LEGISLATIVE COUNCIL

Wednesday 27 November 2013

The PRESIDENT (Hon. J.M. Gazzola) took the chair at 10:31 and read prayers.

SITTINGS AND BUSINESS

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) (10:32): I move:

That standing orders be so far suspended to enable petitions, the tabling of papers, question time and statements on matters of interest, notices of motion and orders of the day, private business, to be taken into consideration at 2.15pm.

Motion carried.

ELECTORAL (LEGISLATIVE COUNCIL VOTING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 November 2013.)

The Hon. S.G. WADE (10:35): I rise on behalf of the Liberal opposition to support the Electoral (Legislative Council Voting) Amendment Bill 2013. The bill is a miscellaneous set of amendments to strengthen our electoral legislation. They are part of an effort by the government to deal with the threat of microparty gaming as evident in the recent Senate election. I note the comments of some honourable members yesterday in this second reading debate on this bill. There were suggestions that the bill is rushed and was an attack on minor parties. Both of those claims may be true, but the members can hardly complain.

All the honourable members who spoke yesterday, supported progressing Hon. Mark Parnell's optional preferential voting bill a fortnight ago. It was rushed, it was being progressed in less than a month after it had been tabled, it involved much greater reform than proposed by this bill, and it risked major system failure in the electoral process at the next election.

The fact that the government backed down on statements to the opposition to progress the bill, and the fact that crossbenchers supported that bill, was one of the poorest displays of legislative practice I have experienced. In my view, the crossbench has no right to complain, in terms of the time frame on this bill, given their behaviour on the optional preferential voting bill.

The government and opposition have accepted the advice of the Electoral Commissioner and are of the view that an optional preferential voting system could not be implemented before the 2014 election, yet crossbenchers persist in demanding that outcome. They did it again in the debate on this bill yesterday. The crossbench can hardly complain that their ideas are not taken seriously when they persist in advocating what is unachievable.

Before I turn to the content of the bill, I want to acknowledge the constructive way the Attorney-General has engaged the opposition in relation to this bill, and I understand from a number of honourable members that the government has engaged members broadly. It is not an agreed bill, but I think the government has made significant efforts to take into account the range of interests of electoral players, and that is how it should be. Our electoral system is the rules of the game; it is not appropriate that one of the players should write the rules to suit them. Electoral legislation, perhaps more than any other set of laws, should be supported by a broad consensus.

As I said, the opposition does not agree with every element of the bill. We have moved an amendment, we will be supporting a crossbench amendment, and we intend to pursue some issues in the committee stage which may well lead to proposed amendments. However, let me stress that we support the bill.

Let me address each of the key issues in turn. The bill will require that a potential candidate receives the support and signatures of 100 electors to get on the Legislative Council ballot paper, as opposed to the current requirement for two. The opposition supports an increase in the number of nominators required for a Legislative Council candidacy. We regard that as a modest litmus test of the credibility of the candidate.

Every person has the right to participate in our democracy, including the right to stand for parliament themselves. The Hon. Mark Parnell reflected widely-held views yesterday when he said:

> ...when it comes to barriers to entry, we want barriers to entry to parliament, we do not necessarily want barriers to entry to the ballot paper, because in a democracy, people should have the right to be able to run for parliament, but a barrier to entry to being elected, I think, is quite a legitimate and reasonable thing to call for, and that barrier should be the level of public support that you have. If you do not have a level of direct public support, then you should not be elected to state parliament. So, that is where we believe the barrier should apply.

I am quoting that favourably, but I would like to suggest that the nomination requirements should not actually be seen as a barrier. I think a barrier is like a nomination fee; an exorbitant nomination fee which is beyond the means of the ordinary person I think is a barrier to entry. However, I would submit to the Hon. Mark Parnell and the other members that we should not see the nominator requirements in that regard. I would prefer to see them, if you like, as prequalification requirements: if you cannot get that number of nominators to support you to put your name forward, you are unlikely to get their support in pursuit of your candidacy.

In relation to ballot grouping and the order, the bill provides that only registered political parties and groups, with the support of 200 different electors, may lodge voting tickets and have an above-the-line voting square. We also support changes to place registered political parties before other groups and candidates on the ballot paper, and in that respect my understanding is that that represents Senate practice.

I think the jury will be out as to whether that is to the benefit of the major parties. It certainly will make it easier: if people are inclined to vote against the major parties, it will be easier to find the people who are not the major parties—they will just go to the right of the paper. Still, we will see what impact it has, if any.

Another issue in this bill was the descriptors for Independents. The proposal of the government is to reduce the number of words in the descriptor from five to two. The Liberal Party certainly shares concerns about the misuse of ballot papers. The Electoral Commission is not in the business of producing political messages for candidates; in other words, major parties are required to not allow their how-to-vote cards to be distributed within six metres of the polling booth, but some of the descriptors of some of the candidates are almost a political message inside the polling booth.

The opposition does support trimming. I am certainly not naive enough to think that it will actually stop the messages. A two-word slogan can be a very powerful message. Having grown up in Tasmania, I know that 'No dams', and the yellow triangle, is one of the most enduring political slogans in Australia. 'Independent: No dams' is just as much a slogan as a five-word descriptor—'No dams, let the Gordon River flow free'—or whatever it might be. Certainly a larger descriptor allows you to have a more nuanced message, but short ones can still be powerful—that is my only point.

Considering that the proposal to increase the nomination fee is a matter for regulation, we commend the government for being up-front about the fact that they intend to increase the nomination fee. It is proposed to be increased from $450 to $2,000. This, I suppose, goes back to the issue we were discussing with the Hon. Mark Parnell and whether it is a reasonable barrier to entry. In my view $2,000 is reasonable, and I suppose in supporting my case I draw people's attention to the commonwealth. The commonwealth requires a nomination fee of $2,000, and I did not notice any dearth of candidates at the last federal election.

As I said earlier, this bill should be seen as part of the efforts to deal with the threat of microparty gaming, as evident in the recent Senate election. One of the issues we discussed at the CEDA Forum, which the Hon. Mark Parnell, the Hon. Dennis Hood and, I think, the Hon. John Darley attended in October was: what is a legitimate microparty and what is a non-legitimate microparty? I made the point at that forum that a party with a low starting vote might, nevertheless, reflect mainstream values and be quite legitimately receiving preferences from a wide range of voters, and I used D4D as an example there. To suggest that microparty groups reflect fringe issues and that somehow their receipt of preferences is illegitimate is, I think, a simplistic approach.

The Legislative Council has shown its eagerness to act. The council was favourably disposed to the Hon. Mark Parnell's OPV bill when we last discussed it, much to my distress, because I believe it is important for us to maintain the integrity of the electoral system, and I do not believe we can be confident that we will have a robust electoral process in March 2014 if we were

to impose the optional preferential voting process. The opposition will not support OPV or Sainte-Laguë before the 2014 election.

We appreciate the Hon. Dennis Hood has an amendment in relation to a threshold. It would be fair to say that earlier on in this process we were very sceptical about a threshold but, on reflection, the Liberal Party's view is that, as a short-term measure, considering that the parliament seems to be clamouring to do something, we regard that as, if you like, the best of the worst options and we will be looking forward to the discussion on the Hon. Dennis Hood's amendment.

I may conclude my remarks there and say that I look forward to the committee stage. I would say that we have a large amount of material in the in-tray for what I would hope would be a future parliamentary committee. There was a select committee on electoral matters in this parliament which highlighted particular issues in relation to postal voting and voting for people with disabilities. The most recent debate we had, on what I would call electoral miscellaneous No. 1, highlighted even more issues in relation to postal voting, and I think these discussions post the federal election have raised even more issues such as Sainte-Laguë and OPV and a whole range of reforms that are worthy of consideration.

I will certainly have more to say on this in terms of the consideration of the bill in the committee stage but suffice to say at this point that the opposition welcomes being an active player in that discussion. Our reticence to implement a reform before the 2014 election should not be seen as a lack of interest in reform: it is a matter of reform being orderly and properly considered. With those remarks, I reiterate the opposition's support for the Electoral (Legislative Council Voting) Amendment Bill 2013 and look forward to the committee stage of the bill.

The Hon. D.G.E. HOOD (10:46): I want to place on the record the view of Family First on this bill. Family First is largely supportive of the bill. I think, like the opposition, we have very significant concerns about substantial change to the electoral system in the closing week of parliament for the four-year term. It has been quite a debate that we have had in this chamber in recent weeks on this issue. We have had a number of models presented. There is the Sainte-Laguë system, which I must confess I had never heard of until a few weeks ago, and neither had many—

The Hon. S.G. Wade: Neither had the Attorney.

The Hon. D.G.E. HOOD: And neither had the Attorney-General, I am informed. In fact, he did tell me that. I consider myself a student of electoral systems and it was a new one to me. We have known about optional preferential voting for some time—it has been around for a while—but it does require a very substantial change to our current system of electing members to this place and Family First is on the record as making it absolutely clear we will not support optional preferential voting in the short term, that is, prior to the 2014 state election.

I want to make it clear to members in this place that we are open to those discussions after the 2014 election. It may well be that that is the best system to elect members to the Legislative Council. However, it is a matter that I think we should do carefully and properly. Whoever the government is after March, perhaps in the first 12 or 18 months of that government, they could present it and then give this place time to properly consider it so that it is enacted at least 12 or 18 months before the next election and then all the relevant political parties, Independents and groups have time to consider what that new legislation means for them.

I would like to place on record, also, my thanks to the government (particularly the Attorney-General) and the opposition (particularly the Hon. Stephen Wade) for their constructive discussions throughout this debate. It is inevitable that, for political parties, self-interest plays a role in these issues, but I think I can honestly say that both those individuals seem to be seeking the right outcome for the people of South Australia, as I believe Family First has also, and that will always be our objective. I think it is in the interests of our parliament that people are elected to this place with a decent representation.

Of course, the way this bill came about, as the Hon. Mark Parnell mentioned in his contribution a couple of weeks ago when we were debating his bill on optional preferential voting, was that we saw a couple of individuals (I do not need to name them because we all know who they are) elected to the Senate on very low votes in the recent federal election.

I think that is something that the public at large simply does not support. The public expects that people elected to an upper house of parliament, whether it be state or federal, would have a decent level of support. The word is 'decent'. What is a decent level of support? That is, of course,

a matter for debate. To some people, that may be something in the order of 5 per cent, it may be 8 per cent to others, it may be 1 per cent to others—it really depends on your own perspective.

That brings me to my amendment. Members will note that I filed an amendment which introduces a 2.5 per cent threshold for the primary vote. A candidate would not be able to be elected to the Legislative Council if they achieve less than 2.5 per cent of the primary vote in the upcoming state election.

I confess at the outset that this is not a perfect amendment, but what is attractive about it is it is a minor change to the electoral system in the sense that it is very clear, very simple and is able to be absolutely determined: either someone got 2.5 per cent or they did not. It will fix the issue of people getting elected on very small amounts through the so-called 'gaming' of the system for this election, and then, I think, it will be incumbent on members in this chamber and, again, whoever the new government may be—if there is a new government or the current government continues—to determine what is in the best long-term interests of the people of South Australia.

I really did not want to say much more than that. I just reiterate that Family First supports the general thrust of this bill. We are concerned that it has been done very quickly. We have looked at it as best we can with the resources we have available. I know the government has been working overtime, as has the opposition. Again, I thank them for their cooperation, and I look forward to the committee stage of the bill.

Debate adjourned on motion of Hon. Carmel Zollo.

WORKERS REHABILITATION AND COMPENSATION (SAMFS FIREFIGHTERS) AMENDMENT BILL

In committee.

Clause 1.

The Hon. T.A. FRANKS: I ask the government to provide the financial impact of this bill as it currently stands.

The Hon. G.E. GAGO: I have been advised it is $1.8 million for the volunteer firefighters and $2.6 million for the career firefighters.

The Hon. T.A. FRANKS: Just to clarify the figure regarding the volunteer firefighters, is that as per the government amendment to the government bill? How is that calculated in terms of incidences? How many volunteer firefighters were deemed not to fall within the purview of this bill, given those incident requirements?

The Hon. G.E. GAGO: I am advised that the calculation was based on 800 firefighters and 35 incidents per annum, and the number of incidents per annum, I am advised, was based on the number of incidents observed by retained firefighters.

The Hon. T.A. FRANKS: I move:

Amendment No 1 [Franks–1]—

Page 2, line 3—Delete '*SAMFS*'

This is the first of three amendments that I have. It simply deletes the reference to 'South Australian Metropolitan Fire Service', because the intention of my amendments will be to cover the CFS and the MFS on a parity, so there will be no need for the bill to refer only to the Metropolitan Fire Service.

The Hon. G.E. GAGO: Which amendment are you moving?

The Hon. T.A. FRANKS: I have moved my amendment to change SAMFS and delete that from the title of the bill.

The Hon. G.E. GAGO: Which amendment number is it?

The Hon. T.A. FRANKS: It is [Franks-1] 1.

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

Amendment No 1 [AgriFoodFish–1]—

Page 2, line 3—After '*SAMFS*' insert 'and *SACFS'*

This amendment ensures that the operation of the bill is extended to volunteer firefighters registered with the SA Country Fire Service. Basically the amendment inserts 'SACFS' after 'SAMFS'.

The Hon. R.L. BROKENSHIRE: My question is to the Leader of the Government for an explanation. Is the minister saying that, as a result of the movement of her amendment, the minister and therefore the government support the Hon. Tammy Franks? I just want to get clarification on that but also to put on the record that Family First very strongly supports the Hon. Tammy Franks's efforts and any amendments that she puts forward to ensure that fairness and equity occur with this matter, whether you are a paid firefighter with the South Australia Metropolitan Fire Service or whether, indeed, you are a volunteer professional firefighter with the Country Fire Service of South Australia.

We can see that there should never be any differential and we see no rationale to differentiate. I also say, whilst the minister seeks to answer my question, that colleagues will note that the report of the community safety and emergency services select committee—which was tabled yesterday and which will be debated in private members' time today—has absolutely confirmed the importance of Country Fire Service volunteers getting the same opportunity as paid Metropolitan Fire Service staff.

The Hon. J.A. DARLEY: I am on record as supporting the Hon. Tammy Franks' amendments, and I strongly support them now.

The Hon. K.L. VINCENT: I put on the record anew that Dignity for Disability strongly supports the Hon. Ms Franks' efforts in this area and will continue to do so.

The Hon. R.I. LUCAS: I put on the record that this is similar to an amendment moved by the Liberal Party in the House of Assembly and for those reasons, and for the reasons I outlined in the second reading, we will be supporting the amendment as well.

The Hon. T.A. FRANKS: For the record, I indicate that the Greens will not be supporting the government amendment. The government amendment continues to put further barriers to the CFS falling under the purview of the scheme, barriers that are not put in place for MFS career firefighters. It treats the two groups differently. Yes, there may be some parity there with some members, but overall MFS members automatically qualifies under this bill once they reach the very high criteria set out in the schedule of 12 cancers for the number of years of service and, indeed, for that service being tied to the act of being a firefighter, which is defined in the bill as the significant portion of their work being in the act of firefighting As I said in my second reading speech, it certainly does not apply to receptionists or people who are not in the field.

I concur with the Hon. Rob Lucas that these are the same as the Liberal amendments in the other place. We believe that the better way forward is to treat all firefighters equally, and that is what the Greens' amendments do. The government amendments do make some concessions, and I acknowledge that the government has come some way to better recognising CFS firefighters in its amendments, but they do not go the full way to providing full equality. With those words, the Greens oppose the government amendments. I strongly endorse the Greens amendments to all members in this place.

The Hon. R.L. BROKENSHIRE: I am a little confused in relation to this whole matter—some say that is because I am from the country, and that may or may not be the case. For clarity and qualification, can the minister rule in or rule out that the rationale for the government's pushing this bill for paid firefighters only is to do with some backdoor agreement with the union and maybe funding issues as we head towards the election?

Can the minister put on the public record the reason for the government's giving something to one lot of firefighters and not to another? We will be opposing the amendment, but I need to have an answer to this question. It is beyond belief! We have not had a reason put to this committee as to why the government would do something for some but not for the other. Having once been an active member of the CFS, and as minister having worked with them and having observed what they do with their training, I can say that CFS firefighters attend bushfires, vehicle accidents, structural fires, oil fires and tyre fires—all of the fires—

The Hon. T.A. Franks: Car fires.

The Hon. R.L. BROKENSHIRE: Car fires—all of the fires that the MFS attend. They are no more protected in the work they do, sadly, in terms of the risks associated with cancer, than

paid firefighters. Can we have a clear and precise reason why the government has gone down this bizarre track?

The CHAIR: It is in the second reading speech.

The Hon. G.E. GAGO: The difference between the Hon. Tammy Franks' amendment and the government's amendment is that, basically, the government's amendment seeks to introduce a threshold to country volunteer firefighters for cover. That threshold, as I said, is the 35 exposures per annum, whereas the Hon. Tammy Franks' amendment, if that was to get up, removes that threshold completely. It would, in short, provide exactly the same entitlements or coverage for career firefighters as it would for the country volunteer firefighters.

The government's rationale for providing a different level of protection, if you like, is based, I am advised, on evidence that suggests career firefighters are far more exposed to structural fires and it is that exposure that increases the risk of cancers and other health risks; whereas the country voluntary firefighters are less exposed to those structural fires and therefore it is considered that the risk would be less for them.

The difference in terms of costs—the government's threshold as indicated, if that was to be put in place, would cost South Australians $1.8 million per annum. The Hon. Tammy Franks' amendment would cost taxpayers $25 million per annum.

The Hon. R.L. BROKENSHIRE: I am getting more and more flabbergasted, not with the minister—she is the messenger—but with the government. My question is: given that you have been able to work all that out, can you table all the statistics, mathematics and all of the costings, all the information you have that actually comes up with those figures, because clearly a lot of work has been done? When claiming $25 million as against $1.8 million, the parliament, I think, needs to be able to see the figures.

The Hon. G.E. GAGO: In terms of where the estimate of the $25 million came from, I am advised that the calculations were based on Taylor Fry actuarial evidence that established the costs for the Country Fire Service and the MFS, and I am happy to seek advice from the minister about whether I can table that and make it publicly available. I would need to seek his advice, just in case there was something else in that that meant that that was not possible. However, if I can, I will.

The Hon. R.L. BROKENSHIRE: As a point of qualification, is the minister saying therefore that she intends to report progress until we see this? Is the minister saying that we will definitely be able to know one way or another whether we are able to see this before the third reading?

The Hon. G.E. GAGO: I intend to proceed with this. The government's intention is to complete this bill. If the honourable member is saying that this is a threshold issue for him and he is not able to proceed without that information, it is his prerogative to report progress. But I am very keen to proceed because I doubt that evidence will make much difference to the way the Hon. Robert Brokenshire and Family First are going to vote; that is my sense.

The government has given an outline of the Taylor Fry actuarial evaluation. If our word is not good enough, I am not too sure where we go from there. I would have thought our word was pretty good for that.

The CHAIR: Before I call the Hon. Ms Franks, I might add that everyone on the crossbenches and the opposition is supporting the Hon. Ms Franks, so the numbers are certainly there. The Hon. Ms Franks.

The Hon. T.A. FRANKS: Thank you Chair, I was rising briefly to say that I would not support reporting progress. This bill has taken far too long to get to this parliament in the first place. It was meant to be implemented on 1 July this year; indeed, it will be retroactively implemented. I do understand from information I have received that in fact the government is implementing measures in this bill with some of the members of the MFS as if it had been implemented. Certainly, I commend the member for Bragg who did ask for these particular figures to be tabled in the debate on this bill in the other place, and I look forward to their eventual procurement and their becoming available to parliament.

The Hon. G.E. GAGO: Just for the record, in case I have confused the amendment the government is moving, and it is just a technical thing. I need to clarify that after 'SAMFS', our amendment would also include the insertion of 'SACFS', but it will result in exactly the same

outcome. It does not change the outcome, or the argument, or the threshold. I am just not sure that I was clear that it included both those titles, not just one.

The committee divided on the Hon. Ms Franks' amendment:

AYES (13)

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

NOES (7)

Finnigan, B.V.	Gago, G.E. (teller)	Hunter, I.K.
Kandelaars, G.A.	Maher, K.J.	Wortley, R.P.
Zollo, C.		

Majority of 6 for the ayes.

Amendment thus carried; clause as amended passed.

Clauses 2 to 3 passed.

Clause 4.

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

Amendment No 2 [AgriFoodFish–1]—

Page 2, line 15 [clause 4(1)]—Delete 'subsections (2) and (2a)' and substitute 'this section'

I am advised that this is simply a technical tidy up. It is a word change that removes the words 'subsections (2) and (2a)' and replaces it with 'this section'.

Amendment carried.

The Hon. T.A. FRANKS: I move:

Amendment No 2 [Franks–1]—

Page 3, lines 6 and 7 [clause 4(3), inserted subsection (2a)(c)]—Delete 'by the South Australian Metropolitan Fire Service ('SAMFS')'

This deletes 'by the South Australian Metropolitan Fire Service ('SAMFS')' from that clause. It is following on from the treatment of both CFS and MFS as firefighters under this bill.

The Hon. G.E. GAGO: The government rises to oppose this amendment. The government prefers to include SAMFS and CFS (Country Fire Service).

Amendment carried.

The Hon. T.A. FRANKS: I move:

Amendment No 3 [Franks–1]—

Page 3, line 14 [clause 4(3), inserted subsection (2a)]—Delete 'employment by SAMFS' and substitute 'that employment'

Again, this amendment treats the MFS and the CFS as firefighters.

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

Amendment carried.

The Hon. G.E. GAGO: Am I able to move all of these: (a), (b), (c) and (d)? Can I speak to all of them?

The ACTING CHAIR (Hon. J.S.L. Dawkins): Do you mean amendments Nos 3 to 6?

The Hon. G.E. GAGO: Yes.

The ACTING CHAIR (Hon. J.S.L. Dawkins): My advice is that those amendments should not be moved, because of the amendments that have gone into the bill. So, the advice we have received is that you not proceed with those amendments.

The Hon. G.E. GAGO: Okay.

The ACTING CHAIR (Hon. J.S.L. Dawkins): Thank you, minister.

The Hon. R.I. LUCAS: So, what is she not moving?

The ACTING CHAIR (Hon. J.S.L. Dawkins): The minister is not moving amendments Nos 3 to 6—the rest of her amendments.

The Hon. T.A. Franks interjecting:

The ACTING CHAIR (Hon. J.S.L. Dawkins): Does the Hon. Ms Franks want to put that on the record?

The Hon. T.A. FRANKS: Certainly; I indicate that, should they have been moved, the Greens would have opposed them. These amendments apply additional criteria on top of the original bill that was put forward including only the MFS. Clearly, having quite a strict criteria of qualifying periods of as high as 25 years of service as a firefighter is a pretty high barrier to have already completed. To then require more paperwork, on the CFS in particular, that they detail that they have been to at least 175 incidents in any five-year period, and other burdens of proof, when we are in fact looking at the fact that one fire could actually cause these particular cancers—it is related to the act of fire fighting.

If somebody has devoted, five, 10, 15 and, in the case of oesophageal cancer, 25 years of service to qualify for a presumptive ruling, on something that they could already take to WorkCover and contest, should they be able to prove the single fire at which they contracted that cancer, I think it is simply an additional burden that is unwarranted and therefore we would not support it, should it be moved.

Clause as amended passed.

Remaining clause (5), schedule and title passed.

Bill reported with amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (11:31): I move:

That this bill be now read a third time.

The Hon. T.A. FRANKS (11:31): I simply want to welcome this bill and put on the record a thank you to those whom I have worked with in terms of formulating the amendments the Greens moved to this bill and in formulating our original private member's bill. I thank the countless CFS volunteers and the 10,500-plus people who signed the petition that was presented to parliament yesterday.

I thank Pip McGowan, a CFS volunteer who took photos for the campaign page; Roger Flavell, the CFS Volunteers Association President; Sonia St Alban, the Executive Director of the CFS Volunteers Association; Kirsti Oliver, the Executive Assistant; Andy Wood, a Vice President, and Jeff Clark, the other Vice President of the CFS Volunteers Association; the former executive director, Wendy Shirley, whom I first had communications with on this issue some three years ago; and Evelyn O'Loughlin, the CEO of Volunteering SA&NT and others at Volunteering SA&NT, including Pat Austin, the Communications Manager.

I also thank Dianah Mieglich, a former staff member of the member for Frome, who partnered with me for the private member's bill; and the member for Frome carries passage, still, of the private member's bill that now reflects what we have just done here in this debate. I also want to pay tribute to the work of the member for Morphett on this issue (Dr Duncan McFetridge), in particular. I thank members of the opposition for their strong support, and every member of this parliament who was not elected as a Labor member for their strong and ongoing support for this bill.

Finally, for sharing with me some of the last moments of his life, I thank a man called John Ames, who was a CFS volunteer who, in 2012, lost his battle with oesophageal cancer. He had been a CFS volunteer for some 22 years and was a firm believer that this law needed to be

enacted, even though he would not himself have qualified for the assistance of the presumptive treatment, having not achieved the very high criteria of 25 years of service. He was an impressive man and I wish to pay tribute to him at this time.

