorised development associated with shack sites on privately-owned land.

Departmental compliance officers assist councils when requested, I am advised, if a breach of the objects of the River Murray Act 2003 or its objectives for a healthy River Murray have been identified. Where authorised developments involve crown land, the department deals with these on a case-by-case basis as needs arise. The department, as I said, is not aware of any direct request from the Mid Murray Council to increase inspections along the River Murray, but the department does welcome our ongoing interactions with council and will assist, when requested, if it is part of our remit.

GRAIN INDUSTRY

The Hon. CARMEL ZOLLO (14:36): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about agriculture.

Leave granted.

The Hon. CARMEL ZOLLO: Members would be aware of reports which indicate that our grain producers are likely to have a very substantial harvest this coming season. Can the minister advise of a development which looks to assist growers in the future to secure strong harvest results?

Members interjecting:

The PRESIDENT: Order!

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) (14:36): The opposition talk about cuts—25,000 workers they want to cut. They're the cuts they want to make. Secret cuts is what the opposition have in mind. Why don't they show their hand and show us their policies because we know that's what they want to do: cut 25,000 to 35,000 workers. So, they can't talk about cuts.

I thank the honourable member for her most important question. Indeed, it is gratifying to see the forecast of a very solid and above average harvest size for this year. But, like all those interested in agriculture, I know that we can't count our chickens before they hatch—I don't want to put the mozz on this year. Obviously, much can hinge on the final weeks before the harvest. Like many farmers, I am optimistic, but the result will not be known until the grain is safely in our silos, and many factors, including things such as the exchange rates and overseas stocks of grain, can affect the final result.

However, I am very pleased to announce today that I am inviting applications for projects and work which will assist the very substantial grains industry on Eyre Peninsula to grow and develop for years to come. These applications will use the $400,000 balance of the Eyre Peninsula Grains Fund for the benefit of this very important industry.

Members may recall that, in 2006, a joint industry and government suite of works was identified to support infrastructure works on Eyre Peninsula. This approximately $43 million program of works was designed to ensure that important rail and other related grains infrastructure were upgraded to enable grains to be shipped to market. The funds were raised through a 50¢ per tonne voluntary contribution deducted by grain buyers from all grains—

The Hon. D.W. Ridgway: That's farmers' money.

The Hon. G.E. GAGO: It is farmers' money; that is exactly what I am saying. I am very pleased that the opposition have bothered to listen. These are very important voluntary funds that the industry has contributed to the infrastructure development in the region.

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: If the opposition wants to listen, there are some outstanding moneys from this fund, and this is outlining where those outstanding funds are going to be—

The Hon. I.K. Hunter: Tell us about it, Gail.

The Hon. G.E. GAGO: Thank you. I'm glad someone in this chamber is actually interested in regions, because there is no-one sitting opposite me who is interested in the regions or what is happening for our Eyre Peninsula growers.

The aim of the scheme was to raise $2 million. Each year, the contribution was reviewed, having regard to the amount raised in the preceding harvest. The rate was reduced to 10¢ per tonne in the 2010-11 harvest, and then zero in 2011-12. Even then, the excellent grain season we had in 2010-11 resulted in the fund exceeding its target by approximately $500,000. While this was not an anticipated result, it is a very happy accident indeed, and to ensure the Eyre Peninsula grain growers could express their views on how best to spend these funds a survey was conducted in March 2013. The survey provided several options, as well as enabling options to be gathered generally and, while it was clear that consideration of a port infrastructure on Eyre Peninsula was wanted, no further preferences could clearly be discerned. There were a range of different views, so there was not a clear direction that growers had indicated for spending the money.

My agency is therefore seeking applications from the Eyre Peninsula grain industry to determine the most appropriate distribution of approximately $400,000. As previously indicated, $100,000 will go towards a feasibility study for the port structure, so that leaves us with $400,000 of grower funding, and we need to ensure contributions are reinvested back into the local community, back to grain growers. I will ask the RDA Whyalla and Eyre Peninsula to help advise on those applications before my agency makes any recommendations to me on how to spend that money, and I believe it is important that the surplus from the fund is allocated in a way that achieves the maximum benefit to Eyre Peninsula grain growers.

It has been contributed by growers through that voluntary fund, and I obviously want to make sure it goes back to the community for growers to help sustain the region and this very important industry, which generally averages around 25 per cent of the state's grain production and around $500 million farm gate value to the state's economy. So we can see that Eyre Peninsula is a very important grain growing area.

South Australia has a very rich agricultural history and a very promising future, and I am confident that opening up the fund to interested parties is the best method to ensure that funds go to help those who contributed them, and I look forward to seeing those worthwhile projects unfold and be rolled out. Applications will be accepted until the close of business on Friday 25 October, and details are available on the website.

HOUSING SA SMOKE ALARMS

The Hon. J.A. DARLEY (14:42): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation, representing the Minister for Social Housing, questions regarding smoke alarms.

Leave granted.

The Hon. J.A. DARLEY: The government introduced regulations that state that properties sold or bought after a certain date must be fitted with a 240 volt, mains powered smoke alarm. This is consistent with the national building code and clearly shows a preference for properties to have hardwired, rather than battery-operated, smoke alarms. My questions are:

1. Can the minister advise how many Housing SA properties have hardwired smoke alarms out of the total number of its properties?

2. Does Housing SA have a program to install hardwired smoke alarms in properties which have only battery-powered smoke alarms? If so, could the minister provide details of this?

3. What is Housing SA's policy of replacing the batteries for both the hardwired alarms and the battery-powered alarms?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:43): I thank the honourable member for his important question on smoke alarms. I will take those questions to the Minister for Social Housing in another place and seek a response on his behalf.

STORMWATER HARVESTING

The Hon. G.A. KANDELAARS (14:43): My question is to the Minister for Water and the River Murray. Will the minister provide an update on recent achievements in the harvesting of stormwater within South Australia?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:44): I thank the honourable member for his very important question, and I am very pleased to respond. I have had the great pleasure of attending three separate stormwater harvesting project events over the past few months, each celebrating important milestones for stormwater harvesting projects currently underway in our state.

The first of these projects, Water Proofing the West, stage 1, is the first component of a region-wide collaborative effort by the City of Charles Sturt, the federal government and the state government to harvest, treat and store stormwater for use in Adelaide's west. There are a number of key elements to this project, including the Old Port Road wetlands, the Cheltenham wetlands and the West Lakes golf course and Cooke Reserve wetlands. This project will result in approximately 2,400 megalitres of recycled water each year being re-used on parks, reserves and ovals in the area.

This of course means that water which would have drained untreated to West Lakes, the Port River Estuary, the Barker Inlet and out to the Adelaide coastline, potentially damaging the environment with pollutants and atrophic outcomes and causing further harm to seagrass meadows, will now be put to a productive use. These projects not only reduce wastewater volumes but also reduce harm to the local marine environment. With $7 million of support from the state government, construction is set to be completed by the end of this year. Water is then expected to be available for 2014 for re-use and potential injection into the local aquifer by 2015.

Further, the second project event I attended was to celebrate the Oaklands wetlands stormwater re-use scheme. This project, located behind the Warradale Barracks, takes up some of the Oaklands Estate Reserve and the old driver training centre on Oaklands Road. Supported by the state government to the tune of $2.6 million, I am told it will provide not only the capacity to recycle stormwater (some 200 million litres), it will also provide recreation opportunities and biodiversity benefits for the local community and the local environment. This project again shows that in addition to the benefit this project will bring in diversifying our water security, it is possible to also provide complementary benefits to the local environment, such as providing a haven for flora and fauna with these projects.

The third event I had the pleasure of attending was the Byards Road wetland site at Reynella East that forms part of the Water Proofing the South, stage 2. This project has now been completed and, together with stage 1 of the project, provides the ability for the City of Onkaparinga to capture, store, treat and re-use some 3.6 billion litres of stormwater. The full project includes an integrated system of aquifers, seven wetlands and 23 kilometres of pipeline linking parks, reserves, schools and sports fields. This makes it the biggest stormwater harvesting initiative in the state and the City of Onkaparinga, together with everyone who has worked on the project for so long, deserve our heartiest congratulations.

This, like the other projects, was a joint initiative of state, local and federal government and I am pleased to advise that the state government provided $7.5 million towards it. Stormwater harvesting is something this state government has been serious about for a long time. It is pleasing to see that vision, first laid out almost 10 years ago now, is now bearing fruit. South Australia currently leads the nation in stormwater capture and re-use. There are another five projects currently occurring in Adelaide and when they are all complete will provide up to eight gigalitres of recycled stormwater. This is a pleasing volume of water and it will put us in a good place to meet our ambitious target outlined in the Water for Good policy of providing up to 60 gigalitres of recycled water by 2050 across greater Adelaide.

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

The Hon. I.K. HUNTER: The honourable member across the aisle says we will never reach it. That is the level of their ambition: don't try, don't aspire, don't try to do better, just coast along. That is the Liberal attitude. Let's not go out and try to improve the lot of the city and improve our approach to water, let's just not do very much at all. That is the Liberal approach; it is not ours. We believe, on this side, that we should continually be trying for more. We should aspire for better. We know that unless we provide the leadership in this state it will not come from the other team. The Liberals have never been able, in their lifetime, to come up with a big idea, and they never will. It is down to a Labor government to dream the big dreams for this state and to deliver, and we will.

Members interjecting:

The PRESIDENT: Order! I am interested in this.

The Hon. I.K. HUNTER: Thank you, Mr President. I am pleased that you are interested in this, sir, and those on this side are, but the Liberals opposite never will be. They can never recognise a good idea when they see it, not even if it is force fed to them.

The Hon. T.J. Stephens interjecting:

The Hon. I.K. HUNTER: Well, you spend all of your time, like the Hon. Mr Ridgway, digging yourself out of big holes and relying on false information to come in here and make accusations. That's what you do: you use bad information, you make accusations in this place and you fall flat on your face. Do it again; I will be very pleased. Whilst I am—

Members interjecting:

The PRESIDENT: Order! Let's behave; let's behave for at least another half an hour.

The Hon. I.K. HUNTER: Mr President, I do need your protection from the rabble opposite so that I can continue to speak about stormwater. The state government recently signed a new stormwater management agreement between state and local government.

Members interjecting:

The Hon. I.K. HUNTER: Mr President, the Liberals are continually shouting over the top of me. You would think that they would like to hear this wonderful success story. The state government recently signed a new Stormwater Management Agreement between the state and local government. This agreement formally outlines the roles and responsibilities and the funding arrangements for stormwater management and flood mitigation in South Australia.

Originally signed in 2006, this revised agreement will ensure that South Australia has the most appropriate and modern structure to progress a coordinated multi-objective stormwater management approach for South Australia's urban areas. In particular, it will improve the effectiveness of the Stormwater Management Authority in facilitating stormwater management outcomes in concert with the state and local government.

The main differences between the new agreement and the 2006 agreement are that the new agreement will: provide for the minister to nominate the presiding member in consultation with the Local Government Association; require the Stormwater Management Authority to adopt a more strategic and business-like approach by requiring it, for example, to prepare a 10-year strategic plan and a three-year business plan for its activities for ministerial and Local Government Association consideration; and provide for the Stormwater Management Authority to be advised on stormwater technical planning, policy and legal issues by an advisory body of state and LGA nominees.

The next few years will see even more exciting developments for stormwater harvesting and stormwater management within Adelaide. Diversifying our water supply, reducing contamination in our marine environments, recharging aquifers and, most importantly, wasting less water is what the Labor government stands for.

MINING INFRASTRUCTURE

The Hon. M. PARNELL (14:51): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Transport and Infrastructure, a question about mineral export facilities on Spencer Gulf.

Leave granted.

The Hon. M. PARNELL: Yesterday the government announced that it had granted major development status to a proposal by Braemar Infrastructure for a floating processing storage and

offloading facility between Wallaroo and Port Pirie. Last month, the government gave major development status to a multibillion-dollar deep sea port development at Cape Hardy being proposed by Iron Road Ltd. These two are on top of the earlier major development declarations for mineral export ports at Point Lowly (also known as Port Bonython), near the cuttlefish breeding grounds, and Port Spencer (also known as Sheep Hill), near the Lipson Island little penguin colony.

Additional mineral export port developments or upgrades are also proposed for Lucky Bay near Cowell, Port Lincoln and Whyalla. That makes seven port proposals, or in fact eight if you count the BHP Billiton port proposal for Upper Spencer Gulf near Port Augusta, which has already been approved.

On ABC radio last month, minister Koutsantonis, when questioned about how many mineral ports we need, said:

> We say that the market will decide where a port will be built, not the government.

The minister went on to say that by giving approvals in advance, the companies would work out amongst themselves which port or ports will actually be built. That approach is in stark contrast to the call from the Conservation Council of South Australia for 'a strategic environmental assessment of the cumulative impacts of current and proposed development in Spencer Gulf, in order to minimise harm through good planning and consolidation'. The Conservation Council also said:

> We feel that the ad hoc or first-across-the-line approach for ports infrastructure is not in the best interests of investors, the community, or the environment, and is leading to excessive and unnecessary costs.

My questions to the minister are:

1. Does the government have a strategy for mineral exports and port development in Spencer Gulf or does it really believe that infrastructure planning in public places (such as the gulf) is best left to private mining companies?

2. Does the minister really believe that every mining company having its own port is either efficient or economic?

3. What leverage does the government intend to use to force mining companies to share facilities, or is it happy to see the sorts of disputes over infrastructure that have dominated the mining industry in Western Australia?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:54): I thank the honourable member for his important questions and I will refer them to the Minister for Transport and Infrastructure in another place and bring back a response. I am quite confident that we are not, indeed, encouraging each individual company to build its own port or necessarily all of its own infrastructure. What we rely on are industries looking for the best way to move forward, and that includes looking at partnerships and cooperative arrangements, particularly around infrastructure. We are always encouraging that, particularly looking at options of port sharing and other major infrastructure sharing initiatives but, as I said, in terms of the detailed responses for that question, I am happy to take them on notice and bring back a response.

REGIONAL BUSINESS

The Hon. J.S. LEE (14:55): I seek leave to make a brief explanation before asking the Minister for Regional Development about concerns from the northern region business sector.

Leave granted.

The Hon. J.S. LEE: During August 2013, the federal member for Grey, Rowan Ramsey, visited the northern region of South Australia with my colleague the Hon. Terry Stephens and found that Roxby Downs has been going through a pretty tough patch and that the local traders have been feeling the tight time. In August, I also visited Coober Pedy and met with a number of local retailers and traders, and they are also experiencing tough business conditions. Chairman of the Coober Pedy Retail, Business and Tourism Association, Mr Robert Coro, indicated that the last 18 months have been very difficult. He stated on *ABC News* on 14 August:

> We have the most expensive power prices thanks to the state government, we have the most expensive water rates thanks to the state government, we have the most expensive transport rates—how are we going to keep our prices down to the level which everyone expects us to?

My questions are:

1. When did the Minister for Regional Development last visit the northern regions of South Australia, particularly Coober Pedy and Roxby Downs?

2. What recent consultations has the minister had with the Minister for Small Business to address the concerns raised by residents and businesses located in the northern region?

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) (14:56): I thank the honourable member for her Dorothy Dixer. I visit the regions regularly, and if the honourable member had bothered to listen in this place she would have known that quite recently I gave a report in this place on my recent visit to the north that included Andamooka, Roxby, Marree, William Creek and Oodnadatta. It was quite recent, so I can't believe the honourable member doesn't afford the courtesy to even listen in this place.

How embarrassing for the opposition to be coming here and asking me when I last visited, when it was only quite recently. It is such an embarrassment and I find it incredible that the honourable member would stand up straight in this place and talk about the price of power when it was, in fact, the former opposition government that privatised our power, which has contributed to the outrageous prices. What a short memory! There is obviously a real problem with the memories of those sitting opposite.

What an absolute embarrassment, too, because we see the brand-new Coalition federal government with no commitment to the regions at all. We see that there is no commitment to regional development funding, no commitment to the local roads funding which is critical to our region, no commitment yet to the farm financing that I have written to the minister urging them to sign, and no commitment to the Murray-Darling Basin funding buyback—it looks like there is going to be a backflip on that. All these things are in doubt.

A federal Liberal Coalition government—no commitment whatsoever to our regions. What a disgrace! Then they announce today, I think, that the regional development agency is going to be closed down. What commitment is that to regions? So, no department for regions; it is going to be absorbed into some other major super department. What a disgrace!

On a more positive note, and in terms of answering this question, I would like to talk about some of the contributions that this government has made to the north. Our Upper Spencer Gulf and outback fund has been put in place to help capture business from the expansion of the resources, energy and allied industries. Our Enterprise Zone Fund is aimed at capturing the benefits of growing industries to further strengthen the upper north and outback communities, including:

- capitalising on opportunities that are focused on, but not limited to, the expansion of resource and energy sectors; and
- providing access to organisations in the Upper Spencer Gulf for projects that make a major impact in the region by changing competitive advantages.

Just yesterday, I spoke in this place about a civil training program initiative fund and that I had made a grant from this fund to help train women in important skill areas. Other contributions include:

- over $80,000 to the re-establishment of refuelling facilities at Leigh Creek;
- $60,000 to support a mentor based in the Port Augusta area for Indigenous mining employees;
- over $100,000 towards the provision of broadband services to towns in the Port Pirie region;
- over $300,000 to Kelly Engineering for building infrastructure to support the expansion of facilities and the workforce at Booleroo and beyond;
- $2 million to E&A Contractors towards costs associated with the purchase and installation of wind towers—

Members interjecting:

The Hon. G.E. GAGO: See, they don't care about the regions. They are not interested at all in the regions. It's a disgrace. They have no interest in the regions, whatsoever—no interest and no commitment. We have also contributed:

- over $400,000 to the City of Port Augusta towards upgrading the Port Augusta—

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Lee wishes to hear the answer to her question.

The Hon. G.E. GAGO: Well, she didn't listen to the answer to my last question, Mr President, otherwise she would have known that I have visited there quite recently. They don't listen because they are not interested at all. I will go on. We have contributed:

- over $400,000 to the City of Port Augusta towards upgrading the Port Augusta Airport terminal facility, car parking and also the airstrip;
- just under $200,000 to Cowell Electric Supply towards the purchase of equipment to undertake tension stringing of conductors, and other wiring, for high voltage powerlines;
- around $600,000 for the City of Whyalla towards upgrading the Whyalla Airport terminal, the car parking area, pedestrian and other areas; and
- over $40,000 to Port Pirie Aviation Fuel for the Port Pirie Aerodrome.

These are just some examples. I could go on and on.

Members interjecting:

The PRESIDENT: Order! There are other honourable members who wish to ask some questions this week.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: I am not debating with you, the Hon. Mr Ridgway. You will sit there—you have asked your question—and pay some respect to other honourable members in this chamber.

The Hon. G.E. GAGO: You can see that they are not interested in content at all, Mr President. They are not interested in policy. The only policies they have are secret policies to cut jobs and undermine the welfare interests of South Australia.

We see what a Coalition government is all about. We see what their commitment is to regions. We see the new federal Coalition government come to power, and it has abandoned the regional development agency. There is still no commitment to regional development funding, still no commitment to local roads funding, still no commitment to the farm financing, and still no commitment to the Murray-Darling Basin funding buyback.

That is the sort of commitment we get from the Liberal opposition—none at all. They don't care about regions and they don't care about the outback. It is only a Labor government that really cares for the regions and our outback cousins.

EYRE PENINSULA LAND USE SUPPORT PROGRAM

The Hon. R.P. WORTLEY (15:04): I seek leave to ask the Minister for Regional Development a question regarding Eyre Peninsula.

Leave granted.

The Hon. R.P. WORTLEY: Eyre Peninsula is a key region for the future of South Australia's mining industry, and the South Australian government continues to work to support growth in this industry along with Eyre Peninsula farmers and residents. My question is: can the minister inform the chamber about how the government is supporting realising the benefits of the mining boom for all through the Eyre Peninsula Land Use Support program?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:05): I thank the honourable member for his most important question. As honourable members would be aware, the 2013 state budget delivered for our regions and our mining sector. The state government continued its support of exploration and innovation in the resources and energy sector by committing $8.6 million of new funding to these

industries. Of this funding, over $500,000 has been allocated to fund the Eyre Peninsula Land Use Support program, and I am pleased to be able to update the chamber on the progress of the establishment of that particular program.

Eyre Peninsula was selected as a target region because of the existing level of resources exploration and development activities occurring in the region. However, I am advised that the model will be readily transferable to other regions across South Australia as the need arises. The Eyre Peninsula Land Use Support program will assist Eyre Peninsula landholders in realising the benefits of statewide growth in our minerals and energy resource areas.

Further, it is another way in which this government continues to ensure long-term sustainable growth of Eyre Peninsula. EPLUS—the other name for this program—will be delivered by the Department for Manufacturing, Innovation, Trade, Resources and Energy and also Rural Solutions SA, a division of Primary Industries and Regions South Australia. It is a collaborative initiative with a range of other agencies and industry stakeholders such as the South Australian Chamber of Mines and Energy.

The conception of the program began in June 2012 when DMITRE held community workshops across Eyre Peninsula to provide landowners and regional communities with information on their land access rights under mining legislation, regulation of the minerals exploration and mining industry, responsibilities of exploration companies under the mining legislation and the assessment and approval processes that mineral explorers and mining developers are subject to before they are able to carry out any activities.

From these workshops, DMITRE gained a firsthand understanding of the types of challenges and pressures landowners and farming communities face in relation to exploration and mining. EPLUS aims to continue this work through coordinating better relationships between exploration and resource companies and landholders and local communities, and it will build on current existing government support services to make use of the information and programs already in place.

To support the above, the program will include the provision of information aimed at increasing landholder opportunities and strategies on building resilience and community capability to respond to and benefit from multiple land-use opportunities. Shaped to suit the specific needs of Eyre Peninsula, funding will also be used on services that include a one-stop shop for mining-related information, a series of regional tailored information sessions and the development of links between landholders, communities, existing service providers, industry and government agencies.

I am advised that the delivery will commence with a formal launch in late October 2013, and I congratulate my colleague in the other place, the Minister for Mineral Resources and Energy, on his department and the work that they have contributed to this project. I certainly look forward to the continuing progress of this much-needed and innovative state government program.