Bill read a third time and passed.

FIREARMS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 November 2013.)

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

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): I have called the Hon. Mr Wade. Some of this conversation ought to have been done earlier. I have called the Hon. Mr Wade and he has the floor.

The Hon. S.G. WADE (11:35): Thank you, Mr Acting President. I thank you for your patience. I rise on behalf or the Liberal opposition to indicate our support for the passage of the Firearms (Miscellaneous) Amendment Bill 2013.

On Wednesday 30 October 2013, the Minister for Police introduced the Firearms (Miscellaneous) Amendment Bill 2013. This bill seeks to introduce a range of new criminal offences and penalties relating to firearms. Amendments to the bill include creating trafficking offences, increasing police powers with regard to searches, firearm prohibition orders, prohibiting some currently legal firearm accessories, and the ability to seize any equipment capable of being used to alter or manufacture firearms.

Starting in the late 1990s, a number of national agreements were developed to encourage a consistent approach to firearms legislation. Some provisions in this bill, particularly the trafficking of firearms, are designed to bring South Australia into line with other Australian jurisdictions.

In 2008, the government established the Firearm Legislative Advisory Group (commonly known as FLAG). The advisory group was made up of 15 delegates from SAPOL and all major firearm groups. FLAG met continuously for four years and reviewed the entire Firearms Act and regulations. Since the final FLAG recommendations were sent to the minister in 2012, there has been a lack of feedback from the government to members of FLAG, and it would be fair to say that the government's bill does not include any of the FLAG recommendations.

All respondents to the opposition have been critical of the government for not consulting effectively with firearms users and firearm clubs, especially following the four-year FLAG process. Stakeholders have raised various concerns with the bill, particularly the impact on legal and responsible firearms owners and users. A number raised concerns about the impact of the as yet unknown regulations.

From my perspective as the shadow attorney-general, I welcome the bill and note that it is playing catch-up with the firearms trafficking elements of other jurisdictions. South Australia will be the last state to introduce firearm trafficking laws. Most other states have had laws dealing with firearms trafficking for more than 10 years. South Australia has had a Labor government for 12 years, and they have failed to act. Having made five other changes to firearms laws in the last six years, the government could easily have addressed this issue a number of times over recent years. Now we have the sixth change to the laws in six years, with a relatively short period before the end of the parliamentary year to debate and pass them.

While certainly not all the issues have been dealt with to every individual firearm user's satisfaction, most of the significant unintended consequences of the bill were clarified through the debate in the House of Assembly, and the government has explicitly ruled out a number of issues falling under the intended use of the proposed legislation.

There is a new clause prohibiting a person from acquiring, owning or possessing a detachable magazine with a capacity of more than 10 rounds without written approval of the registrar. It also includes a six-month transitional provision during which time owners can hand them in. In debate in the other place, the minister did concede that this clause required further attention with regard to its practical implementation.

I will take this opportunity to commend the government, particularly the Minister for Police and the shadow minister for police (member for Stuart) for the work they have done between the houses. My understanding is that, following those discussions, there has been agreement on the opposition's amendment to remove section 29BA and clause 19, which make it an offence to acquire, own or have possession of, a magazine of more than 10 rounds capacity.

In conclusion, I would simply like to put one question to the minister at the end of the second reading stage. I ask the minister, on behalf of the government, whether the minister could clarify that the government will not make magazines of greater than 10 rounds capacity prohibited accessories by way of regulation. The opposition would appreciate that undertaking. With those remarks, I reiterate that the opposition supports the bill and looks forward to its consideration in the committee stage and speedy passage.

The Hon. R.L. BROKENSHIRE (11:40): I will have more to say during the committee stage, but I want to put on the public record some brief points with respect to this bill. Clearly, Family First supports the general principle of what the government is trying to do, and that is to ensure that, wherever possible, it is made much more difficult for criminals, outlaw motorcycle gangs, drug traffickers and illicit drug organisations and anyone, in fact, who owns illegal firearms, accessories and magazines, and to have as tough laws as possible to assist the police in keeping the community safe. I just want to make it categorically clear that, from that point of view, Family First very much supports the intent of the government.

However, as the Hon. Stephen Wade from the opposition has said, the government has done this with virtually no consultation. Not only have they done it without consultation, it has come as almost a kneejerk reaction to some issues that have occurred in recent times. In publications the government had already put out as part of a publicly-funded de facto early election campaign for the government (I think it was in No. 7) they had photographs of SAPOL officers, and they already had in there what had been decided with respect to the issues of firearms, notwithstanding the fact that it had not even gone through the parliament, but that is something we can look at later.

Going back now for several years, there has been a dedicated and committed group of sensible, law-abiding people who have worked with police and the government under the Firearm Legislative Advisory Group to look at an overall serious rewrite and debate in the parliament of the Firearms Act. That has dragged out. It started with minister Michael Wright when he was the police minister, it then went to minister Foley when he was the police minister, and now it is with minister O'Brien as the police minister. There might have even been one or two other police ministers in between those. I cannot quite remember: there have been so many police ministers under this government.

The government, in the end, for one reason or another that I will not go into, has opted not to bring in the full firearms amendments that have been worked through FLAG. However, my concern is that, due to the lack of consultation, law-abiding, bona fide and genuine South Australians who own firearms, accessories and magazines have been caught up in this. One of the problems I have seen for some period of time has been the fact that, rather than having prescriptive legislation when it comes to what occurs with a firearm, an accessory or a magazine, the government tends to prefer to have little detail in legislation and then they like to actually regulate.

That is where the problem comes in, because all of a sudden we have regulations regulating the intent of the legislation—something that, in good faith, the majority of the parliament has allowed the government to have through the legislative passage of both chambers. Then we find that law-abiding people experience great wrath at times because of the unintended consequences or how broad the regulations might be.

I foreshadow amendments that will not in anyway whatsoever, I am advised, work against the government's intent when it comes to making it tougher for criminals and people who are not registered or licensed but will restore the democratic right of law-abiding citizens who own registered firearms and who are licensed—and a lot of people are involved in this.

When I was police minister, I strongly supported the World Police and Fire Games. I was amazed at how many police officers are some of our best sporting shooters. When you look at the Commonwealth Games and the Olympic Games and other national and international games, you see some of the best shooters in the world. They may have a disability, but they are excellent shooters and that is their sport.

Those people need to be able to utilise certain accessories and firearm magazines as part of their sport; indeed, sometimes they need to change things between competitions or even within that shoot. It is not something I understand a lot about, but someone they are competing against may have a technical advantage, and those shooters need to be able to change some of their accessories so that they also can shoot at their best. A cloud now hangs over all that when it comes to this legislation.

The thing I find incredible is that, depending on what the parliament decides to do with respect to amendments by Family First and the Liberal Party (I am not sure whether anyone else has put forward amendments), I was advised yesterday that, if the legislation were to be passed, through intended or unintended consequences, law-abiding citizens would end up having accessories or firearm magazines removed. Whilst I have been told that the government was looking at compensation, I was advised yesterday that the government is not looking at any compensation; it is just ruling it out.

This stuff costs lots of money. I have been involved in buybacks, like several other of my colleagues in this chamber, going right back to Port Arthur; and I have been involved in all of those debates on firearm amnesties and the like. I went down to Netley when I was police minister and watched a buyback in process. I have been to Thebarton Police Barracks and watched the crushing of firearms after amnesties.

It would defy any democratic right if the parliament decides to support the government in relation to this bill, which does not support any form of compensation. Imagine what someone would think if they paid good money to legally buy a motor vehicle today and they used that motor vehicle and, for some reason the government decided a week or so later that it was going to make that particular motor vehicle illegal and that person had that motor vehicle confiscated without any compensation. To me, that defies democratic process. A strong principle of mine is that, if you allow things to be legal and then, all of sudden, you take things away, you at least have to make sure that those people are not out of pocket. I will have more to say during the committee stage, which I understand will probably be tomorrow morning—

The Hon. G.E. Gago: Or tonight.

The Hon. R.L. BROKENSHIRE: —or tonight. I want to advise all members that, in the last half hour or so, I have instructed my office to circulate explanations to the amendments. Those amendments took some time to be drafted.

I thank parliamentary counsel for putting in an exemplary effort under a tight time line, but I apologise to colleagues that we were not able to get all of those amendments out quicker than I would have liked. However, I think the way we have put the explanation of clauses to the amendments will make it easy for all colleagues. With those words, we support the second reading but we will have quite a bit more to say during the committee stage.

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) (11:50): I believe there are no further second reading contributions to this bill. This bill is a very important bill in terms of improving protections to South Australians in relation to firearms. We look forward to dealing with this as expeditiously as possible.

In relation to the question asked by the Hon. Stephen Wade, the government certainly can give a commitment to not ruling magazines with a capacity greater than 10 rounds a prohibitive firearm accessory—I think that is the word. So we certainly are able to give that commitment at this stage. We look forward to dealing with the committee stage, hopefully either later on this evening or tomorrow morning.

Bill read a second time.

The ACTING PRESIDENT (Hon. Carmel Zollo): Is a quorum required? Ring the bells.

A quorum having been formed:

LATE PAYMENT OF GOVERNMENT DEBTS (INTEREST) BILL

Adjourned debate on second reading.

(Continued from 14 November 2013.)

The Hon. R.I. LUCAS (11:56): I rise on behalf of Liberal members to support the second reading of the Late Payment of Government Debts (Interest) Bill 2013. This bill is to provide for

interest to be paid to small businesses on all government debts outstanding for more than 30 days. Thirty days is the government's standard terms of trade. Other terms are applicable only where contracted. In the bill 'small business' is defined as any business with an annual turnover of $5 million or less. The ATO defines 'small business' as having an annual turnover of $2 million or less.

As the member for Davenport highlighted in the House of Assembly debate, there is an issue of inconsistency between the federal government arrangements in this arena now and state government arrangements. He highlighted a submission from the Law Society which raised the issue that there are many small businesses which obviously trade with state departments and commonwealth departments and the lack of consistency in the definition of both 'small business' and the arrangements means that there will be different circumstances applying in the state and federal arenas.

The Law Society, not unreasonably, was raising the issue: is it possible for governments at both levels to have consistent provisions in relation to this late payment issue? I would certainly be interested in the government's response at the conclusion of the second reading on that particular issue. Under the government bill business vendors are required to invoice the government agency authority for the interest payable. The interest is to be calculated on the RBA cash rate plus penalty interest of 5 per cent, and the Small Business Commissioner is to have dispute resolution functions under the bill.

I am advised that the agencies which are to be included have not yet been determined by the government. At the time of the original debate in June/July of this year, the only known exemption was to be the Department for Health which at that stage was to be excluded until the Oracle system was fully implemented. So certainly a question that I will be seeking an answer from the minister is: given that we are now almost four or five months later, which particular agencies are to be included in the government's arrangements and which agencies are going to be excluded? In particular, I am interested to know the position of the Department for Health.

The Liberal Party has put out a more comprehensive policy in the public arena in relation to this, but nevertheless, albeit the government is playing catch-up, the Liberal Party has determined that it will support the passage of this legislation.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (11:59): The late payment of invoices to government, when they are not paid in such a timely manner as they should be, can have repercussions, firstly for government efficiency of course, but also for small business suppliers to government who need to manage their cash flow. The Minister for Finance in the other place has recognised this and has not backed away from it. He recognises that it is a cultural issue, one that commonly occurs when there is an implementation of a Shared Services-type model where staff are amalgamated from several different departments bringing different ways of meeting the same objectives to their job.

That is why the Minister for Finance in the other place requested a review when he became minister, and when the payment of accounts review was undertaken by the Office of Public Employment and Review, largely authored I am told by the Commissioner for Public Employment, Mr Warren McCann, the recommendations were thoroughly considered. As a result of the recommendations of the McCann review, automatic payment escalation was introduced. This enables the government to continue the processing of invoices in a timely manner, even if an invoice is left in the care of a staff member who is suddenly absent from work, for example, for six weeks. Invoices are now automatically progressed to the attention of another staff member, I am advised, if they are not progressed within a few days.

It may interest members to know that we have instituted an arrangement whereby CEs and ministers receive a monthly report which outlines the performance of their agency in respect of the timeliness of payments. It is not just Shared Services, of course, that is responsible for prompt invoice payment; there is also some degree of responsibility accepted on the part of CEs in managing their departments for late payment of invoices. Additionally, I am advised the My Invoice website was set up so that small businesses can go on the internet and track their invoice to get an informative position of when they can expect their payment. I am told that the website now has a hit rate running into thousands per month, which is a pretty strong indication that small businesses are seeing the benefits of this very useful tool in managing their own cash flow.

The McCann review in its implementation has produced a remarkable result in addressing some of the cultural issues that were letting Shared Services down, and now South Australians can expect prompt payment and quick explanation for any delays that happen into the future. To bring these recommendations to fruition has required quite an amount of dedicated work by Mr McCann and his staff, and the strong endorsement of all the chief executives and cabinet who confronted this issue and were determined to ensure that it was resolved correctly. It is very pleasing to be able to achieve this suite of reforms and I commend the bill to the house.

Bill read a second time.

In committee.

Clause 1.

The Hon. R.I. LUCAS: I put two questions to the minister in my second reading and I seek a response.

The Hon. I.K. HUNTER: This bill will cover all agencies except for Health which is covered, as I understand it, by Shared Services.

The Hon. R.I. LUCAS: Could I clarify that because Health, as I indicated publicly recently, has the most appalling record of all departments and agencies in terms of performance in relation to payment of accounts. From recollection—and I do not have a copy of the release with me—I think most government departments and agencies were in the mid to high 90 per cent region in terms of payment on time. My recollection is that Health, as an agency, was down around about 70 per cent. Can the minister indicate why the most poorly-performing agency (Health) with a $5 billion-plus budget, which is 30 per cent of the state budget, is exempt from this particular late payment provision?

The Hon. I.K. HUNTER: My advice is that Health needs to roll out a new finance system. They are operating largely on legacy finance systems. As they roll out Oracle and BasWare throughout the Health agency, their performance will improve and, at that time, they will come under the purview of this legislation.

The Hon. R.I. LUCAS: What advice has Health provided to the government in relation to the rollout of Oracle? Oracle has been an issue for Health for quite some time. Our understanding was that the minister had indicated that the issues had been resolved in relation to Oracle. Can the minister indicate what advice the government has received as to when SA Health believes Oracle will actually be rolled out and will be subject to the provisions of the legislation?

The Hon. I.K. HUNTER: My advice is that the next range of scheduled rollouts of Oracle to three or four major sites will be in March. The rollout is designed to be complete over the next two years.

The Hon. R.I. LUCAS: Is the minister indicating that the government's advice is that it will not be until financial year 2016-17, potentially, that Health will be subject to the provisions of this legislation?

The ACTING CHAIR (Hon. J.S.L. Dawkins): Just before the minister responds, it would be helpful if members could take their conversations outside the chamber, the Hon. Mr Wortley included. The Hon. Mr Wortley, it would be helpful if that conversation and others are taken outside the chamber.

The Hon. R.P. Wortley: As long as that ruling applies to everyone else. I hear you chatting away for hours.

The ACTING CHAIR (Hon. J.S.L. Dawkins): I hope you are not reflecting on the Chair. I asked—

The Hon. R.P. Wortley: Just be consistent; that is all I am saying.

The ACTING CHAIR (Hon. J.S.L. Dawkins): Order! If you have a look at the *Hansard* you will note that I referred to a number of conversations, and I asked a number of people to remove their conversations. You had your back to me and you had not responded, and that is why I mentioned you specifically. However, I was referring to a number of people, and I have consistently held that view for some time. I would ask that conversations be limited so that the people who have the call are able to be heard. The minister has the call.

The Hon. I.K. HUNTER: Thank you, Mr Acting Chairman. My advice is that it was always the intention to roll out Oracle and BasWare across various Health agencies over a period of two years. It would, of course, be very confusing to small business, I imagine, to start to apply the legislation to separate agencies or subsets of agencies in Health as they roll out their own internal systems. It would be much simpler to wait for Health to complete its internal arrangements.

The Hon. R.I. LUCAS: But my question to the minister was: is it the government's advice that the expectation at this stage is that it will not be until financial year 2016-17 that Health will conclude what it needs to conclude and, therefore, the provisions of this legislation would apply to SA Health?

The Hon. I.K. HUNTER: My advice is that it would be at some point during the year 2015-16.

The Hon. R.I. LUCAS: I thank the minister for that clarification. The only point I would note in response to his speaking out on behalf of small businesses and avoiding confusion is that I think one of the issues for small businesses trading with Health, as I have indicated, is that SA Health's performance has been abysmal compared to most other government departments and agencies. I think small businesses trading with SA Health would prefer to have their bills paid on time, as opposed to some of the concern the government might have in relation to elements of confusion.

I make two other points; first, the minister in his response indicated that small businesses and others should be pleased that chief executives would now be receiving monthly reports on the accounts payable performance within their agencies. As I pointed out previously, former premier Olsen, in the period from 1997 to 2002, instituted a program where monthly reporting by agencies went not only to each chief executive and their minister but also to cabinet by way of an updated report so that the premier and all ministers would be able to monitor the performance of agencies in terms of paying their accounts on time. So, it was not just the chief executive receiving the report.

Clearly, if this has now been reinstituted after 11 years of the Labor government, I assume one of the first decisions the Labor government must have taken after 2002 was to actually get rid of that system. So, whilst we acknowledge that the reintroduction after 11 years is a good thing, we should also acknowledge the fact that the incoming Labor administration—

The Hon. I.K. HUNTER: On a point of order, the honourable member is debating the bill—the time for that is passed. We are in committee, and I ask him to address himself to the bill, clause by clause.

The ACTING CHAIR (Hon. J.S.L. Dawkins): I am sure the Hon. Mr Lucas will come to his question very shortly. The Hon. Mr Lucas.

The Hon. R.I. LUCAS: Mr Acting Chairman, I am responding to a statement the minister made in the committee stage on this particular clause. My question is: when did the Labor minister—

The Hon. I.K. HUNTER: On a point of order, Mr Acting Chairman, I did not make a statement—

The ACTING CHAIR (Hon. J.S.L. Dawkins): Point of order to the minister, but the honourable member was about to address his question.

The Hon. I.K. HUNTER: Well, I am hoping he is, because he has been on his feet raging about debating this issue. He should be asking his question of me.

The ACTING CHAIR (Hon. J.S.L. Dawkins): There is no point of order. He is about to ask his question. I call the Hon. Mr Lucas.

The Hon. R.I. LUCAS: Thank you, Mr Acting Chairman. I am disappointed to hear the minister squealing like a stuck pig just because questions are being asked in the chamber.

The Hon. I.K. Hunter: Get to your question.

The Hon. R.I. LUCAS: I will abide by the proceedings as determined by the Chair—not by you.

The Hon. I.K. Hunter: That would be a first time.

The ACTING CHAIR (Hon. J.S.L. Dawkins): Order!

The Hon. I.K. Hunter: Ask your question.

The Hon. R.I. LUCAS: Not by you.

The Hon. I.K. Hunter: Ask your question.

The Hon. R.I. LUCAS: Not by you.

The Hon. I.K. Hunter: Ask your question.

The ACTING CHAIR (Hon. J.S.L. Dawkins): Order!

The Hon. R.I. LUCAS: Stop the interjections—they are out of order.

The ACTING CHAIR (Hon. J.S.L. Dawkins): The Hon. Mr Lucas has the call and he is about to ask his question.

The Hon. R.I. LUCAS: Thank you, Mr Acting Chairman, if I could get over the interjections from the minister, my question to the minister is: when did the Labor government abolish the previous system that required not only chief executives but ministers to receive monthly reports on the accounts payable performance of their agencies?

The Hon. I.K. HUNTER: I can see no relevance in that question to the consideration of this bill. I was not a member of the government at the time; I do not have that advice.

The Hon. R.I. LUCAS: I think we can see the embarrassment of the minister apparent—

The Hon. I.K. Hunter: Only embarrassed by you.

The Hon. R.I. LUCAS: —in relation to—

The Hon. I.K. Hunter: You're the embarrassment.

The Hon. R.I. LUCAS: —as I said, highlighting—if the minister wants to persist to interject in relation to this particular debate—

The ACTING CHAIR (Hon. J.S.L. Dawkins): Interjections are out of order.

The Hon. R.I. LUCAS: Indeed. I listened to the minister in silence. It is disappointing that the minister is not in a position to answer these particular questions. The other question I put to the minister in the second reading, to which he has not provided a response, is the concern raised by the Law Society in terms of the differing arrangements between the South Australian government and the commonwealth government in relation to the late payment issue, in particular the definitional issues as they relate to small business. I put that question to the minister in the second reading; he has chosen not to respond to it. I ask him to provide an answer to that particular question.

The Hon. I.K. HUNTER: My advice is the answer is in two parts. We have chosen a definition that is consistent with the ATO but decided to include more small businesses under the act by increasing the threshold. As I understand it, there are multiple definitions used around the country, and we have chosen to accept a definition consistent with the New South Wales legislation.

The Hon. R.I. LUCAS: Can I clarify the minister's response? I thought he said initially that the state's definition was consistent with the ATO and then he concluded by saying it was consistent with the New South Wales administration. I ask him to clarify that. The advice provided to me by the member for Davenport was that the government's bill defines small business as any business with an annual turnover of $5 million or less and the ATO defines small business as having an annual turnover of $2 million or less, so there would appear to be—according to the member for Davenport, anyway—a difference of definition between the ATO and the South Australian government's proposition.

The Hon. I.K. HUNTER: As I said in my answer, our definition is consistent with the ATO but we decided to include more small businesses under the threshold, so we have chosen a figure of $5 million and the ATO's is $2 million.

The Hon. R.I. LUCAS: It is a novel definition of 'consistent with'. The ATO's definition of a small business is, as I have highlighted, a turnover of $2 million or less and the state's definition is $5 million or less, so that is a very generous use of the phrase 'consistent with'. It is actually a different definition, which was the point the member for Davenport and a number of others have made. Having noted the minister's inconsistency in response, I will leave that topic.

Can I ask the minister what the government's advice is in relation to the estimated budget impact of this particular initiative? What is Treasury including in the budget forward estimates as a cost of this particular initiative?

The Hon. I.K. HUNTER: My advice is there is nothing in the forward estimates because agencies will be required to meet any costs out of their existing budgets.

The Hon. R.I. LUCAS: During the consultation with agencies, did the government receive estimates from agencies, in particular the bigger agencies, as to what their estimated costs would be in terms of cost pressures? Education and Health, for example, would be more than half the total state budget.

The Hon. I.K. HUNTER: I do not have that advice.

The Hon. R.I. LUCAS: I do not wish to delay the passage of the bill today. Is the minister prepared to seek advice from the Minister for Finance and, if he is minded to do so, correspond with me in terms of providing an answer on notice in relation to that particular question?

The Hon. I.K. HUNTER: I will take that question on notice.

Clause passed.

Remaining clauses (2 to 10) passed, schedule and title passed.

Bill reported without amendment.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (12:19): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SUCCESSION DUTIES REPEAL BILL

Adjourned debate on second reading.

(Continued from 14 November 2013.)

The Hon. R.I. LUCAS (12:20): I rise on behalf of Liberal members to support what is essentially a technical amendment to the succession duties legislation. This legislation was introduced by the government in September of this year and formally repeals the Succession Duties Act 1929.

I note that it was a former Liberal government, under premier David Tonkin in the period 1979 to 1982, who championed significant tax reform during that particular period with the abolition of succession duties, the abolition of gift duties and the abolition of land tax on the principal place of residence. Probably, in the state arena, no other state governments have had a record of the actual reduction or removal of such a wideranging collection of taxes in basically a three-year term of government. From recollection, I think they were all done in that government's first budget.

Sadly, the history of tax reform, I guess, has been either to add additional taxes, charges and levies or, more significantly, we have seen the significant reforms of a federal Liberal government, together with mainly state Liberal governments in the period 2000-2001, when GST was introduced and, through that, a number of state-based and commonwealth-based taxes were removed. Essentially, that was an argument of reform in terms of the removal of taxes and their replacement with a new commonwealth-imposed goods and services tax.

The reforms, including succession duties, of 1979 to 1982 by the former Liberal government of David Tonkin were not about replacing taxes with a significant new tax: they were a significant tax reform in terms of a removal of tax imposts and unfair tax imposts, as they were deemed to be at the time, on many South Australians and their families. That was a decision taken more than 30 years ago but, due to the vagaries of estate law and other related issues, succession duty assessments and refunds continued to be made in relation to those persons who died before that particular date—that is, 1 January 1980—as certain events trigger a liability or an entitlement under the act.

The government advises that, although assessments and refunds are increasingly infrequent events, the technical knowledge necessary to assess succession duty liability and to consider refund applications is difficult to sustain or justify. We are advised that all other Australian

jurisdictions have abolished comparable legislation on the basis that the employment of resources required to administer the legislation was not cost-effective. The repeal of the act will remove any confusion as to whether there is any ongoing liability to pay succession duties.

The passage of this bill will give effect to the abolition of succession duty from 1 July 2014, ending any liability from duty that has not been paid from and including 1 July 2014. The bill will also end any potential entitlement to a refund under the act that has not eventuated before 1 July 2014. The bill also further extinguishes any entitlement to a refund that existed prior to 1 July 2014, but in respect of which applications for a refund have not been made on or before 31 December.

The Liberal Party sent the bill to numerous industry groups seeking comment and the member for Davenport advises we received a response from the Law Society indicating that they supported the bill. The member for Davenport advises that no other comments had been received prior to our consideration as a party room in September 2013. For those reasons, we support the passage of the bill.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (12:25): I do not believe there are any further second reading contributions to this bill. This bill is really an administrative bill. It responds to the Succession Duties Act 1929 which was amended in 1979 to exempt from succession duty the estates of persons who died on or after 1 January 1980.

The assessments for these refunds have become increasingly more infrequent, and of course, the technical knowledge necessary to be able to assess the duty liabilities and the refunds is difficult to sustain and to justify. All other jurisdictions, I understand, have abolished comparable legislation on the basis that the employment of resources required to administer this type of legislation has become cost-ineffective. I thank the opposition for its indication of support for this bill and I look forward to it being dealt with expeditiously through the committee stage.

Bill read a second time.

Bill taken through committee without amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (12:28): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (DANGEROUS DRIVING) BILL

Adjourned debate on second reading.

(Continued from 12 September 2013.)

The Hon. S.G. WADE (12:30): I rise on behalf of the opposition to speak on the Statutes Amendment (Dangerous Driving) Bill 2013. The Attorney-General, John Rau, introduced the Statutes Amendment (Dangerous Driving) Bill in the house on 15 May 2013. The bill seeks to amend sections 19A and 19AC of the Criminal Law Consolidation Act, those sections dealing with 'causing death or harm by use of a vehicle or vessel' and 'dangerous driving to escape police pursuit' respectively. The bill also amends section 46 of the Road Traffic Act 1961, which relates to reckless and dangerous driving.

In each instance, the prosecution is currently required to prove that the accused was driving in a manner dangerous to 'the public'. The government argues that judicial interpretation of this phrase has led to a very limited interpretation of who constitutes 'the public' and that, in some instances, a death caused by dangerous driving on private property will not fall within the circumstances contemplated by section 19A and section 19AC of the Criminal Law Consolidation Act 1935. The bill seeks to widen the definition to include not just 'any person' but rather 'the public'.

The Attorney cites the 2008 case of R v Palmer to support the bill. In this case, the accused was charged with causing death by dangerous driving, under section 19A of the Criminal Law Consolidation Act. The accused performed dangerous manoeuvres on private property, the vehicle fell onto its side and crushed the skull of one of the passengers. The judge directed the jury

to return not guilty verdicts for various reasons. He cited the relationship between the victim and the offender as negativing the view that the passengers were 'members of the public'. He noted that the activities in question took place on private property and also that the accused and all of his passengers knowingly chose to engage in a risky activity that did not constitute a danger to anybody other than themselves.

The judge commented that his conclusion may have been different had section 19A read 'driving in a manner dangerous to any other person' rather than 'a manner dangerous to the public'. The judge applied the reasoning of the New South Wales Court of Appeal in R v S, which had a similar factual scenario. After the Court of Appeal handed down the decision in R v S, the New South Wales parliament passed the Crimes (Dangerous Driving Offences) Amendment Bill 1994, which replaced the words 'the public' with 'another person' in the relevant section of the Crimes Act.

This bill does not bring the relevant law onto private property: the three identified offences can already be applied to dangerous driving on private property. The case law indicates that it is the relationship between the accused and their actions and the deceased which is usually the basis on which the courts have interpreted the provision narrowly. The bill simply proposes to widen the class of persons from 'the public' to 'any person'. It appears that this would widen the offence to capture instances where people decide to engage in dangerous activity on roads, overcoming the 'relationship characterisation', as identified by the courts.

This bill will widen the scope of the offence so that it would likely apply in a situation when an accident occurs on a private motorway, such as the Collingrove Hill Climb, and even where the deceased consents to involvement in a dangerous activity. While any accident is tragic, drivers and others who engage in motorsports activity actively consent to do so, and the opposition believes that we should be cautious in ascribing criminal liability for an adverse outcome where a risk is willingly taken on.

Section 25 of the South Australian Motor Sport Act provides for the 'non-application of certain laws' to areas declared by the responsible minister to be areas for a motorsport event under the Motor Sport Act. Section 25(1a) provides that the respective sections of the Criminal Law Consolidation Act and the Road Traffic Act, which are to be amended by this bill, do not apply in relation to 'a vehicle or its driver while the vehicle is being driven in a motor sport event within the declared area and during the declared period for the event'. The Clipsal 500 is a motorsport event that attracts a declaration under the South Australian Motor Sport Act. My understanding is that there are no others.

In our view, the legislation passed by this parliament, the South Australian Motor Sport Act, is a tangible expression, if you like, in legislative form of the principle that people who engage in dangerous activity are, to a certain extent, knowingly taking on a risk.

The opposition is concerned that the bill may have ramifications for motorsport in South Australia. Certainly the Sporting Car Club is of the view that the bill could place criminal liability on people who are involved in motorsport events, even those which are held on private property.

The House of Assembly debated a range of issues with the bill. The debate clarified, for example, that the bill will cover boating accidents and other instances where a vehicle or vessel is involved in a fatal accident. In particular, the Attorney-General made it clear that the offences would apply to farming accidents where the driver drove in a dangerous manner.

The issues the bill seeks to address are significant and would result in the prospect of prosecution of drivers who would not currently be prosecuted. The opposition continues to have concerns with the changes to the law. We will not be opposing the bill, but we will monitor its impact so as to ensure that it does not have unintended consequences.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (12:36): In rising to close the debate on the Statutes Amendment (Dangerous Driving) Bill 2013, I would like to address a couple of issues that were raised in the debate in the other place and put the government's response on the record.

In recent years there have been a number of court cases in relation to fatal motor vehicle accidents where the driver has been the subject of a charge relating to cause death through dangerous driving. The failure to convict in those cases hinged on the interpretation of the court as to who constitutes a member of the public.

The purpose of the bill today is to clarify the divergent approaches by the court in interpreting the term 'public' by replacing the reference to 'the public' with a reference to 'any person' in sections 19A and 19AC of the Criminal Law Consolidation Act 1935 and section 46 of the Road Traffic Act 1961. This amendment closes a loophole in our justice system that has prevented certain drivers from facing criminal sanctions for engaging in reckless or dangerous driving resulting in death or serious injury of another person.

As I said, three issues were raised about this bill in the other place. The first was a concern that this bill would restrict individual freedom on private property, such as the right to operate a farming vehicle or enjoy recreational pursuits. The second issue related to how the proposed legislation would affect sporting car events, and the final issue was in relation to the impact of the bill on the operation of vessels on a waterway.

In relation to the first concern, that this bill would restrict individual freedoms on private property, it should be noted that section 19A of the Criminal Law Consolidation Act 1935, which deals with causing death or harm by use of a vehicle or vessel, has always applied to private property. This legislation is not about limiting an individual's recreational or pastime activities or hindering farmers in their business.

For a defendant to be guilty of the offence of causing death by dangerous driving under section 19A of the Criminal Law Consolidation Act 1935, the prosecution must establish beyond a reasonable doubt the following elements that constitute the offence: first, that the accused was the driver of the motor vehicle; secondly, that the motor vehicle was being driven in a manner which was dangerous to the public; thirdly, that by driving in that manner the accused caused the death of the deceased; and fourthly, that the accused did all that as part of a prolonged, persistent and deliberate course of bad driving.

The only effect of changing the word 'public' to 'any other person' is to alter the second element so that the prosecution will now need to prove that the motor vehicle was being driven in a manner which was dangerous to any other person, as opposed to a member of the public. The other elements of the offence remain unchanged.

In relation to the second issue, the amendment is not intended to limit motorsport enthusiasts. Section 25 of the South Australian Motor Sport Act 1984 ensures that declared motorsport events are exempt so long as the manner of driving is within the acceptable rules of that declared motorsport race.

The third issue raised in the other place was whether this legislation would apply to vessels on a waterway and how that would implicate boat racing and water sports. I can confirm that the operation of a vessel is already captured by the existing legislation, on my advice, and the amended legislation will continue to apply to the conduct of operating a vessel on a waterway, such as boats on a river. Again, this bill does not intend to impinge on recreational activities on a river or waterway. The elements of the offence as described earlier with regard to the driving of a motor vehicle will also continue to apply to vessels on a waterway.

In conclusion, the law as it currently stands is inappropriate and leaves a significant aspect of dangerous conduct deserving of criminality outside of the law. It is undesirable that such an important area of the criminal law is in such an uncertain state. Safety to the community is of paramount concern to this government and closing this loophole will provide greater certainty for the courts when interpreting the legislation and thereby achieve the objective in improving and enhancing safety.

I understand that the opposition is not yet ready to conclude the committee stage today so, if this bill has its second reading, I will be seeking the council's permission to hold the committee stage for consideration tomorrow.

Bill read a second time.

STATUTES AMENDMENT (ASSESSMENT OF RELEVANT HISTORY) BILL

Adjourned debate on second reading.

(Continued from 12 November 2013.)

The Hon. J.S. LEE (12:41): I rise to speak on behalf of the opposition on the Statutes Amendment (Assessment of Relevant History) Bill. This bill (introduced by the Attorney-General) is to amend the Children's Protection Act 1993, the Disability Services Act 1993 and the Spent Convictions Act 2009.

Firstly, I refer to the amendment to the Children's Protection Act 1993. The bill introduces an obligation to assess 'relevant history' for screening those who work or volunteer with children, which amends the Children's Protection Act 1993. Therefore, rather than just 'criminal history' as it currently stands, it is amended to 'relevant history'. 'Relevant history' is broadly defined in the act for the purpose of an assessment undertaken by a person or body authorised to do so under the regulations made under the act. Presently, only the screening unit in the Department for Communities and Social Inclusion is so authorised. This amendment will explicitly permit a broad range of information to be taken into account by this screening unit, including information held by government agencies.

In terms of amendment to the Disability Services Act 1993, the screening provisions relating to those that work or volunteer in the disability services sector introduced in the Disability Services Act 1993 closely mirror the screening provisions in the Children's Protection Act. This includes introductions of an obligation to assess 'relevant history'.

In terms of amendment to the Spent Convictions Act 2009, the government recently signed the intergovernmental agreement for a national exchange of criminal history Information for people working with children (IGA) which seeks to facilitate the exchange of information with other jurisdictions for the purpose of screening those who work or volunteer with children. The bill amends this act to facilitate the operation of the IGA.

The IGA supersedes and replaces the memorandum of understanding signed by the states, territories and the commonwealth and the Council of Australian Governments. South Australia is a party to the IGA and the Department for Communities and Social Inclusion screening unit has also been accepted for inclusion as an authorised screening unit under the IGA.

The premise for introducing the Statutes Amendment (Assessment of Relevant History) Bill is presented by the Attorney-General as seeking to strengthen the legislative framework for screening individuals who work or volunteer with children, and to put similar measures in place for those who work or volunteer with vulnerable adults through amendments to those acts, and also for those who work in the public sector more generally.

It is, of course, important to all of us that we should be doing everything possible to promote safety and wellbeing of the most vulnerable in our community. Children, young people, frail senior citizens, adults with physical disabilities or mental impairment are among the most vulnerable. These people definitely need more protection. Parents, caregivers and family members should be confident that organisations providing services and activities to their children, young people and vulnerable adults are taking all reasonable steps to safeguard their safety and wellbeing. There is no doubt that proper screening of people who work or volunteer with them is a significant preventative measure that contributes to safety and wellbeing of our most vulnerable.

The Attorney-General wrote to each member of parliament, and his letter informed members that the government has established a cross-reference working group which arose out of the state government signing an intergovernmental agreement for the National Exchange of Criminal History Information for People Working with Children, which sought to facilitate the exchange of information with other jurisdictions, specifically for the purpose of screening those who work and volunteer with children.

The member for Bragg, Vickie Chapman, in the other place, expressed her disappointment in her second reading speech in which she rightly pointed out that on the face of it, the purpose of advancing this legislation and going through this rather unusual process where the bill is tabled and introduced and having a review process (which all has to quickly come together before December for cabinet to consider things) made her, as well as the opposition team, very suspicious about the bona fides of the government on this bill and its intention regarding the protection of children.

Of course we cannot blame ministers or government departments for people in the community behaving badly to hurt others or take advantage of those who are vulnerable. However, people in those powerful positions have the responsibility to protect children and vulnerable adults so they do not become victims of the sometimes obscene conduct of nasty people in the community. What ministers and government departments are responsible for, and need to be held to account on, is when they know about such conduct or know about the risk to a child or vulnerable person—they know the risks, they know the problems and, yet, they do not do anything about it. That is the real issue here.

No doubt all honourable members are aware of some of the most horrible incidents of abuse and cover-ups that have taken place in South Australia. Indeed, in the last year we have had

almost daily exposure to circumstances in which children have been ill treated, sometimes on the premises of government-run entities, and there have been a variety of failures on the part of the government not only to properly protect a child from further inappropriate conduct but also leaving other children at risk.

Parents with children and families with vulnerable adults in care are feeling uneasy about the current situation and some are living in fear. As the member for Unley and the member for Bragg have pointed out in their contribution to this bill, we have had circumstances where inappropriate conduct and abuse has occurred on school grounds and in private facilities. Children are left at risk in circumstances known to the authorities responsible for them in Housing Trust accommodation, for example, in school environments, sometimes in institutional care and sometimes on buses.

Even more shocking was that we have had circumstances where children on school grounds were accused falsely of committing offences such as accessing pornography, then money was paid as some kind of compensation and expected to execute contracts with a confidentiality clause to keep things covered up and hush-hush.

The Liberal Party has supported a screening process. We have even supported the expansion of that to volunteers because, on this side of politics, we have understood the significance of access to children and the examples that have been exposed, whether they are volunteers in care organisations for children, foster carers or people who are in positions of trust in organisations that include children, such as sporting clubs or a community activity.

Screening processes for people who work or volunteer with children and young people, the aged and other vulnerable adults, are currently in operation in South Australia. A scan of those arrangements suggest that they are ad hoc and inconsistent in their operation and application. We recognise that having screening processes is important, and the core objective of this is to provide that additional safeguard and protection.

However, we can have all the screening processes, all the detection processes and all the reporting processes in the world, but they are not going to help much unless we also ensure that there are resources for properly trained people to follow things through. Otherwise, it defeats the purpose because of the deficiencies in the detection and prosecution of matters without actually achieving the protection we are trying to achieve.

While I would like to indicate that the opposition is not opposing this bill, I would like to refer to the concerns raised by the Law Society. The Law Society acknowledged the importance of the protection of children; however, they would like members of parliament to consider the point that people are not inappropriately denied the right to work in particular environments. The submission by the Law Society emphasises the need to look at the width of the definition of 'relevant history', the use of the information and the procedural fairness of what is to apply.

The Law Society takes the view that it would be inappropriate for uncontested or unproven information to be used against an individual. It is not simply adequate to say that it has been lawfully obtained—that is, there has not been any breach of the law for the party who has received or recorded that information; it has to have some level of integrity in its reliability for it to be depended on.

The Law Society acknowledges that not everyone who is acquitted or has had charges withdrawn is innocent; however, the problem is that not all information gathered in the process of an investigation or by any other means is accurate or reliable. They go on to say:

> Of course, we want our children protected. At the same time, an innocent individual should not suffer a life industrial ban because someone lied about him or her.

The Law Society's remedy at least to be considered in this process is that if legislation is introduced the bill should include a review or an appeal process in addition to the important provisions for procedural fairness. How that is to be done is obviously a matter that can be considered as to whether we use our current administrative legal processes or not. We believe the Law Society has raised some important aspects, and the importance of that needs to be seriously considered by the Attorney-General. I believe honourable members recognise that we should be doing everything possible to promote the safety and wellbeing of the most vulnerable in our community.

If this bill is intended to strengthen the legislative framework to restore trust and confidence in parents, caregivers and family members about organisations and government entities providing

services and activities for their children, young people and vulnerable adults, and if this bill is to ensure that we are taking all reasonable steps to safeguard the safety and wellbeing of those most vulnerable in our community by amending the Children's Protection Act, the Disability Services Act, and the Spent Convictions Act, if that is the intent and purpose of the bill, then I am pleased to indicate that the opposition supports the passage of this bill.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (12:54): I believe there are no further second reading contributions and I thank the opposition for the indication of its support for this bill. The bill introduces for the first time in this state a legislative framework to screen people who work or volunteer in the disability sector, by amending the Disability Services Act, and further enhances the existing arrangement of the Children's Protection Act 1993 for screening those who work or volunteer with children. It makes a number of other amendments as well. It is a bill that obviously helps improve the protection of our most vulnerable, and I look forward to dealing with it expeditiously through committee.

Bill read a second time.

In committee.

Clauses 1 to 4 passed.

Clause 5.

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

Amendment No 1 [AgriFoodFish–1]—

Page 3, lines 20 and 21 [clause 5(6)]—Delete subclause (6) and substitute:

(6) Section 8B(7)—delete 'Regulations made for the purposes of this section' and substitute:

The regulations

This amendment is a straightforward drafting issue, recommended by the Attorney-General's Department. It simplifies the regulation-making power under section 8B of the act.

Amendment carried.

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

Amendment No 2 [AgriFoodFish–1]—

Page 4, line 30 [clause 5(15), inserted definition of *relevant history*, (a)(ii)]—Delete 'information relating to'

Amendment No 3 [AgriFoodFish–1]—

Page 5, line 15 [clause 5(15), inserted definition of *relevant history*, (b)(ii)]—Delete 'information relating to'

The words 'information relating to' are unnecessary because that information relating to changes is released under subsection (a)(iv) of the definition of 'relevant history', and the second amendment is consequential.

Amendments carried; clause as amended passed.

Clauses 6 and 7 passed.

Clause 8.

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

Amendment No 4 [AgriFoodFish–1]—

Page 8, line 10 [clause 8, inserted section 5B(4)]—Delete 'Regulations made for the purposes of this section and section 5C' and substitute 'The regulations'

Amendment No 5 [AgriFoodFish–1]—

Page 10, line 1 [clause 8, inserted section 5B(6), definition of *relevant history*, (a)(ii)]—Delete 'information relating to'

Amendment No 6 [AgriFoodFish–1]—

Page 10, line 30 [clause 8, inserted section 5B(6), definition of *relevant history*, (b)(ii)]—Delete 'information relating to'

My understanding is that these amendments are consequential on my amendment No.1.

Amendments carried; clause as amended passed.

Remaining clauses (9 to 12) and title passed.

Bill reported with amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (12:59): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STAMP DUTIES (OFF-THE-PLAN APARTMENTS) AMENDMENT BILL

Second reading.

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) (13:00): 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.

This Bill introduces legislative amendments to extend the stamp duty concession for apartments bought off-the-plan to include the inner metropolitan area.

The inner metropolitan area includes apartments in developments within the area of Regency Road, Hampstead Road, Portrush Road, Cross Road, Marion Road Holbrooks Road, East Avenue and Kilkenny Road. The extended area also includes sites that are contiguous to the boundary of that area (i.e. will include sites on both sides of the bordering roads).

The Government has recently announced that it will rezone some inner metropolitan areas to allow for greater residential growth. The new zones will allow new mixed commercial and residential developments in targeted inner metropolitan areas.

The overhaul of planning laws and rezoning of areas within the inner metropolitan area will allow more people to enjoy the benefits of an inner city lifestyle in well-designed housing with access to public spaces and the vibrant lifestyle for which Adelaide is becoming renowned.

In the 2012-13 Budget, the Government announced a stamp duty concession for purchases of eligible off-the-plan apartments, with the aim of encouraging higher density inner-city living in line with the Government's 30-year plan. The concession provides a full stamp duty concession for off the plan contracts entered into up to 30 June 2014 (inclusive), capped at stamp duty payable on a $500,000 apartment and a partial concession for the next two years.

The Government wants to encourage multi-storey living in the inner metropolitan area and therefore proposes to extend the off-the-plan stamp duty concession to multi-storey developments within the defined inner metropolitan area.

The off-the-plan stamp duty concession will be available for buyers of apartments within the inner metropolitan region who enter into an eligible off-the-plan contract from 28 October 2013. All other eligibility criteria remain the same.

The total impact to the budget of this measure over the forward estimates is estimated to be $5.9 million.

Together with the planning reforms and the Government's investment in public transport, these reforms are intended to support the Government's objective of building a more vibrant city that offers an increased choice of housing and the opportunity for more people to live centrally.

I commend this Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause provides for the short title of the measure.

2—Commencement

The measure will be taken to have come into operation on 28 October 2013.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Stamp Duties Act 1923*

4—Amendment of section 71DB—Concessional duty on purchases of off-the-plan apartments

This clause sets out a series of amendments that will extend the operation of section 71DB of the Act to the purchase of apartments under an off-the-plan contract with respect to an area to be designated as *Area B* under these amendments (being a contract entered into on or after 28 October 2013).

5—Insertion of Schedule 3

This Schedule sets out the plan to be used for the purposes of identifying Area B under section 71DB of the Act (as amended by this Act).

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

[Sitting suspended from 13:01 to 14:17]

PAPERS

The following papers were laid on the table:

By the President—

Supplementary Report of the Auditor-General, 2012-13—Appointment and Administration of Authorised Officers

By the Minister for State/Local Government Relations (Hon. G.E. Gago)—

Outback Communities Authority—Report, 2011-12

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

Reports, 2012-13—

- Balaklava Riverton Health Advisory Council Inc.
- Barossa and Districts Health Advisory Council Inc.
- Bio Innovation SA
- Bordertown and District Health Advisory Council Inc.
- Ceduna District Health Services Health Advisory Council Inc.
- Child Death and Serious Injury Review Committee
- Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004—a Report into Sexual Abuse, November 2013
- Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004—Response to the Children in State Care Commission of Inquiry Report—Allegations of Sexual Abuse and Death from Criminal Conduct
- Construction Industry Training Board
- Controlled Substances Advisory Council
- Country Health SA Local Health Network Health Advisory Council Inc.
- Department of Further Education, Employment, Science and Technology
- Department of Environment, Water and Natural Resources
- Eastern Eyre Health Advisory Council Inc.
- Education Adelaide
- Environment Protection Authority
- Eudunda Kapunda Health Advisory Council Inc.
- Kangaroo Island Health Advisory Council Inc.
- Leigh Creek Health Services Health Advisory Council Inc.
- Mannum District Hospital Health Advisory Council Inc.
- Marine Parks Council of South Australia
- Mid North Health Advisory Council Inc.
- Mid West Health Advisory Council Inc.
- Northern Yorke Peninsula Health Advisory Council Inc.
- Office of the Guardian for Children and Young People
- Pharmacy Regulation Authority of South Australia
- Port Lincoln Health Advisory Council Inc.
- Port Pirie Health Service Advisory Council Inc.
- Quorn Health Services Health Advisory Council Inc.

South Australian Heritage Council
South Australian Multicultural and Ethnic Affairs Commission
Southern Flinders Health Advisory Council Inc.
TAFE SA
The Whyalla Hospital and Health Services Health Advisory Council Inc.
Yorke Peninsula Health Advisory Council Inc.
Zero Waste SA

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:19): I bring up the 39th report of the committee.

Report received.

ANANGU PITJANTJATJARA YANKUNYTJATJARA LAND RIGHTS ACT

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:19): I seek leave to make a ministerial statement.

Leave granted.

The Hon. I.K. HUNTER: Earlier this year, I announced that there would be a narrow review of the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981. This review was prompted by the need to provide more contemporary governance structures and accountability measures relating to the election and appointment of members to the executive board of the Anangu Pitjantjatjara Yankunytjatjara, and to strengthen its expert advisory capacity and knowledge base. A panel was appointed to assist in the review and to undertake consultation across the APY lands on matters pertaining to:

- the voting structure for election to the APY Executive;
- enabling skills-based directors to be co-opted to the APY Executive;
- introducing a fit and proper person test for all potential members of the APY Executive;
- achieving a gender balance on the APY Executive; and
- establishing a commercial development advisory committee

The APY Executive indicated its support for the limited review.

Three consultation visits across the APY lands were undertaken in October and November 2013 and I am now in receipt of the panel's interim report. The panel's consultations revealed firm support for changing the way the APY Executive is elected and operates, so as to improve representation of all Anangu on the lands. Anangu clearly stated that they want the APY Executive to do things differently and would like to see changes to help achieve a better future for all Anangu. They want:

- a new election system that not only has gender balance but also allows smaller communities to be represented;
- all Anangu to have a right to vote;
- strong men and women who can speak and act for all Anangu;
- standards for candidates for election to the APY Executive;
- ways to maintain these standards; and
- ways to encourage and support younger men and women to stand for and become members of the APY Executive.