EYRE PENINSULA LAND USE SUPPORT PROGRAM

The Hon. M. PARNELL (15:09): Will the Eyre Peninsula Land Use Support project provide advice to landholders as to how they can deal with mining companies, including their right to object to mining or exploration on their land? In particular, will the project provide advice to landholders on how they can legally challenge unreasonable demands made by mining companies in the Environment, Resources and Development Court?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:10): I thank the honourable member for his most important supplementary question. Indeed, the objective of this program is to ensure that not only landholders but also mining interests are all very clear and are provided with thorough information around not only their responsibilities but also the opportunities they might have before them.

In terms of providing them with legal advice, I believe that is beyond the purview of this particular project. If any landholders voice concerns, they would be advised to seek their own legal counsel. Nevertheless, this will provide a wide range of information to be available to landholders so that they go ahead in an informed way, knowing where the pitfalls are and where there are opportunities for improvement, understanding what their rights are and also their obligations.

We are working very hard on this and we have been very fortunate in this state with mining interests and exploration mainly occurring in the Far North where there is little conflict over land use opportunities. We are mindful that, as these exploration opportunities are moving further south,

the potential for similar challenges that have occurred in other jurisdictions could occur here. We have a strong legislative advantage. We have ensured that our landholders are in a much stronger position than some other jurisdictions, so I think we will avoid many of the pitfalls that the other states have had to face.

We hope that this program will assist landholders in particular to be able to work with mining opportunities and exploration opportunities to their mutual advantage so that it ends up being a win-win for everybody.

YORKE PENINSULA FIELD DAYS

The Hon. R.L. BROKENSHIRE (15:12): I seek leave to make a brief explanation before asking the minister for primary industries a question about agriculture and government support for agriculture in South Australia.

Leave granted.

The Hon. R.L. BROKENSHIRE: Mr President, as you may well know, yesterday, today and tomorrow are three important days in the calendar for South Australian farmers and value-added componentry industries to agriculture—namely, the Yorke Peninsula Field Days, where approximately 40,000 farmers and country people will visit to learn about best practice and look at machinery, etc.

Last year I wrote to the then minister, the Hon. Patrick Conlon, asking whether he would look at rearranging the parliamentary sitting calendar so that those of us who have responsibilities to represent the whole state and, indeed, local members, would be able to attend the field days and work with those constituents. This was based on the fact that next week and the week after we do not sit and we did not sit last week. This government makes sure that we do not—

The Hon. J.S.L. Dawkins: We had the Riverland Field Days last week.

The Hon. R.L. BROKENSHIRE: Yes. This government makes sure that we do not sit for three weeks when the arts festivals are on. Unfortunately, this government still decided—and I do not blame this particular minister—to ensure that we were not able to see our constituents at the Yorke Peninsula Field Days. My question to the minister is: is this just ratifying the fact that Labor as a government cares little or not at all when it comes to primary producers and agriculture in this state, notwithstanding the fact that one in four jobs and 25 per cent of the whole of the economy of this state is centred on agriculture?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:14): I thank the honourable member for his most important question. Indeed, I was disappointed when I noted that the parliamentary sitting calendar clashed with the Yorke Peninsula Field Days program this year because I would have very much liked to attend. However, the fact is that it doesn't matter which days we look at, in this state there is always something momentous happening every week which is of great interest to most of us. This is a very dynamic state, there is a lot happening, so it wouldn't matter which days we chose, it would exclude some event somewhere. It is just not possible—

The Hon. R.L. Brokenshire: Once a year we have a big field day—once a year.

The Hon. G.E. GAGO: But there are many really worthwhile field days; this is not the only important field day. The Hon. Robert Brokenshire is suggesting that the other field days are not just as important—they are.

The Hon. R.L. Brokenshire: No, no.

The Hon. G.E. GAGO: They are.

Members interjecting:

The Hon. G.E. GAGO: He is—that's what the Hon. Rob Brokenshire is saying—

The Hon. R.L. BROKENSHIRE: Point of order.

The Hon. G.E. GAGO: —that the other field days are—

The PRESIDENT: Point of order, the Hon. Mr Brokenshire.

Members interjecting:

The PRESIDENT: Order! What's the point of order, the Hon. Mr Brokenshire?

The Hon. R.L. BROKENSHIRE: The point of order is that I have been misrepresented, and I ask the minister to withdraw the comments because they are untrue.

The PRESIDENT: There is no point of order. The minister.

The Hon. G.E. GAGO: The Hon. Mr Brokenshire is suggesting in this place—

The Hon. D.W. Ridgway: Did you decide on the point of order?

The PRESIDENT: I did: I said that there is no point of order.

The Hon. G.E. GAGO: —that the Yorke Peninsula field day is the most important field day and is more important than any other field day. Well, it just isn't. I'm sorry, the Hon. Mr Brokenshire, it just isn't. They are all important in their own way, and to each region they are exceptionally important. I think that it is a very narrow focus the Hon. Robert Brokenshire has—it is a very parochial focus. Unfortunately, as I said, it wouldn't matter which day we chose, it would exclude access to some very important event to some particularly important community group. It is just not possible for us to sit and not clash with some very important event, but I am disappointed that this has happened this year.

In terms of his outrageous statement that this is indicative of this government's not caring about the regions, I need to set the record straight with such a terrible allegation, so I put on the record that our agriculture sector is obviously an incredibly important contributor to the South Australian economy. Compared with other Australian states, our agriculture sector in South Australia has historically provided a much greater share of the state's economic growth. Agriculture, forestry and fishing contribution to South Australian economy has grown 64 per cent in real terms over the last 10 years.

The Hon. D.W. Ridgway: You've sold the forests.

The Hon. G.E. GAGO: Well, you sold our power. They are happy to privatise our power and everything else. This compares to 28 per cent real growth in South Australia's economy as a whole over that same period. The agribusiness sector directly employs 8 per cent (I think that is one in five in total) in food and wine, which makes it a very important employer in this state.

I need to say that, even during very difficult times, this government has managed to put in place a number of significant supports for our agriculture sector. We set up a case management framework, which assigned senior public servants to assist in our regions, and this service has resulted in significant investment in this state, such as Inghams Enterprises, Thomas Foods International, and a number of other important industries. The framework assigns senior public servants to accompany all organisations seeking to invest in South Australia—so they partner with these companies—and, as I said, Thomas Foods is a very good example of that.

In terms of research and development, we have a fabulous capability. The South Australian government continues to commit significant funding to underpin South Australia's research development capacity, and many agribusinesses are either participating in projects or benefiting from those outcomes. The department also works with a number of industry associations and key stakeholders to ensure that they can access state government funding through the Skills for All program, and strong industry bodies are essential, obviously, for the success of any agribusiness in this state.

The government is currently supporting the activities of a number of business associations, such as Food SA, the SA Wine Industry Association—there is a long list. For instance, Food SA, we have contributed $550,000 per annum over four years and $250,000 per annum over four years for the SA Wine—

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: I would like to know what the Coalition opposition is proposing to expend on Food SA when they are ever in government. I would like to see what policy direction they have and what financial contribution they plan to make for Food SA. Let them put the money on the table.

This government has contributed over half a million dollars and a further $250,000 per annum over four years for the SA Wine Industry Association, which also includes a number of in-kind supports, not to mention $20 million for our sustainable rivers fund and also our

biosecurity services—I could speak at length about that—and also our SARDI science programs, just to mention a few areas where this government supports our agribusiness sector.

SA WATER

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:21): During question time today I took on notice a question asked by the Hon. Michelle Lensink. By leave of the council, I can give a very quick response now, if that is what is wished.

Leave granted.

The Hon. I.K. HUNTER: In relation to a question asked by the Hon. Ms Lensink, which I took on notice earlier, about interruption to a water supply to a property in Kent Town, I can advise that a contractor employed by SA Water to put a new connection into a property in Kent Town unfortunately disconnected the wrong supply. I can only assume that it was an adjoining property or that the meters were close by. My understanding is that supply was interrupted for less than half an hour and then fully reinstated.

The Hon. G.E. Gago: So the real facts come out.

The Hon. I.K. HUNTER: Indeed.

MATTERS OF INTEREST

CLIMATE CHANGE

The Hon. K.J. MAHER (15:22): I do not believe in human-induced climate change, in the same way that I do not believe in gravity or I do not believe in radio waves. These are all occurrences that science has observed and made predictions about. None of these are about beliefs or belief systems; they are about accepting the scientific consensus on observations in the natural world around us, not about beliefs.

I do not think it is plausible or justifiable to accept science in some areas and reject it in others. There seems to be two issues in climate change science: first, is the climate warming and, secondly, is human activity contributing to this warming? On the first question, it is pretty simple to look at the facts. All reliable measurements of global land/ocean temperatures show that the planet is in fact warming. The World Meteorological Organization says that observations show that the first decade of the 21st century was the hottest ever recorded. The data unequivocally shows that our planet is warming.

On the second question—is human activity contributing to this warming—the science again is pretty settled. Surveys of research and of the scientists practising in this field so that between 97 and 98 per cent of climate scientists agree with the tenets of anthropogenic, or human caused, climate change. In fact, on the NASA website there is the helpful conclusion that:

> Ninety-seven percent of climate scientists agree that climate-warming trends over the past century are very likely due to human activities, and most of the leading scientific organizations worldwide have issued public statements endorsing this position.

Accepting human-caused climate change is not about beliefs: it is about whether you choose to accept or reject science. But there are many who want to play down or reject the findings of climate science.

Just last week, some in the media reported that a leaked draft report of the Intergovernmental Report on Climate Change would show that the planet was not warming as much as had previously been predicted. Even if this were actually the case, it is just a great demonstration of how science corrects itself, but it turns out that those media reports got it absolutely and completely wrong. In fact, *The Australian* had to publish this correction:

> A report in *The Australian* on Monday...said the Intergovernmental Panel on Climate Change had dramatically revised down the rate of global warming over the past 60 years. In fact, the new rate of 0.12ºC every decade is almost the same as the IPCC's 2007 figure of 0.13ºC every decade over the last 50 years to 2005.

So, the scientific predictions in this field turned out to almost exactly fit the observable data. However, there are some policymakers who reject the science. The new Prime Minister of Australia once famously rejected climate change as 'crap'. The Prime Minister's chief business advisor recently described climate change as 'a myth', a comment sensibly referred to by Australia's Chief Scientist as 'a silly comment'.

What would a Prime Minister who refused to accept science do? One of his first acts was to abolish the Climate Commission, an independent body established by the Australian government to communicate 'reliable and authoritative information'. But, in a stunning embarrassment to the new government, it looks like the commission will be relaunched as a community-based organisation funded from public donations.

The new government also plans to abolish the Climate Change Authority, the statutory authority that advises the government on setting carbon caps and meeting those targets. Targets the new Prime Minister is now having trouble even pretending he cares about. They are also planning to scrap the Clean Energy Finance Corporation, which invests in projects to help meet carbon targets.

But what if that was not enough? What if you just did not accept the overwhelming scientific consensus on climate change, but you did not trust science in general? You would make the biggest statement possible to the whole country. For the first time in 80 years what you do is not have a federal minister for science, and that is exactly what this arrogant new commonwealth government has done. It has sent the clearest possible message that it does not value science and that, in areas where it matters, policy will be based more on ideological zeal than on good science.

In the area of climate change the issues are too important to ignore or to consciously choose to do very little or nothing. Even if you form the view, contrary to all the evidence, that global warming is unlikely to be occurring, or we cannot influence it much, or the consequences will not be that devastating, surely it is worth taking action as insurance, just in case 97 per cent of climate scientists turned out to be right. It is time to accept the science and it is time to take action on climate change.

Time expired.

OZASIA FESTIVAL

The Hon. J.S. LEE (15:27): It is my pleasure to rise today to speak about the OzAsia and Moon festivals. The OzAsia Festival is recognised as the nation's pre-eminent Asian/Australian cultural engagement and collaboration event. Now in its seventh year, it has grown from strength to strength. Congratulations to the Adelaide Festival Centre, particularly to CEO Douglas Gautier, and OzAsia Festival director, Jacinta Thomson, for their great vision and leadership.

The OzAsia Festival is a celebration of cultural diversity, a showcase of many talented and exciting artists in Australia and from Asia. It was a great privilege to attend many OzAsia events this year. I would like to share some of the highlights. The opening night performance for the OzAsia Festival on 13 September 2013 by renowned Taiwanese company U-Theatre, *Meeting with Bodhisattva*, was a breathtaking show with 16 drummers slicing through the air, striking their instruments with impeccable precision. The complex performance shows the Buddhist wisdom through martial arts, theatre, meditation and percussion.

OzAsia is connecting Australia to our closest neighbours. Every year, OzAsia will feature an Asian country. This year, the focus is on Malaysia. What I love about the OzAsia Festival is its ability to engage with the local community on various cultural journeys. On 15 September, OzAsia offered a public event by partnering with the Malaysia Club of South Australia and the Migration Museum in *Three Weddings and a Cook*. The cook for the event was the delightful Poh Ling Yeow from *MasterChef* and ABC TV's *Poh's Kitchen*.

Poh's mum, Christina Yeow, is the president of the Malaysia Club. Christina had worked tirelessly with her committee to stage three traditional and elaborate weddings on the day: a Malay wedding, a Chinese wedding and an Indian wedding. While two weddings were mock-up weddings, the Indian wedding was a real wedding, so congratulations to the bride and groom. It was certainly an auspicious day. I was very honoured to be involved in the Chinese Wedding Tea ceremony. Special thanks to Christina Yeow, Dr Evelyn Yap, Betty Lee, Eric Lai and the whole committee of the Malaysia Club for putting on a wonderful community event.

The Mid-Autumn Festival, also known as the Moon Festival, is celebrated around the world. Taking on the theme from Asian Mid-Autumn Harvest festivities, OzAsia has adapted the theme and has offered the Moon Lantern Festival to the public as a free community event. It is held every year at Elder park. Unfortunately this year, because of the really poor weather, it was cancelled. It is really quite sad because the children and teachers of the 12 participating schools and some 40 community groups have taken a year to make beautiful lanterns and they did not

have the opportunity to show them off this year because of the heavy rain. So, rain rain, please go away and stay away for next year's Moon Lantern Festival so that the parade can happen again.

The Moon Festival is celebrated throughout the community by many Chinese organisations, and I would like to pay tribute to them now. The Chinese Welfare Services has organised the Moon Festival dinner plus the inaugural Moon Festival street party. The opposition leader Steven Marshall was there to launch a joint campus singing competition at the street party in Moonta Street on Saturday. It was such a wonderful success. Lots of congratulations and special thanks to Cathy Chong, Peter Yang, Colin Wang, Carmen Chow and all the volunteers for a wonderful day.

The other organisations I would like to thank and congratulate are the Overseas Chinese Association of South Australia, the Oceania Federation of Chinese Organisations from Vietnam, Cambodia and Laos, and the Teo Chew Association of South Australia for organising all the Moon Festivals so that all the migrants from Asia can celebrate in a big way.

We are very lucky and privileged to be a part of the OzAsia and Moon Festival celebration. Thank you to all the community leaders and organisers for sharing and enriching South Australia with wonderful traditions and artistic talents.

EDGE CHURCH

The Hon. D.G.E. HOOD (15:32): I wish to speak today about a charity that has gone largely unnoticed but has made a real difference to our local and also our international community. Edge Church International of Reynella has, since 1994, been committed to reaching outside of its own four walls and aiding not only the local community but people on a global scale as well. Today I will be mainly focusing on their local community care arm, which is called Edge Assist.

I will highlight a few of the services they provide to the community. In 2004, the Morphett Vale High School, as it was then, was the recipient of a generous gift from the church: a major overhaul of the external and internal areas throughout the school. Conservatively, the investment from the church and its community partners was said to have added a commercial value to the school at that time of about $350,000. They went in to the school, they had all the volunteers go in (I think about 150 volunteers) and replace the carpets and paint the walls. They did murals and all sorts of things. They planted new plants. The place was unrecognisable after they had finished. They did it all on a volunteer basis. It was all donated to the school by the church.

This project has been a launch pad for many other projects, such as the renovations on the sixth floor of the Women's and Children's Hospital, where a 28-bed accommodation unit was renovated for rural and regional families to stay in whilst their children are undergoing long-term treatment. Along with that renovation they also carried out a colourful renovation of the paediatric outpatients ward area. There is, in fact, a DVD floating around, if members are interested. Again, it was a similar story. They went in to the ward—obviously with the permission of the appropriate people—and totally rejuvenated it. Before that, it was grey, tired and not very pleasant, frankly. However, when they left, it was very colourful and it had all the latest high-end finishes. It looked fantastic; again, at no cost whatsoever to the hospital. It was all paid for by the church.

The Childhood Cancer Association has been overwhelmed by the support of Edge Assist, which has carried out renovations to its respite units and also to its office accommodation, again at no charge.

The most recent transformation project was in 2012, when Edge Assist generously renovated three units in the Adelaide Women's Prison where prisoners live prior to their release. These units were extremely rundown and in need of refurbishment. Edge Assist refurbished the units with new flooring, new paint, brand new kitchens and bedrooms, and new furniture. Along with this they also worked on the area where children come to visit their mothers. They established a new play area with equipment and provided a suitable space for children to bond with their mothers and, again, the transformation was absolutely amazing. Edge Assist also operates a Living Skills program for women due to be released. It provides an excellent opportunity for success for them in re-entering the community.

Edge Assist also provides a school mentoring program in high schools for identified at-risk youth. This includes a breakfast program which provides a nutritional breakfast for those high school students who otherwise may not have a breakfast at all, with the objective to boost their achievement rates whilst at school. Again, this is done at cost to the church. Back to school packs are given to year 8 students at the beginning of the school year which include stationery, food

items, drinks and vouchers for recreational activities. Along with these school programs they assist with school events such as sporting days, school camps, lunchtime mentoring programs and even one-on-one student training where that is appropriate.

Another dimension of Edge Assist youth programs is their assistance with homelessness and homeless people in particular. Approximately 20 volunteers give up their Friday nights between 12am and 3 in the morning and run a program to improve city safety and feed the homeless on Hindley Street and surrounding areas.

Edge Assist contributes enormously to its surrounding community and perhaps one of the biggest services it provides at its various facilities throughout South Australia is their Family Support program. Families, or even individuals in crisis, are eligible for these services, which include food hampers and a mobile feeding program. This operates on Tuesday evenings in Christie Downs and on Wednesday evenings in Huntfield Heights. These services are provided in partnership with Drake food markets and Foodbank SA; again, on a completely voluntary and no charge basis.

Edge Church also assists with World Vision, Transform Cambodia and other international organisations to assist children in Africa, Haiti, Cambodia and India. Aid to overseas countries includes sending furniture and provisions or providing or renovating accommodation. In some countries children are provided with food, clothing, education using local teachers, and mentoring.

I believe it is important to recognise the valuable work done by not for profit organisations, such as Edge Assist, which provide these services to numbers of people in South Australia and, as you have just heard, overseas. Obviously these amazing initiatives could not be possible if it were not for the investment and efforts of volunteers and members of this church who continually sacrifice time and money to serve and benefit the disadvantaged in the state and elsewhere.

I have not even scratched the surface of what this amazing place has done and if anyone has the opportunity to see the DVDs they will see it is truly amazing. Again, it is all funded by the church and they do not ask anything of the people they help.

STATE GOVERNMENT

The Hon. R.I. LUCAS (15:37): After 12 years it is sad to watch a government disintegrate before our eyes: a government in turmoil, a government of ministers and staffers tearing each other apart, and a premier showing clear signs of poor judgement, irrational decision-making and of cracking under significant pressure on a range of issues.

We now see senior right members and staffers openly regretting the decision they took to install Mr Weatherill into the position of premier, openly saying to anyone who will listen that they now question the Premier's political judgement on a range of issues, such as the Future Fund, the Debelle report and how it has been handled, and his insistence on defending the indefensible in relation to protecting his staff, such as Mr Blewett and Mr Harvey. In fact, I am told that even Mr Blewett has been open enough at a recent meeting with staff to apologise to other staff members in other ministers' offices about the trouble and the grief that he has caused for the government in relation to his actions.

These senior right ministers and staffers are questioning openly the Premier's decisions to embark on a carpet bombing of journalists and others with defamation actions. The Premier, as we all know, has instituted legal action against Michael Owen from *The Australian*, *The Australian* as well, the ABC and the member for Unley, amongst others. There might be others. Mr Blewett and Kate Baldock, I understand, are suing *The Australian*. Minister Portolesi is suing the member for Unley. We see, as I said, a carpet bombing of anyone who questions the government or its ministers or staffers with threatened defamation actions.

Indeed, the Premier also claims that defamatory statements have been made about him in parliament, without ever giving any indication or evidence of what he claims to be defamatory. What I would challenge him to do is indicate the legal advice that he and others who are suing journalists and others are receiving, the rate they are being charged by lawyers for their advice and the number of hours that they are being charged for the work that is being done for the legal advice so that we can all assure ourselves that mates' rates are not being charged to the Premier and others as they carpet bomb anybody in the community with legal action.

Senior right ministers and staffers are also questioning the Premier's ability now to win the next election. I am advised that internal Labor Party research is showing that the approval rating for

the Premier is tanking, as is his net favourability rating, and some candidates are openly talking of trying to distance themselves from branding with the Premier at the next state election.

Some members of the Premier's own media unit are telling anyone who will listen, as they seek to distance themselves from the Premier, that the Premier is not listening to advice. They describe him as having a messiah complex, and only yes-men and women who tell the Premier what he wants to hear are the ones being listened to at the moment. Anyone who puts a different point of view is being sidelined or ostracised.

The final example of a government and a leader disintegrating before our eyes and, I guess, the last recourse for leaders under pressure—leaders who have lost all touch with reality—is that he is now instituting black bans on journalists he does not like. For example, *The Australian* journalist, Mr Michael Owen, now has no emails or text messages and no advice in relation to press releases or media conferences. No information at all is allowed to be provided to Mr Owen and *The Australian*—Mr Owen, in particular—because the Premier does not like the quality of the work that Mr Owen has continued to provide in terms of commentary on the Debelle issue, and other issues as well.

It is no wonder that, as I said, staffers and Labor figures are now openly saying that representatives of minister Rau and the right are openly canvassing and taking initial soundings on the numbers in caucus in relation to any potential for leadership change.