There was some support for the idea of a separate economic advisory committee but only limited support for the addition of two skills-based directors to the APY Executive. Consequently there are no recommendations made on these two proposals. The panel considers this may be considered further at a time when a new APY executive is elected.

Women, while clearly wanting gender balance, reinforced their respect for men who have sat on the APY Executive over the years and for the historical importance of their work since the

act was passed in 1981. Women expressed a strong desire to work together with men for the future of all Anangu.

Due to the cultural and sorry business that occurred in the course of the consultation on the lands, the panel was unable to conclude the planned consultations in two communities. The government is supportive of the panel's recommendation that further consultation occur in those communities. An interim report will be handed to the APY Executive so that it may consider and assess the views expressed by Anangu in this review prior to the public release of the interim report.

QUESTION TIME

FARMING VEHICLES, UNRESTRAINED LOADS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:22): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about utilities.

Leave granted.

An honourable member interjecting:

The Hon. D.W. RIDGWAY: As a matter of fact, it could be. In the past few weeks, a Yorke Peninsula primary producer received an expiation notice issued by the police in Kadina for an unrestrained load on the back of a farm ute. The police acknowledge that to prove this offence they must show there is an appreciable risk to other road users or road infrastructure if the item was not restrained. In other words, if an item can come out of the tray, it could be an offence.

The transport of farm machinery on roads is a big issue at seeding and harvest time. Primary producers want to transport machinery and goods safely but it is critical that regulations regarding allowable width, warning lights, escort vehicles and so on, are practical. My questions are:

1. What contact has the minister or her department had with the Minister for Police on laws and regulations relating to farm requirements and tools in a utility being restrained?

2. What has the minister or her department done to ensure that the relevant regulations are kept up to date with the size of machinery now used with modern farming practices?

3. Has the minister or her department consulted Primary Producers SA or held discussions with the machinery dealers network or the Motor Trade Association to ensure adequate representations are made to the department of transport?

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) (14:23): I thank the honourable member for his questions. Indeed, the issue not just of unrestrained loads or farming vehicles that carry other equipment or loads and the safety around that but also the size of farming equipment and other construction equipment that need to use our roads is very important.

In relation to unrestrained loads, it is most important that not just farmers but all people who are carrying loads make sure that their load is safely restrained. I am sure that all of us, at one time or other, have been behind a vehicle where part of the load or equipment has fallen off and caused a near accident. I certainly have. In fact, it was just on the weekend when I went around a roundabout behind a vehicle, and they had a load of compost-type mixture, so at least it wasn't heavy. As I they went around the roundabout, the load completely dropped off onto the bonnet of my car and window. As I said, at least that was just soft soil, so it was not a serious incident. It is beholden on us all to make sure that our loads are safely secured when we are on roadways.

In relation to farmers and unrestrained loads, to the very best of my knowledge not one farmer, farming peak organisation or representative primary industry group has ever raised that issue with me at an individual level, and I visit farms and talk to farmers all the time, and I am certainly meeting regularly with all of the peak primary industry bodies. As I said, I will check my records to make sure but, to the best of my knowledge, no-one has ever raised that issue.

However, the issue of large equipment that is used by farmers and also by businesses in the construction industry has been raised with me in the past, and I have certainly liaised in that

regard. It was the minister for transport at the time who was responsible for registering and putting regulations around the requirements for equipment and loads being able to be shifted on our roads—restrictions, for instance, in that some sized vehicles can be moved only during the night and not during the day and suchlike.

Of course, more and more of our farmers are relying on buying equipment that is made overseas. Some of that equipment is made to different specifications, so what is legal for some of those roads is not necessarily legal here. We did have some very fruitful discussions, and the transport department was able to assist in accommodating the introduction of some new equipment for one firm in particular. As I said, I am happy to check my records, but to the best of my knowledge no-one has raised that issue.

As I always say in this place, my door is always open. I have had a personal and longstanding commitment not just since being elected as a member of parliament but when I was an elected union official as well. My philosophy has always been the same, and that is that, if people want to talk to me, I am more than happy to meet with them, and I meet with as many of those requests as I possibly can; it is not just the big end of town—it is not just the big organisations—but it is also individuals and their personal and individual problems. I am happy to listen to those and, where I am not able to do so, I attempt, wherever I can, to ensure that an officer who has the relevant background and information is able to meet with them.

If there are farmers who wish to talk to me about matters around unrestrained loads, I invite them to contact my office and I would be more than happy to listen to their concerns and as always, to accommodate them wherever we can and however we can. It is a balancing act: we need to make sure that we keep our roads safe as well as ensuring that our farmers can get on and do their business.

SCHOOLS, DRINKING WATER

The Hon. J.M.A. LENSINK (14:30): I seek leave to make a brief explanation before directing a question to the Minister for Water and the River Murray regarding rainwater tank use.

Leave granted.

The Hon. J.M.A. LENSINK: The issue of rainwater tank use in schools has been a hot topic this year, as schools have been receiving notification that they may not use their rainwater tanks when mains water is available. Through freedom of information, my office has sought to understand why this change of policy has taken place. The only document we have been able to obtain is from DECS, which has a policy entitled 'Asset policy & capital programs—policy, standards and procedures: use of harvested rainwater at DECS sites', which goes back to 2007 and I understand has not been reviewed in that time.

The policy refers to a number of issues and states, 'Harvested rainwater shall not be used for drinking purposes at sites with a public mains water supply.' It further states that without mains supply, disinfection via ultraviolet light irradiation is required, and all rainwater tanks must have a first flush diverter fitted.

The Liberal opposition is aware that at least the regional schools of Ceduna, Clare, Streaky Bay and Keith have been advised of this policy. Streaky Bay, in particular, installed rainwater tanks to assist in the increasing cost of their water bills. The Keith Area School, we understand, spent approximately $15,000 to $20,000 installing rainwater tanks and piping, to be told now that they are not able to use it. The FOI didn't establish that there was any policy through SA Health or DEWNR. My questions for the minister are:

1. Can he explain why this policy is now being enforced?

2. What advice does DEWNR or SA Water provide, particularly in relation to water conservation methods?

3. Is the government willing to work with schools to find a resolution for this issue?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:32): I thank the honourable member for her most important question about DECD policy as it relates to rainwater tanks in country and regional schools. That is a question, of course, that needs to be referred to the Minister for Education and Child Development in the other place, so I am happy to take that part of her question on notice.

In terms of DEWNR policies and SA Water policies in relation to that, I have no advice in relation to what DEWNR or SA Water may have discussed with DECD. Again, I can ask my department to supply that information for the honourable member, so I will bring back a response in regard to that part.

WATER AND SEWERAGE INFRASTRUCTURE

The Hon. T.J. STEPHENS (14:33): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray questions about the government's proposed third-party access regime for water infrastructure.

Leave granted.

The Hon. T.J. STEPHENS: The minister would be aware that he was bound by section 26 of the Water Industry Act to publish a report by 1 February this year regarding third-party access to water infrastructure and sewerage infrastructure services and for that report to be laid on the table in this place. This was done on 20 March. The minister was also bound to use his best endeavours to introduce a bill giving effect to this new regime by 1 September of this year. I understand that the minister tabled a bill for consultation in late September. My questions are:

1. Why has the minister not endeavoured to introduce the Water Industry (Third Party Access) Amendment Bill before 1 September, as per conditions of the Water Industry Act?

2. Given the report was released in February, why was consultation not carried out between February and September?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:34): I thank the honourable member for his most important questions. As the honourable member highlighted, on 26 September I released a consultation draft bill to establish a state-based third-party access regime for water and sewerage infrastructure. This draft bill is a key milestone in ongoing major reforms for the water industry in South Australia that began with a passage of the Water Industry Act last year.

The implementation of access arrangements will be another key step towards an efficient, dynamic and transparent water industry for South Australia. In February this year, I published a report titled 'Access to Water and Sewerage Infrastructure'. That report was intended to facilitate consultation with industry participants and industry community members on the eventual implementation of state-based access arrangements for water and sewerage infrastructure services. This draft bill is closely based on that earlier report and the feedback that was received. It also builds on our experience with economic regulation and access regimes for maritime services and railway operations which have been certified by the National Competition Council.

Current arrangements allow access seekers and SA Water to negotiate access on a commercial basis. This draft bill formalises those arrangements and provides a regulatory framework that will apply consistently to all South Australian water industry entities. This is an opportunity for anyone with an interest in the state's water industry to provide comments to this bill, and I understand that written submissions are due by 29 November 2013.

The report was published in accordance with section 26 of the Water Industry Act 2012. The report was also required to be tabled in parliament. The report summarised the current status of third-party access to water and sewerage infrastructure and examined a number of options for access regimes in the state. The options included: maintaining the status quo, that is, access seekers may seek a determination for access under the commonwealth Competition and Consumer Act 2012; making a ministerial direction to SA Water requiring SA Water to publish protocols regarding third-party access to its infrastructure which would operate under the commonwealth act; the possibility of voluntary undertakings under the national access regime which would involve water infrastructure owners giving a voluntary undertaking under the commonwealth act; and, finally, the creation of a state-based legislative access regime.

Third-party access is designed to allow industry access to infrastructure for the purpose of providing goods and services to customers in downstream and upstream markets. An access regime is a regulatory framework that provides an avenue for firms to use certain infrastructure services owned and operated by others when commercial negotiations regarding access are unsuccessful. As I said earlier, we will wait for the written submissions which close on 29 November and then make some further determinations after that period has ended.

REGIONAL DEVELOPMENT AUSTRALIA FUND

The Hon. CARMEL ZOLLO (14:37): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about regional grants.

Leave granted.

The Hon. CARMEL ZOLLO: Infrastructure and job creation are important issues to regional and rural South Australian communities and it is important that funding programs are in place to support this. I ask the minister whether she can inform the chamber of how the South Australian government is determined to advocate for our regions on a national level?

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) (14:38): I thank the honourable member for her most important question. Ensuring that our regions and our regional centres can support economic growth in their districts is obviously critical to a sustainable South Australia, and is one that the Weatherill government has been active in supporting. I have spoken in this place before about the significant developments that many regional and rural communities have been able to progress by utilising the regional grants processes.

One such process was the Regional Development Australia Fund (RDAF) which, until very recently, South Australia did extremely well out of—we had punched way above our weight. RDAF was an Australian government program that supported infrastructure needs of regional Australia. The program has funded capital infrastructure projects identified as priorities by local communities. This work has included vital projects such as upgrading the Port Augusta, Whyalla and Port Lincoln airport terminals, and redevelopment of numerous community sporting grounds and upgrades to things like walking trails. Overall, under the former Labor government, South Australia was successful in obtaining $64 million for 30 projects over four funding rounds.

I am, therefore, disgusted by the shameful decision by the federal Minister for Infrastructure and Regional Development not to honour any non-contracted commitments made by the former Labor government for RDAF funding. This is likely to result in a loss of over $20 million of investment in community projects to regional South Australia. I know the Hon. Robert Brokenshire also finds this a disgraceful breach of a commitment.

At this stage it is likely that none of the allocations announced in round 5 to local councils, totalling around $11 million, or round 5b announced projects, including the Port Pirie CBD regeneration project of $5 million, will proceed. In addition, four projects in round 3, totalling just under $1 million in federal funding, and three projects in round 4 totalling $9 million in federal funding, have confirmed that they did not receive signed contracts. They are all going down the gurgler, the whole lot of them. It is extremely disappointing that South Australian regions, which are working towards trying to progress their communities and which are still recovering from difficult and adverse environmental and economic times, are not seeing their efforts supported by this new Coalition government.

Even worse, the federal assistant minister had the audacity to issue a media release on the Leukaemia Foundation Patient Village in Adelaide which was funded under the RDAF round 2 and provides important accommodation for rural and regional Australians during treatment. He did that in a big media release, a big splash, while remaining silent on the $20 million worth of infrastructure that he has ripped out of the hands of regional South Australian communities.

The current federal Liberal government seeks to take credit for the work of others yet avoids responsibility for the damage their reckless cuts will do to local economies and regional job creation. Their spin that the money does not exist is, as we know, a fallacy. The round 5 grants were announced in June 2013 and funded in the 2013-14 budget. It was all funded money.

The Coalition's dismissal of regional South Australian communities is a disgrace. Honourable members opposite should be writing on behalf of all regional South Australians—and we know they have not done that; we know that not one of the opposition has lifted a pen to write or lifted a phone to ring their federal colleagues, their federal mates, to request that that money be returned to our very deserving regions. Those opposite me purport to have strong ties. We hear them wax lyrical all the time. They purport to have strong ties and sympathies with regional communities, but I am completely baffled at their lack of action when it comes time to advocate and stand up to their federal mates and being brave enough to have a go and speak up for our regions.

Where is the outrage? I hear nothing. Are South Australians just expected to roll over and let the Coalition renege on and remove this really important funding? Their silence is screaming and it is obviously damning, as well, because they know, as well as we do, that the opposition leader, Mr Steven Marshall, has plans to do exactly the same thing when he is elected. We know that he plans to rip the guts out of our Public Service; death by a thousand cuts to our regions and industries, and no-one in the Liberal Party has the courage to speak out or speak up.

REGIONAL DEVELOPMENT AUSTRALIA FUND

The Hon. J.S.L. DAWKINS (14:44): I have a supplementary question. Will the minister confirm whether she has written or spoken to the minister to ask for the money that she claims has been ripped out to be given back to South Australia?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:44): Of course I have, and what is more I have reported it in this place. Not only have I written and spoken to the Hon. Mr Barnaby Joyce about the farm financing, we still have not received a contract to sign. The federal government still has not provided us with the contract to sign. I have also written to, I think, the Minister for Agriculture and the minister for regions and the Prime Minister.

I ask the Hon. John Dawkins who he has written to amongst his federal friends, who has he written to, to stand up and support our regions and our farmers. Who has he written to? How many letters has he written? Who has he phoned to stand up and support our regions, because I certainly have? I ask each and every one of them sitting opposite me: who have they written to amongst their federal colleges to stand up, to have the guts to stand up, and fight for South Australians farmers? How many of them have written? How many of them have picked up the phone? Not one—complete silence, complete and utter silence! They are a bunch of cowards.

RECREATIONAL BOATING FACILITIES FUND

The Hon. J.A. DARLEY (14:46): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Transport and Infrastructure, questions regarding the Recreational Boating Facilities Fund.

Leave granted.

The Hon. J.A. DARLEY: I understand that the South Australian Boating Facilities Advisory Committee recently made a unanimous recommendation to the minister to approve approximately $1 million of funding from the SA Boating Facilities Fund, which is comprised of moneys collected from fees levied upon boat owners for the Cruising Yacht Club to extend the breakwater at North Haven. I understand that for the first time the minister has refused to accept the committee's recommendation and is not authorising the release of the funds. Can the minister advise why he has decided to go against the recommendations of the committee?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:47): I thank the honourable member for his most important question and will refer it to the Minister for Transport in another place and bring back a response.

LOWER MURRAY ROADSHOW

The Hon. G.A. KANDELAARS (14:47): My question is to the Minister for Water and the River Murray. Will the minister inform the chamber of his attendance at the Lower Murray Roadshow in Murray Bridge last night?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:47): How did you know that?

The Hon. J.S.L. Dawkins: Gerry knows that's what you had a pair for.

The Hon. I.K. HUNTER: Oh, okay. I thank the honourable member for his most important and prescient question, happening only last night, but, as the Hon. Mr Dawkins says, everybody knows that I went to Murray Bridge last night to spend some time with the Lower Murray Roadshow, and it was a very interesting evening.

The roadshow is a three-day tour and is a series of meetings between senior commonwealth and state officials and stakeholders on key economic and social issues facing the Lower Murray region. It is this Labor government that has fought so hard to protect this region, and we will continue to fight for the area. We stood up for the health of the River Murray to the federal government in Canberra when it was a federal Labor government, and we stood up to the upstream states to demand a final Murray-Darling Basin Plan, which would ensure the health of the basin. We stood together as a state with irrigators and environmentalists, river communities and South Australians across the board—

The Hon. G.E. Gago: No members of the opposition?

The Hon. I.K. HUNTER: —they may still come on board yet—to demand a plan which was based on the best science available to us at the time. As we know, the best available science showed us that a return of 2,750 gigalitres to the river was insufficient.

So, we demanded a better deal, and all the while those opposite, as they are doing now, refused to stand up to their Liberal colleagues in the Eastern States, and even now that the government has changed at a federal level, they refuse to stand up to their federal Liberal counterparts. They begged us to accept the clapped-out old Mazda deal that was on the table, that New South Wales was forcing on us. They said, 'No, don't bother fighting for a better deal for the River Murray, you'll never get it,' the Liberals said, 'just take what's on offer from New South Wales; it's the best you're ever going to get.'

That is not what happened. It is the leadership of Premier Weatherill and this Labor government that achieved a final plan which will return 3,200 gigalitres to the river. In ensuring the health of the River Murray, this government was, of course, ensuring the sustainability of river communities and the sustainability of irrigation from our greatest natural resource. The additional 450 gigalitres that we won for the River Murray will only be returned in a socially and economically mutual or beneficial manner.

To achieve that additional return, we now have an additional $1.57 billion in commonwealth funding. The previous Labor government secured that money in a legislative fund. Will the current federal Liberal government stand up to that promise, or will they seek, as they are doing now—as the member for Sturt is doing now with Gonski—to walk away from the deals that were entered into in the past? Is that what they are doing, because that is what we see now happening in Canberra.

So much for a mandate! They did not tell the people of South Australia, let alone the country, that they were going to renege on that deal on education. They said, 'We stand with Labor and we will do exactly the same thing that Labor is doing on education.' Same page, same promise, same money; and now, eight weeks later, it is all gone. The member for Sturt says, 'Sorry, the deal's off. We are taking that money back.' We need the Liberal Party here in South Australia to stand up to those bullyboy tactics from the federal government, to stand up to their colleagues in the other states, and stand for South Australia.

Members interjecting:

The Hon. I.K. HUNTER: I am coming back to it, Mr President, under your guidance. We also won an additional $200 million of commonwealth funding made available to remove or reduce priority constraints. In addition, South Australia secured around $420 million for water recovery, industry regeneration, regional development and environmental work projects that will maximise the benefits for both the environment and our irrigator communities. One of these programs, the $265 million South Australia River Murray Sustainability—Irrigation Industry Improvement Program, is being rolled out now by the Department of Primary Industries and Regions South Australia and will support industry improvement and recovery water for the environment.

The roadshow allowed government officials and stakeholders to visit a number of impressive and important business, agricultural, Ngarrindjeri and tourism sites and, because the road show was organised to allow governments and stakeholders to discuss key economic and social issues facing the region, this was a perfect forum to talk about the risks to the region—and the biggest risk right now is the Liberal Party of Australia. As we have seen from those opposite, those in the Liberal Party do not care about the River Murray and they do not care about communities and irrigators who depend upon it.

In just 10 weeks of the federal Liberal government, we have seen how much the Liberals care about the river, its communities and its irrigators. We have already seen the deferral of $650 million in expenditure to address water buybacks. These water buybacks are essential to

ensuring the successful implementation of a Murray-Darling Basin plan, but the Liberals say no. Then we have had the South Australian Liberal senator and Parliamentary Secretary to the Minister for the Environment, Mr Simon Birmingham, raise doubts over the federal government's commitment to the $1.77 billion fund secured by this government as part of our deal to sign up to the plan.

What have we heard from these members opposite? Silence. Absolute silence. Those opposite continue to refuse to stand up to their interstate colleagues. They continue to refuse to use their influence with the new commonwealth government—that is if they have any at all, because there is only one South Australian minister in the cabinet of this federal Liberal government. One South Australian minister.

The Hon. D.W. Ridgway: Nobody's listening.

The PRESIDENT: Order, I'm listening!

The Hon. G.E. Gago: It's based on merit.

The Hon. I.K. HUNTER: That is based on merit, of course. Obviously, they select their cabinet on merit. The Liberals in South Australia have no-one meritorious enough to go into the cabinet. How many ministers from South Australia were in the Howard Liberal government? How many ministers from South Australia were in the Hawke and Keating Labor governments? And how many do we have now? That is what the federal Liberal government thinks about South Australia.

This is all we hear from the Liberal Party in South Australia—absolute nonsense. Even when there is a threat of removing $2.3 billion in federal funding, it is not enough to stir these people opposite into action. The lethargy is growing and growing. When was the last time you heard, Mr President, the Leader of the Opposition stand up to the federal Liberal government about the River Murray? When was the last time you heard Mr Steven Marshall, the member for Norwood in the other place, stand up for the South Australian irrigators? When was the last time you heard the Leader of the Opposition go out and fight for South Australia against the depredations that the federal Liberal government is about to visit on the river communities?

Instead of calling on their colleagues to live up to the commitments, the opposition calls for the government to switch on the desal plant, even when environmental conditions will not require it, at an increased cost to SA Water customers. They want South Australian taxpayers to pay more because they will not stand up to New South Wales and the commonwealth. They will not stand up for South Australian taxpayers.

Members interjecting:

The Hon. I.K. HUNTER: The Hon. Michelle Lensink will come in here and tell us that we should be paying more to support the poor New South Wales government, that we should be paying more to support New South Wales through the taxpayers of South Australia because they will not pay their share. We should shoulder the burden—this is the Liberals. They do not give a damn about South Australia. They do not give a damn and the federal commonwealth Liberal government does not give a damn either.

Mr President, I was very pleased to address the Lower Murray roadshow and speak to stakeholders about the support being provided to them as a result of the government's campaign, but now it is time for members opposite, and particularly the Leader of the Opposition, Mr Marshall, to clarify their position. Will they stand up to their colleagues interstate? When will they fight for the health of our river system? Just how and when will they use the desalination plant? Let them tell us that. Let them tell South Australians how they are going to turn on the desal plant and under what conditions.

The Hon. J.M.A. Lensink: You can't tell us yourself.

The Hon. I.K. HUNTER: Well, I told you yesterday how we are going about that.

The Hon. J.M.A. Lensink: You did not.

The Hon. I.K. HUNTER: I told you exactly that, but you haven't got a clue. What are you going to do? What is it going to cost the budget under your plan to turn on the desal plant and activate it? That is their plan, Mr President. It is like the vibe: 'We'll activate the desal plant.' I do not know what that means. Turn it on, walk away and let it go forever? Charge desal prices to the irrigators of South Australia? That is Michelle Lensink's plan, and the people of South Australia should hear more about it; and, if she will not tell them, I will.

Members interjecting:

The Hon. I.K. HUNTER: In addition, are they proposing to remove statewide pricing for water? Is that their policy, a policy that shares costs—

The Hon. G.E. Gago: I had heard a rumour.

The Hon. I.K. HUNTER: —well, indeed, I heard a very similar rumour—of water across the whole state? Are they going to remove that policy to force some customers to pay more for their water? The people of the River Murray deserve to know. The people in the regions of South Australia deserve to know. Is that their plan? Is that their plan: activate the desal plant, remove statewide pricing, drive up water prices for every South Australian water consumer?

Members interjecting:

The Hon. I.K. HUNTER: Mr President, they really do need to check to see if the plant is actually operating—because it is operating right now—before they open their mouths again. That, of course, Mr President, is gratuitous advice for their own benefit, and I am very happy if they do not take it up.

The time has come for the Leader of the Opposition to come clean and tell South Australians what his plans are for South Australia. We do not know. They are keeping them secret. He can no longer afford to stay silent whilst members of his parliamentary team and his political party make up the policies for him and make ever-increasing budgetary commitments which are not factored in to any plan. What is going to happen come the election? They are going to say, I predict, 'Everything we've promised so far is off. We'll clear the decks. Everything we've already promised South Australia is off and we will start anew.' That is probably what they are going to say, but I remain to be convinced about that. The people of South Australia deserve a capable opposition and, right now, they are coming up incredibly short of that mark.

SOLAR ENERGY

The Hon. M. PARNELL (14:58): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Mineral Resources and Energy, a question about taxing the sun.

Leave granted.

The Hon. M. PARNELL: A non-profit, non-partisan organisation going by the name of Solar Citizens is heading to Canberra next week to lobby federal ministers and MPs to protect the rights of more than one million Australian households that now generate renewable solar electricity from their rooftops.

Under the banner 'Don't tax the sun', Solar Citizens will be presenting a petition of over 23,000 signatures and urging the government not to capitulate to the big power companies that want small solar power generators (ordinary Australians) to pay more for feeding renewable energy back into the grid. The petition is available on the Solar Citizen website: www.solarcitizens.org.au and reads as follows:

Dear Prime Minister, State Premiers and Energy Ministers,

Recently, the Australian Energy Market Commission recommended increasing penalties and tariffs to solar owners—in effect, taxing the sun. This sun tax is outrageous—over 1 million families in Australia have made the move to solar to take control of their energy production and reduce their energy bills. It's unfair that families who have done the right thing would be penalised in any way.

Solar is not what is driving up electricity costs. Investment in polls, wires and dying technologies are. Instead of a sun tax, you should look at the best way to deal with those network costs, which are, in truth, the real costs increases that are hurting all Australians.

Solar energy is the energy production of the future, growing internationally and rising rapidly here in Australia. We should be increasing investment in solar—not penalising families and letting big power companies dictate our energy future.

That's the end of their petition. As well as meeting federal officials, Solar Citizens also intends to meet with state and territory energy ministers in mid-December. My question of the minister is: when Solar Citizens come to meet you next month, will you be siding with the big electricity companies, or will you fight for the rights of ordinary South Australian households who are doing their bit to protect the environment and manage their energy bills by investing in solar energy?

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) (15:00): I thank the honourable member for his most important question and will refer that question to the Minister for Energy in another place and bring back a response—

Members interjecting:

The Hon. G.E. GAGO: —straight back—as soon as I possibly can. I'll wait outside his room. I know that the minister is a very considered man. I know that he carefully listens to and is prepared to listen to all points of view, and I am sure he will do so on this occasion.

REGIONAL DEVELOPMENT

The Hon. J.S.L. DAWKINS (15:01): My question is directed to the Minister for State/Local Government Relations. Given the minister's repeated statements in this place on 13 November that she is only responsible for the regional development aspects of local government matters, will she outline which of these responsibilities are separate from her responsibilities as the Minister for Regional Development?

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) (15:01): I thank the honourable member for his most important question. I have explained the machinery of government changes in this place on numerous occasions. The changes have meant that I have responsibility for legislation relating to the outback communities and that authority, and also the federal assistance grants (FAGs), and it's not surprising, given that they are both areas of state/local government that relate very much to regions.

My other responsibilities in terms of regional development have always had a very close synergy with state/local government development. They have always, as I said, had a very close synergy. I've enjoyed being able to leverage those responsibilities and look forward to continuing to do so.

Prosperity in our regional areas is extremely important to this state and, of course, local governments play an extremely important role in regions. They are a major, if you like, social structure in regions, so they are vital to any consideration of and planning around regional development and improving regional prosperity. I am pleased to say that, given my former roles both as minister for environment and in state/local government, and now in regional development, I believe those synergies are very firmly consolidated.

The PRESIDENT: A supplementary question from the Hon. Mr Dawkins.

REGIONAL DEVELOPMENT

The Hon. J.S.L. DAWKINS (15:04): Under which act is the Outback Communities Authority committed to the minister?

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) (15:04): I am happy to take that on notice; I can't recall, off the top of my head. I am responsible for up to 100-odd pieces of legislation. I can't cite them all, but it does have a head of power. I am happy to, as I said, take that on notice and bring it back straightaway—as soon as I possibly can.

The PRESIDENT: The Hon. Mr Dawkins with a further supplementary.

REGIONAL DEVELOPMENT

The Hon. J.S.L. DAWKINS (15:04): Is the minister responsible for Financial Assistance Grants across the whole state or just in regional areas?

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): For the distribution right across the whole state.

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

REGIONAL DEVELOPMENT

The Hon. J.S.L. DAWKINS (15:05): Given the fact that the Attorney-General has responsibility for the Local Government Act under the current machinery of government arrangements, is the title of Minister for State/Local Government Relations totally irrelevant?

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): In relation to the outback communities, I have received a message that it is the Outback Communities Administration and Management Act 2009. That is one less piece of paper that I have to bring back to the chamber. Sorry, I have forgotten what the other question was.

The Hon. D.W. Ridgway: Are you responsible for it?

The Hon. G.E. GAGO: Outback communities? I have already indicated that I am responsible for it. What was your other question?

The PRESIDENT: He is seeking your opinion.

The Hon. J.S.L. Dawkins: No, I didn't. I asked her if the ministry of state/local government relations is irrelevant.

The PRESIDENT: Minister, you don't have to answer that.

The Hon. G.E. GAGO: Is it relevant? I believe it is relevant. I think it is a very important position. Does the Hon. John Dawkins believe that it is not relevant and we will get rid of it? Is that what he is proposing?

The Hon. J.S.L. Dawkins: But you have: you've got the act under the Attorney-General.

The PRESIDENT: The Hon. Mr Dawkins, if you want to have an argument take it outside.

The Hon. G.E. GAGO: Is that what the Liberal opposition propose to do if they get into government? They are going to get rid of—

The Hon. K.J. Maher: Chuck him out!

The PRESIDENT: We're not in Victoria, the Hon. Mr Maher.

The Hon. G.E. GAGO: —the position of state/local government relations.

Members interjecting:

The PRESIDENT: Order! We're not in Victoria. The Hon. Mr Wortley.

REGIONAL DEVELOPMENT

The Hon. R.P. WORTLEY (15:06): I seek leave to make a brief explanation before asking the Minister for Regional Development a very important question about regional funding.

Leave granted.

The Hon. R.P. WORTLEY: The South Australian River Murray Sustainability program and the Murray-Darling Basin Regional Economic Diversification program are two significant funding programs intended to support a healthy River Murray and sustainable South Australian regions. My question is: can the minister inform the chamber how both these programs are progressing?

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) (15:07): I thank the honourable member for his most important question. On 23 August, the former federal water minister and the Premier officially announced the South Australian River Murray Sustainability program (SARMS) during a visit to the Riverland. The $265 million SARMS program was funded by the former federal Labor government and will be delivered by the Department of Primary Industries and Regions (PIRSA) over the next six years, starting in 2013-14.

It is intended that this SARMS program will support the sustainability of the South Australian River Murray communities through investment in irrigation efficiencies, water returns, irrigation industry assistance and regional economic development, with the funding applied along the entire River Murray in South Australia, from the border to the mouth. One component of this most important initiative is the delivery of the $240 million SARMS Irrigation Industry Improvement

program—a competitive grants program that will support the restoration of a healthy Murray-Darling environment by recovering 40 gigalitres of water access entitlements (36 gigalitres long-term average annual yield) from participating irrigators.

On 23 August this year, during the announcement of signing the national partnership agreements (NPAs) for the program, Senator Simon Birmingham (Parliamentary Secretary to the Minister for the Environment) was quoted in the media as saying that he welcomed the funding but questioned why it had been delayed. However, he now has the responsibility for this project, yet we are still to receive indication of the acceptance of the proposed guidelines and assessment process so that this crucial funding to support South Australian River Murray irrigators and the commitment of the basin plan and its water targets can begin. When one considers that, in opposition, Senator Birmingham was so concerned, this delay by the current federal Liberal opposition has jeopardised South Australia's capability to deliver on the agreed water returns.

Amongst many of my other letters, it is extremely disappointing that I have had to write letters to Senator Birmingham, who has taken carriage of this program. At the moment, I seem to spend most of my time writing letters to the current Liberal opposition government trying to claw back those funds that they are reneging on.

The Hon. S.G. Wade: Liberal opposition government?

The Hon. G.E. GAGO: Anyway, I have sent another letter to remind Senator Birmingham of his department's responsibilities in progressing this. It is even more disappointing considering that the honourable senator is South Australian and that he would be well aware of the significant work this government has done and the funding it has provided to ensure that we have a healthy River Murray for our regions and for our future.

Further, in August 2013, the Rudd Labor government announced the allocation to South Australia of $25 million towards 21 projects it intended to support throughout the South Australian river corridor. The projects that were announced were to receive funding from the $100 million Murray-Darling Basin Regional Economic Diversification Program, with funding contingent on South Australia signing the intergovernmental agreement for the implementation of the Murray-Darling Basin Plan.

South Australia signed the agreement on 27 June 2013. We are yet to receive confirmation from the federal government that it will honour these projects, jeopardising job creation and economic development opportunities and causing unnecessary distress to the proposed recipients of this funding, who now have no idea if or when they can expect their funding to be honoured.

I have previously written to the federal Minister for Infrastructure and Regional Development seeking his assurance that these funding arrangements will go ahead, and I have been met with silence. I wrote again this week with the hope that the commonwealth will begin to engage in a respectful discourse in delivering what was promised to South Australia.

All those opposite who have not done the same—and none of them has; not a one has picked up a pen or a phone—should be ashamed of themselves. There is no justification in letting their federal colleagues, their federal mates, treat South Australian communities with such disrespect and disdain. It is an extremely sad reflection on where their commitment to South Australian regions truly lies.

FARM FINANCE PACKAGE

The Hon. R.L. BROKENSHIRE (15:13): I seek leave to make a brief explanation—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Brokenshire.

The Hon. R.L. BROKENSHIRE: Thank you, sir. I will start again; thank you for your protection. I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question regarding farm finance and the drought conditions in the state's north-east.

Leave granted.

The Hon. R.L. BROKENSHIRE: Just over a week ago today, the ABC *Country Hour* ran a segment about the unusually dry year the Allandale Station near Oodnadatta has had and their need for drought assistance. The minister responded to their call on air and criticised the station

owners, saying that they had not contacted her or her office. Yet the presenter, Mr Nikolai Beilharz, said immediately that the station owners had emailed her about the situation.

When the questions in the interview turned to the issue of farm finance, the minister, as she has done in this place, proceeded to avoid any responsibility on the farm finance money that South Australia lost by blaming the Hon. Barnaby Joyce, her federal counterpart. To their credit, the *Country Hour* asked the federal minister to come on the program the next day to respond. The federal minister began his response by saying:

> ...a Labor Government Minister in South Australia and a Labor Government Minister federally, for three months they were unable to finalise this. Of course now it's become a parochial issue because they see the opportunity.

And later said:

> I don't accept her admonishment because for three months her and the Labor Party Minister were responsible for getting this through. Now if her and her colleague in Canberra can't get it through, why is it only a problem for her once the government changes?

In some hope the minister can rectify the situation, and given the science from ABARES and the Bureau of Meteorology lately, the federal minister has indicated that he has money in reserve should climatic conditions change. Clearly, as I have pointed out to this council before, the north-eastern South Australian conditions have changed, sadly for the worse.

The federal minister also blames South Australia's lack of an equivalent to a rural adjustment authority—as they have, the federal minister alleges, in New South Wales, Queensland and Victoria, what he loosely calls a delivery vehicle. The lack of such a vehicle was something we instead had to deliver through a department and in the minister's own words, if we have such a vehicle, 'We'll be able to help the South Australian farmers vastly better in the future and not have these sort of hold-ups.' After that brief explanation, my questions to the minister are:

1. Is the minister now making urgent representation to the federal minister that we are, like western Queensland, experiencing drought conditions in our state's north-east and funding needs to be released?

2. Can the minister describe the role of Prudential and Rural Financial Services (PRFS), particularly whether that body meets the criteria of being a delivery vehicle as defined by the federal minister?

3. If PRFS is not an adequate delivery vehicle, why don't we have one?

4. In any case, is the minister moving as swiftly as possible to clear whatever procedural hold-ups there are to get access to as much farm finance as possible for our farmers affected by drought or exceptional circumstances?

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) (15:16): I thank the honourable member for his most important questions. I have dealt with most of these issues previously in this place and made it quite clear that the South Australian government agreed to the Farm Finance guidelines back in July/August of this year.

We had done all the things that we needed to do and had set up and put in place all the things that we needed to operate the scheme back then. So we were ready to go then. We signed off on that agreement and that agreement was picked up by the former federal government and taken to their cabinet for approval. They then hit caretaker mode and then election, and now we have a new federal government.

The day that the ministers were appointed I wrote to the Hon. Barnaby Joyce and urged that the rollout of the Farm Finance be expedited, that the guidelines had been agreed to, and that we were ready to go. I urged that he roll that out and reminded him, as I said, that everything from our end was in place and we were waiting on the federal government to provide us with that final contract so that we could sign so it could be rolled out.

This is not rocket science. I have explained before that this state government has taken every possible step to expedite this. This was held up by the former federal government and now the current Liberal government.

Members interjecting:

The Hon. I.K. Hunter: You won't stand up to either of them—you won't fight the federal Labor government; you won't fight the Liberal government for South Australia. You're spineless—absolutely spineless!

Members interjecting:

The PRESIDENT: Order, order! We all know Mr Abbott is the Prime Minister and it is a Coalition government.

The Hon. G.E. GAGO: Thank you, Mr President. And the same position is maintained—not only have I written on a number of occasions now to the federal minister, Barnaby Joyce, I have also spoken to him on the phone, and not only have I urged him to furnish us with the contract that we need to sign so that we can start this thing, I have reminded him time and time again that we are ready to go. I have also reminded him that we have farmers in this state who are suffering drought conditions as well, and I do not think he was aware of that. So, I have done those things.

I would like to ask the Hon. Robert Brokenshire whether he has written to the Hon. Barnaby Joyce and stood up for our farmers. Has he written to support my position? Has he picked up the phone and urged him to furnish us with the contract that I have been so urgently asking him for? I doubt it, because he has been on radio every other day and I have not once heard him say that he has written to the Hon. Barnaby Joyce or that he has picked up the phone and advocated on behalf of farmers. I have not heard him say that. He is on the radio all the time bagging me and misrepresenting the things I say, but not once have I ever heard him on radio say that he has written to support me and the rollout of this scheme—not once—so I would urge him to do the same and the same with those opposite me.

I know that not one of them have written a letter to the Hon. Barnaby Joyce nor picked up a phone to urge him to furnish me with that contract. What's more, it is interesting the selective quotes or references that the Hon. Robert Brokenshire makes to that particular *Country Hour* interview, because one of the things that the Hon. Barnaby Joyce admitted when asked directly, in fact he was pushed—'Have you provided a contract to minister Gago for signing for the rollout of this Farm Finance?' and his answer was no, he hasn't provided me with a contract, and he was not able to say when he was going to provide me with a contract either. What a disgrace!

So, we see very selective reporting on that particular interview, and I have certainly taken every step that I can to expedite this in terms of ensuring that that Farm Finance is rolled out. Not only have I not heard the Hon. Robert Brokenshire request that that contract be furnished to South Australia, but not once have I heard him criticise the federal government for ripping $10 million of finance out of those funds—$10 million, not once. He is on radio every other day and not once have I heard him stand up and say, 'Hon. Barnaby Joyce, give us back that $10 million.'

I have written a letter to the minister requesting he return those funds to us, urging him to return those funds, and I have not heard the Hon. Robert Brokenshire indicate that he has even requested the returning of that money, so I think that the Hon. Robert Brokenshire is a complete and utter hypocrite until he stands up and urges the Hon. Barnaby Joyce to furnish us with that contract so that we can get on with rolling out that money to our farmers who are in desperate need of those funds.

MATTERS OF INTEREST

TOURISM

The Hon. K.J. MAHER (15:24): It is all happening in South Australia at the moment: all sorts of massive events are occurring and are planned, and awards and accolades are pouring in for our good state and its capital city. The evidence is mounting that this government's efforts to make South Australia and Adelaide a vibrant and engaging place are paying off.

Very recently, and much to the anger of Melbourne and Sydney residents, Adelaide was the only Australian city to be listed in *Lonely Planet's* top 10 cities to visit in 2014. As honourable members would know, *Lonely Planet* is a popular guidebook publisher and travel authority, providing travel information to people around the world. Adelaide sits at No. 9 on its list alongside such cities as Zurich, Paris, Chicago and Shanghai. *Lonely Planet* called Adelaide the 'perfect host city' and recognised our festivals, food, culture, wine and, in particular, how the Adelaide Oval refurbishment will create a vibrant city.

Adelaide was mentioned recently in another respected publication in late October, when the *New York* magazine recommended skipping Sydney for Adelaide. The article commented that

Adelaide is cheaper, offers similar experiences, and has much better side trip destinations. Just this week, an article in the UK's *Telegraph*, by writer Mark Chipperfield, sums up Adelaide as:

> ...a city where you can kayak with dolphins in the morning, enjoy fine local wines at lunch and go hiking at weekends, Adelaide has it all.

We are not just winning in reports on the travel pages of international publications, we are winning in the way we promote ourselves as a destination. For example, the 'Barossa. Be Consumed.' commercial won the grand prix award at the prestigious Cannes Media & TV Awards.

The Hon. J.M.A. Lensink: That's nothing to do with you.

The Hon. K.J. MAHER: No, it is to do with the South Australian government. Most people have seen the memorable ad which showcases the Barossa's food, wine and scenery. There were 719 entries from 40 countries for the award and South Australia came out on top. The ad's success has helped Barossa tourism operators who are reporting their highest visits in more than a decade. In fact, the Barossa Information Centre in Tanunda experienced its busiest July and August sales period ever.

In terms of getting more visitors here, the addition of budget airline AirAsia X means that SA is a more affordable and appealing destination to Asian markets. At the end of October, 10,000 Malaysian and Chinese travellers had already booked seats on the new Kuala Lumpur to Adelaide route operated by AirAsia X. As a result of low-cost international flights, more conferences will be held in Adelaide and there will be more family and friends visiting international students.

There is even more: the Adelaide Convention Centre and Riverbank redevelopment are contributing to making Adelaide a more appealing and better destination for conferences. As if that is not enough, South Australia's record cruise ship season started in November this year. This season, 29 cruise ships will visit South Australian ports and 67,000 passengers and crew will contribute an estimated $14.5 million in direct expenditure to the state's economy.

I know the state government has been working very hard and very closely with domestic and international cruise lines to attract more ships to our state. Passengers are coming to Adelaide to visit the McLaren Vale and Barossa wineries, the CBD, and places like Glenelg and the Adelaide Hills. This season, ships will also visit Kangaroo Island, Port Lincoln and Robe which will boost regional tourism, and 36 cruise ship visits are already scheduled for next season.

But there is more: the state government has continued its commitment to tourism in South Australia by providing $35,000 to help launch three new luxury Air Adventure Australia air safaris. Departing from Melbourne, with new itineraries to the Barossa, Clare Valley, Kangaroo Island, the Limestone Coast and the Flinders Ranges, this 11-seat luxury aircraft will take less than 90 minutes to get from Melbourne to Kangaroo Island. These air safaris will encourage Victorians and other tourists who are in Melbourne to explore South Australia in new ways.

In October this year the state government confirmed the very good news that the world champion Australian cyclist and 2011 Tour de France winner Cadel Evans will compete in the 2014 Santos Tour Down Under. Cadel's inclusion in this race will create even more interest in the event and will encourage cycling fans to go out and see him. It is estimated that this tour provides a $43 million boost to South Australia's economy each year, and it is anticipated that it will increase with Cadel's appearance.

Of course, in mentioning the vibrancy and colour of our city, I would be remiss not to mention some of our ongoing and usual events such as the recent Credit Union Christmas Pageant which is estimated at attracting over 300,000 people to our city. This government's proactive hard work in creating a vibrant state and vigorously promoting what it has to offer is paying massive dividends.

SUICIDE PREVENTION

The Hon. J.S.L. DAWKINS (15:30): I was pleased to note the article, 'Work together to combat troubling rates of suicide', published in the *Stock Journal* on 14 November. In the article, the Executive Director for Mental Health at Country Health SA outlined the detail of programs in our regions which help individuals struggling in their communities and those who have been bereaved by suicide. However, I found it unusual that the article failed to mention the state government's suicide prevention strategy, which was launched last year.

The strategy document sets out some worthy goals for the future, and I have been privileged to work with the Office of the Chief Psychiatrist in a number of community forums and in

the development of local suicide prevention networks across the state. This office is doing excellent work in this area, despite its having very limited resources. If elected in March next year, a Liberal government will invest $500,000 annually into suicide prevention programs across the state. The Liberal team will work with community organisations to fund programs that help prevent suicide by educating people to identify those at risk and make sure they are provided the help they need.

Our commitment includes much needed support for the vital Lifeline telephone and online support service in both metropolitan and regional South Australia. We also value the work of many voluntary groups who focus on families bereaved by suicide, such as the Murray Bridge-based Silent Ripples. We also have a strong focus on assisting local communities to reduce the impacts of suicide in the manner that best fits that community.

As an example of the commitment, I recently participated in the 'Walk through the Darkness...and into the light' on Saturday 16 November this year, and that event was conducted in the lead-up to International Survivor of Suicide Day. I started the walk for suicide prevention at Tennyson at the early hour of 5 o'clock; other people started at the Adelaide Shores Sailing Club at West Beach, but each individual walk finished up at Henley Square at 6.30am for a remembrance ceremony and a breakfast.

I congratulate Anglicare's Living Beyond Suicide program for organising what was a moving event for a large number of families who gathered to remember and commemorate the life of a loved one who had been lost to them through suicide. I commend also the three Liberal candidates who came out with me at 5 o'clock in the morning on a Saturday: Joe Barry, the candidate for Colton; Liz Davies, our candidate in Lee; and Brad Vermeer, the candidate for Port Adelaide.

Like many ceremonies I have been to, it was important in the community's change of attitude about discussing these matters. Certainly, in the time I have been advocating suicide prevention I have seen an enormous change in the attitude in the community about discussing not only suicide but mental health issues in general, and I urge all in this place to support every effort to continue the community discussion.

In the work I do around South Australia in suicide prevention, I am very pleased to continue to work with a range of community-based organisations which, as I have said many times, operate on the smell of an oily rag. A new Liberal government will wish to support them with modest finances, but with support that can allow them to continue their valuable work.

I should mention the terrific work done by MOSH (Minimisation of Suicide Harm) Australia and the fabulous work that its founder, Jill Chapman, does. Also great credit goes to the people involved with the CORES Riverland chapter, who have been doing fabulous work in that region of the state. All I can do is urge every member to do all they can to prevent suicide in the community.

LOCAL GOVERNMENT

The Hon. R.P. WORTLEY (15:34): I rise to draw honourable members' attention to the achievements and value of our local government sector. Sections 8(b) and (h) of the Local Government Act require that, where a service is a legislative requirement of councils or is provided by local choice, a council must be 'responsive to the needs, interests and aspirations of individuals and groups within its community' and it must 'seek to ensure that council resources are used fairly'. I believe local government councils in South Australia fulfil these requirements to an exemplary degree, and I want to applaud them for their efforts throughout the year.

During my tenure as minister for state/local government relations, I felt privileged to be able to visit a large number of local councils and to hear about their achievements and plans for the future. People think of local government as being concerned with matters such as rubbish, roads, gutters, pools, parks, libraries and planning development assessments, and so they are.

In South Australia, our 68 councils collectively expend approximately $1 billion per year, about half of which is allocated to these services, but I think it is important for the community to be more aware that our local councils achieve much more for them in addition to those important facilities, amenities and services I have mentioned, all of which have evolved over time to enhance our environments and promote harmonious relations between neighbours.

Members present this afternoon are, of course, familiar with a large number of these, and many at very close quarters. When I was minister, I often saw the Hon. John Dawkins at many of the meetings out in country areas. Consider the ways in which councils engage with all sectors of the community every week of the year. Here is a taste of just a few, and the variety is amazing.

Retired Australian and state cricket champions will play Naracoorte's best at T20 cricket at Wortley Oval next weekend, thanks to the Naracoorte Lucindale Council. The Fishing Line Recovery Scheme has been rolled out recently by the Alexandrina Council in collaboration with Wildlife Welfare Organisation (SA) and the Victor Harbor Natural Resource Centre.

Encouraging literacy in our young, Marion council will be hosting a children's Summer Reading Club over the school holidays. The City of Holdfast Bay has announced changes to traffic conditions to safeguard visiting and local revellers on New Year's Eve. The City of Charles Sturt has engaged consultants, planners and designers to develop designs to improve safety and amenity in the streets adjacent to Welland Plaza.

The City of Victor Harbor has launched a consultation to find out what the community thinks about the economic development and tourism services it presently provides. Light Regional Council has announced its Australia Day celebrations at Freeling. The solar array at the Kangaroo Island Airport Visible Solar Project, which was commissioned just this month, tracks the sun throughout the day, increasing annual output by more than 30 per cent, compared to a fixed north-facing solar PV system, and producing more than 100,000 kilowatt hours each year.

Kingston in the South-East took home a series of awards at the 2013 KESAB Sustainable Communities Awards, including the coveted award of Overall Winner 2013. The Unley Symphony Orchestra first played in the Unley Town Hall in 1948. Nearly 70 years later, its current members performed works by Beethoven, Schumann and Rossini in a concert at St Augustine's church last Wednesday. Berri Barmera Council will host Olympic coach Laurie Lawrence at its Kids Alive—Do the Five pool open day on 20 November, promoting swimming safety and providing those attending with an opportunity to comment on pool revitalisation options.

On 3 December, International Day of People with Disability, the City of Port Adelaide Enfield will recognise the contributions of people with disabilities at a special event at Enfield Community Centre. A number of councils are collaborating with Surf Life Saving SA and offering 'On the same wave: beach safety for young new arrivals, migrants and international students'. All 68 South Australian councils have signed up to a national campaign to reduce the environmental impact of Australian food waste and reduce the amount of food that ends up in Australian landfills.

These examples are but a snapshot of the multiplicity of ways in which local councils interact with their communities to the benefit of all. The state government enjoys an excellent relationship with our councils, and the refreshed 2012 State-Local Relations Agreement (with which I was closely involved) established a high-level partnership with particular reference to an agenda for annual priorities and shared management of legislative change.