ABLECLOSET

The Hon. K.L. VINCENT (15:42): During the parliamentary recess, I was given the incredible opportunity to visit the USA as part of the International Visitors Leadership Program (IVLP), funded by the US government to offer networking and research to international visitors in a field of their choice. For reasons that are probably obvious, I chose to look at the States' record on disability rights and service provision, and today I will talk about one of the many organisations I met with.

AbleCloset, based in San Francisco, is a non-profit paediatric disability equipment loan scheme which lends out used and surplus equipment to families and parents so that they can experiment with which pieces of equipment best suit their child. This can be particularly important if the child's disability is new or their needs are changing as they grow. It can also be very useful for people who have just been granted funding and are looking for the right piece of equipment to purchase.

AbleCloset was founded by Ms Kelly Steitz after the younger of her two daughters was diagnosed with cerebral palsy, a vision impairment and microcephaly. Like most parents—especially, I think, those of children with disabilities—Kelly wanted to do all she could to minimise the boundaries for her daughter and children with similar diagnoses. Kelly is to be commended for her amazing efforts in founding and running AbleCloset, and I thank her very much for the time she spent with me.

AbleCloset stocks a wide variety of equipment—from wheelchairs and walkers to toilet and bath aids—for use on a regular basis, as well as things like beach wheelchairs which someone may need only occasionally to enable them to participate in a family holiday, for example. Much like a book library, AbleCloset runs an online inventory so that its users can see which pieces of equipment are available at any given time. There is also an online guide to donating equipment to the program.

As members may know, current SA government policy can make it very difficult for people with disabilities to use pre-owned equipment, even if this is what they would prefer. I understand that most government-funded disability equipment is sent overseas when its original owner no longer requires it and, while I do not suggest that this is an unworthy cause in any way, I do think it would be wonderful and sensible to see more of it put to good, efficient use here.

I believe there could be huge savings made by government if it allowed the use of second-hand aids in more cases, or if it at least gave people with disability the opportunity to experiment with different equipment before applying for their own so that they get it right in the first place. Particularly in light of the rollout of the NDIS, I believe it is now more than ever time to give people with disability this choice and authority. I look forward to discussing this very exciting concept with members of parliament and members of the community and, hopefully, making it a reality for South Australia.

MURRAY BRIDGE HIGH SCHOOL

The Hon. CARMEL ZOLLO (15:46): I was pleased to be asked to represent the Minister for Education and Child Development (Hon. Jennifer Rankine MP) on Saturday 24 August on the very special occasion of the celebration of the centenary of the Murray Bridge High School. The member for Hammond, Mr Adrian Pederick, and his wife, Sally, were also present on the evening.

The dinner was a great success with several hundred people gathered to acknowledge, reminisce and celebrate the occasion. Murray Bridge High School has a proud and interesting history. When one considers that when it first opened on 20 January 1913 the first parents of the school—all 25 of them—had to sign an agreement to keep students at school for at least a year, one can truly put the progression of education into perspective.

At one stage during the First World War, with numbers fluctuating up to 48 and then falling, one student was paid to stay on at school. Given its locality, the earlier means of transport for students is also interesting to read—from horses and traps to getting a lift on the milk boat or hopping on the train from Callington, Monarto or Tailem Bend.

The evening provided the opportunity not just to recount the history of the school but to acknowledge and thank those who have made the school the success that it is—committed people, past and present. The evening was MC'd by Lawrie Cresp, a former teacher and vice principal. Phil Fitzsimons, the principal, welcomed all and provided background to the school and its achievements. Two speakers who had undivided attention were the two head prefects—both young women—Elizabeth Mafara and Miranda Willersdorf. Both spoke eloquently of the many opportunities the school offers.

The current school population is around 900 pupils, with nearly 30 per cent of the students now continuing with tertiary or further education. There is a continuing trend with an increasing number of students staying at school and completing their SACE. The school offers pathways to university courses, TAFE and employment with increasing opportunity for vocational education and training courses. The school has links with the Lower Murray Trade Training Centre, which is essentially on site, and the Adelaide Hills and Murraylands Trade School for the Future facility. As is to be expected, an agricultural farm is also situated on site.

The school is justly proud of creating and maintaining partnerships with local industry, TAFE and registered training organisations to provide resourcing support, expertise and facilities. I also noted that the school participates in the South Australian Aboriginal Sports Training Academy. This is a sporting and education program that provides Aboriginal and Torres Strait Islander high school students with the skills, opportunities and confidence to 'Dream, Believe, Achieve' in the areas of sport, education, employment and healthy living.

One of the celebrated achievements is the relationship with the Funabashi High School near Tokyo, Japan. This year students were welcomed for the 15th time. I noticed the school newsletter rightly thanked the homestay parents for their welcoming generosity in opening their homes for two weeks. Apart from spending time in the classroom learning English, I am told the students enjoyed a variety of activities both in the school and around the state.

As one would expect, the centenary would not have been a great celebration without the release of a centenary book, by Alan Field, a former headmaster, which was available on the evening. I would like to single out Helen Peake for her obvious commitment to the school and the planning for the centenary celebrations. Her association with the school as a pupil and teacher was applauded by all. I know that all honourable members in the chamber would agree with me when it comes to acknowledging someone like Helen Peake, who obviously gave tirelessly of her time and talent.

Performer and former student Vanessa Shirley treated her audience to several brackets of songs, with her very beautiful voice, which was strong and masterful. The school has many former students to celebrate and be proud of, and I am certain that it will continue to provide citizens everyone will be proud of.

JOHANNESEN, MR J.

The Hon. T.A. FRANKS (15:51): I rise today to pay tribute to Greens campaigning manager for the re-election of Senator Sarah Hanson-Young—Jacobus Johannesen. Jacob was known as Sarah's campaigning manager internally in the party, but he was also less formally known as the 'campaign mastermind' behind Sarah's campaign. Jacob was an amazing person, never sparing a moment to waste his short life and always standing up for justice.

Jacob was a young man of many achievements. Indeed, he had had a very full life. He had excelled in studies, he travelled the world, and he had run many small business enterprises. We learnt of this at his funeral, held on Friday 13 September, as Jacob never made it to the federal election: he passed away on 5 September, just a few short days before the poll.

At that time, many in the Greens were in shock because we did not realise that Jacob had lived his short life with cystic fibrosis, when it was difficult just to breathe let alone pack so many achievements into his life. To many around him, it came as a great shock at the time to learn that he had this disease because we never for a second doubted his energy, commitment and expertise in the campaign. Jacob was, indeed, the campaign mastermind behind Sarah's campaign.

We also learnt at his funeral that he was very cool—but then again we already knew that. We knew that he was a hipster and certainly the music, which was unfamiliar to many at the funeral, went some way to underscoring that hipster status, including *I See a Darkness* by Bonnie 'Prince' Billy and tributes to Elliott Smith, with pictures of Jacob standing in front of the Wall of Solutions which is a tribute to the short life of Elliott Smith.

Jacob was all about solutions, and that is why he was committed to the Greens. His friends paid tribute to the impact that his involvement with the campaign had on the last days of his life. Indeed, his mother said that he had shared with her that he was very much where he wanted to be and contributing to the utmost of his talents. He was at the top of his game, and we thank him. When he passed away everyone had written off Sarah's chances, and I must pay tribute to Jacob's role in creating what was an outstanding campaign. His design work, his skills with IT, his ability to multitask and be part of an incredibly creative team were an enormous asset to Sarah's campaign. I know that she will never forget the contribution he made.

All who worked with Jacob remarked on his laugh and the joy he had. He had a particular laugh, and certainly the fact that I am making this speech today in parliament I hope would give him cause to have a little laugh. One of his colleagues asked me to share that his least favourite politician was the Hon. Ann Bressington—I hope this will cause him to laugh wherever he is now. In the days since Jacob has passed, we have all had cause to reflect on what is, indeed, important.

Comrade Jacob, as my staff member Yesha referred to him, was a fellow soy latte-sipping Greens voting hipster, and assorted other stereotypes we in the Greens are labelled with, and happily so. Along with his comrades or fellow hipsters or, indeed, simply colleagues Sarah, Noah, Ali, Amy, Michael, Katy and Yesha, I say that we will never forget you, Jacob, and I wish to share the words that you shared with us at your funeral from a book called *Essays* by Michel de Montaigne. It states:

> Wherever your life ends, it is all there. The advantage of living is not measured by length but by use; some men have lived long and lived little; attend to it while you are in it. It lies in your will, not in your number of years, for you have lived enough. Did you think that you would never arrive where you never ceased going? Yet there is not road but has its end and, if company can comfort you, does not the world keep pace with you?

In honour of Jacob's very short and very long 32 years, I pay tribute to Jacob.

WORK HEALTH AND SAFETY CODES OF PRACTICE REVIEW

The Hon. K.J. MAHER (15:56): I move:

That this council urges the Minister for Industrial Relations—

1. To refer for further review the codes of practice under the Work Health and Safety Act 2012, made on 20 December 2012 and laid on the table of this council on 19 February 2013, viz.:

   Construction Work Code of Practice;

   Preventing Falls in Housing Construction Code of Practice; and

   Safe Design of Structures Code of Practice

   to the Small Business Commissioner.

2. To ensure that the review includes further consultation with relevant groups of the construction sector, including the Housing Industry Association, the Master Builders Association and small builders.

3. To require a report to the minister containing recommendations to improve the abovementioned codes and to table such report in parliament as soon as it is reasonably practicable.

As everyone here knows, this chamber very sensibly passed the Work Health and Safety Act. Under that act, there were codes of practice—Construction Work Code of Practice, Preventing

Falls in Housing Construction Code of Practice, and Safe Design of Structures Code of Practice. Subsequent to the making of those codes of practice, a disallowance motion was moved in this chamber. This motion gives members an option to choose between disallowing those codes of practice or, quite sensibly, to make sure that there is a review to ensure that those codes of practice meet the purpose for which they were intended.

I urge all members to support this sensible way of making sure that the codes of practice are operating as intended, including consultation with the industry to make sure that that is the case.

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

SELECT COMMITTEE ON SCHOOL BUS CONTRACTS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:59): I move:

That the report be noted.

As members would be aware, following a lengthy debate in the media and public debate, this chamber saw fit, on 19 October 2011, to establish a select committee. It was established and appointed:

to inquire into and report on the department of education's open procurement process for school bus contracts, with particular reference to—

(a) the impact on regional communities through the subsequent deterioration of family business operators if contracts are lost;

(b) the ability of small South Australian operators to be sustained by private contract work and the subsequent impact on South Australia's future market competitiveness;

(c) the inclination of new contractors to support small communities in the same way as previous family bus company contractors;

(d) the sustainability of benchmarks used to determine tender applications;

(e) government subsidies and the concession reimbursement scheme provided to some operators;

(f) the failure to provide certainty for school bus operators whose contracts are yet to expire; and

(g) any other relevant matter.

It was pleasing in one sense that there was a very good response; the committee received some 35 or so submissions and I think we interviewed some 21 witnesses as part of the committee process.

It is interesting to note that a number of questions were raised. The committee has handed down a report, which we are noting today, and it contains seven recommendations on which I will briefly touch in my contribution. The recommendations stated:

1. The Department for Education and Child Development incorporate regional impact statements in future tender process for school bus contracts.

2. The Department for Education and Child Development undertake a review of its school bus contracts after two years of operation, to include progress on the fulfilment of any promises made, information about regional impacts on related services, and any defaults, and report back to the Parliament.

3. The Department for Education and Child Development review its tender and associated communication process with the aim of making them more transparent, better to find and more user friendly.

4. The Department for Education and Child Development, in cooperation with the industry, review its benchmarks to ensure they provide a practical basis for negotiating viable and sustainable bus contracts.

5. The Department for Education and Child Development puts in place an independent appeals process for unsuccessful tenderers.

6. That the government investigate the case for integrating school bus services into the wider public transport system.

7. That the government investigate whether subsidies and concessions provided to operators should be linked to route rights, rather than to area rights.

The majority of the committee agreed and embraced the issues raised. Most importantly, this was the fundamental problem that caused the committee to be instigated—the impact on regional communities of bus contracts being lost. I grew up and did business in a regional community and my kids used to catch a school bus—one that would pick up from a bus stop about five kilometres

from our farm. I understand the vastly different nature of doing business in the country rather than the city.

First, businesses in the country do not have the same opportunity to sustain themselves on private work if government work runs out. Sometimes the demand for their service is not there. These businesses, and to an extent the local economies, I would not say survive on government contracts but certainly it is an important part of the fabric of a rural community to have some level of regular work.

Secondly, they are not equipped to handle economy of scale processes and market forces like some big businesses are. This is an issue we need to grapple with repeatedly across a number of sectors. How do we support small businesses and protect them in the tender process with their ongoing operations, without giving undue preference? We must find a way to do this if regional businesses are to remain competitive, and even for larger South Australian city-based businesses to survive while interstate and international competitors are tendering for major projects.

On top of the fundamental problems are those which may seem like smaller details, but in the context of rural communities are imperative to their survival. The viability of these regional companies means they are available to service community-based events like excursions and functions for that local population. Failure of these companies may impact on the quality of life of local people, particularly the elderly or disabled. The sense of community could be under major threat by replacing a company whose commitment to its local area is the difference between leaving a school child by the side of the road or watching out for their safety.

For those many important reasons, the first recommendation is supported and I would encourage the minister to progress this. The Department for Education must include regional impact statements in future processes. Witnesses, almost unanimously, from regional areas said that there was a real concern about the impact of some of these new operators not fully understanding the need and the value they provide to those local communities.

There were a number of commitments given by the successful tenderers about buying local, their tyres and their fuel, providing those services to the community that the previous operators (the unsuccessful tenderers) had done. I think it is very important that we see some sort of attempt by the department to provide a report back to this place, in particular the committee, so that we can gauge whether that was just lip service or there was a genuine commitment to providing that level of service to the community.

Another area which was the subject of major criticism by the industry was the sustainability of the benchmarks used by the department to determine the tender applications. By the department, the benchmark was supposed to encompass costs and a fair profit margin. It was clear from the outset that the service providers felt that perhaps even any profit would be unachievable under such a benchmark.

The committee certainly did not find any evidence of corruption within the tendering process, but we did find that there were some major communication deficiencies between the department and the tenderers. Without understating these, a number of issues were also heard which could be described as typical for smaller businesses which come up against convoluted tender requirements. For example, there were major capital outlays made by tenderers, with the understanding that such an investment would almost definitely win the contract: for example, providers with a bus nearing the end of its useful life purchasing a new bus and then losing the contract. Effectively, they had invested $300,000, $400,000, $500,000 in a new piece of equipment, and we heard anecdotal evidence that they were likely to get their contracts renewed, but when the final tenders were let they had missed out. As you would appreciate, these buses—you buy a new car, you drive it out of the showroom, it devalues significantly, and, sadly, a number of people who failed to get contracts found that same problem.

Many witnesses also arrived at the position that the only space to decrease costs would be to significantly diminish, if not remove, their profit margins altogether. There were also misunderstandings about what an 'incumbent operator' was, as it related to the weighting received in the tendering process. This again highlighted some communication breakdown between the department and the bus service providers.

It seemed there was also no attention given to the provision for Australian made buses (often of higher quality) in the process. A figure recorded in the report for the amount of money lost by South Australia due to the importation of Asian buses was up to $80 million. Moreover, the general image painted by bus industry witnesses of DECS communications with them over these

contracts was callous. We heard of a provider who had given the government 50 years of dedicated service. The termination of her contract took place via email, with no thanks or acknowledgement.

There is no doubt that the tender process must be more transparent, better defined and more user friendly, as recommended by the committee. Benchmarks must be reviewed by the department, in cooperation with industry, as they provide a practical basis for negotiating viable and sustainable bus contracts. That was clearly something where there was a significant amount of—I would say discrepancy—lack of understanding of exactly what the benchmark is. The department would say, 'Well, we need to keep that confidential because it is a confidential tendering process,' but clearly it caused a significant amount of angst for the people tendering and certainly for the unsuccessful tenderers.

The committee recommended that we need to have an independent appeal process for the unsuccessful tenderers. There really was nowhere for these unsuccessful tenderers to go. They felt that they had not been dealt with properly, and I think that was the catalyst for this select committee being formed. While I think we looked into it in a very comprehensive manner, when you are looking at the sort of nuts and bolts of a tender and you have just missed out, you really cannot wait; you want to appeal and get some further clarification.

The cumbersome process of a select committee, as you would know, Mr President, takes a while to be established. We established this committee in 2011; it is now 2013, nearly two years since it was established. There needs to be a process to which unsuccessful tenderers can turn. It may not be just for school bus contracts: it may also be for all government contracts where, if a company has been an existing supplier and they have missed out, there is somewhere they can turn just to get some comfort, if you like, or reassurance that the process has been dealt with fairly and properly.

Another issue that was raised and which was one of the terms of reference was the government subsidy and concession reimbursement scheme, which was very contentious. The issue had arisen in the media. We had an independent inquiry from the ombudsman and so the committee had an opportunity to investigate it further. As with a few other areas of our investigation, this was an area where it was found that no unlawful conduct had occurred. It was more an issue of poor business ethics, in one sense, and I think a misunderstanding from some of the operators.

There is no doubt within this place that the companies have behaved in a manner which we would prefer did not happen in the South Australian business environment. Indeed, the ombudsman reported that LinkSA was not unlawful in claiming subsidies for areas for which they were contracted to operate, despite not actually providing the service. I think that is the crux of the particular issue. As the ombudsman found, you have to provide a claim for a subsidy for a service they are not providing and the person providing the service not getting that particular support.

It certainly was not illegal, but they were able to exploit a flaw in the process or exploit what happened when a service was on-sold and there was, if you like, a misunderstanding around the subcontractual arrangements. I think most of us would agree that, if you are providing a service, somebody else should not claim a subsidy and put it in their pocket for the service that you are providing. That was certainly a very topical issue. We took a lot of evidence and we were provided with a lot of evidence.

One of the recommendations is that the government should investigate whether subsidies and concessions provided to operators should be linked to route rights rather than area rights. From my recollection, they were originally route rights, which is a particular road and route to provide that service. An area right, of course, is a blanket cover across an area. Effectively, if you are a small operator and can see a need to pick up 10 or a dozen people on another road and another particular route in that area, again, the contractual arrangements that the major contractor has with the government means that they are able to claim subsidies for those concession passengers.

I really think that that is something we need to look at. We are meant to be the state of small business. From the evidence we were given, clearly they are not services that the big companies would provide, so I think we need to make sure that we do not put any impediments in the way of a small company that can see an opportunity to make a quid and start a business.

The committee also recommended an investigation into the case for integrating school bus services into the wider public transport system. I think there are some places in some rural

communities where it does happen to a certain extent, but I think we need to make sure that we look at every possible opportunity to get the maximum benefit for all of these communities and make sure that we do not have assets, such as some of these buses, lying idle. We should be able to use them over a much wider period.

In speaking on this report, we must recognise that, notwithstanding our investigation, livelihoods have been lost and small businesses and communities have been hugely affected. There should be no mistaking the relevance of these contracts to the survival of regional communities and their community culture. I was extremely disheartened to hear stories from witnesses who have lost contracts. In some cases, I believe these situations are simply a reminder of the difficulty of doing business, especially when you are a small player in a more remote area.

In almost all cases, this government has substantial room for improvement. Processes need to be improved but, more importantly, the attitude and understanding of the people who sit in government offices, perhaps having never even visited the community which is about to be so severely affected, needs to be improved. In closing, I would also like to thank the committee members—the Hon. Robert Brokenshire, the Hon. Gerry Kandelaars, the Hon. Jing Lee and the Hon. Mark Parnell—the committee secretary, Mr Anthony Beasley, and our research officer, Ms Geraldine Sladden. With those few words, I commend the motion to the house.

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

BUDGET AND FINANCE COMMITTEE: ANNUAL REPORT 2012-13

The Hon. R.I. LUCAS (16:15): I move:

That the report on the operations of the Budget and Finance Committee 2012-13 be noted.

This afternoon I intend to speak briefly to this motion and seek leave to conclude my remarks for another day. At the outset, I thank the members who have served on the committee for the last 12-month period. I thank the committee secretary, Mr Guy Dickson, for his hard work. He continues to battle on in the absence of a research officer position. This Legislative Council has passed a motion supporting the staffing of the committee with the research officer position, but two presidents, including yourself, Mr President, have chosen not to follow the decision of the Legislative Council in relation to this issue.

My views on the merit of the Budget and Finance Committee are on the record, and I repeat them again. I think it does meritorious work as a committee. It is an important committee in terms of the ongoing role of the Legislative Council. Certainly, it would be my view that this committee should continue, whatever party happens to be in government post-March 2014. Indeed, I would be very surprised if those members in this chamber who did not constitute a government membership of the Legislative Council would not agree with the view that the committee has done good work and should be re-established, whoever happens to be in government post-March 2014.

Certainly, as I have indicated before, it is my wish that if the Liberal Party is elected to government this committee be established as a standing and continuing committee of the Legislative Council, properly staffed as it should be, perhaps commensurate with other committees, and that may or may not mean that all committees need to have two staff—perhaps a radical thought. Some committees of this parliament have one staff member combining the role of both research and secretarial work. It may well be that that is a model future parliaments might want to consider in terms of all the committees, but that is an issue for another day. At this stage I seek leave to conclude my remarks.

Leave granted; debated adjourned.

NATURAL RESOURCES COMMITTEE: ALINYTJARA WILURARA NATURAL RESOURCES MANAGEMENT REGION

The Hon. R.P. WORTLEY (16:18): I move:

That the report of the committee, on the Alinytjara Wilurara—APY Ranges subregion fact-finding visit, be noted.

The Natural Resources Committee fact-finding visit to the AW Natural Resources Management Region (North) has been anticipated for a long time. After being forced to reschedule a number of times over the past five years, the Natural Resources Committee finally completed its trip to the AWNRM Region (North) in April 2013.

Our hosts were the staff of the AWNRM Board/DEWNR including acting regional manager, Matthew Ward, together with Helen Donald, Doug Humann, Justine Graham and Bruce MacPherson. We also met local Anangu members of the APY Executive; the principal of the Indulkana School, Paula McGuire; and Chair of the Antakirinja Matu-Yankunytjatjara Aboriginal Corporation, and the chief executive of the Coober Pedy Council, Phil Cameron. Details of our meetings and the evidence gathered are included in the report.