Similarly, councils are represented through their peak body, the Local Government Association, on the Council of Australian Governments and 13 separate ministerial councils. It is incumbent upon us to support the organisations that most closely interact with our constituents. That is why as minister I gave my support at the 2012 ministerial council—the sole voice, I must say, among my state and territory colleagues—for financial recognition for local government. That is why I will continue to work towards the recognition of local government in our commonwealth Constitution.

In closing, I want to congratulate all those involved with local government, council members, employees, volunteers and communities.

Time expired.

ENVIRONMENTAL PROTECTION

The Hon. M. PARNELL (15:40): I rise to speak today about worrying developments in environmental protection in Australia and its implications for South Australia. The federal coalition government appears to be moving full steam ahead with its promise to transfer federal environmental approval powers to the states.

The federal and Queensland environment ministers announced a couple of months ago that Queensland and the commonwealth had entered into a memorandum of understanding to establish a one-stop shop for environmental approvals. While the governments are refusing to release the MOU, it no doubt includes an intention to enter into a bilateral approval agreement under federal environmental laws to allow Queensland to both assess and approve Queensland projects on behalf of the commonwealth.

It is now clear that at the forthcoming Council of Australian Governments meeting in two weeks, the new Tony Abbott government will be putting pressure on South Australia to go down the same path. That would be a bad move for reasons that I will outline shortly.

Of course, an MOU itself does not transfer any powers—a bilateral agreement is needed first, which must be made following the process in the EPBC Act, including public consultation—but it is clearly the intention of Queensland and the commonwealth to do so urgently, and the commonwealth wants to sign up all other states as well.

So the question for our government is whether South Australia, too, wants to sign up and implicate itself in the abrogation by the commonwealth of its national responsibility for the environment. Conservation groups and environmental law bodies such as the Environmental Defenders Office, are firmly of the view that handing over federal approval powers to the states via bilateral approval agreements is not only a bad outcome for the environment, but it will not provide the efficiency gains that industry claims it will.

We already have assessment bilateral agreements in place in every state which allow the state to undertake environmental assessments on behalf of the commonwealth, but the commonwealth retains the final approval power. These bilateral agreements are designed to reduce duplication in assessment processes and are routinely used in each state.

Industry groups are saying that assessment bilaterals are not good enough, that projects are still being delayed and that approval agreements that hand over the commonwealth's approval powers to the states are necessary to make the environmental impact assessment faster and cheaper. However, claims by industry that the commonwealth approval stage is causing huge delays just do not add up. There is no evidence that the commonwealth takes longer than the states.

So this begs the question: what is the real reason that industry groups want the commonwealth government out of environmental approvals? Clearly, they think they will get more approvals out of the state government, which they hope will be more inclined to overlook environmental concerns and approve whatever they put forward.

Leaving aside the abrogation of environmental responsibilities by a national government, there are a number of other reasons why SA should reject the idea of an approvals bilateral agreement with the commonwealth. For one thing, it would represent cost shifting from the commonwealth to the state, not just in relation to the cost of assessment and now approval, but also in relation to the inevitable legal costs that will flow from the ability of citizens to challenge decisions. As members would know, decisions on major projects in South Australia are not able to be challenged in court, but commonwealth decisions can be subject to judicial review.

I think the SA law should be amended to allow a review of decisions, and I have moved that many times in this place over the past eight years. Nevertheless, transferring commonwealth decisions to the state will bring with it all the community ire about development decisions that have a significant impact on matters of national environmental significance. There will be no more hiding behind the feds over environmental decisions; the disputes will move from Canberra to Adelaide. This is a recipe for serious pain with no gain.

Just to remind members, we have been debating in this place our concerns over what the Queensland government is proposing to do in the Lake Eyre Basin. That is exactly the outcome that the Queensland and federal governments seek by removing the federal government from all decision-making and leaving it entirely up to the state.

In conclusion, the Greens agree with the environmental groups and the EDOs that there is no need for these bilateral approval agreements and no need for the commonwealth to abdicate its vital role in protecting the environment in the national interest. We urge the government to say no to the Abbott government. It is a word they are used to saying, but now they need to hear it.

PUBLIC SECTOR APPOINTMENTS

The Hon. R.I. LUCAS (15:44): I rise to talk about the practice over recent years, and in recent months, of parachuting ministerial staffers into senior positions within the state public sector. I just place on the record, some going back over a number of years now, examples such as Mr Lachlan Parker—all of these are former ministerial advisers—who has been placed in the position of media manager within the Attorney-General's Department.

Mr Rik Morris has a substantive position of general manager in Tourism SA, albeit he says he is now on a secondment in the spin doctor unit for Mr Weatherill in the period leading up to the election. Of course, we have seen Ms Lois Boswell be appointed executive director of motor injury insurance reform in the Department of Treasury and Finance. Mr Dominic Stefanson is the manager of public affairs at the Adelaide Festival Centre. I might note that all of these current positions are as shown on the SA Direct directory. Sometimes, that is out of date, but it is the only recent source that observers have of appointees to particular positions.

Mr Lance Worrall, of course, is now the deputy chief executive in DMITRE. Mr Paul Summerton is the manager of executive services, Shared Services, in Treasury. Mr Ben Tuffnell is now the director of budget strategy in Treasury and Finance. Ms Julia Grant is the executive director, policy and strategy, at the department for water.

Mr Don Frater is the deputy chief executive at PIRSA. Mr Josh Rayner is the director of the state Training and Skills Commission. Mr Ben Temperly is the head of strategy and performance in the education department. I do not know whether I mentioned him earlier, but Mr Nick Alexandrides, of course, was made a magistrate. Ms Rachel Rodda is a senior project officer within SA Health. Ms Michelle Bertossa is the manager of healthy workers at SA Health. There are literally dozens and dozens of others that I could place on the public record, but I just give those as a small selection—

The Hon. R.L. Brokenshire: Snapshot.

The Hon. R.I. LUCAS: —or a snapshot of what has been going on. Can I say at the outset that a small number of those people, I think, are well qualified for the positions that they now hold. In one particular case, one was a former Treasury officer who went into ministerial offices and is now back in Treasury; that is, Mr Tuffnell.

I think there certainly are some whose expertise are suitable but, in a number of cases, there are very strong complaints coming from long-serving public servants who are angry at what they see as the parachuting of favoured people from ministerial offices into senior positions within the Public Service. The most recent example of that was the Lachlan Parker appointment, where he was parachuted out and given a six-month job. We were told that it was not going to be long term but, of course, that has now been confirmed by way of a contractual engagement with Mr Parker.

Concerns are being raised by senior public servants about the abuse of process and, in a number of these cases, people who do not have the qualifications for these very senior executive positions. As I said, public servants are very angry when they see this sort of abuse of the public process going on under the Labor government. These are the issues that are being raised and, as we lead into to the last four months, with the parliament potentially being prorogued, the accountability of the ministers will be significantly reduced and there will be greater potential for them over the coming months to try to parachute even more into the public sector.

The other quick general point I make is that I understand that the Premier is currently engaged in negotiations with one or two chief executive officers, whose contracts do not conclude until well after the state election, to see whether he can extend their contracts, prior to the state election. Again, public servants are raising questions about that particular process in which Premier Weatherill is currently engaging in relation to those senior Public Service positions.

CONSTABLE HYDE MEMORIAL GARDEN

The Hon. R.L. BROKENSHIRE (15:49): I rise to advise the house of a matter I am sure all members will be extremely concerned about, and that is the plan by an agency of the government, Renewal SA, to sell off a Leabrook park which was originally established as a police memorial and which potentially, in the worst case scenario, will become housing blocks.

Through my associations over a long period of time with policing, I am aware that the South Australia Police Historical Society has expressed concern about this proposal as indeed has the council. Family First has real concerns that this government has now got the state into such a terrible situation financially that they are starting to sell off even small reserves that have very strong social history.

In this particular case, just over 100 years ago, a young constable named William Hyde tragically was murdered when he attempted to arrest some criminals very close to this park. As a result of that, when William Hyde was buried between the church and the cemetery, about 15,000 people lined the streets which indicates the concern the community of South Australia had

then. Ultimately, a memorial was put there. About 30 years ago, that memorial was reinvigorated: a new tree was planted and a plaque placed near the tree.

For the last 30 years, the council—and I thank the council for this—has actually been maintaining the park and all was well. Sir, if you want to go and have a look at this park, it is a beautiful park with many trees. As well as a memorial, it has a playground and it is one of the few open space areas in a fairly consolidated, very nice part of the Burnside council area at Marryatville, which is where Constable William Hyde was stationed.

What concerns me about this is that, there was no consultation with South Australian police the Police Association, the Police Historical Society and also the organisation that looks after historical sites and historical valuable assets in the Burnside council area. My understanding is that none of them were consulted. Renewal SA has contacted the council and I understand they want a huge figure for the land. It was said on the radio when I was involved in an interview on this matter, the figure is possibly up to $5 million.

I know the government is strapped for cash, but surely in the long-term interests of South Australia and given that this is the 175th anniversary this year of the South Australian police force—the third oldest police force in the world—the government would show some respect for Constable William Hyde and, as a result of that, also show some respect for all the other police officers we have lost in the line of duty.

Also, there is the fact that we do need open space. We have seen what has happened with St Clair; we are going to debate that later today. We have seen what has happened with Cheltenham and a lot of other open space areas within the metropolitan area. If the government is going to push for further urban infill and high-rise, as indeed they are, then the limited amount of open space that we still have should be left for the long-term benefit of future generations, as our forefathers did for us.

I am calling on the government to show respect to Constable William Hyde and other police officers who have lost their lives working to keep this state safe and I am also calling on the government to focus its open space policy and not to sell this land. Their budget is still around $15 billion or better. They need to ensure that they keep their grubby paws off this and I do not think it is right, either, that they should expect the council, on this occasion, to purchase that open space. They have not ruled out actually turning it into housing if indeed the council does not buy it.

With those few words, I call on colleagues to have a look at this and do what I have done and that is write a letter to the Premier requesting that he ensure that this land is not sold and remains in the ownership of the South Australian government.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: ANNUAL REPORT 2012-13

The Hon. G.A. KANDELAARS (15:55): I move:

That the 2012-13 annual report of the committee be noted.

The committee has an important role in keeping the administration and operation of the state's health and safety legislation, workers compensation legislation and related legislation under continuous review. The committee also has a function to examine and recommend to the executive and the parliament proposed regulations, particularly in relation to statutory bodies such as WorkCover. The committee can also inquire into health and safety and workers rehabilitation and compensation matters on its own resolution or by referral from either house of parliament.

The Occupational Safety, Rehabilitation and Compensation Committee differs substantially in operation from other standing committees. Whilst a number of factors are identical to all other standing committees of parliament, the key difference with this committee is that the members are not remunerated. Thus, the committee members' dedication to the work of committee is noteworthy.

The Hon. R.I. Lucas: Who are these members—name them?

The Hon. G.A. KANDELAARS: I will—I will at the end.

The Hon. R.I. Lucas: Shame them, shame them!

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Interjections are out of order. The Hon. Mr Kandelaars.

The Hon. G.A. KANDELAARS: Thank you, Mr Acting President. The committee tends to be issues focused, and its level of activity fluctuates, depending on the existence of topical matters. The members are committed to the important work of the committee and have applied themselves diligently. The committee has worked well and collectively, and each member has contributed a significant amount of time for a very important cause and each can feel proud of his or her efforts.

The Occupational Safety, Rehabilitation and Compensation Committee met on 13 occasions in the last financial year, and 16 witnesses appeared before the committee to contribute to the work of the committee. The committee completed its inquiry into vocational rehabilitation and return-to-work practices in South Australia as well as the briefing report into South Australia's ageing workforce.

In relation to vocational rehabilitation and return to work, the committee made a number of recommendations, most of which the Deputy Premier then referred to the WorkCover Improvement Project. The WorkCover Improvement Project has already resulted in significant changes to the workers rehabilitation and compensation scheme, beginning with changes to the WorkCover board and a new charter. The Workers Rehabilitation and Compensation Act is also under review.

During the last financial year, the committee resolved to inquire into the effectiveness and efficiency of SafeWork SA. The committee received 20 submissions from interested stakeholders in relation to the SafeWork SA inquiry, and many of the stakeholders also gave evidence to the committee. The committee thanks all those who have contributed to that inquiry, and yesterday I tabled the report.

The committee also resolved to inquire into occupational violence in the health, hospitality and retail sectors and has received several submissions. The committee has begun taking evidence and hopes to finalise and table the report before parliament is prorogued.

The 16th report of the Occupational Safety, Rehabilitation and Compensation Committee summarises the committee's work for the financial year 2012-13 and the cost to the taxpayer has been minimal. The total expenditure for the committee for the financial year was $6,092.

I would like to take the opportunity to thank all those who have contributed to inquiries undertaken by the committee. I thank all those people who took the time and made the effort to prepare submissions for the committee and to speak to the committee.

I extend my sincere thanks to the members of the committee: the Hon. John Darley MLC, the Hon. Rob Lucas MLC, Mr Alan Sibbons MP and Mr Ivan Venning MP. I would also like to particularly thank the Hon. Steph Key MP for the manner in which she has presided over the committee and consistently focused on achieving the best outcomes through consultation and cooperation. My thanks also go to Ms Sue Sedivy, the executive officer of the committee.

Debate adjourned on motion of Hon. D.G.E. Hood.

SELECT COMMITTEE ON MARINE PARKS IN SOUTH AUSTRALIA

The Hon. D.G.E. HOOD (16:02): I move:

That the report of the select committee be noted.

Members may be aware that this committee was appointed back on 18 May 2011 to inquire into and report upon marine parks in South Australia and in particular:

(a) what scientific evidence is available to guide the design and management of marine parks;

(b) the detrimental effects to recreational fishers and the commercial fishing industry through the imposition of marine parks;

(c) the detrimental effects to property values through the imposition of marine parks;

(d) the complaints by local communities and fishing groups regarding the consultation process associated with the implementation of marine parks;

(e) the interstate and international moves to limit the extent of sanctuary zones;

(f) the correct balance of general marine park areas and no-take sanctuary zones; and

(g) how the management of marine parks will be funded.

I would like to initially take the opportunity to thank other members of the committee. Of course at the very start of the committee we had the Hon. Paul Holloway, the Hon. Michelle Lensink, the Hon. Terry Stephens, the Hon. Carmel Zollo, the Hon. John Gazzola who replaced the Hon. Paul Holloway, and then of course the Hon. Gerry Kandelaars who in turn replaced the Hon. John Gazzola.

I wish to express my appreciation to those members for their work. We had quite a number of meetings in this committee and for the most part we conducted ourselves with good humour. I also wish to express my appreciation for the work done by the staff of the committee, specifically our secretary, Ms Guy, and also our research officer, Ms Sladden.

I would also like to take the opportunity to thank the many witnesses who appeared before the committee. I will go into more detail about that in a moment, but they of course came from all over the state. In many cases, we travelled to their part of the state and it was a pleasure to meet so many interested South Australians who took the time either to prepare a formal written submission or appear before us and give us a verbal account of their views.

I have already spoken about the interim report of the committee that was tabled on 27 November last year, and that interim report was prepared following the changes to the proposed sanctuary zones and other aspects of the marine parks initiative on 27 April 2012 as then announced by the government.

It came as no surprise that the proposal for an extensive network of marine parks in South Australia generated significant community anxiety, particularly in those regions that were to be affected. I believe that this accounted for the large number of submissions received, being 109 in all. The committee heard evidence on 13 different occasions, it travelled to various coastal regions, including Cape Jervis for the Fleurieu Peninsula, Kangaroo Island, Yorke Peninsula, Port Lincoln, and Streaky Bay, and some witnesses from the South-East travelled to Adelaide as well.

Overall, the committee found that conservation and environmental groups were very supportive of the proposed initiatives—perhaps not surprisingly—whilst those involved in marine activities were broadly supportive of the marine parks concept but had significant concerns about the specific proposals that were being released. These concerns centred predominantly on the following issues, although of course they were variable across the groups.

There were significant concerns about what were deemed significant flaws claimed in the consultation process, focusing on the local areas groups in particular. There was some dissatisfaction, as you will see in the report, with the proposed location of the parks and, particularly, the associated zoning arrangements. There were doubts expressed about the underlying scientific research as a justification for the establishment of the parks in the first place, or certainly the location of them. There were fears expressed about the future viability of the fishing industry in some cases and, notably, the commercial sector expressed a number of concerns, which I will go into in a little more detail in a moment.

Finally, there were concerns about flow-on effects on rural economies and, in some cases, property values and the incidence of impacts on the local hotel, for example, the local caravan park, the fish and chip shop, the bait shop, etc. These were all expressed by genuinely concerned South Australians about their livelihoods for a variety of reasons. As I say, these were some of the concerns expressed. There were, of course, many others, but in the interest of brevity I will not go into detail about those.

The final report details the government responses to the nine recommendations of the interim report. These recommendations largely concern the consultation process and the size and locations of particular zones within the sanctuaries. Since the interim report on November 2012, a number of events have occurred that will be well known to people in this place. The management plans for the 19 marine parks have now been finalised.

In hearings, the deputy chief executive of the Department of Environment, Water and Natural Resources gave evidence that the marine park management plans and associated zoning would improve protection for approximately 44 per cent of South Australia's marine environment, with around 6 per cent of state waters now under high level protection in sanctuary and restricted access zones. He considered that the original estimate of a 1.7 per cent economic effect on fishing production was still accurate when we had our most recent meeting with them.

The committee understands that following an eight-week consultation process, and in response to pressure from groups and individuals, some sanctuary zone areas were changed and

the total areas overall reduced. These changes included a number of specific things: firstly, additional recreational fishing access at a number of locations, which Family First applauds; adjustments to some sanctuary zones to allow for ongoing commercial fishing, again, which Family First applauds; adjustments to a number of habitat protection zones to support existing oyster aquaculture activity; and additions to some sanctuary zones to further increase conservation outcomes which, in my view, did appear to be justified from the evidence that the committee took.

Despite these changes, some groups still had very serious concerns, and these are detailed at some length in the final report. There was a strong sense from the later hearings that the consultations following the interim report had been very useful and that, whilst some groups had not achieved the changes that they wanted in full, they understood the reasons why the government had given some ground but stood firm on other issues, even if they disagreed with them. I think that shows the value of a committee such as this.

There was mass confusion, I must say, when this committee began, with the process that was underway, but that did seem to improve during the course of the committee because I think the committee applied and required the appropriate responses from the various departments and other individuals concerned. Of course, there were some key players who were not so convinced, though.

The Marine Park 11 Action Group based in the eastern Spencer Gulf, the Kangaroo Island Marine Action Group, and the Marine Park 14 Action Group, focused on Port Wakefield and Yorke Peninsula, provided submissions rejecting the new management and zoning arrangements. Primarily they were concerned that zoning was being used to stand in for proper fishery management and feared for the consequences on their economies, including flow-on effects for other businesses and activities in their town. The committee was very disappointed that these issues could not be resolved in the end and, unfortunately, those groups I have just outlined, remain, I think it is fair to say, at the very least unconvinced and definitely unsupportive of the proposals as they stand.

There remains substantial disagreement as to what the economic impacts of marine parks will be. The formal government estimate that the committee received is that the economic impact will be less than 5 per cent. It claimed that this was achieved by minimising the overlap of high conservation zones with important fishing grounds. The actual estimated impact of the final plans is just 1.7 per cent, as presented to us by the department and, indeed, by official government documents. That is of statewide commercial fishing gross value of production.

The gross value of production is $197 million, so a 1.7 per cent negative impact on that is therefore worth about $3.4 million per annum. The South Australian Marine Parks Alliance presented calculations showing that this figure would be as high as $32.3 million, being almost 10 times as much; this is a massive discrepancy and one that we could not reconcile in the committee. There were many other estimates of the economic impact, including for particular areas, as well, and that is outlined in some detail in the report.

The District Council of Ceduna argued that the plan as proposed will inflict damage of about $40 million per annum on regional South Australia, and it has withdrawn its support for the marine park process until zoning in its area is revisited and substantially altered. The committee noticed that there was a massive discrepancy between the figures quoted from the government and those quoted from the other organisations, including the commercial groups and, indeed, some of the regions affected.

A process has commenced of the government accepting forfeitures of fishing licences and paying compensation as a result of all this in order to reduce the amount of commercial fishing, as the government proposed from the outset. One positive from this is that the consultation process and the select committee process did enable various views, based on particular data, to be put forward and considered by the government and, indeed, the committee. In that sense, even though there were differing views, the participants were able to see the details of other views that were put forward and the basis for them. Whilst they may not have agreed, they at least had the opportunity for their views to be heard and to consider the views of others.

In summary, there is inherent difficulty in reconciling competing interests of the government pursuing conservation as against private individuals who earn a living from fishing or from a business that may be harmed by restrictions on commercial or recreational fishing in one of the towns or likewise. The results of any such process will always be a compromise and, indeed, that was the result of this process. The Conservation Council wanted more sanctuary zones—perhaps

not surprisingly—and RecFish SA wanted fewer. Much of the dissatisfaction with the original proposal was alleviated by ongoing consultation although, as I have outlined, disagreements still remain and there are others I have not gone into.

The committee urges government agencies to continue to work with the various marine park action groups to find common ground. The committee also noted that the marine park process has taken place in a context in which regional economies are currently struggling, and this adds extra difficulty to the situation. The evidence indicated that some regional areas will suffer greater economic detriment than others, and I think the Ceduna example I gave outlines that well.

Time will tell whether the correct balance of interests has been struck. From my personal point of view, I think it probably has not. My view is that there will be, in some cases, some very severe detrimental impacts on some of the marine park group areas I have outlined, as well as some of the regional centres. The committee hopes that the marine parks initiative will be a positive step, on the whole, for present and future generations of South Australians. However, it has serious concerns about the negative potential consequences of this initiative, although there are, of course, some positive initiatives as well.

I think it would be remiss of me not to close without mentioning that some $803,000 has been spent on advertising these marine parks to the people of South Australia, and it seems an extraordinary amount of money to be advertising marine parks when the message really has been simply, 'Enjoy life in our marine parks.'

The Hon. J.M.A. LENSINK (16:13): I rise to make some remarks in relation to the final report of the marine parks select committee. From the outset, I would like to endorse probably all of what the chairman has just outlined to the chamber and thank him for his chairmanship of the committee.

As has been outlined, and as is available on the public record, we had an interim report which has already been tabled, and that was principally to document the community response to both the content and the process of the initial draft sanctuary zones that was undertaken by the environment department. I think the general response was outrage on many levels. That matter has been the subject of motions to this house, as well as to our interim report. Things did change in that the then minister for the environment, the Hon. Paul Caica, and the Premier decided to have a so-called reset of the process, and that led to us needing to examine the revised sanctuary zones and management plans. There is still quite a lot of dissatisfaction with that. My view is that that was a political fix that is not particularly well embedded in scientific research, and there is a smaller number of people who will be negatively impacted, and therefore a smaller voice, but those people who will be impacted will be impacted quite severely. That is clearly something that will need to be further examined.

The revised sanctuary zones have been described as negotiated outcomes by the very articulate Dr Gary Morgan as still lines on a map. The government's claim that some 85 per cent of people support the larger sanctuary zones was actually disputed by one of the submissions that was provided in evidence, which highlighted the fact that a number of them came from outside South Australia and were generated by a website, with which we would all be familiar, because we can tell when there is some sort of internet campaign going on as our inboxes get jammed from people who do not live in our state, so we assess those on their merits.

There is still a great deal of satisfaction with the marine park process. It has been disappointing for me, as someone who obviously has a strong interest in the environment, that this issue has damaged the relationship, at least in the medium term, between the department and regional communities. I think their trust has been lost, and it is much harder to retrieve that trust once it has gone than to have acted at the outset in good faith.

I think this program has been a massive mistake on the part of the government. They really let certain agendas go too far and have had to retrieve it, so I do not have a lot of confidence in some of the zoning, and it will clearly need to be revisited at some point. I thank all the witnesses who have put in a lot of time and effort to make sure their views were heard, along with those of their communities. There have been some real champions on this front, people who have done very detailed submissions and have ensured that the information has been communicated back to their communities, and for those people I think we should be extremely grateful. With those words, I endorse the final report to the house and look forward to further community feedback.

The Hon. G.A. KANDELAARS (16:18): I will try to be brief, but there are a few points I would like to cover regarding the dissenting statement from government members: there is the

issue of consultation, the issue of science and the issue of cost. Nearly 30,000 South Australians were involved in the process of consultation, with over 8,000 submissions on the 19 marine parks. A vast majority of these indicated support for marine parks with sanctuary zones. As an example, RecFish SA, which, to be honest, at the start of the process was not particularly supportive, made this comment through Brenton Schahinger, the Chairman of RecFish SA, 'Almost death by consultation, there was just so much of it going on.' A further statement from Peter Owen from the Wilderness Society states:

> The government needs to be commended for one of the most comprehensive community consultation programs probably in the state's history.

There was substantial consultation going on in relation to the marine parks and sanctuary zones.