There is much happening in the APY lands. Mining companies have recently discovered one of the world's largest nickel deposits, ancient water has been discovered in the deep rocks of the Palaeozoic period and there have been ongoing discussions around developing pastoral projects in partnership with Anangu, involving cattle, wild horses, camels and donkeys.

The thing I recall most vividly from our visit was the urgent calls from members of the APY Executive for action. Anangu, we heard, were tired of successive governments, state and federal, promising but not delivering, and they are very concerned for their young people who have little to do on the lands in the way of employment activities and so sometimes get into trouble. Anangu are concerned that, without enough support, their communities on their traditional lands might be doomed. A possible way forward that is widely supported is getting young people more involved in actively managing the environment and natural resources of their traditional country.

Members were quite shocked at the extent that buffel grass has spread in the APY lands. It is probably too late now to do anything but slow the spread of this pest south and east. This highly invasive plant forms a monoculture, resulting in the loss of habitat for native animals. Buffel has not been declared a weed of national significance, or even listed as a declared plant in South Australia, though efforts to make this happen are underway. To complicate matters, buffel grass is still being promoted as the pasture grass in Queensland.

The committee was enthusiastic about DEWNR and Anangu working as partners on NRM activities and projects that are meaningful to Anangu as well as meeting federal and state government objectives. Suitable NRM projects are manageable in scale, like the excellent Warru (Black-footed Rock Wallaby) Recovery Program, and may potentially include smaller pastoral or camel harvesting ventures that provide learning opportunities for people working on their traditional lands. Committee members intend to seek additional information and anticipate hearing from further witnesses on the potential for camel and other pastoral projects in the AWNRM region.

Success requires managing expectations, having realistic aims and ensuring room for flexibility around outcomes. It means providing challenges that are interesting and rewarding for people without insisting on a full-time nine-to-five work ethic. It means enabling communities to be self-sufficient, generate income, produce food, care for families and look after people in a way that gives a sense of pride and wellbeing. Committee members are looking forward to undertaking part two of this fact-finding visit and planning to visit Yalata and Maralinga in the southern part of the AWNRM region in November of this year.

I wish to thank all those who gave their time to assist the committee with this inquiry. I commend the members of the committee—the Hon. Steph Key, Presiding Member, Mr Geoff Brock MP, Mrs Robyn Geraghty MP, Mr Lee Odenwalder MP, Mr Don Pegler, MP, Mr Dan van Holst Pellekaan MP, the Hon. Robert Brokenshire MLC, the Hon. John Dawkins MLC (who will speak in a moment) and former member Gerry Kandelaars MLC—and everyone else for their contributions to this report. All members have worked cooperatively on this report. Finally, I would like to thank the committee staff for their assistance, and I commend this report to the house.

The Hon. J.S.L. DAWKINS (16:23): I rise to support and endorse the remarks made by the Hon. Mr Wortley about what was an excellent trip over some four days early in May this year to the lands included in the northern part of the AWNRM Board area.

I think the Hon. Mr Wortley has given a broad summary of the issues which the committee was informed and educated about. Certainly, we had been waiting for some time to visit the area of the AWNRM Board. I will not go into the reasons for the delay here, but I think the committee eventually prevailed in getting the resources we needed to do that trip and do it properly. As many in this chamber will know, the Natural Resources Committee has nine members and so, if you have close to all of us on a trip and you have a couple of staff as well, that does involve significant resources and effort to ensure that we can move around as we need to.

I will not elaborate any further. I think the Hon. Mr Wortley has covered the issues very well and certainly I and other members of the committee look forward to visiting the Yalata-Maralinga

areas and surrounding parts of the AWNRM Board region in November this year. I commend the report to the council.

The Hon. G.A. KANDELAARS (16:25): I think I should make a few comments. I had the opportunity of being a guest of the Natural Resources Committee on this tour of the APY lands, and one of the issues raised that was very significant in my view, which was mentioned by the Hon. Russell Wortley, is buffel grass. Buffel grass has developed a monoculture in much of the APY lands, particularly from Amata all the way down towards Coober Pedy, and the great fear is that this may move even further south past Port Augusta, so it is a significant issue that members need to be aware of. It is becoming quite a pest.

The other issue that we had an opportunity to see was the conservation of the warru (the black-footed rock wallaby) which is an endangered species and some of the great work being done there to try to reintroduce colonies of warru into the APY lands. I understand there is only a very limited number of wild warru colonies still in the APY lands—I think there are two. They are using yellow-footed rock wallabies to act as surrogates, and a lot of work is being done at Monarto Zoo in relation to that.

What came out of that is that foxes and feral cats have caused the endangerment of the black-footed rock wallaby, which quite surprised me—particularly the issue of feral cats and their prevalence in the rocky outcrops in the APY lands. The other issue that that raised was employment opportunities for local APY/Anangu people in terms of working on those conservation projects, and I think that is quite substantial.

I think it is imperative that we in this place become aware of some of those matters so that we can work on solutions to some of those critical conservation issues. I commend the report to this council.

Motion carried.

NATURAL RESOURCES COMMITTEE: EYRE PENINSULA WATER SUPPLY

The Hon. R.P. WORTLEY (16:29): I move:

That the final report of the committee on Eyre Peninsula Water Supply be noted.

In October 2011, the Natural Resources Committee was approached by the member for Flinders (Mr Peter Treloar) to consider an inquiry into the Eyre Peninsula water supply. Water resources and supply have been major issues for the peninsula since European settlement in the 1900s. In the member's own words:

There is no other issue [other than water resources] that creates the interest and passion on the Eyre Peninsula.

After hearing the member's concerns and speaking with other interested parties, the committee determined to inquire into the matter and put the issues 'under the lens'.

The Eyre Peninsula Water Supply inquiry attracted more than 70 submissions and 46 witnesses. The water resources of the peninsula are unique. Nearly all the naturally occurring water is found in fragile limestone lenses resting atop ancient bedrock. The lenses fill following major winter rainfall events like large contiguous underground storage tanks. Groundwater flows in a southerly and westerly direction, depending on the lens concerned, contributing to a network of wetlands, soaks and springs. Much of the water, up to 10,700 megalitres per annum is extracted for distribution to major population centres, including Port Lincoln, via SA Water's network.

A portion of the resource is extracted by landholders for stock and domestic uses although this is presently unmetered. Some of Eyre Peninsula's water eventually discharges directly from the aquifers into the sea. Many local community members and landholders agree that extractions in previous decades have resulted in a number of aquifers becoming degraded, thus compromising their ability to provide secure water supplies into the future.

This view is mostly disputed by state government agencies responsible for administering the prescribed water resources. The Eyre Peninsula NRM Board, DEWNR and SA Water argue that reduced winter rainfall, exacerbated by climate change, is responsible for the decline in both the quality and quantity of water in the aquifers, not overextraction. Despite attempts by the agencies to raise awareness of the emerging climate trends and efforts to provide alternative water sources, in particular through connecting the Eyre Peninsula reticulated system with the Morgan-Whyalla pipeline, many people remain unconvinced that water resources on the peninsula are and

will continue to be managed sustainably. In addition, many believe that mineral exploration and mining proposals threaten the integrity of aquifer systems.

Due to the complexity of the technical issues involved and the high level of disagreement as to the main cause of the degradation of the water supply on Eyre Peninsula, the committee sought expert technical advice from a source not already employed by the agencies. Based on this advice, the committee has concluded that the cause of the decline of water quantity and quality in the limestone basins cannot be clearly attributed to either natural causes—if you call declining rainfall natural—or overextraction by SA Water: it is most likely a combination of both.

Members appreciated the fact that landholders were prepared to speak candidly about their concerns. The evidence provided was of a very high standard and those who gave evidence are to be congratulated for the submissions they made and the time they took to speak to the committee. However, the committee made it clear when it met with landholders, especially the disaffected ones, that members have sought in this report to look to the future rather than apportioning blame for past actions.

The report contains 12 practical recommendations for the future that the committee hopes will help encourage agencies and communities involved with and dependent on Eyre Peninsula's water supplies to move towards a more ecologically sustainable future. The recommendations include:

- replace the current 10-year average recharge water allocation policy on Eyre Peninsula with an adaptive management policy framework using carefully chosen triggers;
- review overlapping jurisdictional responsibilities for water resource management on Eyre Peninsula;
- rainfall gauging stations and monitoring bores should be located within the limestone groundwater lenses being monitored; and
- DEWNR to reconsider the proposal to use April 1993 as the 'full basin' baseline level for prescribed groundwater resources on Eyre Peninsula; the committee recommends that 'full basin' levels should instead be based on maximum historical recorded water levels.

I wish to thank all those who gave their time to assist the committee with its inquiry. I commend the members of the committee—Presiding Member, the Hon. Steph Key MP, Mr Geoff Brock MP, Ms Robyn Geraghty MP, Mr Lee Odenwalder MP, Mr Don Pegler MP, Mr Dan van Holst Pellekaan MP, the Hon. Robert Brokenshire MLC, and the Hon. John Dawkins MLC, and former member the Hon. Gerry Kandelaars MLC—for their contributions to this report. All members worked cooperatively on this report. One of the pleasures of working on the Natural Resources Committee is that we all work in a bipartisan way, and we all look to getting solutions to real problems that affect our state.

I make special mention of the member for Flinders, Mr Peter Treloar, without whom this inquiry would not have occurred. The member for Flinders accompanied the committee on most of its fact-finding visits to Eyre Peninsula and assisted the committee with valuable advice throughout the inquiry. I also thank all individuals and groups who made submissions to the inquiry, gave evidence and met with committee members during our visits. The information received has been invaluable to the completion of our report. Finally, I thank the committee and staff for their assistance. I commend the report to the chamber.

The Hon. J.S.L. DAWKINS (16:36): Once again, I rise to support and endorse the remarks made by the Hon. Mr Wortley. As the Hon. Mr Wortley has said, this report, which has been done over a period of nearly two years, was initiated at the suggestion of the member for Flinders. As someone who travelled around Eyre Peninsula with the now member for Flinders when he was a candidate, I can say that these issues, particularly in Lower Eyre Peninsula, were ones he brought to my attention at that stage, before he was even elected to the parliament. He did raise with the committee the possibility of our doing a wideranging report because there were many varied views on Eyre Peninsula about the overall potential for water resources in that region.

It was a wideranging inquiry. We took evidence from a large number of people; some of that was here in Adelaide, but a great deal of it was on site in Port Lincoln and in other parts of Eyre Peninsula. Our several visits to Eyre Peninsula covered a large majority of that region, and we allowed a number of local residents to take us to a range of places that are important to the water resources of Eyre Peninsula.

The Hon. Mr Wortley did, quite rightly, talk about the fact that the committee does work well. We are a multipartisan committee, and we work pretty hard to get consensus, and I think there are—

The Hon. R.L. Brokenshire: A very busy committee.

The Hon. J.S.L. DAWKINS: A very busy committee, as the Hon. Mr Brokenshire says. I think we have come up with some very good recommendations, and I would like to go through key elements of those. The committee has recommended that:

1. The Minister for Sustainability, Environment and Conservation support Eyre Peninsula NRM board and DEWNR to replace 'flux-based' water allocation planning and management (ten-year average recharge) with adaptive management (using carefully chosen triggers based on monitoring)...

2. Eyre Peninsula NRM Board, SA Water and DEWNR continue to work together to 'fill the gaps' in knowledge of the region's water resources through investment in research and collaboration with research organisations. Rainwater harvesting, stormwater reuse, waste water recycling, desalination and capturing submarine freshwater discharges should be investigated as possible sources of additional water...

3. SA Water should formally respond to the Ceduna Council's proposed desalination plant at Denial Bay. This response would include the price it would pay the Ceduna Council for water to be provided to communities proposed to be serviced by the plant in order that the Council may prepare a business plan for the plant. The formal response must be made available to the Committee, the Eyre Peninsula NRM Board and DEWNR as well as Ceduna Council and should be completed within six months of Ceduna Council providing details of the proposed plant to SA Water...

4. The Minister for Sustainability, Environment and Conservation and the Minister for Planning review EPA, Planning SA and DEWNR overlapping jurisdiction responsibilities for water management, water affecting activities and prescription on Eyre Peninsula, including the Southern Basins Water Protection Area (WPA), Water Protection Zone (WPZ) and the NRM Act with a view to simplifying and clarifying responsibilities. This review should consider adding the Robinson Basin and the WPZ to existing prescribed groundwater areas...

5. DEWNR, the Eyre Peninsula NRM Board, SA Water and the Lower Eyre Peninsula Council to investigate the potential for re-commissioning the Tod Reservoir including all possible options to reduce salinity of the catchment and water body...

6. Investigate key lower Eyre Peninsula catchments including Little Swamp and Big Swamp with a view to providing increased surface water flows during times of low rainfall to protect environmental assets and aquifer recharge...

7. DMITRE and DEWNR to consider locating some field operations and water licence management staff on Eyre Peninsula (e.g. Port Lincoln) rather than Adelaide and Berri. This would include staff responsible for inspecting and monitoring drilling operations for mining exploration and for sampling monitoring wells established under the MERI [monitoring, evaluation, reporting and improvement] Plan...

8. The...(MERI) Plan should include a requirement for DEWNR and SA Water to install rainfall gauging stations and monitoring bores within the actual lenses being monitored in consultation with affected landholders. The MERI Plan should include requirements for testing frequency and criteria including standing water level, salinity, nitrates and pH, with other criteria considered following landholder consultation. The additional gauging stations should be installed before the next WAP amendment process commences...

9. The Minister for Sustainability, Environment and Conservation require SA Water, as a user of the water, to implement and report on automated time-series pumping of Eyre Peninsula borefield water meters with this information provided to DEWNR and the EPNRM Board on a quarterly basis to ensure allocations are not exceeded. This information should also be made available on SA Water's public internet site...

10. The Minister for Mineral Resources and Energy and the Minister for Sustainability, Environment and Conservation should encourage the EPNRM Board, DEWNR, DMITRE, SA Water and DPTI [the Department for Planning, Transport and Infrastructure] to develop a mechanism for mining/exploration companies, industry, local government and landholders to access and share information about mining exploration and extraction proposals on Eyre Peninsula with a view to improving understanding of potential impacts of mining and management of mining water use...

11. Eyre Peninsula NRM Board and DEWNR to reconsider their proposal to define April 1993 as the 'full basin' level for prescribed groundwater resources on Eyre Peninsula. Instead the full basin level should be the maximum level recorded historically based on the best available scientific records: e.g. pre-1962 (higher) water levels would be considered for use as the baseline...

12. SA Water decommission its pumps at Polda Trench and limit future extraction from Polda Basin to stock and domestic, fire-fighting and emergency supply for critical human needs i.e. similar to the current arrangements for the Robinson Basin and Tod Reservoir...

I commend this report to the council. It is a very wideranging report. I am sure there will be lots of people on Eyre Peninsula who will have views about the report, and some obviously will not agree with all our recommendations. However, as well as having the recommendations, the body of the

report provides a significant amount of information about the history of water resources on Eyre Peninsula and what we see as the best way forward.

I once again commend all members of the committee for the way in which they work together, under the very good chairmanship of the Hon. Steph Key. I conclude by thanking the member for Flinders in another place for suggesting that the committee take up this work. I commend the report to the council.

Debate adjourned on motion of Hon. R.L. Brokenshire.

STATUTES AMENDMENT (ASSAULTS ON POLICE) BILL

The Hon. R.L. BROKENSHIRE (16:47): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935 and the Criminal Law (Sentencing) Act 1988. Read a first time.

The Hon. R.L. BROKENSHIRE (16:48): I move:

That this bill be now read a second time.

I introduce this bill today and I note that it reflects Family First's policy for some time. In fact, I moved a similar bill in this place on 3 June 2009, four years and almost four months ago. I gave a lengthy speech on that day and I refer honourable members to it for consideration and to save some time today.

In the intervening period, Family First had hoped the state government would look at our bill, and consider their own, by accepting the Police Association of South Australia's overtures to introduce mandatory minimum sentencing for assaulting police officers, as the Barnett government did in Western Australia. More on that in a moment, but a good opening to this debate is to read into *Hansard* the reflections of one commentator yesterday, Tuesday 24 September 2013. Mr David Penberthy, FIVEaa contributor and editor of the *Sunday Mail*, talked about pub closing times. He then went on to say:

Policing our city streets must be a thankless task, especially on a Friday or a Saturday night when town fills up with young blokes who...often can't hold their drink without becoming violent. Too often it's the coppers who are on the receiving end of this violence, targeted by young blokes trying to prove how macho they are. Now the numbers are actually staggering. Last year there were 177 attacks on police in Adelaide, that's an increase of 46 per cent on the previous year and it's a city problem. At the same time assaults against country police increased by just 11 per cent so it's for this reason that the Police Union is pushing for the introduction of minimum sentencing. This way, the coward who takes a swing at our police would definitely spend some time in jail.

The Family First MP Rob Brokenshire is bringing in a PMB [private members bill] this month and I hope that he succeeds. Depressingly, the Attorney-General John Rau—himself a former lawyer—has hit out at the plan and is vowing to block. He referred to an NT case from some 20 years ago where a young Aboriginal boy was jailed for stealing a packet of Tim Tams under mandatory sentencing laws. Well, what that case has got to do with this one is anyone's guess. Overall, us South Aussies are law-abiding people, a peaceful lot, and I would doubt that any reasonable person can understand why you don't automatically wind up in jail the moment you lay a hand on a cop. It's absolutely inexcusable conduct and it should be treated as such by the courts.

I'm David Penberthy.

This bill largely reflects the Criminal Code Amendment Bill of 2008 passed by the Western Australian parliament. That bill came in response to a shocking attack upon a Western Australian police officer, 32-year-old Mr Matt Butcher. Constable Butcher was attacked as he and other officers sought to break up a brawl outside a Joondalup hotel. Video footage of the brawl and the attacks are on the News Limited websites. Constable Butcher was left paralysed down his left side by the attack. The men involved in the attack were found not guilty, a finding that former prime minister Rudd (in his first term in that position) said on 13 March 2009 had shocked him and he 'had to read it twice'. Mr Rudd went on to say:

Every police commissioner I've spoken to in the eastern states has told me how hard things are getting, and in the central business districts in particular.

The former prime minister went on:

It's time we had a new attitude of respect for the police because they are dealing with the problems of violence, domestic violence and alcohol-induced violence of binge drinking.

More than 3,000 police officers and their supporters attended a rally at their Parliament House in support of this reform. Mr Butcher's wife Katrina told the rally:

I'm asking you on behalf of all the partners of police officers who have to worry about them going back to work, please please please support the police officers.

It is worth noting that the WA Labor Party did not oppose the bill. The Labor Party in Western Australia did not oppose the Liberal government's bill.

I note that when we announced that we would be moving this bill, the Attorney-General said mandatory sentencing does not work. Mr Penberthy has already addressed the inept comparison with laws in the Northern Territory that are now repealed and relate to petty offences. By contrast, these laws have worked in Western Australia. After the laws were introduced, assaults on police in Western Australia dropped 28 per cent in the first year—that is 377 fewer assaults. Then in the next six months, the assaults fell a further 13 per cent. So Family First calculates that 250 assaults on South Australian police officers could be prevented by this reform.

It is important to bear in mind—in the face of the chief legal officer in this state, the Attorney-General (for whom I have a lot of respect; I think he is a good man), and his Law Society colleagues—that the reduction in assaults is the practical effect of these serious laws. Then there is the reality that not everyone goes to jail under these laws. So they work as a deterrent even though in reality they do not turn out as harsh as the civil libertarians and defence lawyers claim.

In December 2011 it was reported in Western Australia that only a third of the people who attack police have gone to jail since the laws were introduced. Let us not get derailed here by the civil libertarians that this law will result in unintended consequences where people are jailed for causing serious harm to a police officer. In a number of cases, perhaps more than half, they will not. There is still scope, for instance, to suspend a sentence of imprisonment for this offending. Let us not get weak kneed here. Setting mandatory minimum penalties in this bill—as it works in Western Australia and as I am proposing here—is not going to jail every person who assaults a police officer.

There will need to be serious harm and offending will need to be so serious that there is no justification in suspending the prison sentence, which includes a mandatory minimum term of imprisonment. What is more, mandatory minimum sentencing works and is already generally accepted for drink driving offences. Drink drivers suffer a considerable deprivation of liberty, namely their loss of licence, and in a number of cases that also means a loss of employment for drink driving. It is acknowledged that drink driving causes significant personal and social harm and so mandatory minimum sentencing has been in place for years to curtail that behaviour. If, as the Attorney says, mandatory minimum sentencing does not work, then drink driving laws do not work.

The Attorney-General says the state government has already raised penalties for assaulting police. That was in 2006; we are now in 2013. The report by Mr Tim Williams in *The Advertiser* on Wednesday 18 September 2013 explains that attacks on police have risen 46 per cent in the Eastern Adelaide Local Service Area and statewide have risen 11 per cent. Looking at it another way, the report states assaults have risen from 792 to 883 statewide in the past year.

This is a serious issue and it saddens me that we have had to come back to parliament over four years since we first moved for this reform and still there is opposition, despite the West Australian Labor colleagues support for the measure in 2009. This is a law that works, protects our police and promotes respect for the law and its enforcers and hopefully will promote further respect for the community generally. I commend the bill to the council.

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

SELECT COMMITTEE ON MATTERS RELATING TO THE INDEPENDENT EDUCATION INQUIRY

The Hon. R.L. BROKENSHIRE (16:56): I move:

That a message be sent to the House of Assembly requesting that the Premier (Hon. J. Weatherill), the Minister for Education and Child Development (Hon. J.M. Rankine) and the Minister for Employment, Higher Education and Skills (Hon. G. Portolesi), members of the House of Assembly, be permitted to attend and give evidence before the Legislative Council Select Committee on Matters Relating to the Independent Education Inquiry, 2012-2013.

I will be brief in my remarks because, again, I know there are a number of other members who want to speak. As the chair of the committee, I am the person who moves the motion. This motion gives the opportunity for the Premier, when he was the minister for education, the current Minister for Education, and another former minister for education to come before the parliament to put their case on serious issues regarding the sexual abuse of children in the education system; issues that are concerning the South Australian community generally.

I note that the government has said that this committee is a circus, a witch-hunt and all about politics to lead into the next state election. However, I say to the members of the government who have said that, the Premier and the ministers whom we are calling to give evidence, that that is not true. In fact, if you look at all the debate, even before the contributions from members of the Legislative Council other than government members—that is, all of the crossbench and opposition—the setting up of this committee was unanimously supported.

The reason is that we do have genuine concern about whether we have best practice in this state regarding the protection of our children and other relevant matters including, not the least of which, the very detailed way in which subsequent ministers of that portfolio, their officers and people within the department went about deleting information both electronically and in written form so that it was difficult for even the Hon. Justice Debelle in his inquiry—which was a very limited inquiry on one case only—to assess all the evidence on whether or not those relevant ministers were actually advised by their advisers on these matters, because we do know clearly that the department did advise the ministers' officers; and there are other issues as well.

I will just finish with this. If I were a minister today, I would relish the opportunity to come before the committee so that I could put my case forward so that the public could clearly see what my case was. I cannot, for the life of me, understand why the Premier and the relevant ministers do not want to do the same. I can say that it is not unprecedented and, in fact, during the State Bank debacle, the former premier (Hon. John Bannon) appeared before a committee and gave evidence, and I understand other ministers in this parliament have appeared before a range of committees and given evidence.

In the New South Wales parliament, the current Premier (Hon. Barry O'Farrell) has been to committees on several occasions, I am advised, and said that he enjoys the opportunity because he can, under privilege, put everything forward with respect to his knowledge about a set of circumstances and give the democratic parliament the opportunity to question him as premier. I also know that other Liberal government ministers in New South Wales have attended select committees. I acknowledge that, at law, people who cannot be summonsed to appear before the committee are the Premier, ministers and MPs. Outside the parliament, we can subpoena witnesses.

Clearly, in the community, there is real concern about a range of issues around the protection of our children, and it is fair to say that the media believe there should be transparency when it comes to evidence and issues regarding the protection of our children, and most members of the community I talk to across the state cannot understand why a minister would not want to appear before the committee. With those words, I commend the motion to the house. I look forward to contributions from other members, and I appeal to the relevant ministers to agree to attend the committee if, indeed, the Legislative Council passes this motion today.

The Hon. K.J. MAHER (17:02): There has been genuine and reasonable debate about whether this select committee is a political stunt primarily motivated by political reasons. I note that this chamber was only given notice of this motion yesterday, and in the most unusual circumstances, and we are being asked to vote on it today. This motion to call ministers before this select committee puts that question completely and utterly to bed. It confirms that this is about politics and not about the issues.

We have had a royal commission into these issues. Royal commissions are established for very good purposes—to answer important and often controversial questions and to have such questions settled by an eminent, qualified, independent person, and that is exactly what happened here. Justice Debelle undertook that royal commission. As I have previously said, he took more than 8,000 pages of evidence just from the education department alone. Ninety-four witnesses appeared before the inquiry, and that does not include the families of victims whose identities must remain confidential. The final report ran to 328 pages and cost $1 million. Ministers appeared as witnesses before this royal commission.

Still, weeks after this select committee was established, we have not heard where the Debelle inquiry went wrong. We have not heard what powers the Debelle inquiry should have been given, but lacked, to properly perform its duties and we have not been told any of the defects in the methodology of the investigation or the defects in the reasoning of the Debelle report. All we have heard so far are suggestions made under parliamentary privilege that some members of the select committee might disagree with some of the conclusions reached by the royal commission.

This is a dangerous and reckless exercise, seeking to undermine this royal commission. If individual members of the Legislative Council disagree in the future with a particular decision of a particular court or a particular finding of a royal commission, are we going to be prepared to agitate and politicise it by way of a select committee?

There have been some suggestions that the committee is all about the broad issue of child protection. The terms of reference setting up this select committee clearly show that to be a blatant lie. The terms of reference of the committee are:

(a) Any matter arising from the 2012-2013 Independent Education Inquiry also known as the Debelle inquiry;

(b) Any matter raised by the Debelle inquiry related to incident and records management, including compliance with legislation and policy;

(c) Progress on the implementation of the recommendations of the Debelle inquiry; and

(d) Any other relevant matter.

This is purely and politically about the Debelle inquiry. The terms of reference make that absolutely clear. Every section of the terms of reference refers to the Debelle royal commission or, as the terms of reference state, the Debelle inquiry. Not once is the term 'child protection' used in the terms of reference.

I understand that there are some members of the Liberal Party who are not happy about the wording of the terms of reference. They would have much preferred the terms of reference to actually refer to child protection rather than—

The PRESIDENT: Order!

The Hon. K.J. MAHER: —refer solely and narrowly to the Debelle inquiry—

The PRESIDENT: Order! The Hon. Mr Maher, this is purely a procedural motion; we are not debating setting up the committee, nor are we debating the terms of reference, so can we stick to the actual motion, which is an invitation to the ministers in the other place to give evidence to the committee. That will apply to all other speakers.

The Hon. K.J. MAHER: Thank you, sir. This committee is calling for ministers as witnesses. In doing so, this select committee runs a very real risk of inadvertently or deliberately not exercising the same sensitivities and publicising information that ought not be made public. The Debelle royal commission did not make evidence given by witnesses public. It has also omitted certain paragraphs from the report until a certain event has occurred, and that was done for very good reason.

I fear that in calling the same witnesses—ministers who have already given evidence to the Debelle royal commission—we might actually be going against some of the very good reasons that things were not published in the royal commission. I urge members not to support what is a blatant political stunt.

The Hon. R.I. LUCAS (17:07): I rise to support the motion and I intend, as has the Hon. Mr Maher, to address the terms of the motion that is before us. Why should members of this chamber support the motion to have the three ministers named appear before the committee? The simple answer to that is that there are many unanswered questions that can only be answered by these three ministers appearing and giving evidence to the committee. That is the reason the Legislative Council should support the motion that is before us.

As the mover of the motion (Hon. Mr Brokenshire) indicated, it is not unprecedented for one chamber to issue an invitation or to have ministers of another chamber appear before a select committee to give evidence. As I indicated in previous debates, we have had examples of the former premier Lynn Arnold, who has given evidence to a committee, the former minister for transport Mr Roy Abbott has given evidence to the South Australian Timber Corporation select committee, and I understand there are probably other ministers who have given evidence before.

This notion that in some way it would be unprecedented is not correct. Similarly, although it is not covered in this motion, and I will not traverse the detail, any claim that it is unprecedented for staffers to appear before a committee is not accurate either. Staffers such as Mr Kevin Foley, Mr George Karsis and others have appeared before committees in the past, but that is a matter for another day and for the committee to consider separately.

I want to address within the terms of this motion the reasons why the three ministers are being invited to come to the select committee to provide evidence on this particular issue. A series of questions was raised in the House of Assembly yesterday and today in relation to issues that can be answered only by the Premier because the questions were put to the Premier in the House of Assembly. These relate to the appropriateness or otherwise of ministerial staff in the Premier's office contacting the chief executive of the education department and/or his legal advisers, which is crown law, in the education department.

I guess the first question would be: why would it be the Premier's ministerial staff who might be undertaking that task, rather than the education minister's staff? Only the Premier is in a position to answer that question. The Premier has taken the view that it is natural or routine for his ministerial staff to be engaged in that way, that is, contacting the CEO or his legal advisers. In essence, what the Premier is saying is that it is natural or routine for any one of his ministerial staff—and of course that does include the chief of staff, Mr Blewett—to be able to ring the chief executive of the department and/or crown law, who are his legal advisers.

Crown law, bear in mind, is providing advice to the chief executive about the disciplinary issues that emanate as a result of the Debelle inquiry. The argument from the Premier appears to be that it is natural for any of his staff to be able to contact the chief executive or his legal advisers in crown law about whether disciplinary action should be taken and in fact whether or not penalties might or should (I think that was the question today) be applied to individual public servants named in the Debelle inquiry.

It is only the Premier who is going to be able to answer those questions. He has indicated this view—that he thinks that is natural, routine or appropriate. He also says that it is okay for any of his staff, including Mr Blewett, to contact, as I said, the chief executive or his legal advisers, crown law, to discuss individual public servants by name or title and the penalties that might or should be applied to them.

The Premier needs to be able to appear before the committee to indicate why he believes that that is natural or routine and whether or not indeed it is appropriate that any member of his staff should be in a position potentially to be speaking to the CEO or his legal advisers—again, and I repeat, given that crown law are the people who are actually determining whether or not disciplinary action should be taken against public servants—and, if so, whether or not there should be penalties.

The second reason the Premier needs to appear before the committee, and why the committee believes he should attend, is the issue of the appropriateness of actions and penalties potentially to be taken against public servants. As you know, Mr President, the Premier has indicated that he did not believe that he needed to or should dismiss his chief of staff or ministerial advisers, in general terms and in essence, who had long periods of exemplary service prior to making a mistake, and therefore prior service should be taken into account.

An obvious question for the Premier at the committee should be: what if public servants are in exactly the same position? That is, if they have had many years of exemplary service and if, for example, they are found to have made a mistake, why should they be treated differently from ministerial staff? Again, the Premier is the only one who can answer that question because this is a judgement call he alone has made in relation to his ministerial staff.

The third general issue is the role of ministers, and I think this relates to all ministers who are being asked to appear before the committee—all of them education ministers, as has been indicated. It talks about, in essence, the role of the minister. This is a more philosophical or general question but, nevertheless, I think an important question, and it is an issue that emanates from the Debelle inquiry. It is the issue of: what is the role of a minister in terms of critical incidents that occur? Just very briefly—

The PRESIDENT: The Hon. Mr Lucas, I think you are straying a little bit on the role of minister and—

The Hon. R.I. LUCAS: I will try to bring myself back to the strict tenet of the terms of reference.

The PRESIDENT: —I am asking you not to debate or prosecute a case as if you were in the committee. However, I will let you continue and certainly we will be listening.

The Hon. R.I. LUCAS: Thank you, sir. Very quickly, then, in relation to this particular issue—as I said, it is a more philosophical question and it applies to all ministers. In this case we

are talking about education ministers, and I stand here as a former minister for education. That is, that once you have been advised of a critical incident whether, as in this case, the rape of a young child, or a bomb incident, a drug overdose of a student or a teacher, a knifing of a student, anything that you can imagine, the argument from the Premier appears to be that if you receive a three-line email form the department which says, 'We are handling the issue appropriately,' that is the end of the responsibility of any minister. That is, your responsibility ends at that point because you have been told the department is handling the issue appropriately.

I speak as a former minister here and that is the sort of evidence I gave to the Debelle inquiry—I do not think that it is an appropriate response from a minister to say that a three-line email indicating that 'We are handling the issue appropriately' is, therefore, the end of the matter. That is, the minister is entitled to say, 'I don't need to do anything more and, even if I had known, I wouldn't do anything more because my staff have been told and I would have been told that that's the end of the matter.'

I will not go into the detail of that particular argument. That is an issue that, hopefully—if the ministers accept the invitation to come before the committee—we can pursue with the individual ministers and ask, 'Okay, how do you justify this as an appropriate or an acceptable role of any minister of the crown in relation to handling any particular critical incident?'

Again, I will not go into the detail—I outlined the case in the original arguments—but clearly there are an answered questions in relation to the missing email, the wiping of computers and range of other related issues where clearly, again, the Premier is the key person in terms of being able to provide, hopefully, some response to the committee in relation to his policy and the government's policy in terms of wiping of computers, and then the missing email.

There is one final issue which has been raised with me which I believe the Premier should respond to. In the *7:30 Report* the minister said:

> Look, as soon as I became aware that within the education department there were issues that weren't being escalated to the ministerial office which occurred about another matter which occurred some time after this, we put in place protocols to ensure that the minister's office were told about these matters.

Again, I will not go into the detail of that but if the then minister (now Premier) was to come before the committee, that particular issue in terms of what the other issues were, what the ministerial protocols that were instituted were, why they worked or did not work in the minister's opinion would be issues appropriately to be canvassed by the committee.

With that, I accept your ruling that this is essentially a procedural matter and, as tempting as it might be to try to prosecute the case, on this particular occasion I will, of course, adhere to your very stringent ruling and urge members in this chamber to support this motion so that the committee can go about its work.

The Hon. K.L. VINCENT (17:19): I will speak briefly today on behalf of Dignity for Disability to support the motion of the Hon. Robert Brokenshire. I have no doubt that the Premier in another place will howl and carry on, and bluster about this request to appear, claiming that this is nothing but a political witch-hunt being carried out by the Liberal opposition. However, as I believe Matthew Abraham alluded to on radio yesterday morning, the public, journalists, minor political parties and Independent MPs, as well as the rest of the community, are perfectly capable of making up their own minds on this issue, without any lobbying, prompting or cajoling from the Liberal opposition.

Neither myself nor my office have been directly involved in the western suburbs school situation that lead to the Debelle inquiry. I have, however, seen the effect that abuse against children and young people with disabilities in particular can have on the victims, their families, and the surrounding community; it is devastating, to say the least. Our current police and court system is very limited—

The PRESIDENT: The Hon. Ms Vincent, again I draw your attention to the actual motion: it is a motion inviting the various ministers and the Premier. The debate to set up the committee has been done; the committee has been set up. This is purely a procedural motion, so if you could stick to it.

The Hon. K.L. VINCENT: Very well; I was just about to say I digress. Cycling through ministers for education cannot hide this. It does not make the endless child abuse cases in schools that seem to spew out of the Department for Education and Child Development okay, or better, or less horrific. While I appreciate the Debelle inquiry has made some recommendations, some of

which are in the process of being implemented due to its limited terms of reference, Dignity for Disability remains concerned about whether all the issues have been teased out, with so many alleged abuse cases and so many mandatory notifications not followed up.

I was reminded just the other day, in relation to a Christies Beach school bus case, that it was a member of my staff who alerted the then minister for education, the Hon. Jay Weatherill, that a bus driver of an education department-provided bus had been charged with the alleged sexual assault of seven young children. His department did not tell him, we had to; if that does not indicate that this committee inquiry is necessary, I do not know what does.

For these reasons, of course, I support the Hon. Mr Robert Brokenshire's motion. This is not a witch-hunt, as I have said on many occasions; it is about ensuring the Department for Education and Child Development has the right culture, the adequate resources and the appropriately trained staff to provide a safe environment in education facilities throughout South Australia. We can have all the standards, testing and NAPLAN we like in our modern educational environment—

The PRESIDENT: The Hon. Ms Vincent, please return to the motion.

The Hon. K.L. VINCENT: Yes, sir—but if we do not prevent child abuse, we have failed. For that reason, I support the motion.

The Hon. T.A. FRANKS (17:22): I rise briefly to indicate that the Greens support the motion to permit the relevant ministers and the Premier to appear before this inquiry should they so desire. I am relaxed as to whether or not they decide to do so; that is their decision, and certainly that will be something that they will determine.

I also take this opportunity to clarify the record. In speaking to this motion, I referred to the South Australian Association of School Parents as not having received enough time to make a contribution. To clarify, I was referring to a newspaper article in *The Australian* which described a school parents association. That school parents association is the South Australian Association of State School Organisations.

Motion carried.

SELECT COMMITTEE ON COMMUNITY SAFETY AND EMERGENCY SERVICES IN SOUTH AUSTRALIA

Adjourned debate on motion of Hon. R.L. Brokenshire:

That a message be sent to the House of Assembly requesting that the Minister for Education and Child Development (Hon. J.M. Rankine), a member of the House of Assembly, be permitted to attend and give evidence before the Legislative Council Select Committee on Community Safety and Emergency Services in South Australia.

(Continued from 24 July 2013.)

The Hon. J.S.L. DAWKINS (17:25): I rise on behalf of Liberal members to indicate our support for the motion. I will be brief, but I would like to indicate that the Hon. Jing Lee and I are the Liberal members on the Select Committee on Community Safety and Emergency Services in South Australia, and we have supported this motion in the committee.

The evidence given to the committee has indicated great confusion about what the Community Safety Directorate does. Along with the Hon. Mr Brokenshire, we believe that it is fair and reasonable and possibly you could describe it as essential that the minister be given an opportunity to come before the committee to explain the role of the directorate and the intention the government had with this strategy. The evidence that has come to the committee shows that there is significant confusion within the emergency services and community safety sector of the state about what was to be achieved.

The other matter is that it is fair and reasonable that the minister be given the opportunity to give to the committee the manner in which the government intended to establish appropriate funding because the evidence given to us indicated that there were no appropriation funds for the Community Safety Directorate and that it was completely taken out of the police budget. With those few words, I think that sums up why members of the Liberal Party will be supporting this motion.

Motion carried.

ELECTRICITY INDUSTRY SUPERANNUATION SCHEME

Adjourned debate on motion of Hon. R.I. Lucas:

That this council—

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

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

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

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

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

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

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

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

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

   (h) any other relevant matter.

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

(Continued from 19 June 2013.)

The Hon. G.A. KANDELAARS (17:27): I rise to oppose this motion on behalf of the government. The council may recall that a motion representing the interests of South Australian Superannuants and EISS pensioners was moved by the Hon. Rob Lucas on 17 October 2012. That motion was regarding the calculation used to reduce the gross benefits of EISS members and, in many respects, they are the precursor to the motion we are discussing today. The house may recall that this calculation was implemented following the scheme's loss of constitutional protection at the time of the ETSA sale and its consequential move into a taxed superannuation environment.

The government is aware, from the debate held at that time, that SA Superannuants have a long-held view that the benefit reduction formula was incorrect and reduces the superannuation costs of the employer at the expense of superannuants therefore contravening the intent of the formula in the Electricity Corporations Act 1994, which was to go no further than to avoid an increase in employer costs.

In the Hon. Rob Lucas's previous motion, he outlined a set of terms of reference for investigation by the Ombudsman, and the government at the time supported that motion. On 23 November 2012, the Ombudsman contacted the Department of Treasury and Finance and noted that there were a number of technical difficulties associated with the terms of reference. They were said not to focus on administrative acts and did not comply with section 14(3) of the

Ombudsman Act 1972. The Ombudsman recognised the clear intention of parliament that a review be carried out and sought to carry out an 'own initiative investigation'.

The investigation was to have the following parameters: whether the Department of Treasury and Finance and/or the Electricity Industry Superannuation Scheme Board provided misleading advice to the Treasurer in connection with the making, amendment and operation of rule 29(4) of the rules of the Electricity Industry Superannuation Scheme, made under clause 4 of the Electricity Industry Superannuation Scheme Trust Deed.

The Ombudsman later stated that he was advised by the SA Superannuants that they were seeking some adjustments to the terms of reference outlined in the previous motion. The Ombudsman subsequently advised the Department of Treasury and Finance that he would not proceed with the 'own initiative investigation'.

He instead wrote to the President of the Legislative Council, outlining jurisdictional difficulties of the earlier motion and decided to await further developments. This seems prudent in the face of the SA Superannuants' attempt to seek to change the terms of reference after the passing of a motion addressing their concerns in the parliament.

It therefore comes as no surprise that this new motion has been brought to this chamber by the Hon. Rob Lucas. The motion significantly differs from the terms of reference previously passed in this place. This current motion shifts the focus away from terms that could be construed as commenting on ministerial decisions and moves those terms of reference towards the Ombudsman's jurisdiction.

However, the Minister for Finance has received advice from the Crown Solicitor that there are still jurisdictional issues and technical problems with the current motion. In light of this advice, and the amount of difficulty there has been in establishing appropriate terms of reference since the previous motion addressing this issue was passed, it seems that passing this current motion will do very little to further the cause the Hon. Rob Lucas is seeking to represent.

The government therefore opposes the motion on the grounds that the Ombudsman—who, of course, is independent of government—should continue the inquiry he had proposed to instigate, following the parameters I outlined earlier. This opposition to the motion is made with the intention both to be expeditious and provide clarity to all interested parties when reviewing administrative acts of the Department of Treasury and Finance.

The Hon. R.I. LUCAS (17:33): I thank the Hon. Mr Kandelaars for his contribution to the motion. Mercifully for members, I do not intend to go over the long history of this motion. It has been before the chamber for many, many months. In our view, it is a relatively simple and straightforward matter. It has been supported by this council previously.

I would urge members who supported this particular motion previously to support this motion, in the interests of giving a fair hearing for these individuals who fought long and hard in their retirement to prosecute their case and to, in their view, get a fair hearing in relation to the issue. In our view, this is the appropriate way to go. The council, as I said, did pass a motion previously, but it was deemed that the wording in the particular motion needed to be changed, and that is the reason for the motion we have before us. I urge members to support the motion.

Motion carried.

EVIDENCE (IDENTIFICATION) AMENDMENT BILL

In committee.

Clauses 1 to 3 passed.

Clause 4.

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

Amendment No 1 [Wade–2]—

Page 2, line 12 to page 3 line 9 [clause 4, inserted section 34AB]—

Delete inserted section 34AB and substitute:

34AB—Identity parade evidence

(1) In a criminal trial, evidence of the identity of an offender is not to be excluded merely because it was obtained other than by means of an identity parade involving a presentation of a line-up of persons.

(2) In a criminal trial, evidence of the identity of an offender obtained by means of an identity parade is to be excluded unless—

(a) —

(i) the identity parade was conducted in accordance with—

(A) the procedures prescribed by the regulations; and

(B) any orders or directions of the Commissioner of Police; and

(ii) an audiovisual record of the identity parade was made and kept in accordance with the regulations; or

(b) the judge is satisfied that, despite the failure to comply with any of the requirements of paragraph (a), the interests of justice require the admission of the evidence.

(3) In a criminal trial where the identity of the offender is in issue, the judge must, if evidence of the identity of the offender is admitted, inform the jury—

(a) of the need for caution before accepting identification evidence; and

(b) of the reasons for the need for caution, both generally and in the circumstances of the case.

(4) In giving any such information, the judge is not required to use any particular form of words but may not suggest that identification evidence obtained from an identity parade by any means other than by a presentation of a line-up of persons is inherently or intrinsically less reliable than evidence obtained from an identity parade by such means.

(5) In this section—

identity parade means a contemporaneous presentation (whether in person in a line-up or by means of images) of a number of persons to a witness for the purpose of identifying a person suspected of having committed an offence.

I indicate to members that I appreciate that it is very unusual for us to table such a substantial amendment on the day of further consideration in this house. To explain the context in which I suggest that it should be supported today, I am certainly not expecting the government to have fully considered all the implications of this amendment today.

If the government could take me at my word, that it is a significant to try to address the concerns the government had with our previous bill and amendments, we would encourage the government and other members of the council to support passage today on the understanding that, between the houses (we have a two-week break) the Attorney-General and his advisers can more fully explore the particular wording of the amendment.