In terms of the science, this is an area where there has been considerable discussion, and it is about whether a threat-based science approach should be taken or an approach around protecting and conserving our marine environment. Quite clearly, contrary to what some people may think, there was significant science applied to determining some of the marine park sanctuary zones.

One in particular at Port Wakefield was very contentious, but it was interesting to hear the comments of RecFish SA in terms of that particular zone, because they valued it for the increased protection of key spawning and nursery areas. Marine parks are not about fisheries management but the Port Wakefield area itself, they said, was unique. It is an inverse estuarine system, that is, it gets saltier the further in you go. That is an ideal location, I understand, for fish breeding and spawning, so it is a very important area in terms of fish stocks in this state.

These consultations were about compromise, too. RecFish SA did not get all that they wanted, nor did organisations such as the Wilderness Society and the Conservation Council of South Australia, but they made the point that key conservation icons were included such as Pearson Island, the Isles of St Francis and sites on the west end of Kangaroo Island—iconic locations and grand tourist locations, particularly on the west of Kangaroo Island. To suggest there was no science applied is absolute nonsense.

Let us come to the issue of costings, and I must say some of the costings were quite extraordinary. The one thing that has to be accepted is that the costings provided by the department were based on science and were actually peer reviewed, and they came to a figure of 1.73 per cent. To have other organisations such as the South Australian Marine Parks Management Alliance suggest that the cost was going to be 10 times the amount but not provide the basis of how they came to that determination is absolutely extraordinary. You have the same thing with the Ceduna council: $40 million—where does that figure come from? How do they support it? Was it peer reviewed? We did not get that view. At least the department could verify, quite substantially, that they had their costings independently peer reviewed.

I have no expectation that the marine parks would be supported by all South Australians. Obviously, there are some who would never have supported the establishment of marine parks or sanctuary zones—they made that very clear in their evidence—but I think the final outcome is one that the government needs to be commended on. The consultation, as I see it, has been substantial, over a substantial period of time, and it has been supported by a significant majority. Eighty-five per cent is an extraordinary support for this issue. I commend the government on its consultation and the final outcome in terms of marine parks and sanctuary zones.

The Hon. T.J. STEPHENS (16:25): I have just a brief comment. I actually did sit through the entire process of the marine parks select committee, unlike some of the latecomers, the previous speaker, who has instantly become an expert on all things, as is perhaps his way.

The government is taking credit for what it calls a wonderful process. I was incredibly disturbed to hear reported to us time and time again how the government's own department would allegedly take minutes of meetings and that these minutes would come back extremely late in the piece and would reflect nothing like what was actually agreed to in these meetings.

The Hon. Gerry Kandelaars talks about the wonderful consultation process. I am disturbed—and I have made this comment in the committee a number of times—that a government department would send people to take minutes and then alter those minutes for their own cause, for their own case. We did not hear it once: we heard it a number of times. I just want to say that, right from the start, I was incredibly disturbed with the process and the way the department handled itself. I have told them that during the committee stage, and it certainly will not be forgotten.

The Hon. D.G.E. HOOD (16:26): I will just very briefly thank members again, as there is a lot on the *Notice Paper* tonight. I think we had a good-natured committee by and large. There were some moments where some contentious issues were debated, and it was handled mostly well, I think, by the committee members.

I do have very grave concerns about the impact of some of these parks in certain areas. I think in general, as with most of the evidence the committee took, Family First is supportive of the concept of marine parks, but there are some people who really will suffer as a result of the introduction of these marine parks, and I think that is an issue that has not been addressed, certainly not to their satisfaction, nor to mine.

I think the other issue raised by the Hon. Mr Stephens is very valid, and that is that a number of allegations were made to the committee of minutes being altered after the event. That is very serious indeed. They were made independently. It was not just one group saying that; there were a number of groups saying that independently to the committee, and I think that is very, very serious. We were not able to establish that as a fact, so I need to put that on the record to be fair, but the fact that we heard it consistently across a number of groups, I think, is of great concern.

It was a good experience for me to chair this committee. It is the first committee I have chaired since I have been in this parliament and I must say that I found it enjoyable. I trust that the report is of interest to members and to the community.

Motion carried.

The Hon. J.S. LEE: Mr Acting President, I draw your attention to the state of the council.

A quorum having been formed:

SELECT COMMITTEE ON COMMUNITY SAFETY AND EMERGENCY SERVICES IN SOUTH AUSTRALIA

The Hon. R.L. BROKENSHIRE (16:29): I am pleased to be able to talk to the report of the Select Committee on Community Safety and Emergency Services in South Australia and I move:

That the report of the select committee be noted.

I want to place on the public record through *Hansard* my sincere appreciation to the Hons John Dawkins, Jing Lee, my friend Kyam Maher and Tammy Franks MLCs. Mr Dickson was a very good, hardworking secretary who has had a lot on his plate, and I particularly appreciate the work he has been doing with the committee, and Dr Bailey was a very capable research officer for what I believe colleagues will agree is a comprehensive and well-written report.

It has been 13 months since we moved the motion to establish the committee. I think the timing of the committee has been good. It ties in with the Hon. Tammy Franks' amendments to a piece of legislation that was sorted out properly here in this house today. The question will be: what is the mean-spirited government going to do when it comes to looking after volunteers? That leads me into the first key finding of the final report; that is, serious neglect of the volunteering sector's funding by this government.

The second finding is to review the effectiveness and efficiency of the emergency services levy. Whilst I think it is fair to say that all the evidence endorsed and supported the concept of the emergency services levy, I will place on the public record what has, sadly, happened. Such an important issue, back in about 1997, 1998 or 1999, should have been bipartisan to ensure proper funding, but politics got in the way.

As a result, what we have seen over a period of time, and the evidence has been given to the committee, is that the intent of the levy was right, even though people do not like levies, but the value it was capable of providing to both the volunteer and paid services has been eroded to the point now where the evidence given by all the chief fire officers, the police commissioner, the head of the South Australian Ambulance Service and then other volunteer organisations like Surf Life Saving, marine rescue and others is that budgets across the emergency services—and we all know that police have to manage, in the forward estimates, approximately $150 million worth of budget savings—are such that it is just not providing the money. I would like the government to say what they are going to do to address this very serious financial shortfall in emergency services.

The third dot point is the controversial creation of the Community Safety Directorate—a directorate that, without consultation, was formed with all of the safety agencies. The evidence of the heads of the agencies was clear: they had no idea what was happening. It happened very

quickly. The former minister (the Hon. Jennifer Rankine) set this up so quickly that there were not, in the opinion of the committee and certainly my opinion, proper processes to ensure that there were benefits of the Community Safety Directorate.

In fact, the committee also found that the directorate was established without following the proper process of consultation and also, importantly, not respecting the charter obligations upon the government to consult with volunteer organisations, because that charter said that there would be consultation with the volunteers. We found out in the evidence that the minister went ahead and set up this Community Safety Directorate without any consultation that we could get evidence of.

In consequence, the committee has recommended that the charter be legislated in the same way as the two health charters are legislated. The one tick I would give the minister for the Community Safety Directorate was that she actually employed a head who has got a lot of capabilities, and now she has got that head trying to manage all of the problems that we have been seeing in the Department for Education and Child Development. Apart from that, the rest of the decisions around it were just appalling, given the fact that no-one knew what the directorate was about. There was no consultation; in fact, there was some direction given by the minister that certain agencies had to provide staff and budget to fund the directorate because, even though it was approved, I am sure, by cabinet, there was no money coming with it, so it had to be found from other cash-strapped areas of government.

One of the other recommendations is that the directorate be merged back into the South Australian Fire and Emergency Commission. Frankly, I think for all intents and purposes that has happened. I think there were ministers and certainly a lot of the good hardworking backbenchers in the government who felt that the directorate was the wrong way to proceed. I think it has actually just slipped away in any case since the pressure has been brought to bear from the select committee. If it is still around—and I do not know whether it is or who works there and so on—the committee is recommending that the Community Safety Directorate just be merged back into the South Australian Fire and Emergency Commission (SAFECOM).

I place on the record that we did, after approval from the majority of the Legislative Council, invite minister Rankine to attend to help us understand what this directorate was all about, so as to be fair—and I do like to be fair, sir—and give minister Rankine an opportunity to explain her side because there had been scathing comments on her initiative. I just wanted some fairness in the whole thing as well but sadly, for whatever reason, minister Rankine declined the request and so we were not able to give her fair and democratic opportunities to explain what may have been a brilliant initiative, although we could not see that it was in any respect.

Another key point was to promote volunteering with an advertising campaign. There is no doubt that right across the emergency services, there is real pressure on the incredibly hardworking volunteers. This is not a problem of this government alone, I acknowledge. This is a problem that has been building for some time. Part of it is our ageing population, part of it is the pressure on families to be working harder, and part of it, frankly, is probably that we need to start to nurture again the wonderful South Australian ethos of volunteering.

Notwithstanding the fact that I acknowledge within the findings that it is not a fault or problem only of this government, the fact is that this Labor government is in office, so they need to try to address what can be done to get new volunteers into the emergency services in the future. Hopefully, as a result of this report, both the government and the opposition, as we lead up to the election, will come out with a response to the recommendations of the committee.

I turn now to the next dot point which is 'give presumptive cancer WorkCover compensation reforms to CFS firefighters', as the government's current bill only covers MFS firefighters. We have debated it this morning. I place on the record, so that those reading this can see, that the majority of the Legislative Council did support the Hon. Tammy Franks' amendment and therefore also the recommendation that I am talking about now from the select committee. Before the other house, the government has to make a decision on whether they are going to accept the amendment or possibly not have the bill. It would be very sad if they do not have the bill because we want to see Country Fire Service volunteers and paid Metropolitan Fire Service firefighters getting proper WorkCover compensation where cancer has clearly occurred as a result of their work.

The next point is that the committee has recommended an audit of all state government land used by volunteer safety services—for example, the CFS or SES halls or stations—and that consideration be given to gifting, or providing at reduced peppercorn rental, that land to those organisations. They are asking for that.

The next dot point in the key findings is to consider providing rebates to councils which do not feel that they can charge full commercial rent on volunteer safety land. When the emergency services levy act came in, it was clear that the day-to-day responsibility and funding were going to be removed from the council, as the councils would then be funded through the emergency services levy. Some councils have been generous. I would encourage councils to do that if that is their intent, but for other councils it is having a financial impact. We ask that consideration be given to providing rebates to councils, as they do not feel that they can charge full commercial rent on volunteer safety agencies' land.

The last key dot point is to consider including St John Ambulance into eligibility to receive emergency services levy support if other services' funding also has increased. The committee acknowledges that St John Ambulance cannot be included in eligibility for funding at the detriment to further reductions in the budget of other emergency services. However, we are saying that, whilst there needs to be an increase in their budgets for the reasons I have briefly outlined in my remarks, St John Ambulance should be part of it. I strongly agree with this. I happened to see the mobile headquarters for St John coming through our district only a couple of days ago, after it had been down at Schoolies Week. That is just the sort of example—

The Hon. D.W. Ridgway: You were there?

The Hon. R.L. BROKENSHIRE: I'm not a schoolie anymore.

Members interjecting:

The Hon. R.L. BROKENSHIRE: I do want to get back to the subject matter, and that is that St John also does a magnificent job, and it should be involved in the funding within the emergency services levy.

Finally, I want to put on the public record that the Cherryville community appreciates the work of the Hon. David Ridgway, who did move an amendment to get us working a little bit harder when it comes to this select committee. The Hon. David Ridgway was very concerned about the incident at Cherryville in May this year, so he moved an amendment to request that we also look at Cherryville.

Members went to Cherryville to meet with both the CFS and landholders. In fact, thanks to the Hon. John Dawkins, we also invited members of the Natural Resources Committee. A good friend of mine and everyone in this house, Robyn Geraghty MP, came with us on behalf of the Natural Resources Committee because that committee was also doing an inquiry into that area. As I said, we met with the CFS and we met with community members, and we did a site visit.

The Legislative Council asked the committee to consider a reference on this matter. The key finding from this reference was that we believe that there were deficiencies in both weather reporting and fire danger matrices; they were the primary reasons the Cherryville bushfire was not contained earlier. The committee requests that the agencies have a look at the processes around weather reporting and fire danger matrices.

I believe that it was a worthwhile committee. There is a lot of detailed reporting there and the evidence from all the witnesses. I am sure that all members are interested and committed to community safety and emergency services, and I would encourage them to use it as a blueprint in the future as they work through policy and funding for these most important organisations. Finally, I place on the record my appreciation for the work of all the wonderful volunteers and paid officers and for their excellent commitment to protecting lives and property in South Australia.

The Hon. K.J. MAHER (16:44): I echo the last paragraph of the statement about the great work that many, many volunteers do. I would like to thank the members of the committee and the staff for their very diligent work. I particularly thank the Chair, my mate farmer Brokey, hero of the ABC!

Many of the issues raised by this committee are covered in recommendations made by the Holloway review of the Fire and Emergency Services Act. One of the issues covered by the committee that was not raised in that review was about the emergency services levy. I think it is important to note that, since the introduction of the emergency services levy in 1999, the formula for funding has not changed.

I think there was some comment in the report, and others have made, that somehow the formula has changed and people are getting less. The formula has not changed since it was introduced. In fact, some of the groups which called to be included in the emergency services levy

funding and are not included really need to look at the design, by whoever was the emergency services minister back then when it was designed, that decided to exclude them from the funding at the time.

Members interjecting:

The Hon. K.J. MAHER: Whoever it was. In relation to the extra area the committee looked at, the Cherryville fires, it was good for someone who is not exceptionally familiar with fire matters to hear various opinions from various witnesses about what could have been done differently at the time.

The use of firebombing aircraft was a significant issue for many witnesses, about what difference that may or may not have made and whether it is best or whether it should be used in conjunction with ground forces. One important thing to note is that the evidence from the department was that the use of such aircraft is made completely independently of financial considerations. If aircraft are needed to be used, they are used, and financial considerations are not taken into account.

The final thing I want to touch on is volunteering. Again, we heard from many very dedicated volunteers who clearly save tens of millions of dollars for the state by giving up their precious time and putting their lives at risk in volunteering in many of these areas. The committee heard that there was a whole range of reasons that volunteering is becoming more difficult. Some of the factors include an ageing population, different life/work balance issues, and a general decline in people's involvement in volunteer organisations in general. I wish to thank all the members for their efforts on this committee and, with that, I close my remarks.

The Hon. J.S.L. DAWKINS (16:47): I rise to speak in regard to this report, and in doing so I speak on behalf of my colleague the Hon. Jing Lee, who is faithful enough to let me speak on her behalf.

We express our support for the recommendations made by the committee, and I certainly enjoyed the work on the committee. As the Hon. Mr Brokenshire mentioned, there was some overlap with the current work of the Natural Resources Committee, which has been doing quite a bit of work in relation to bushfires and the community involvement of our emergency services in relation to that. We will certainly canvass those matters later on this afternoon in relation to another report.

I think the one thing that came out of the evidence for me—and we took evidence from a wide range of groups across the whole band, a wide array of groups in the community safety and emergency services sector—was that there was no evidence of support for, but particularly of any consultation about, the establishment of the community safety directorate.

It seemed as if the creation of the community safety directorate was done on the back of an envelope and following the appointment of other people to other positions in other parts of the government, and I will not go any further with that. But there was no evidence of any consultation with any of the government bodies or even the non-government bodies in that sector. I think that is something that is of great concern and shows that the minister at the time made a kneejerk reaction to not getting her way on an appointment to another position.

I would like to briefly refer to a couple of the recommendations. Recommendation 11 is one that I feel very strongly about, that is, that government agencies work closely with the Bureau of Meteorology and radio stations that broadcast emergency service announcements to ensure the earliest possible determination of and communications about dangerous bushfire conditions. While it could be said that this relates only to our extended reference to look at the Cherryville fire—and I will talk more about that at the moment—I think it does relate to the fact that so many of our emergency service organisations—both funded by the state government or from the non-government sector—are not only involved in the community reaction to major bushfires but also, of course, other associated situations that cause community concern.

I think that recommendation that we get that early advice is very important. In many cases, the declaration of a catastrophic fire day has been done later in the piece on the previous day, and it seems from evidence that we heard that this advice could be put out into the community earlier with the use of Bureau of Meteorology information and by accessing time from those radio stations which broadcast the announcements on the day of a bad bushfire. We think they could do that the day before. That was one recommendation that I was very keen on. Recommendation 13 states:

That the obligation (following the passage of the Fire and Emergency Services (Review) Amendment Bill 2009) for Chief Fire Officers (CFS and MFS), to require State agencies to clean up fire risk on their land, and to make similar requests to Commonwealth agencies, be strongly implemented.

I could not point that out any more strongly if I was asked to, because I think this is very important not only in relation to the Cherryville reference but in relation to any bushfire situation. Certainly those of us who went on the site visit to Cherryville were alerted to the amount of crown land in very close proximity to the Cherryville fire. Some of that crown land was under the control of national parks or DEWNR, but quite a significant amount of it was actually forestry land and, rather remarkably, I suppose, for some of us who like to think we are good at geography, the southern tip of the Mount Crawford Forest comes down to Cherryville.

I have been very strong on this in recent times and I was responsible for changing that act by amendment in 2009 to make sure that the chief fire officers made those requests—they are not able to require the commonwealth agencies, but to make the requests to the commonwealth agencies—to clean up the fire risk because there are many cases where government-owned land can exacerbate a fire situation, particularly in close proximity to housing or closely settled agricultural land.

I have already mentioned the extended reference to the Cherryville fire. It was an extraordinary situation. I think most people were surprised that we would have a fire day like that in May, after the end of the fire ban period and after, as we learnt, the period in which the CFS has an arrangement with the water bomber facilities. On the day of that fire a number of members of parliament were in the APY lands with the Natural Resources Committee. It was actually hotter here in Adelaide than it was in the APY lands and, of course, the conditions were also conducive to a bad fire.

It is a fact that those of us who went on the site visit to Cherryville found it very instructive, as is generally the case—I think seeing is believing. The committee received evidence officially from local residents and CFS staff and volunteers on site about the various aspects of what happened that day and whether water bombers should have been called in earlier and whether that would have assisted the volunteers on the ground in any great respect. There are arguments on both sides of that position.

However, as I have said before in this place, as someone who, as a flat country firefighter went and fought the Ash Wednesday fires in the Adelaide Hills in 1980 and 1983, it is easy to be wise in hindsight. We should always remember that, when criticisms are made of the CFS or other fire services about decisions that are made on the spot, in the heat of the moment, and someone has to make a decision to do something, it is very easy to criticise them after the event. I am not saying that sometimes those decisions should not come under some scrutiny. However, when fighting a fire, particularly in that sort of terrain where the direction of the fire can change instantly and can be life threatening, it must be remembered that decisions have to be made on the spot. We should always remember that.

One of the pieces of evidence that was most instructive to me about the Cherryville fire was delivered to us by Mr Merv Robinson, a volunteer officer with the Yarcowie CFS group. Mr Robinson was directed to our committee by the member for Stuart in another place. Mr Robinson has fought a number of fires in the Mount Remarkable area and, of course, the terrain in that area is very similar to the Mount Lofty Ranges, it is just that there is nothing like the population, as one would understand.

Mr Robinson led a strike team from the Yarcowie group in the Mid North that went down to Cherryville. He gave very valuable evidence, as an independent person, someone who has fought a lot of fires in very difficult terrain, but he did not come to us with some of the local knowledge that might be valuable but sometimes does give you a view on something that might not be as objective as at other times. I do not point that comment at anybody in particular who gave evidence because we had some evidence from local residents and officers of the CFS, staff and volunteers, that was conflicting. I think Mr Robinson put it into perspective as an independent person in the way he saw the events unfold in the less than 24 hours that they were there. I think if anybody in the parliament or outside would like to get some instruction on the events surrounding that fire, it would be interesting to read Mr Robinson's evidence. With those remarks, I commend the report to the council.

Motion carried.

SELECT COMMITTEE ON ST CLAIR LAND SWAP

The Hon. J.M.A. LENSINK (17:00): I move:

That the interim report of the select committee be noted.

This committee is one of the relatively recently established ones, and for that reason we have a bit more evidence to receive, I think, before we are able to provide a full report, so in effect we are tabling an interim report, which will enable us to release all the evidence we have received so far. As I said in one of my speeches calling for the committee, transparency is an important part of this matter, and therefore all the evidence, with the exception of that taken in camera, should be placed on the public record.

At the outset I also extend my thanks to the other members of the committee: the Hon. Kyam Maher, the Hon. Mark Parnell, the Hon. David Ridgway and the Hon. Russell Wortley. More recently we have struggled to get the full membership of the committee present, but that is a reflection of the fact that we are reaching an end of the parliamentary sittings. I also thank our secretary, Anthony Beasley, for his attempts at diarising these things, organising witnesses, and so forth.

To date we have received 10 submissions and heard from 15 witnesses. They have been: Renewal SA, the City of Charles Sturt (both the CEO and separately from the mayor, who was really elected on this issue), and from other counsellors. The chief set of witnesses we have heard from have been local community groups and concerned residents. I will make some remarks in relation to some of the evidence we have received so far.

The origin of the land swap has some history. My observation—and I think the conclusion reached by the Ombudsman—is that this decision, which has caused so much community outrage, was really driven by the 30-Year Plan and the obsession within government of transit-orientated developments. Woodville became the focus of what really was supposed to be the pilot, and the council fell into line with the state government rather than seeing itself as an independent body that needed to take into consideration the wishes of its community.

We have clearly advanced a fair way down the track to the point even where the minister has now signed the DPA. The rail lines electrification has fallen off the agenda, so that initial reason has almost become redundant, yet the proponents, particularly on council, have dug themselves in so far that I think they feel that it would be too much loss of face for them to reverse their position.

The roles, particularly in the initial decision, of the member for Croydon, the member for Cheltenham and the member for Enfield really do not place them in a good light. It really has been a Labor conspiracy that the Labor Party controls that council, so we have ended up with this situation. We may yet receive evidence from the member for Croydon. He has written to the committee, and I quote from his email. He says that allegations have been made against him in some of the submissions:

> ...that the person must know are false, or in which the person is recklessly indifferent to their truth or falsity, or in which the person's allegation pre-supposes a relationship or communications between us that did not exist at the relevant time or ever. In some cases, it is rather like being stalked by complete strangers or people with whom I have had no communication for years.

He clearly feels he would like to provide evidence and he, of course, has that right, as do all citizens.

It is quite a dysfunctional council and we certainly heard evidence of that. We heard evidence of the council that existed prior to the 2010 elections, which was the subject of the Ombudsman's report. I think the Ombudsman's recommendations and findings are quite limited by the existing provisions in the Local Government Act but, certainly, a number of those recommendations, if you read between the lines, indicate that, had the act been written differently, some of those councillors would have come in for some fairly strong penalties for their behaviour and collusion—certainly, unethical behaviour—and some of it may not have been able to be pinned down.

As a result, there has been not a single action that has taken place against any of them for those things. I note, too, that there was a lot of legal wrangling to try to fend off the Ombudsman from providing a report. There is a lack of trust in the community and on council, and it has really just become a battleground and the situation we are in is really quite sad.

The matter of tape recordings also came up. One of the witnesses, a former member of the House of Assembly, highlighted to us that he was told that tape recordings were made of council meetings and these were then provided to the member for Croydon who was subsequently contacting councillors to advise that he was well aware of exactly what had been said at council meetings because of those recordings. We also had the issue of recordings of our committee, which is certainly not illegal, but somebody came to attend a number of our committee meetings and record everything that took place while she was there.

I think that sort of behaviour is quite creepy—I think that is the only way that I can describe it—and it highlights the fact that, until those sorts of elements do not exist or are not re-elected to that council, unfortunately, that is going to tarnish any of the decisions they make. With those comments, I endorse the interim report to the council.

The Hon. R.P. WORTLEY (17:08): As this chamber is aware, there was an Ombudsman's investigation of the Charles Sturt council and there was also a select committee into the SAJC. The vast majority of the evidence presented to this committee was relevant particularly to the Ombudsman's investigation. For the Hon. Ms Lensink to suggest that the Ombudsman's investigation was limited by the Local Government Act is quite ridiculous. It was quite thorough and a significant number of recommendations were handed down, and the vast majority of them will be taken up.

I must say that I felt sorry for some of the witnesses who came and gave evidence. They were decent human beings who felt aggrieved and who were given false expectations by the opposition that there was going to be massive movement on the whole issue. I think the resources of this parliament and this chamber could be used a lot better, a lot more efficiently and more productively if we used them on issues moving forward and not from the past. As I said, I look forward to this going through.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:10): I rise to make a few remarks in relation to the interim report of the Select Committee on St Clair Land Swap. From the outset, when this land swap was proposed, it was clearly another announce and defend decision from the government. Yes, we had had the Cheltenham sale, and I guess that was the start of the community concern in the western suburbs. As the shadow minister for planning I attended a number of public meetings in the Woodville Town Hall, just across the road from the St Clair site, where of course we had the local member, the Hon. Jay Weatherill, turn up on a couple of occasions. I think the community felt like they were sort of dudded.