I am greatly encouraged by the fact that a bill that was tabled by the Attorney-General in another place today has a number of, shall we say, consensual elements. I am extremely optimistic that an agreed set of amendments could be progressed, and in that context, because the Attorney has tabled the bill in the other place, the government actually has the option of either progressing the government bill and taking the best of the opposition amendments as government amendments in the other place or, alternatively, progressing this bill and proposing to amend it as it sees fit.

I strongly urge the government to see the benefits of the second option—in other words, to work with the Legislative Council bill—because, subject to the will of this council tonight, it will already have been through one chamber. Considering the limitations of sitting days between now and the end of the year, it would expedite consideration.

With those few words, I might pause at this point. If members would like a more thorough consideration of the merits of the amendment, then I am happy to go through those. If members would like to have a considered government response by way of a response out of the House of Assembly, I would suggest that that might be a more expeditious way to proceed.

The Hon. K.J. MAHER: I would like to thank the Hon. Stephen Wade. I think he is right concerning the long history of this. There were a couple of bills introduced by the government and also competing bills by the Hon. Mr Wade, and they are coming closer together and are not too far from resolution. I indicate that the government will not be supporting the bill in the Legislative Council but will be preferring a bill that I think was introduced today in another place. Without speaking to the Hon. Kelly Vincent's amendments, I do note that a number of members have been very helpful in this debate to try to get this resolved, and we have come closer.

I do not think we necessarily need an answer to it now, but there is a question to be asked in relation to the Hon. Stephen Wade's amendment. Section 34AB(2)(a)(i) provides:

Identity parade was conducted in accordance with—

(A) the procedures prescribed by the regulations; and

(B) any orders or directions of the Commissioner of Police...

I am wondering if there are other legislative incidences where the Commissioner of Police's directions are given legislative force? If there is a possibility where procedures prescribed by regulations and directions of the Commissioner of Police might be in conflict, how would that be resolved?

The Hon. S.G. WADE: On the first point, my understanding is that directions of the Commissioner of Police are given legislative force in the legislation in relation to high-speed chases. The way that an officer is dealt with in whether or not they are complying with the directions of their superior officers is directly relevant to how they are treated by that legislation. The second point was—

The Hon. K.J. Maher: Could there be any conflict?

The Hon. S.G. WADE: To be frank, the same executive that writes the regulations is the same executive that writes the orders or directions. It was certainly the opposition's intention in phrasing the words in that level that we could have flexibility at the operational level. An example that I made in the debate was the emerging technology in Britain using video technology to provide representations of a suspect's appearance. It may well be that the police general orders might incorporate that sort of technology without the need to change the regulations, without the need to come back to parliament.

However, let me stress that the only legislated standard that this amendment proposes is audiovisual. What we found, no matter whether it was a police officer, whether it was an academic, whether it was a lawyer, is that there was universal support. That is my recollection. I cannot recall anybody who thought that it was not good practice to provide an audiovisual record; so that is the only thing we are specifying in the legislation.

We certainly believe that there are other elements that should be considered for inclusion in the regulations. If you like, they are the sort of elements that we took out of the act specification. In other words, that is part of the accommodation. Right through this process the opposition has been consistent in not wanting to go to the commonwealth approach. In the commonwealth evidence legislation there is a high level of specificity. We do not want to constrain the police in an operational sense, but we want to support them to use the best technology in a way which maintains standards.

As I said, in terms of the complementarity, the executive drafts the regulations, the executive in the form of the Commissioner of Police drafts any orders or directions. I am very confident they will be consistent. If they are inconsistent, I presume that the legislation relating to police would say the regulations override, and I am sure the police commissioner would make a submission to the Attorney-General, the Minister for Police, to change the regulations pronto.

The Hon. K.L. VINCENT: I advise that I will not be proceeding with my amendment, and with the leave of the council I would like to make a few comments as to why. I suppose it is fair to say that our amendment was drafted as something of a compromise between the opposition position and the government position, particularly when it came to the issue of preferential treatment of evidence line-ups, as opposed to photo line-ups. We drafted those as a compromise, as I have said, and, I think, to start a conversation about this issue and how it could best be dealt with. I have reached a position now where I believe that, at this point, the opposition amendment does that the best.

This is not an issue where there is any particular opposition, any confrontation, therefore I see no use in having a debate as to whose amendment is best when there are only a few words of difference. There is a great deal of goodwill within the parliament to reform this part of the state's Evidence Act. Both of the major parties have presented bills to attempt to address the problem that virtually all members appear to agree exists. Having the opportunity today to discuss the Hon. Mr Wade's amendment to this bill and the government's new bill addressing the same issue, I am pleased to see both parties moving closer to a compromise that encompasses the key aspects with their own perspectives and the concerns expressed by myself on behalf of Dignity for Disability and others on the crossbench.

Having gone through both proposals as thoroughly as time permitted, which was not very long, I note that both are substantially (more or less) identical, with only four major points of difference between the two. The first appears to be a fairly minor question of phrasing. The Hon. Mr Wade expands the phrase 'identity parade' to encompass photo boards and other identification procedures, while the government prefers the phrase 'identification processes'. I do not feel that there is a significant difference between the two. The way the phrases are used makes them virtually interchangeable, in my view.

The first point of real interest is the mention in this bill of regulations and orders or directions of the commissioner. These are absent in the government bill and it is my understanding that this reflects a concern about elevating the commissioner's orders and directions to the same level as regulations, as they are not subject to the same level of oversight by the parliament. This is an interesting point and one that I feel warrants further discussion.

The next point of difference is a subtle one but I think, in its own way, significant. Both bills contain virtually identical section 4s. The Hon. Mr Wade's amendment, however, contains a slight variation, a reference to a lack of any inherent or intrinsic difference in reliability between identity parades and other methods of obtaining identification evidence. While I have had little time to consider this point, I feel that this wording prevents the courts from giving a warning that would unduly emphasise identity parade evidence while allowing judges to comment upon the conduct of a particular identification process.

The final point, and I think perhaps the most important for me personally, is that the Hon. Mr Wade's bill contains reporting provisions that will address some of my own concerns surrounding the impact of the new provisions upon people with disabilities and people from culturally and linguistically diverse backgrounds in particular. Given the substantial goodwill that exists around this issue, and the progress that has been made toward a compromise thus far, I do not feel that it is hugely important whether one bill or the other receives the support of the council. What is important here is that we do not squander the effort that has gone into working toward a compromise. The Hon. Mr Wade's amendments, I believe, do represent substantial progress and I am pleased to see that they include some of the concerns that have been expressed, both by the government and myself.

I had prepared some amendments of my own, of course, in an effort to find a middle ground between the positions of the government and the opposition and ensure that my own concerns were represented. I feel that the spirit of those amendments is largely encapsulated by Mr Wade's amendments and as such I will not proceed with those amendments that I had prepared. To summarise on behalf of Dignity for Disability, we will be supporting Mr Wade's bill at this point, and we hope that its passage through the council will allow the work towards a compromise to continue in the House of Assembly. We support Mr Wade's bill at this point, but reserve the right to support a government version if down the track we consider that to be preferable.

The CHAIR: The Hon. Mr Wade, it seems as though we are in robust agreement. Do you have something new to add?

The Hon. S.G. WADE: Very briefly, I was remiss in not acknowledging the role that the Hon. Kelly Vincent's amendment had in the evolution of the opposition amendments, and I wanted to put that on the record. It is not the first time. The Hon. Kelly Vincent was instrumental in achieving an agreement on the ICAC bill at the end of last year also.

Amendment carried; clause as amended passed.

New clause 5.

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

Amendment No 2 [Wade–2]—

New clause—After clause 4 insert:

5—Substitution of Schedule 1

Schedule 1—delete the schedule and substitute:

Schedule 1—Review of identity parade evidence

1—Inquiry into and report on operation of section 34AB

(1) The Minister must, within 12 months after the commencement of this clause, appoint a person—

(a) to review the operation of section 34AB of this Act as inserted by the *Evidence (Identification) Amendment Act 2013*; and

(b) report on the extent to which the operation of that section, and the regulations and any orders or directions of the Commissioner of Police made pursuant to that section—

(i) facilitate the gathering of quality identification evidence; and

(ii) reflect scientific best practice; and

(iii) protect the rights of people with disability or cultural and linguistic diversity.

(2) A report on the review must be provided to the Minister within 3 months after the commencement of the review.

(3) The Minister must, within 12 sitting days after receipt of the report under this clause, cause a copy of the report to be laid before each House of Parliament.

This amendment is consequential.

New clause inserted.

Title passed.

Bill reported with amendment.

The Hon. S.G. WADE (17:52): I move:

That this bill be now read a third time.

Bill read a third time and passed.

FOOD (LABELLING OF FREE-RANGE EGGS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 April 2013.)

The Hon. R.P. WORTLEY (17:53): I rise to give the government's position on this bill. While the government supports true free-range egg producers in South Australia and is supportive of a nationally enforced definition of free-range eggs, the government does not believe that this bill is an appropriate response to the issue. Firstly, a stocking density of the number of egg-producing chickens per hectare imposed in this manner would not, under mutual recognition provisions, apply to free-range eggs that are produced in another jurisdiction and are able to be sold in that jurisdiction in accordance with its regulatory requirements.

Interstate eggs that are produced in systems with higher stocking densities could still be brought into South Australia and sold as free range. As it may be cheaper to produce, local free-range producers with systems that comply with the bill may find it hard to compete with interstate producers not subject to those limits. Queensland attempted to address this issue by passing legislation that allows Queensland producers to label their eggs free range if they comply with a 1,500 hens per hectare maximum free-range system. However, due to mutual recognition legislation this does not restrict producers from other states who are not required to comply with Queensland standards from labelling and selling their eggs as free range in Queensland. Confusing the issue even further, the Queensland government has recently announced that changes to their scheme will allow the stocking density of hens to increase from 1,500 per hectare to 10,000.

Without a national approach and states being without the ability to regulate interstate growers, jurisdictions must consider options to develop a solution that provides consumers with certainty about what they are purchasing without causing detriment to the local egg industry. This bill will result in potentially adverse consequences to South Australia's producers as it will essentially introduce further regulatory burdens on local producers only, and offer no confidence to consumers that eggs labelled as free range are produced in a system not exceeding 1,500 chickens per hectare.

Secondly, this bill amends the Food Act 2001, which regulates food businesses that sell or handle food intended for sale. This appears to be inappropriate as it misplaces regulatory burden on thousands of food businesses and local retailers rather than egg producers. I agree that this is

an issue that needs to be addressed. Producers not meeting generally accepted standards have been ambushing the term 'free range' for many years. When South Australian shoppers buy their eggs, they should know exactly what they are getting and the environment from which they have come. In June 2013, the government released a discussion paper on the introduction of a proposed new regulatory standard for free-range eggs in South Australia that will not disadvantage our local producers.

Throughout the consultation period, more than 370 submissions were received, of which 95 per cent advocated the support for the government's proposed industry code. This week the government announced that, following consultation and the overwhelming support from the community, we will develop an industry code under the Fair Trading Act 1987, requiring producers to meet standards including a maximum of 1,500 laying hens per hectare in a free-range system; induced moulting is not permitted; hens have access to range outdoors for a period of eight hours per day; and sufficient overhead shade should be provided to encourage hens to access the range.

The voluntary code will allow true free-range egg producers who choose to adhere to the specified standard to label their eggs as such, resulting in consumers being fully informed about the production of their eggs as truly free range. The voluntary code will not prevent other producers from labelling their eggs as free range; however, a grower could not use the associated badging unless they are, in fact, produced in accordance with the code.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:57): I rise to speak on behalf of the opposition to the Food (Labelling of Free-Range Eggs) Amendment Bill. Listening to the Hon. Russell Wortley's comments, one of my opening comments is that it is unfortunate that we have had a federal Labor government for as long as we have, because a national standard or a national definition of free-range eggs really needs to be on the national agenda; and, ultimately, for a fair market, that would be the ideal scenario.

If I am ever fortunate enough to be the minister for agriculture, food and fisheries after the next election, this is certainly a dialogue that I will be pursuing and urging my colleagues to do the same; that is, we try to come to some national agreement, and perhaps I will raise some issues in some of the areas that we might like to look at in the future. However, I am presently faced with an opportunity through this bill to do this as a state level and the opposition will be supporting the move.

For the sake of clarity I will provide some background. In Australia there are three housing systems for egg production including caged, barn and free-range systems. However, because no definition for free range has been created federally, each state has its own standards towards labelling. Currently, the Model Code of Practice for the Welfare of Animals—Domestic Poultry sets guidelines for the minimum standard for free-range stocking density of 1,500 birds per hectare. South Australia and, as I understand, New South Wales, Tasmania and Western Australia all have bills before parliament to cap the free-range density at 1,500 birds per hectare.

In July this year, the Queensland government lifted the number to 10,000 birds per hectare after having attempted the 1,500 bird density. The broad problem, on a technical level, is that eggs not classified under cage or barn-laid are still produced in hugely diverse environments, for example, the use of antibiotics and growth promoters on hens, access to pasture and, most relevant to this bill, stocking rates. Therefore, presently in South Australia, any egg producer not falling under the caged or barn-laid classification has the opportunity to legally label their carton free range. Essentially, larger egg producers can cash in on free-range demand by stocking as many as 20,000 birds per hectare, despite the model code recommendation capping the density of birds at 1,500 per hectare.

Consumers also have little clarity. The true free-range producers perhaps are not being acknowledged for their added effort to produce a standout product. They also lose the ability to charge a premium for that effort. The only opportunity producers have to differentiate their product is through applying for accreditation with Humane Choice and the RSPCA. Those two accreditors alone range from 1,500 to 2,500 birds per hectare and have different standards for things like beak trimming. Then the big supermarket chains like Coles can provide their own accreditation. Coles, for example, sets a stocking density of 10,000 birds per hectare. Suffice to say that discrepancies between labelling and accreditations is conducive to uninformed consumer choices.

While I am speaking on this bill I will also touch on minister Rau's recent announcement of the voluntary industry code, warranting a label on egg cartons adhering to the 1,500 birds per hectare density, stating 'South Australian Laid, Free Range Egg Code Compliant'. I read the

minister's press release yesterday with interest and I will make a number of points about it. He states that consumers will finally know they are buying true free range. I believe this implies that producers currently labelling their eggs free range when they are above the 1,500 birds per hectare stocking density are perhaps deceiving customers. I am reliably informed that the consultation measures on this code were very deficient and some of South Australia's major egg producers were not engaged.

This is not directed to the Hon. Ms Franks who moved this bill, but I will also seek some clarification as to whether eggs coming from interstate at the new capped density will be allowed to have the accreditation logo. The minister also stated that the newly-defined free-range eggs will come from hens that have access to range outdoors for a minimum of eight hours per day. I am led to believe that this is already the case and perhaps the minister has not sought enough factual information. The same applies to his statement that sufficient overhead shade should be provided to encourage hens to range. He also states that the accreditation logo will now be developed and appear on egg cartons to meet the requirements by early next year. Is this available for producers with other production systems? Will producers using other systems be banned from using the logo if they farm at 1,500 birds per hectare?

I will also make a couple of quick points. I know the industry has not been able to agree and I wonder what the reaction of some of the big producers will be. We are talking about 1,500 birds per hectare. I visited Katham Springs biodynamic farm on Kangaroo Island last Sunday afternoon and saw their operation. They only stock at 150 birds per hectare. They have an eight-hectare paddock and 1,000 birds. They do a very good job and produce roughly 4,000 eggs per day.

I could see the opportunity for a larger producer to put a shed in the corner with an automated collection system, together with automatic feed and watering. Let's say the shed has 30,000 birds in it and that is in a 21-hectare paddock. They could still claim that there are 1,500 birds per hectare, or slightly less. The production methods and the efficiency with which they can feed the birds, collect the eggs and all the rest of it is much more efficient than the very hands-on approach of the people at Katham Springs who, as I said, produce a very beautiful egg of very high quality.

I wonder whether drawing a line in the sand like this will mean that the big producers amend what they do, which I think is a positive outcome for animal welfare, and that is obviously what is driving this. However, I am not sure whether it will permit producers like Katham Springs, the Fryars on Kangaroo Island and others to continue to reap a premium for their product, if it forces others then to use very modern, efficient and big production systems—putting that shed in the corner of a big paddock and letting the birds roam in that big paddock. I wonder what that will do to the smaller producers.

I also indicate that while we are certainly supporting this, and it appears that a similar bill failed in the House of Assembly last week, I am saying this publicly now for people to provide some comment to the opposition. I am wondering whether putting the stocking rates on the carton is a better way to go rather than saying that 1,500 is free range and above is something else. Clearly, the people on Kangaroo Island have their birds at 150 birds per hectare and their eggs are probably handled with tender loving care and they are probably eggs that command a much higher price than somebody who has 1,500 birds per hectare or 2,500 birds per hectare as some of the other codes indicate. It is something I would like the egg industry to explore.

Maybe a better labelling system is to set an upper limit and maybe that is 10,000 but then on the carton you actually publish it rather than having accreditation. You have to be accredited, you will have to be inspected and there will be annual auditing of the accreditation that you have on the carton, that it is 150 birds per hectare or 500 or 1,500 or, if you are like Coles and you want 10,000, that it is actually the number of birds per hectare. We are expecting the consumers to be well enough educated to look for the logo that minister Rau is talking about or the other logos, so we are expecting a certain level of consumer education. It may just be easier to say that all of these eggs are free range but some have a much lower stocking rate—

The Hon. R.L. Brokenshire: That's the way to do it.

The Hon. D.W. RIDGWAY: —and I think that makes a lot more sense. I am encouraged that the Hon. Robert Brokenshire is nodding and agreeing with me. I will make one last point. I am concerned about the cross-border issues that have been raised by the Hon. Russell Wortley. We have free trade between states. I bring attention to the case of the Barossa Ridge eggs that were

actually Victorian cage eggs that were marketed in the Barossa Valley with the lovely grapevines on the carton purporting to be eggs from the Barossa Valley when in fact they said in the very fine print that they were cage eggs from Victoria. I think those same eggs are sold in the Hunter Valley as Hunter Valley eggs as well. It brings up a whole range of issues.

The code is not transferable. People in Victoria, New South Wales and Queensland are able to produce eggs under their guidelines and say they are free range and they will land in South Australia and may not have our South Australian logo on them. I asked a question, not of the Hon. Ms Franks, that if a producer complies with the government's voluntary code in another state, will they be able to use our logo and the government's new accreditation? I think it brings to light a whole range of issues, and really a national approach will be the best way and, in my view, the long-term solution will be having the stocking densities on the cartons rather than drawing a line in the sand. With those few words, I indicate for the purpose of the debate and making sure that this issue is dealt with in the future, I support the bill.

The Hon. R.L. BROKENSHIRE (18:08): Given the time of day I will be briefer than I would have been on this because this is something I could talk about for a long time, but I want to get a few basic facts on *Hansard* so that the community understands where Family First are coming from. Upfront I advise that Family First will not be voting in favour of this bill and, in fact, Family First congratulate the government on what the Attorney-General has announced today because that is a strong step forward.

I have spoken to minister Gago on this before and I know that she is keen to try to get the ministerial council on primary industries to get national uniformity on this. Now there is a chance for the new federal minister, the Hon. Barnaby Joyce, to work with the ministers to get this fixed. I strongly believe that the only way forward to fix this issue once and for all is to have national uniformity. Whilst a lot of the time we are opposed to national uniformity when it comes to legal issues, in particular of the justice system, on this occasion it is the only way that will work. If you do any investigation, you will find that if we bring in this legislation, then we are going to damage the egg industry and damage the price of eggs for the community in this state in my opinion.

Dairy, eggs and bread are staples for the South Australian community and in tough times in particular families often get a meal out of eggs at an affordable price. I am concerned that this will potentially put up the price of eggs to a point where it will impact on those families who need good protein at a cheaper price.

What I am also concerned about—and the Hon. David Ridgway also mentioned this—is what will happen to the approximately 13 free-range egg producers at the moment if this legislation is passed. I have visited many of them, and I have played footy with one of them in my own town who has a free-range egg farm, and they do a fantastic job.

I am worried that this will turn around and damage them because if we force the limited egg industry we have in this state to go down a free-range track to capitalise on the premium prices, those who are big now will have the financial capacity to build and comply with the requirements, but they will be fully automated. There is no way you can stop how they go with those procedures, and they will produce those farm free-range eggs cheaper than the others.

This is about labelling and density; this is what it is about. Animals Australia want to go to an extreme because they do not support any intensive animal husbandry. I respect the fact that the Hon. Tammy Franks is committed to trying to bring something in and is focused on those free-range egg producers. I agree and support her in that part of it, but I think at the moment we should take a breath and wait, firstly, for national uniformity and, secondly, to give the Attorney-General's voluntary regulatory code a chance to see whether or not it will work.

We already bring a lot of eggs into South Australia; in fact, we are not self-sufficient for our eggs. We do not want to give the Victorian companies a leg-up and, again, I say national uniformity. Let our primary industries minister, the Hon. Gail Gago, bring this issue up with the ministerial council meeting and see whether the Attorney-General's code will work. It is a positive step forward, but we will be opposing the bill based on those facts.

The Hon. J.A. DARLEY (18:11): I rise to indicate my support for this bill. I do so on the basis that consumers have made it quite clear that they want to be able to differentiate between genuine free-range eggs on the one hand and the myriad other options on the other. This bill is not about banning caged eggs or barn-laid eggs: it is about truth in labelling and providing a definition for genuine free-range eggs and thereby increasing consumer confidence. The fact that I have

received hundreds of emails in response to this issue certainly demonstrates the concerns of consumers.

I understand that the Greens have consulted widely on this issue, and the majority of South Australian free-range egg producers are in support of this bill which defines and limits stock densities. Coincidentally, I would be interested to know exactly how many free-range egg producers there are in South Australia, as opposed to other egg producers.

There is no question that, with all the different options available in the supermarket aisles today, it is becoming increasingly difficult to distinguish between genuine free-range eggs and other eggs. I know that in my household we pay a premium for eggs labelled free range, and the same can also be said for many other households. I would hate to think that as consumers we were being ripped off.

In closing, I commend the Hon. Tammy Franks for introducing this bill and acknowledge also the work of the member for Finniss in the other place on this same issue.

The Hon. K.L. VINCENT (18:13): I speak today in favour of the second reading of the Hon. Ms Franks' Food (Labelling of Free-range Eggs) Amendment Bill 2012. I would like to thank Ms Franks and our colleague in the other place, Michael Pengilly, for the original briefing on this bill, including the Kangaroo Island free-range egg farmers who presented to MPs and staff last year.

I also appreciate the time that Days Eggs at Two Wells took to brief my office staff on their concerns with this bill and the negative impact they feel it will have on their business as an egg producer that operates in a national market. I also thank them for the tour they gave my staff of the various egg operations out at their Two Wells property. Despite this, I remain convinced that for the welfare of the chickens that produce free-range eggs and for the sake of clarity for consumers, as Mr Darley very eloquently mentioned, we need to make this change to food labelling laws in this state.

I would note that Days Eggs feels that these labelling laws do unfairly disadvantage those producing free range eggs that are not on Kangaroo Island, given there are fewer predators such as foxes present on Kangaroo Island, creating an easy environment to protect chickens. The point I would make, however, is that this is perhaps precisely why we should support food production in environments that are most conducive to that food, crop or product.

In the past 24 hours, my office has received some 500 emails from constituents urging me to support this bill for both animal welfare and consumer reasons. In the same period, I have not received any emails or correspondence asking me to vote against this bill. I have a couple of questions, however, particularly since it has been some time since this bill was first put to the chamber and there has been significant community debate about the issue since.

First, how will this bill interact with national food labelling standards and marketing, given that we operate in a national food market? We buy eggs from interstate and we sell eggs interstate: how will eggs that are sold here from interstate be labelled? Could this in any way disadvantage local South Australian free-range egg producers?

Secondly, given the market demand for eggs is now so large in Australia, what is the expected cost of the passing of these laws in South Australia? Will the cost point for free-range eggs increase if producers such as Days Eggs choose not to produce eggs at 1,500 chickens per hectare? That is all I have for now. I look forward to the answers to those questions and continuing the debate on this important issue.

The Hon. T.A. FRANKS (18:16): I thank the honourable members who have made a contribution. I certainly acknowledge the government's work on this issue, both ministers Rau and Gago. Indeed, the now minister (but in his capacity as a private member) the Hon. Ian Hunter's contribution to progressing this debate has been quite substantial. I thank those speakers who made a contribution to this bill—Hon. Russell Wortley, Hon. David Ridgway, Hon. Robert Brokenshire, Hon. John Darley and the Hon. Kelly Vincent. I thank those who have supported the content of this private member's bill, which is a bill I have worked on with the member for Finniss, and it arises from Greens attempted legislation in New South Wales. It is also similar to bills that have been attempted to be passed in many legislatures around the country.

The reason that states and territories have taken up this particular form of legislation, looking for true free-range labelling and pegging it to that 1,500 per hectare amount, is that progress at a national level has been tried and attempted for many years and has so far failed. This

is despite the fact that the ACCC, the Humane Society, *Choice* and both consumer and animal welfare groups have been campaigning long and hard on this and have been unable to get legislative reform at a federal level.

In response to the Hon. Kelly Vincent's question in terms of whether this would disadvantage local free-range producers as opposed to interstate free-range producers, what I would say is that in this state if you were to label your eggs free range they would have to comply with the requirements that our state has set. That is, of course, that the chickens are kept or housed at under 1,500 per hectare, but there will also be other requirements under the regulations. If you sell your eggs in this state, that will apply to you regardless of whether you are from South Australia or elsewhere.

With regard to whether or not this will increase costs, for those true free-range egg producers that currently comply with this standard, they will have no further costs because they will continue to undertake their practices as they currently do and this bill will, in fact, give them a protection for the label that they currently use.

Those free-range egg providers who currently label their eggs free range but do not meet the standards of this bill will not be anticipating any increased cost for the production of their eggs. They will simply not be able to use the free-range label. That might mean that they are not able to command a premium price for their product, but that is something that the market will decide. Perhaps they will have to move to relabelling their product and certainly terms such as barnyard have often been raised in this debate.

In terms of there being an availability of eggs, simply defining an absolute definition under law in South Australia does not diminish or expand the number of eggs we currently produce. It simply gives us a truth in labelling for free range. I have heard spurious arguments that this will see eggs being imported from the Philippines to make up the shortfall, and that might sound far-fetched but it has indeed been thrown around in this debate that if we label true free range, we will see imported eggs flood our markets. If those eggs are not produced under true free-range conditions, they will not be able to be labelled free range.

There may be no more and no less and I cannot see that there would be an attraction from those producers who cannot comply with the high requirements to therefore compete where we have indeed set a standard. The problem is that no state or territory nor indeed the commonwealth has yet set a standard such that a consumer can go into a supermarket or a local grocer's or a deli and buy what they know to be free range and be confident that that free-range label on the carton indeed reflects the product that they think they are buying.

With some regard to the government scheme, which is of course a voluntary scheme, I have asked the Attorney online, on Twitter—which seems somehow appropriate when you are talking about eggs, given the Twitter theme—whether or not his voluntary code will mean that somebody who has a stocking density over 1,500 can call their product free range on the carton.

Of course they will be able to under the government scheme because those who volunteer will pay a price to be part of that government scheme and will have another cost put upon them to in fact be doing the right thing, and yet those who are not true free range will get a free ride. They will still be able to use the label free range and be able to dupe consumers into thinking that they are free range and they will not pay the fees associated with the government's voluntary scheme and they will not comply with those high standards.

For those reasons, I think the government scheme is not doing the right thing by free-range egg producers. As I say, I do not intend to progress the bill through all stages today. Looking at the time and noting that a range of issues were raised to which I would like to give a full and considered response at clause 1, I will sum up and commend the bill to the council.

Bill read a second time.

EQUAL OPPORTUNITY (SPORTING COMPETITIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 September 2013.)

The Hon. T.J. STEPHENS (18:24): I rise to speak to the Equal Opportunity (Sporting Competitions) Amendment Bill, which was originally introduced by the member for Taylor in another place, passed on the voices and transmitted here. This was no surprise either, given its intentions are honourable and the end it seeks is uncontroversial. This bill merely allows current

practice to continue, or more specifically, to prevent the status quo from being disrupted by spurious legal challenges via the current Equal Opportunity Act and its pseudojudicial body, the Equal Opportunity Tribunal.

Unfortunately, its Victorian counterpart, the Victorian Civil and Administrative Tribunal (or VCAT) entertained a case, South v Royal Victorian Bowls Association Inc. VCAT 2001 in which a female lawn bowler claimed unlawful discrimination in the association's decision to deny her affiliate membership on the basis of her sex. The association defended itself on the basis of the exemption in the Victorian act, citing differences in the play of men and women based on the superior strength of men, amongst other things. The tribunal rejected this and found that an exemption did not necessarily apply.

While this decision did not automatically apply to South Australia, given that our existing act is similar, it may face the same challenge, the effect of which would be to completely integrate all competitions and eliminate gender-based division. Thankfully, the South Australian Equal Opportunity Tribunal granted an application for an effective moratorium to be placed on that action. This has been in place since February 2010. The tribunal made it clear that this could not continue indefinitely, and legislative change would be required to give the association some certainty. This bill effects that change to allow current practice to continue. The controversy lies not here but in the mere fact that this legislation is required, and that the tribunal either does not have the power or desire to rule with common sense in mind to prevent frivolous cases, where genuine discrimination has not occurred, from being heard.

In the vast majority of competitions here in South Australia, particularly those in country areas amongst older populations, there is a want in the community to maintain single-sex competitions to maximise the social and financial benefit to participating clubs. Put simply, division based on gender here is a positive, as it encourages participation. One would assume that unlawful discrimination implies a negative outcome for the complainant and that determines its illegality. It seems many unlawful discrimination cases in today's society are based on rigid legislation designed originally to prevent genuine discrimination but increasingly being misused, overburdening organisations and leading to nothing else but an overly precious and ultra politically-correct society.

It should be noted that this action will not endanger the current mixed or open competitions from being conducted parallel to the current single-sex competitions. This gives competitors a choice. So, of course, the opposition supports this bill, but I agree with the member for Frome when he expressed his disappointment that it had reached the point where legislation is required to sort this out. It is common sense, and I implore the tribunal to approach cases with this is mind in the future. The opposition supports the bill.

The Hon. CARMEL ZOLLO (18:28): I thank honourable members for their support, in particular, the Hon. Terry Stephens for his contribution, and others who have indicated their support to me verbally. As stated in the second reading explanation, essentially this bill enables Bowls SA and other sporting organisations to offer a mix of open-gender and single-sex competitions, free of the risk that they are in technical breach of the Equal Opportunity Act. We hope that the amendments in this bill do represent a balanced solution. Given that this proposed legislation is time sensitive, I again thank all honourable members for their cooperation.

Bill read a second time.

Bill taken through committee without amendment.

The Hon. CARMEL ZOLLO (18:30): I move:

That this bill be now read a third time.

Bill read a third time and passed.

MOTOR VEHICLES (LEARNER'S PERMITS AND PROVISIONAL LICENCES) 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) (18:31): 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 *Motor Vehicles (Learner's Permits and Provisional Licences) Amendment Bill 2013* amends the *Motor Vehicles Act 1959* to enhance the Graduated Licensing Scheme (GLS) and improve the safety of young drivers, their passengers and other road users. Despite significant reductions in South Australia's road toll over the past decade, young drivers continue to be over-represented in the road trauma statistics, much more so than older age groups.

In South Australia young people aged 16 to 19 make up 5 per cent of our population, however they account for 12 per cent of our road deaths and serious injuries. Young drivers aged 16 to 19 years in rural South Australia are 2 ½ times more likely to die or be injured in a crash than their peers in metropolitan Adelaide. Statistics show that South Australia has the second worst fatality rate for the 16 to 19-year-old age group of all Australian states and territories, and almost double that of Victoria and New South Wales.

Research shows that young drivers are at greatest risk of a crash in their first year of driving unsupervised. In fact, upon gaining a provisional licence and beginning to drive unsupervised, the percentage of young drivers involved in crashes rises eleven times. Lack of experience, night-time driving and the presence of peer passengers all contribute to younger drivers having an increased risk of being involved in a road crash. The initiatives in this Bill are intended to address this problem. They reflect world's best practice, are evidence-based and are already in place in some form in other parts of Australia.

The amendments within this Bill will do the following:

The Bill introduces a passenger restriction for P1 drivers (under aged 25), allowing no more than one passenger aged 16 to 20 years (immediate family members are exempt and exemptions for employment will apply).

Research shows that young, inexperienced drivers are more likely to be involved in a serious crash when they have two or more peer passengers in the car. In South Australia, 27 per cent of drivers aged 16 to 19 years involved in fatal crashes from 2008 to 2012 were driving with two or more passengers, compared to 13 per cent of drivers aged 25 and over.

In recent years, Queensland, New South Wales and Victoria have all introduced a passenger restriction for their P1 drivers.

This amendment will mean that a P1 driver will not be allowed to carry more than one peer age passenger aged 16 to 20, with immediate family members exempt. The passenger restriction will not apply if a P1 driver is aged over 25 or if a Qualified Supervising Driver is present in the vehicle. It is also important to note that the restriction will apply for the duration of the P1 licence for 12 months.

P1 drivers will be exempt from the restriction if they are required to carry peer passengers during the course of their employment. P1 drivers will need to be able to provide evidence to prove that they are driving within exemption grounds. Police and emergency workers will also be exempt from this restriction if driving on duty.

The maximum penalty for breach of the restriction will be $1,250, which is the same as the penalty for breach of the provisional high powered vehicles restriction and the offence will be expiable. It will also attract 3 demerit points.

The Bill introduces a night-time driving restriction for P1 drivers (under age 25) between midnight and 5am (with an exemption system).

All drivers have an increased risk of crashing late at night, however the risk is much greater for inexperienced young drivers. In South Australia, 31 per cent of drivers aged 16 to 19 years who were involved in fatal crashes from 2008 to 2012 crashed between 10pm and 5am, compared to 14 per cent of drivers aged 25 years and over.

A night-time driving restriction was introduced in Western Australia in 2008.

This amendment will mean that a P1 driver will not be allowed to drive between midnight and 5am. The restriction will not apply if a P1 driver is aged over 25 or if a Qualified Supervising Driver is present in the vehicle. It is also important to note that the restriction will apply for the duration of the P1 licence for 12 months.

P1 drivers will be exempt from the restriction if they need to drive for employment (including formal volunteer work), education, training or sporting purposes. P1 drivers will need to be able to provide evidence to prove that they are driving within exemption grounds. As with the passenger restriction, police and emergency workers will be exempt if driving on duty.

The maximum penalty for breach of the restriction will be $1,250, which is the same as the penalty for breach of the provisional high powered vehicles restriction and the offence will be expiable. It will also attract 3 demerit points.

The Bill extends the total minimum provisional licence period from two to three years.

The total length of time a new driver must hold a provisional licence will be extended from two years to three. This would comprise 12 months on the P1 stage and 2 years on the P2 stage (up from the existing six months). This will extend the duration of conditions such as the zero blood alcohol limit, speed and vehicle power restrictions and a lower demerit allowance. Extending these conditions will help to keep our young drivers out of high-risk situations without impinging on their mobility.

The Bill removes regression to a previous licence stage following a disqualification period.

The requirement to regress following a period of driver disqualification to the previous licence stage than that held at the time of the offence is being removed. No strong evidence has emerged to suggest that this policy has improved road safety outcomes for young drivers. Instead, drivers who apply for a learner's permit or provisional licence following a disqualification will return to the stage they were at when they committed the offence resulting in the disqualification.

This Bill also contains a number of consequential amendments to the GLS such as:

- A night-time driving restriction for learner motorcyclists who have not already obtained a P2 or full licence for another class of vehicle. The amendment will ensure that inexperienced learner motorcyclists will receive the same level of protection as motorcyclists who hold a P1 licence. Learner motorcyclists are already subject to a passenger condition which restricts them from carrying more than one passenger, who must be a QSD.
- Currently, a novice driver who is disqualified for a serious disqualification offence must serve a six-month disqualification period, as they are not eligible for a Safer Driver Agreement, and this will not change. However, these drivers are also subject to a curfew when they return to driving, and must not drive between midnight and 5am unless a QSD is present in the vehicle. This curfew will become redundant with the introduction of the night-time driving restriction and is therefore being removed from the Act. A transitional amendment also provides that existing curfew conditions will cease to apply upon commencement of the new legislation. This will avoid confusion for provisional licence holders as to whether they are subject to the existing curfew (without an exemption system) or the new night-driving restriction (with an exemption system).
- The Hazard Perception Test (HPT) will become a requirement of graduation from L to P1 rather than from the current P1 to P2. This will allow a young driver's hazard perception skills to be tested before they are allowed to drive unsupervised.

It is important to note that these initiatives are not about punishing our young drivers, they are about protecting them. This Bill has the support of major stakeholders including the health sector, emergency services and the RAA. In conclusion, these amendments are based on sound evidence and represent the Government's commitment to reducing the number of deaths and serious injuries suffered by our young drivers, their passengers and other road users.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Motor Vehicles Act 1959*

4—Amendment of section 5—Interpretation

This clause amends some of the definitions consequentially to the new section 81A (to be inserted by clause 11).

5—Amendment of section 75—Issue and renewal of licences

This clause amends the minimum age for obtaining a licence from 16 years and 6 months to 17 years.

6—Amendment of section 75AAA—Term of licence and surrender

This clause makes a consequential amendment to section 75AAA(6) (reflecting the fact that P1 and P2 licences are no longer to be 2 different licences but just 2 different phases of the 1 provisional licence).

7—Amendment of section 75A—Learner's permit

This clause amends section 75A to introduce a new offence for 'prescribed learner's permit holders' who are novice motor bike riders under 25 years of age. The new offence relates to riding a motor bike on a road between midnight and 5am without a qualified supervising driver. It is a defence if the rider can establish that he or she was riding the motor bike in circumstances prescribed in proposed Schedule 2 (see clause 21), in the regulations or by notice in the Gazette (provided that such Gazette notices will have effect for a period not exceeding 6 months). The clause also consequentially deletes the current provision relating to driving a motor bike between midnight and 5am (in 75A(10)(c)).

8—Amendment of section 79—Examination of applicant for licence or learner's permit

This clause changes the current 'examiners' under section 79 to 'testers' (to help distinguish them from other examiners under the Act). The clause also removes the requirement for a person who is disqualified as a result of an offence as a learner to resit the theoretical test in order to regain a licence at the end of the period of disqualification and clarifies that, in all cases, it is sufficient if an applicant for a licence has, at some time in the past,

produced a certificate to the Registrar certifying that he or she has passed the theoretical test, so that there is no need to keep the certificate and produce it again if for some reason you need to reapply for a licence.

9—Amendment of section 79A—Driving experience

Section 79A is amended—

- to replace the requirement for a licence applicant referred to in section 79A(1)(a)(i)(A) to have held a learner's permit for periods totalling 15 months with a requirement that such an applicant have held a learner's permit for periods totalling at least 12 months (of which there must be a continuous period of at least 3 months since the end of the period of disqualification);
- to replace the requirement for a licence applicant referred to in section 79A(1)(a)(i)(B) to have held a learner's permit for periods totalling 9 months with a requirement that such an applicant have held a learner's permit for periods totalling at least 6 months (of which there must be a continuous period of at least 3 months since the end of the period of disqualification);
- to clarify that it is sufficient if an applicant for a licence has, at some time in the past, produced the required logbook and certificates to the Registrar, so that there is no need to keep these documents and produce them again if, for some reason, you need to reapply for a licence after a break of more than 5 years;
- to require completion of the hazard perception test before the grant of a provisional licence (rather than as a requirement to move from a P1 licence to a P2 licence).

10—Amendment of section 81—Restricted licences and learner's permits

This amendment is consequential.

11—Substitution of section 81A

This clause substitutes a new section 81A as follows:

81A—Provisional licences

New section 81A provides for the issue of provisional licences. The provisional licence may be issued as a P1 licence (in the circumstances set out in section 81A(2)) in which case it will be taken to be a P1 licence for a period of 12 months and thereafter will be taken to be a P2 licence. Alternatively, the provisional licence may be issued as a P2 licence in the limited circumstances set out in section 81A(3). Section 81A(4) sets out the provisional licence conditions, which apply to the provisional licence in both the P1 and P2 phases. Subsection (5) provides that a provisional licence holder cannot be granted a non-provisional licence unless he or she is at least 20 years of age, has had a P2 licence for at least 2 years and is not subject to alcohol interlock conditions. Subsection (6) allows a court disqualifying a person to order a longer P1 or P2 period in relation to the person. Subsection (7) allows the Registrar some discretion to waive or alter requirements of the section in granting a licence to a person who has held a foreign licence or who is of a class prescribed by the regulations (as per the current 81A(11)). Subsection (8) is the same as the current section 81A(12). The remaining subsections set out offences and other provisions relevant to those offences. The provisions in subsections (9) to (15) all have equivalents in the current section 81A, but subsections (16) to (21) contain new provisions applying to P1 drivers under the age of 25 and restricting driving between the hours of midnight and 5 am and driving with peer passengers in the vehicle.

12—Amendment of section 81BA—Safer Driver Agreements

This clause makes consequential amendments to section 81BA (including deleting the requirement that a person who has been granted a P1 licence after entering a safer driver agreement spend 2 years and 6 months at the P1 stage (instead of the usual current requirement of 2 years)).

13—Amendment of section 81BB—Appeals to Magistrates Court

This clause makes consequential amendments to section 81BB (including deleting the requirement that a person who has been granted a P1 licence after successfully appealing against a disqualification spend 2 years and 6 months at the P1 stage (instead of the usual current requirement of 2 years)).

14—Repeal of section 81BC

This clause repeals section 81BC which currently requires licence regression for a person who has progressed to a non-provisional licence but who then incurs demerit points in respect of offences allegedly committed while a provisional licence holder under the age of 19 years.

15—Amendment of section 81C—Disqualification for certain drink driving offences

16—Amendment of section 81D—Disqualification for certain drug driving offences

17—Amendment of section 98BD—Notices to be sent by Registrar

18—Amendment of section 98BE—Disqualification and discounting of demerit points

Clauses 15 to 18 each make a minor change to clarify the wording of the relevant sections of the Act and make them consistent with section 81B(1) (so they all refer to the Registrar 'becoming aware' of some fact).

19—Amendment of section 141—Evidence by certificate etc

20—Amendment of section 145—Regulations

Clauses 19 and 20 each make a consequential change to a cross reference.

21—Insertion of Schedule 2

This clause inserts a new Schedule as follows:

Schedule 2—Prescribed circumstances (sections 75A(21), 81A(17) and 81A(19))

This Schedule sets out various circumstances that will be 'prescribed circumstances' in which a driver may have a defence to the new offences in sections 75A and 81A relating to carriage of peer passengers and driving between midnight and 5am.

Schedule 1—Transitional provisions

The Schedule makes provisions of a transitional nature.

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

WORKERS REHABILITATION AND COMPENSATION (SAMFS FIREFIGHTERS) AMENDMENT BILL

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

CHILD SEX OFFENDERS REGISTRATION (MISCELLANEOUS) AMENDMENT BILL

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

ELECTORAL (FUNDING, EXPENDITURE AND DISCLOSURE) AMENDMENT BILL

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

EVIDENCE (DISCREDITABLE CONDUCT) AMENDMENT BILL

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

DISABILITY SERVICES (RIGHTS, PROTECTION AND INCLUSION) AMENDMENT BILL

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

COMMUNITY HOUSING PROVIDERS (NATIONAL LAW) (SOUTH AUSTRALIA) 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) (18:35): 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.

I am pleased to introduce the Community Housing Providers (National Law) (South Australia) Bill 2013 ('the Bill') to Members.

The community housing sector in South Australia has evolved significantly in scale, sophistication and services since the proclamation of the original SA Co-operative and Community Housing Act over 20 years ago. In recent years it has become broadly accepted that Australia is facing a housing shortage and particularly that there is a need for increased affordable, safe and supported housing for low-income and high-need South Australians. The State's not-for-profit sector has become an important supplier of affordable housing, now providing over 6,000 homes for households on lower incomes and it is important that we have a strong legislative and regulatory base which supports this growing sector and provides a firm basis for the future.

Jurisdictions around Australia have committed to the creation of a national system for the regulation of community housing providers. This is being introduced through template legislation to be passed in each participating jurisdiction. New South Wales passed legislation on 22 August 2012 and is hosting the system. All States and Territories have been extensively involved in the development of the National Law. South Australia confirmed its commitment to implementing the national system by signing the Inter-Government Agreement for a National Regulatory System for Community Housing Providers, on 31 August 2012.

The introduction of a national regulatory system will address a number of deficiencies which have resulted from disparate State-based systems. It also provides consistent mechanisms to assure government, tenants and applicants for housing along with private investors and other partners, that community housing providers are well governed, accountable and financially sound. This system will provide a legislative regime which is outcomes-

focussed so community housing providers can operate in an autonomous fashion whilst being held to a high standard of service delivery.

Implementation of the National Regulatory System requires the repeal of any existing systems which duplicate or contradict the scope and purpose of the National Law to ensure that community housing providers are subject to consistent regulation irrespective of which jurisdiction they operate in. This Bill will therefore supersede the *South Australian Co-operative and Community Housing Act 1991*.

Significant consultation has been undertaken with key stakeholder organisations which expressed strong support for the introduction of the national regulatory system as well as the proposed reforms to the administration of community housing in South Australia.

This national reform presents South Australia the unique opportunity to introduce new modernised legislation to govern the community housing sector, which recognises the changing needs of the sector and provides a solid foundation for future sector development.

I turn now to key provisions of the Bill.

The Bill is essentially split into two keys parts: the provisions to introduce the National Regulatory System for Community Housing Providers, through application of the National Law; and provisions to establish and effect funding of community housing providers in South Australia previously covered by the *South Australian Co-operative and Community Housing Act 1991*.

The Bill recognises that community housing services are being, and will continue to be, delivered by a wider range of not-for-profit organisations than currently registered housing co-operatives and housing associations. There is no longer a need to distinguish between different types of entities delivering community housing based solely on their corporate structure but rather there is a need to align regulatory responsibilities and requirements to the scope of activities and services delivered by community housing providers. These organisational performance requirements are outlined in the National Regulatory Code at Schedule 1 of the National Law. As a result the incorporation of Housing Co-operatives and associated management requirements will in future be covered by mainstream legislation as is the case in other jurisdictions, specifically the *Associations Incorporation Act 1985* or *Co-operatives Act 1997*.

Clause 11 provides for ministerial appointment of an independent Registrar responsible for monitoring the performance of registered community housing providers. The Registrar will be supported by an office staffed by current Housing SA employees, comparable to arrangements that have successfully operated in the New South Wales community housing sector for many years. This supports a strong view held by existing South Australian registered community housing providers, that greater separation and transparency is required between the funding and regulatory roles and responsibilities.

Existing provisions relating to the protection of government investment into community housing in South Australia are carried forward into this Bill, including the ability to register a statutory charge on the title of a community housing asset. It will also be a requirement for community housing providers to enter into a legal contract with Government, known as a community housing agreement, in order to retain existing funding and/or secure future government investment for the purpose of community housing.

New provisions have been included to ensure that tenants' rights and social housing outcomes are both protected when community housing providers seek authorisation to sell their community housing assets.

In summary, the key aims of the Bill are to: introduce a nationally consistent approach to regulation of registered community housing providers; provide a platform for registered community housing providers to operate more easily across jurisdictions; secure Government's financial and non-financial interests in community housing assets; clearly establish the separation of Government's dual roles of funding and regulation; and to provide greater public and commercial confidence in the capacity and professionalism of registered community housing providers.

I conclude by highlighting that this Government has seven key priorities for action where we can make the most difference to the lives of everyday working people and the most difference to the future prosperity of our State. One of these seven priorities is 'An affordable place to live' ensuring that South Australians have access to affordable housing choices.

The introduction of this Bill is a major step forward in fulfilling this Government's commitment to the creation of an integrated multi-provider housing and homelessness system, improving choice and quality of service for those people who are disadvantaged in our community.

A nationally consistent system of regulation will provide greater confidence that community housing is delivered by robust, accountable and socially responsible organisations. Providers will be held to a high standard of governance and financial viability and will be accountable for the quality of services delivered such as tenancy management, community engagement, and asset stewardship.

Greater public and commercial confidence in the community housing sector, stimulated by this once-in-a-generation national reform, will further encourage innovative public/private partnerships as well as third party investment in and charitable contributions to the sector. This in turn will maximise Government investment and help create more affordable housing choices for South Australians.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This measure will commence on a date to be fixed by proclamation.

3—Interpretation

This clause sets out the interpretation of certain terms used in the local application provisions of this measure (those provisions of this measure, other than the *South Australian Community Housing Providers National Law*).

Terms used in both the local application provisions of this measure and in the *Community Housing Providers National Law (South Australia)* have the same meaning unless otherwise indicated.

Part 2—Application of *Community Housing Providers National Law*

4—Application of Community Housing Providers National Law

This clause applies the text set out in Schedule 1 of the measure (the *Community Housing Providers National Law*) as a law of South Australia and states that in so applying may be referred to as the *Community Housing Providers National Law (South Australia)*.

This clause also provides that if the National Law (as passed by the New South Wales Parliament) is amended by that Parliament, then a corresponding amendment may be made to the *Community Housing Providers National Law (South Australia)* (as set out in Schedule 1 of this measure) by regulation. These regulations may make additional provision including a modification of an amendment made by the New South Wales Parliament, or to provide for related or transitional matters, that may be necessary to ensure the amendment has proper effect in South Australia.

5—Meaning of certain terms in Community Housing Providers National Law for the purposes of this jurisdiction

This clause sets out the meaning of certain terms used in the *Community Housing Providers National Law* for the purposes of this jurisdiction. This includes *Appeal Tribunal* which is defined to mean the Housing Appeal Panel established under the *South Australian Housing Trust Act 1995*.

6—Exclusion of legislation of this jurisdiction

This clause disapplies the *Acts Interpretation Act 1915* to the *Community Housing Providers National Law (South Australia)*. (Clause 4(3) of the National Law provides that it is to be interpreted in accordance with the *Interpretation Act 1987* of New South Wales.)

7—Community housing legislation

This clause declares the provisions of this measure that are to be taken to be 'community housing legislation' for the purposes of the National Law.

8—Community housing assets

This clause provides that for the purposes of the *Community Housing Providers National Law (South Australia)*, a 'community housing asset', in addition to the meaning given to the term by the National Law, also includes an asset identified as such in an agreement between a community housing provider and a Housing Agency, or any asset or class of assets declared by the regulations to be a 'community housing asset'. The Minister may also by notice in the Gazette, exclude an asset or class of assets from the ambit of the definition of 'community housing asset' for the purposes of this jurisdiction.

9—Housing Agency

This clause provides that for the purposes of the *Community Housing Providers National Law (South Australia)*, the Minister or the South Australian Housing Trust (SAHT) is declared to be a 'Housing Agency'.

10—Relevant Minister

For the purposes of the *Community Housing Providers National Law (South Australia)*, the 'relevant minister' will be the Minister responsible for the administration of this measure.

11—Registrar

The National Law allows for each jurisdiction to appoint a registrar for the purposes of the *Community Housing Providers National Law* as it applies in that jurisdiction. This clause provides that for the purposes of the *Community Housing Providers National Law (South Australia)*, the Minister may appoint a public service employee as Registrar. The functions of the Registrar set out in section 10 of the *Community Housing Providers National Law (South Australia)* are limited to exercising those functions in relation to the administration and operation of the National Law.

12—Delegation of functions by Registrar

Section 11 of the National Law allows for the declaration of persons or class of persons to whom functions of the Registrar may be delegated for the purposes of this jurisdiction. This clause provides that for the purposes of the *Community Housing Providers National Law (South Australia)*, this may be a person employed by the Department, an authorised officer or a person prescribed by the regulations.

13—Fees

This clause provides that the fees for an application for registration as a community housing provider are to be prescribed by regulations.

14—Appeal Tribunal—related matters

This clause provides for appeals to be made to the Appeal Tribunal (the Housing Appeal Panel established under the *South Australian Housing Trust Act 1995*) for the purposes of an appeal under the *Community Housing Providers National Law (South Australia)*. The clause sets out the powers of the Appeal Tribunal and procedural matters in relation to such an appeal. A party to proceedings before the Appeal Tribunal, may with the permission of the Supreme Court, appeal to the Court against a decision of the Appeal Tribunal under this clause on a question of law.

Part 3—Additional South Australian provisions relating to community housing

Division 1—Interpretation

15—Interpretation

This clause sets out the meaning of terms such as '*community housing agreement*' that are used in the additional provisions that apply in South Australia in relation to community housing, as set out in this Part.

Division 2—Administration

16—Functions and powers of Minister

This clause sets out the functions and powers of the Minister in relation to community housing. These have been adapted from the current *South Australian Co-operative and Community Housing Act 1991* to take into account the national registration scheme for community housing providers. These include to support the activities and promote the best interests of community housing providers (so far as appropriate), to promote the development of community housing in South Australia, and to oversee the activities of community housing providers in connection with the administration of this measure.

17—Power of Minister to delegate

This clause provides that the Minister may delegate his or her functions under this measure to the SAHT, to a particular person or body, or to a person holding a particular position or office.

18—Functions and powers of SAHT

This clause sets out the functions of the South Australian Housing Trust (SAHT) in relation to this measure. These have been adapted from the current *South Australian Co-operative and Community Housing Act 1991* and take into account the national registration scheme for community housing providers. These functions include to assist the Minister in relation to the administration of this measure, to report to the Minister on matters relating to community housing providers and to manage funds that come under SAHT's control in connection with this measure.

19—Power of SAHT to delegate

This clause provides that SAHT may delegate any of its functions and powers under this measure.

Division 3—Community housing agreements, property and financial matters

20—Community housing agreements

This clause provides that SAHT may require a registered community housing provider to enter into an agreement (*a community housing agreement*) where SAHT provides funding, land or other property to the community housing provider, or SAHT provides assistance in relation to the acquisition, construction, development or improvement of land for the benefit of a community housing provider. A community housing agreement may include provisions requiring a community housing provider to meet certain standards and targets in relation to community housing services and programs, and ensuring that funding, land, property or other assistance is used for the purpose for which it is provided. An agreement may also cover the sale of land in which SAHT has an interest by the community housing provider, and provide for the imposition of a charge or other security over land to secure money that may be payable under the agreement. An agreement may also set out conditions or other requirements that must be complied with on the cancellation of the registration of the provider under the National Law. If a community housing provider fails to comply with the agreement, the agreement is voidable at the option of SAHT (in which circumstance SAHT may take steps to enforce any relevant charge over the land and recover any outstanding funds). This clause also provides that the regulations may make provision in relation to community housing agreements including the terms and conditions that must be included.

21—Community housing agreement binding on community housing providers

This clause provides that a community housing agreement is binding on the community housing provider whether or not that provider remains registered.

22—Creation of charge

This clause provides for the imposition of a charge over real property by SAHT by notice to the Registrar-General, who must, on receipt of the notice (along with any required documents or instruments) enter the appropriate notation in the Register Book. While a charge exists over real property, the Registrar-General must not register an instrument that affects the property unless the instrument was executed before the charge was created, or the instrument is of a prescribed type, or SAHT consents to its registration or the instrument relates to the transfer or sale of real property in relation to the enforcement of a charge under clause 23.

23—Enforcement of charge

This clause sets out the process for enforcing a charge if a community housing provider fails to comply with the terms of a community housing agreement. Steps to enforce a charge under this clause must not be commenced until any process that is set out in the community housing agreement to resolve the matter are complied with. Under this clause, SAHT must give the community housing provider written notice of the breach to be remedied. If the breach is not remedied in the time specified (which must be at least 1 month), SAHT may apply to the Minister for an order that steps be taken to transfer the property to another registered community housing provider. However, if the Minister considers that this is not reasonably practicable or appropriate, then the Minister may order that steps be taken to transfer the property to SAHT or to sell the property on the open market. It is an offence for the community housing provider to fail to comply with an order within reasonable time, and failure to act may result in the Minister taking such steps as may be necessary to give effect to the order. If property is transferred under an order to another community housing provider or to SAHT (which will be taken to be at market value), then any amount that is payable to the community housing provider under the community housing agreement on account of assets or money provided by that provider must be paid to the provider. If the property is sold on the open market, the proceeds of sale must be applied in the order of precedence as set out in this clause.

24—Dealings with land in which SAHT has an interest

Under this clause, a community housing provider must not sell, transfer, assign, mortgage or otherwise deal with land in which SAHT has an interest, or that is subject to a charge under this measure, unless it has the consent of SAHT. SAHT must not unreasonably withhold consent. However, consent may be withheld if SAHT is not satisfied that the net proceeds of the dealing with the land will be applied to the further acquisition or development of community housing. SAHT must also be satisfied that significant detriment will not be suffered by any tenants of the property as a result of the dealing. SAHT may require that money obtained from the dealing with the land to which it has consented be paid to SAHT, but subject to the terms of a community housing agreement, any prescribed principles and following the discharge of any encumbrance that may rank ahead of any relevant charge under this measure.

25—Appeals

A community housing provider that is aggrieved by a decision of the Minister to issue an order under clause 23 or a decision of SAHT to withhold consent to a dealing with the land under clause 24, may appeal to the District Court.

Division 4—Transfer of property etc

26—Transfer of property etc

This clause provides that the Minister may with the agreement of the Treasurer, by notice in the Gazette, transfer an asset, right or liability of the Minister to SAHT. Similarly, an asset, right or liability of SAHT maybe transferred to the Minster, the Crown or another agent or instrumentality of the Crown or another prescribed body in prescribed circumstances.

Part 4—Miscellaneous

27—Appointment of authorised officers

This clause provides for the appointment of authorised officers for the purposes of this measure, as the Minister thinks fit.

28—Powers of authorised officers

Authorised officers may exercise the powers set out in this clause for the purpose of investigating a prescribed matter. A prescribed matter is defined to mean any matter relevant to ascertaining whether the provisions of this measure or the *Community Housing Providers National Law (South Australia)* have been complied with. It also includes any matter that in the opinion of the Minister, SAHT or the Registrar requires investigation for the proper exercise or performance of a power or function under this measure or the *Community Housing Providers National Law (South Australia)*. It also includes any matter that relates to the operation or enforcement of the terms or conditions of a community housing agreement or any other matter prescribed by the regulations. The powers of an authorised officer include requiring a person to furnish relevant information, to answer questions, or produce relevant books, documents or records. An authorised officer may examine, copy or take extracts from, or take possession of, any such books, documents or records or information produced. It is an offence to hinder an authorised officer or to refuse to comply with a requirement.

29—False information

Under this clause, it is an offence to provide information that a person knows is false or misleading or to provide or produce any document that the person knows is false or misleading in a material particular, in connection with a requirement under this measure or the *Community Housing Providers National Law (South Australia)*.

30—General power to grant extensions and exemptions

This clause provides the Minister with the ability, on the application of a community housing provider, to extend any limitation of time under this measure, or to exempt a community housing provider from the obligation to comply with a provision of this measure.

31—Evidentiary provision

This clause provides that a document purporting to be a copy of any document registered or lodged under this measure and certified by the Minister as a true copy, is to be accepted in any legal proceedings as a true copy of that document in the absence of proof to the contrary.

32—Continuing offences

If, after a person is convicted of an offence against this measure, the person continues in the act or omission that constituted the offence, the person is guilty of a further offence and liable to an additional penalty for each day on which the act or omission continues of an amount not exceeding one tenth of the maximum penalty for the offence of which the person was convicted.

33—General defence

It is a general defence for an offence against this measure for the defendant to prove that in the circumstances, there was no failure on the part of the defendant to take reasonable care to avoid the commission of the offence.

34—Remission from taxes etc

This clause provides that a registered community housing provider that is liable for the payment of rates charged with respect to community housing owned by the provider, is entitled to claim a remission of rates under the *Rates and Land Tax Remission Act 1986* equal to any remission of rates under that Act that a tenant or resident occupying the premises could claim in respect of those premises if he or she were the owner. Under this clause the Treasurer may, by notice in the Gazette, exempt SAHT in connection with any matter or circumstance arising under this measure, or instruments to which the Minister, SAHT or a community housing provider is a party from a tax, duty or other impost.

35—Service

This clause provides for the methods of service in relation to a notice or document required or authorised by or under this measure.

36—Fees in respect of lodging documents

This clause provides that a document will not be taken to have been lodged under this measure if any fee required is not paid. However, the Minister has the power to waive or reduce fees and refund in whole or in part, any fee payable under this measure.

37—Regulations

This clause provides that the Governor may make regulations in relation to the local application provisions of this measure, or in relation to any matter that the *Community Housing Providers National Law (South Australia)* requires or permits to be prescribed by the regulations.

Schedule 1—Community Housing Providers National Law

This Schedule sets out the provisions of the Community Housing Providers National Law. These provisions may be summarised as follows:

Clause 1 sets out the name (also called the short title) of the National Law.

Clause 2 provides for the commencement of the National Law in a participating jurisdiction to be as provided for by an Act of that jurisdiction.

Clause 3 provides for the objects of the National Law.

Clause 4 defines certain terms for the purposes of the National Law, including *community housing* which means housing for people on a very low, low or moderate income or for people with additional needs that is delivered by non-government organisations. *Primary Registrar*, in relation to a particular unregistered entity or registered community housing provider, is defined as the Registrar for the primary jurisdiction of the entity or provider.

Clause 5 defines *primary jurisdiction* in relation to an unregistered entity or a registered community housing provider. Generally, this will be the participating jurisdiction in which the unregistered entity or registered community housing provider provides (or intends to provide) the majority of its community housing. The Registrars of the participating jurisdictions may agree to a different primary jurisdiction in relation to a particular unregistered entity or registered community housing provider.

Clause 6 provides for the Register established under the National Law to operate as a single National Register.

Clause 7 provides for the extraterritorial operation of the National Law.

Clause 8 provides that the National Law binds the Crown in right of a participating jurisdiction.

Clause 9 requires there to be a Registrar appointed for each participating jurisdiction.

Clause 10 sets out the functions of the Registrar which include maintaining the Register of community housing providers, registering entities as community housing providers and monitoring compliance of registered community housing providers with the National Law and the other provisions of the jurisdiction declared to be community housing legislation.

Clause 11 enables the Registrar of a jurisdiction to delegate the Registrar's functions under the National Law to other Registrars or to persons specified in the community housing legislation of the jurisdiction.

Clause 12 establishes the National Register of Community Housing Providers and specifies the information that is to be recorded on it.

Clause 13 enables an entity that provides or intends to provide community housing to apply to the primary Registrar for registration as a community housing provider under the National Law or a variation of registration. If the application is made to a Registrar who is not the primary Registrar, the Registrar to whom the application has been made must refer it to the primary Registrar.

Clause 14 requires the primary Registrar to approve an application for registration if satisfied that the application has been duly made and the requirements of the National Law and the community housing legislation of participating jurisdictions (including the conditions of registration) will be complied with.

Clause 15 requires a registered community housing provider to comply with the conditions of registration and sets out those conditions. The conditions include that the provider must comply with any applicable requirements of the community housing legislation of a participating jurisdiction in relation to the transfer of, or other dealing with, any community housing assets of the provider and that the provider must have provision in its constitution for all its remaining community housing assets in a participating jurisdiction on its winding up to be transferred to another registered community housing provider or to a Housing Agency in the jurisdiction in which the assets are located. There are also conditions relating to the provision of information to a Registrar, compliance with certain provisions of the National Regulatory Code set out in Schedule 1 to the National Law and the keeping of a list of all of the community housing provider's community housing assets.

Clause 16 enables the primary Registrar for a registered community housing provider to cancel the provider's registration if the provider applies for cancellation or it has been wound up or has otherwise ceased to exist. The primary Registrar may also cancel the registration of a registered community housing provider if the primary Registrar has issued a notice of intent to cancel registration, has not been satisfied by the provider that the registration should not be cancelled and has notified the provider of the proposed cancellation.

Clause 17 provides that action may be taken under the proposed Part by a primary Registrar for a registered community housing provider if the Registrar reasonably believes that the provider is not complying with the community housing legislation of a participating jurisdiction.

Clause 18 enables the primary Registrar for a registered community housing provider to issue a notice of non-compliance to the provider identifying the matters that are to be addressed and the period for doing so to avoid cancellation of the provider's registration.

Clause 19 enables the primary Registrar for a registered community housing provider to issue written instructions to the provider specifying the manner in which the provider is to address any matters that are the subject of a notice of non-compliance.

Clause 20 enables the primary Registrar for a registered community housing provider to issue a notice of intent to cancel registration if the provider has not addressed the matters identified in a notice of non-compliance or in the written instructions within the required period or if the failure to comply is serious and requires urgent action.

Clause 21 provides that the primary Registrar may appoint a statutory manager of a registered community housing provider to conduct specified affairs and activities of the provider that relate to the community housing assets of the provider. That action may be taken only after the issue of a notice of intent to cancel registration or if the Registrar forms the opinion that the failure to comply is serious and requires urgent action.

Clause 22 contains provisions relating to the appointment of, and exercise of functions by, a statutory manager.

Clause 23 declares proposed sections 19 and 21 to be Corporations legislation displacement provisions for the purposes of section 5G of the *Corporations Act 2001* of the Commonwealth. The effect of the declaration is to enable those proposed sections to prevail despite any inconsistencies with the Commonwealth Act.

Clause 24 provides that there is no compensation payable by or on behalf of a State (which includes the Crown in right of a participating jurisdiction) in connection with the operation of the proposed Part.

Clause 25 provides a right of appeal against certain decisions of a Registrar under the National Law.

Clause 26 imposes a duty on a Registrar and any delegate of a Registrar not to disclose information obtained in the course of the administration of the National Law except in specified circumstances.

Schedule 1 contains certain requirements relating to the conduct and management of the affairs of a registered community housing provider.

Schedule 2—Internal disputes

This Schedule sets out provisions in relation to procedures for dealing with internal disputes between registered community housing providers and tenants and members in particular circumstances.

Schedule 3—Repeal, related amendments and transitional provisions

This Schedule repeals the *South Australian Co-operative and Community Housing Act 1991*, makes related amendments and sets out the transitional provisions in relation to the measure and the application of the National Law in this jurisdiction.

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

At 18:36 the council adjourned until Thursday 26 September 2013 at 11:00.