The deputy premier and treasurer Foley had made some comments and so had the current Premier, the Hon. Jay Weatherill, in relation to the sale of Cheltenham—over their dead bodies, that this would not happen. Of course, they saw that Cheltenham did change hands. Of course, it belongs to the SAJC. It was their privately-owned land so I guess in one sense they were entitled to sell it—and it was a decision that they made—however, I think the community felt somewhat cheated. When you have the local member in the area making comments to the effect that it would happen over their dead body, you can understand that the community was disappointed that that happened.

Then we moved on to the St Clair land swap, which, as members would be aware, is a land swap of some of the land between the Cheltenham Racecourse and the St Clair site (the old Actil site), and there was some other ownership of land there as well. The developers at the time decided that they would put a proposal to government to do a land swap, to swap land closer to Woodville Road (in fact right next to it) and the Woodville Railway Station, which is the St Clair site, and have public open space on the old Actil site and the associated land there. It was at a time when the government had this love affair with transport orientated developments.

It is interesting that a witness on Monday said that he was at a street corner meeting where I think the member for Croydon, Michael Atkinson (the current speaker), and I think Mark Butler, the federal member for Port Adelaide, were asked a question about TODs. The member for Croydon said, 'Well, we've run out of money so we're actually not going to do that electrification or the transport orientated development.' So that also begs the question: why would you proceed with a land swap after 10 or 12 years of Labor mismanaging the economy and running out of money and not being able to proceed with what the government intended to do?

It is interesting to note that some issues have come out. Of course, the St Clair site has a cricket oval and other facilities, and beautiful trees. I have attended a couple of public gatherings out there. Glynis Nunn, the state champion and international sporting star, trained there. There are

also some ashes from some of our ANZAC heroes, returned servicemen, spread around there. We were told on Monday by Mr Meschino, I think, who was a former City of Charles Sturt councillor, that as a young boy he would see a lot of people gather there after the ANZAC Day service and just reflect on the contribution and sacrifice that people had made. This is at the St Clair site.

It is also interesting to note that we had the Ombudsman's inquiry into the council's handling of this land swap and, of course, the allegations. The Hon. Russell Wortley has referred to the Ombudsman's wide-ranging, lengthy inquiry into the council's handling of it. The Ombudsman found some deficiencies and, while I think a number of them have been addressed by the council, there are still a large number of questions left unanswered, and the community feels that those questions were not answered.

Interestingly, there has been a constant theme running through all of this particular saga, shall we say, from the sale of Cheltenham right through to what we are dealing with today, and that has been the involvement of the member for Croydon (the Hon. Michael Atkinson), who is the current Speaker. His involvement just seems to be a recurring theme. I know local members of parliament like to take an interest in their local community, but it seems that his has gone far beyond what we would think is fair and reasonable.

On Monday, we heard a witness give evidence (it was not about this particular issue) that Michael Atkinson some years ago attended a council committee meeting and then gave a committee member a motion, or an amendment to a motion, to read. That person could not read it, so they handed it back to the local member of parliament to read it himself at the council meeting—that was evidence given to the committee. He certainly has a level of involvement that I think goes way beyond what is reasonable. There is some influence, I suspect, that is pushed and perhaps used to advantage the government agenda with that particular council.

What is also interesting—and I think this strikes fairly at the Premier today and also at the Minister for Planning—is that the recent development plan amendment, which has been signed off just recently, is called the Woodville Railway Station DPA, yet it has nothing to do with the Woodville Railway Station: it is actually about the St Clair site itself. I think it is a clear example of a very sneaky and dishonest government, whether it is the Premier (this is his local patch), or the Deputy Premier, who is the Minister for Planning, who is prepared to say a DPA is about the Woodville Railway Station when, in actual fact, it is about a piece of land next to the Woodville Railway Station. It is extremely misleading, and I think it is just a clear example of how this government, which is so desperate to hang onto power, will do anything it can to try to quieten down the noise in the western suburbs.

We have seen that DPA go through; it is a disappointment for the community. It remains to be seen what development will happen. There have been a number of, shall we say, allowances made and changes to the plan. In the end, there will be quite a large amount of open space still left within the St Clair site, and I really wonder whether it has all been worth it—the angst, the pain and suffering. I think the witnesses said on Monday this week that it was not just the loss of the land: it was the pain, the suffering, and the sort of emotional turmoil these people felt. They had trusted the government, and I suspect most of the people who gave evidence to us have been Labor supporters, but they felt that they had been dudded.

The Hon. J.S.L. Dawkins: They were Labor supporters.

The Hon. D.W. RIDGWAY: They were Labor supporters; they may not be in the future. They felt they had been dudded. In fact, we saw a local government election where the mayor was removed and Ms Kirsten Alexander was elected mayor on the back of the way that the council had handled that whole land swap. I think it just indicates that this issue is probably one that is going to linger on in the western suburbs for a very long time.

The Premier and others talk about Adelaide being a livable city and a walkable city. We could have easily left St Clair the way it was and had housing on the other areas, and people could have easily walked to the Woodville Railway Station. Of course, the early plans for a transit orientated development had quite a large redevelopment of the Woodville Railway Station.

I remember the member for Croydon saying to me one day, 'Ridgway, it's very simple: we've got a railway line that goes off to Grange and out to Outer Harbor, so it's a V. It's a perfect place to have a high-level development between the two railway lines and over the railway lines, just like they do in Europe.' Well, we see that nothing of the sort is going to happen. That was what I think the community was led to believe was going to happen and, in the end, nothing has happened at all. With those few words, I commend the interim report to the council.

Motion carried.

SELECT COMMITTEE ON MATTERS RELATING TO THE INDEPENDENT EDUCATION INQUIRY

The Hon. R.L. BROKENSHIRE (17:19): I move:

That the interim report of the select committee be noted.

I believe this committee has clearly justified having select committees within the Legislative Council. It has attracted considerable public interest in the gallery and in public commentary about its work, and there is much to be said for parliament having a committee investigating child protection issues. Even though this is an interim report, I want to place on the public record my thanks to Legislative Council members, namely, the Hon. Mr Lucas, the Hon. Mr Wade, the Hon. Mr Wortley, and my friend the Hon. Mr Kyam Maher.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. Maher: He called me a friend.

The PRESIDENT: Do you believe he is misleading parliament? The Hon. Mr Brokenshire.

The Hon. R.L. BROKENSHIRE: I also want to again place on the public record my genuine appreciation of Mr Guy Dickson and Ms Geraldine Sladden because this committee has met every Friday for a couple of months or thereabouts, so it has been a pretty demanding workload.

On an interim basis, one of the important findings of the committee is that a lack of clear protocols and procedures for dealing with critical incidents such as this one contributed to the unsatisfactory outcomes that led to the establishment of the Debelle inquiry. It also found that the size and complexity of the department make it essential for clear protocols and guidelines to be in place, especially in relation to serious incidents such as this one.

The committee believes implementation of the Debelle report recommendations will play a critical role in ensuring that this takes place, but I do place on the public record that some witnesses have expressed concern about the size of the department now that it has to take in not only education but also early childhood development, some aspects of health, and some aspects of Families SA.

The third key finding at the moment is that, despite failure to inform the then minister for education of the serious assault, there did not seem to be any specific policies and procedures within the minister's office, once the department had sent an email across on a critical incident report, to ensure that the minister was advised and therefore (1) then able to analyse the seriousness of the matter and what from a ministerial and government aspect should be done, and (2) to actually forewarn or inform the minister so that, if the media were then made aware of these matters, the minister was not caught off guard with respect to those issues.

There still does remain ambiguity, as I see it, from the evidence so far about how serious incidents are reported to ministers within the government and, whilst I do feel more confident now after listening to Mr Harrington, who is working through procedures to ensure that—

The Hon. R.I. Lucas: Harrison.

The Hon. R.L. BROKENSHIRE: Harrison, sorry. Mr Tony Harrison, the CEO of DECD, has advised the committee that he is working through processes now and in fact, whilst I need to try to read and absorb further the evidence from just last Friday, he did indicate that there was a more appropriate process with emails going through to the minister's office and then, within three days, a detailed follow-up formal minute. Those are the sorts of structures that do need to be in place in the future.

I was visiting a school this morning before coming into the chamber for the sitting today. I saw a fantastic environment on the school campus. I saw a dedicated principal and dedicated staff, teachers, deputy principals, SSOs, speech pathologists and all the other people who work there and the children going about their normal school activities.

It is very unfortunate that it appears that for some time there has been almost a toxic culture at the top of the education department in Flinders Street, and I think that therein lies part of the problem of what we have seen. There seemed to be more of a dysfunctional culture working

against the interests of driving good educational outcomes and a focus on the protection of children.

In fact, I am still not sure who blocked a letter that Ms Jan Andrews clearly drafted, which was intended to go to the school for the parents. Given that Ms Andrews was in charge of that particular area, she had drafted the letter with good intent and expected parents to know. Somewhere between that letter being drafted and the letter then being sent out, someone else in the department made a decision that the letter would not go out. Those sorts of things should never be the case in something like this. There should have been clear procedures and processes, and the fact that did not occur is most unfortunate.

I also update the council by advising that, at this time, Telstra is still working back through its South Australian government electronic messaging system (SAGEMS) data to see whether there is evidence of a controversial email being sent to someone else. This committee, which will continue to sit after this Thursday, will be able to receive that information. I do commend the Premier for cooperating with that process, at the committee's request.

The committee recently began to focus on its reference from this council to track the implementation of the Debelle recommendations. We have heard evidence that only 26 of the 43 recommendations have at this stage been fully implemented. The deadline is just 23 working days away. Two recommendations passed this place yesterday afternoon, just in time before the parliament concludes its sitting for 2013 and, indeed, for this term, with no more sittings before the election on the third Saturday of March (15 March, I think) next year—and there will probably be no more sittings until May—certainly late April.

This is an interim report, and we will be seeking to continue doing our work and compiling a final report. We have a number of terms of reference and unfinished business to get into, and we do need to keep working on that because, at the end of the day, all members and people within the community want to see every effort being made to ensure that we have the best possible child protection into the future. Child protection is something that has to be first and foremost. When families send their children to school, or anywhere else for that matter, they do expect that their children will be protected as well as educated.

My final point is that, given the evidence at the moment, whilst commendable work is being done at schools in educating children, the good thing is that there is now a much more focused situation when it comes to protection of children and also reporting processes. However, whilst that has to occur, and I commend the fact that that is occurring, it is also important that there be a focus on good sound education policy and attention right through to executive level within the headquarters of a very large department, namely, the Department for Education and Child Development.

The Hon. K.J. MAHER (17:29): Some have claimed that this committee was in some way connected to child protection. Not a single one of the 22 witnesses who have been called before the committee so far have had any specific expertise in the area of child protection. What was presented to the committee was largely a repetition of what was publicly available in the Debelle royal commission report.

One of the positive things, and maybe the only positive thing, to come out of this committee is that we have learnt that all the recommendations contained in the Debelle royal commission report are being implemented. Having said that, many of the witnesses who appeared before the committee acknowledged that mistakes had been made in the handling of the matter that gave rise to the Debelle report and many of them acknowledged that if they had their time again, they might do some things differently.

Much of the committee focused on administrative processes—what had or had not been passed on—and as we have seen in the last week, things can happen in offices where things either do or do not get passed on against instructions or inadvertently which can lead to changes in procedures.

The Hon. I.K. Hunter: What are you talking about Kyam?

The Hon. K.J. MAHER: I do not know, but I am pretty sure that the grandstanding some have done in the media might not be as welcome in some sections of the media as it has in the past.

The Hon. I.K. Hunter: You are not talking about the ABC?

The Hon. K.J. MAHER: I have not mentioned the ABC. With that, I note the report but also a dissenting statement by me and the Hon. Russell Wortley on the proceedings of this committee.

The Hon. R.I. LUCAS (17:31): I rise to speak to this particular motion particularly after the Hon. Mr Brokenshire spoke originally and introduced—as he describes him—his very close friend, the Hon. Mr Kyam Maher. He has used that phrase on a number of occasions this afternoon and I cannot doubt its veracity. So I am pleased to be speaking after the two very close friends have spoken on this particular issue.

I agree with the Hon. Mr Brokenshire that this has been a worthy committee. I obviously disagree with the jaundiced, biased perspective that has been put by the Hon. Mr Maher on behalf of the Labor members and in their dissenting statement. Of course, one expects them to do their best to defend the position of the government and now Premier Weatherill—then minister for education Weatherill—but it has been a forlorn task I think as they have seen the full atrocity outlaid before them in the open hearings before this committee.

One of the key differences of course, and one of the very useful aspects of parliamentary committees is that the full focus is shone on the evidence that is given. The Debelle inquiry is as worthy as it might have been as is mostly the case with royal commissions conducted in secret. I make no criticism of that, but the evidence is not given in public session and one cannot see the questions and answers.

Indeed, at this stage, members are still waiting for whatever the unspecified legal event is, for the full transcript and other information, and the unedited final report to be made public by the Attorney-General, I assume. I think it has been referred to the Attorney-General, and that is not a criticism of the Attorney, it is a specific requirement of Justice Debelle in terms of when he believes the full transcripts can be made available.

So it is a nonsense for Labor members to suggest that all of this has been done before. There has been significantly different ground traversed and, as I said, in particular even where there might have been crossover, it has been done in the full glare of the public. It has not just been members of the media who have attended these meetings; there have been a number of interested members of the local school communities and others who have had interest in education issues in general who have attended some or all of the meetings of the select committee. It is unusual for select committees—having sat on many over a long period in this house—to have people who are genuinely interested in the work of the committees and who attend the public sessions of those committees.

I think the position of Labor members in their dissenting statement and the statement the Hon. Mr Maher has just made are nonsense—and he repeated it again where he says, 'Of the 20 or so witnesses, there was not one witness who had any expertise in the area of child protection.' Let me turn this back to the Labor government, in particular, former minister Weatherill and the other ministers who have attended since then.

This committee has called to give evidence members of the Department for Education and Child Development, which includes child protection, so we have called as witnesses: the chief executive; the two next most senior officers at that particular stage in the department; a manager of the legislation and legal services unit, which manages legal services in the department; the critical incident coordinator within the department (so critical incidents in relation to child protection are within this person's specifications); the director of programs and regional development, who, at the particular stage of the events of 2010, I think, was either in charge or one of two persons in charge of the school care unit, which was the first port of call in terms of child protection issues and complaints within schools; the director of early childhood wellbeing and standards, teaching and learning services within the department; and the minister's ministerial liaison officer in the area of schools and child protection.

If there is a criticism that none of these officers, according to the Labor members, has any expertise in the area of child protection, what a damning criticism of the Labor government, that all their senior officers and all the officers who work in this particular field, according to the Hon. Mr Maher, have no expertise in child protection. He is saying that the chief executive who has just been appointed has no expertise in child protection; he is saying the two next most senior officers who are in charge of those child protection areas have no expertise in child protection; he is saying the person in charge of the school care unit has no expertise in child protection; he is saying the person in charge of legislation and legal services—the person providing legal advice—

has no expertise in relation to child protection; and he is saying the person who provides advice to the minister for education, the MLO, the ministerial liaison officer, has no expertise in child protection.

If you accept, and let me say I do not, that the new chief executive and others have no expertise at all in child protection—they might not be 30-year experts in terms of child protection and teaching in universities, but they are the people who have been appointed by minister Weatherill and others like minister Lomax-Smith, minister Portolesi and minister Rankine to run our child protection department. If the Hon. Mr Maher and the Hon. Mr Wortley are saying that none of the witnesses have any expertise in child protection, that is a damning condemnation of their own Premier and their own ministers. No more damning condemnation can you have from your own backbenchers that they basically say, 'Well, the people you've appointed to run this child protection department have no expertise at all in child protection.'

What do you expect the committee to do in terms of getting evidence from the child protection department—the education department? Do the members say, 'Okay, we will go through all the key decision-makers in the department and, because under the Labor member's definition they have no expertise in child protection, just say alright, well they have no expertise, there is no point in inviting them along to this particular committee'? It is a nonsense argument and, frankly, it was the best that the two of them could cobble up in terms of them trying to defend the indefensible in relation to minister Weatherill's performance in the portfolio.

Let me turn to former minister Weatherill, in terms of his abysmal management or mismanagement of his portfolio. The evidence given to this committee, which continues to be given, is a damning critique, a damning indictment of his mismanagement and negligence in terms of the management of the education department. We heard from senior officers how it continues even to this day in decisions he has taken as Premier. Senior officers have indicated, in an unprecedented fashion, that in an already complex and complicated department like education he added the child protection divisions or the old Families SA department. The committee has taken evidence from a range of people who have indicated the problems that that decision by Premier Weatherill has caused in terms of the management of the child protection function within this department and within government schools in South Australia.

The Peter Allen review, which has been referred to by the minister and others, and reported to our committee, also highlighted, in a nicely understated way, might I say, this particular issue. We took evidence from CEO Tony Harrison who indicated that he had entered into vigorous or frank discussion with Mr Allen. I think he used the phrase 'an iterative process' as they worked through various drafts or recommendations for the final report. I am not surprised that some of the recommendations are nicely understated, if I can put it politely, but it is clear that the addition by Premier Weatherill of child protection to this particular department has added very significant levels of complexity to the department and has certainly not improved the child protection function in South Australia, in my view.

We have also taken considerable evidence about the criticisms of many people in relation to minister Weatherill's changed approach and his staff within his office in terms of the management of critical incidents within his department. I refer to the interim report and quote:

> Witnesses confirmed the lack of procedures. Mr Simon Blewett, who was chief of staff to the then Education Minister, the Hon Jay Weatherill MP, at the time of the sexual assault, said, 'there was no set protocol around dealing with incidents of sexual abuse of children'...

Mr Jadynne Harvey, a ministerial adviser in the same office, supported this view saying 'there was a varied response in relation to different incidents'. The manager of the ministerial office, who I interpose had served in a number of ministerial offices very capably, was very concerned that the monitoring of critical incidents had dropped off under minister Weatherill because of this changed approach. The report states:

> While there was a written procedure for ministerial liaison officers to monitor critical incidents in the office of the immediate predecessor education minister, Dr Jane Lomax-Smith, it does not seem to have been continued by Minister Weatherill.

That was evidence from Pat Jarrett. Mr Marc Bowden, the ministerial liaison officer at the time of the sexual assault said he was not aware of such a protocol. This was damning evidence from the people in minister Weatherill's own office. Part of the damning evidence, which is not referred to in the interim report from Pat Jarrett, who was the office manager—again in a nicely understated way but pretty blunt—pointed out that one of the mistakes, in essence, that minister Weatherill made was that instead of keeping some corporate expertise and knowledge within the education

minister's office in terms of the public servants, he brought with him a whole team of people who had no knowledge or background of the culture of the education minister's office and the education portfolio to run his ministerial office.

All of a sudden, you have people—who might have had experience in the environment minister's office or whatever else it was that he was in previously—being plonked into the education minister's office. It is a trap for rookie ministers that they do not understand. Clearly, minister Weatherill did not understand that he was moving to a new beast, a completely different beast, in the education department and, at least for a period of time, keeping some of the retained expertise within the ministerial office to assist in the processes, such as the managing of critical incidents and the critical incidents response system and those sort of things, would make sense.

Of course, he can bring his friends with him—the Simon Blewetts and the Jadynne Harveys, or whoever else it might happen to be—as ministerial advisers, the public servants who serve within the office, and having someone with knowledge of the education minister's office, the department and the culture, is an asset, not a liability, but minister Weatherill again made a fundamental error in terms of the management of his own office. He and his officers made fundamental errors. As Pat Jarrett reported, the monitoring of critical incidents had dropped off under minister Weatherill. There were a number of other damning criticisms of minister Weatherill's time as Minister for Education, and I will not go through all of those in this contribution today.

I refer to some comments about the unfairness of the disciplinary action procedure that minister Weatherill and the government have overseen in relation to the Debelle inquiry. A lot of concern from public servants was expressed to the committee and also, I know, to members of parliament privately about their view of the fact that senior public servants were being scapegoated so that the minister and the government could have a scalp or two to hang out publicly, whereas a couple of the key culprits, in particular his now chief of staff, Mr Simon Blewett, made the critical omission of, having received the advice in an email about the rape of the young person on a government school site, not passing on that advice and information to minister Weatherill. That is Mr Blewett's story, and he sticks to that story, whether it be at Debelle or at the select committee inquiry.

The evidence again—new evidence, not in Debelle—which was made clear, was that within 10 or 15 minutes of receiving the email at 2.45, from recollection, there was a meeting at 3 o'clock with senior public servants—I think Gino DeGennaro, the acting CEO; Simon Blewett, who was the ministerial adviser; and the minister. Within 15 minutes of having received the email, Mr Blewett, if you accept their story, did not advise either the acting chief executive or the minister at the meeting 15 minutes later. I think the Hon. Mr Maher or the Hon. Mr Wortley, trying to be helpful to minister Weatherill, said to Mr DeGennaro, 'Well, is it quite possible of course that he had not read the email?' to which Mr DeGennaro, as quick as a flash, I think indicated, 'But the evidence is that four minutes later, having read it, he sent it to the mystery person.'

So, whilst the Hons Mr Maher and Wortley were trying to be helpful in relation to this, it was quite clear that Mr Blewett received the email at quarter to three, read it and then sent it to the mystery person four minutes later, and 10 minutes later sat down with minister Weatherill, sat down with the acting chief executive of the department—and we are talking about a rape of a child on a government school site—and if you accept the stories—

The Hon. R.P. WORTLEY: On a point of order, at nowhere in this report does it mention rape, and the committee was very careful in respecting the nature of this committee with regard to sexual abuse. To use that word, on a number of occasions now, to give it more colourful language, is very disrespectful for all those concerned.

The PRESIDENT: The Hon. Mr Lucas.

The Hon. R.I. LUCAS: Thank you, Mr President, but I am going to call a spade a spade. A rape is a rape. The Hon. Mr Wortley can call it an incident or try to use soft language, but a rape is a rape is a rape.

We had a situation where, 10 minutes after forwarding an email to a mystery person, Simon Blewett, if you accept their stories, sat down with the acting chief executive and the minister and did not tell them about the rape of a child on a government school site. The anger and frustration of senior public servants is because, while some of them were being hauled out publicly in terms of disciplinary action, Simon Blewett and Jadynne Harvey had no suspension, dismissal, demotion, financial penalty, or anything. They were rapped over the wrist with a wet lettuce leaf by Premier Weatherill in relation to these omissions or issues.

That is why people like Jan Andrews and others believe that they were being scapegoated by Premier Weatherill and, indeed, the government in relation to these disciplinary proceedings. In particular, I want to refer to the evidence of Jan Andrews in relation to her concerns about the disciplinary process. On page 50 of the transcript of evidence, she said:

> In response to my detailed explanation of my involvement in this matter, no findings of underperformance were made against me and no disciplinary sanction has been applied, yet the cessation of my employment, in essence, a sacking, has been deliberately associated by Mr Harrison with the disciplinary outcomes following the Debelle inquiry. This is totally unjust. To me, it seems the way that I have been portrayed by Mr Harrison will affect my future prospects. Mr Harrison's action is either misjudgement or expedience, but it is certainly wrong.
>
> I believe the evidence shows that I have been 'scapegoated' in the most blatant way in the interests of a show of leadership and a public story. In short, you cannot promote a story saying heads roll if there is only one head.

I note for the record that Ms Andrews, whatever criticism both Justice Debelle and others might make of her position, was the officer who did advise, according to the established protocols, the minister's office through the chief of staff. That is, the protocols were that the email gets sent straightaway to the minister's office to the chief of staff. It was not her fault that Simon Blewett, according to his story, never forwarded the information to minister Weatherill.

Ms Andrews also forwarded the email, as required by the established protocols, to the director of the chief executive's office and, again, it was not her fault that the email was not forwarded to the acting chief executive. As it turns out, as I said, 15 minutes later, both the acting chief executive and the minister were in an office with Simon Blewett where Simon Blewett could have and should have passed on the information directly, anyway.

Where there might be criticism of Ms Andrews is in terms of which particular version of the evidence you accept in terms of whose responsibility it was to provide the follow-up briefings to the minister. Ms Andrews' evidence was that four or five days later it was taken out of her hands and transferred to Mr DeGennaro's division, and they were responsible for the ongoing management, and Mr Debelle and some others insist that there was some ongoing role for Ms Andrews in relation to it.

What is clear in terms of the evidence—and it was not challenged by Mr Harrison—is that having initially accused Ms Andrews of underperformance or nonperformance (I think that was the phrase) or, in essence, nonperformance of what she should have been doing as a senior executive, according to the evidence of Ms Andrews, in the final letter he changed his position completely and indicated that he was not instituting a disciplinary sanction against Ms Andrews.

So, it is quite clear in the initial letters that they were undertaking a disciplinary action or sanction against her. However, in the end, because Ms Andrews came back very strongly and clearly challenged both the Debelle version of events and Mr Harrison's or the CEO's version of events as to why she had not performed, Mr Harrison then backed off completely and explicitly said that this was no longer a disciplinary sanction. He then introduced the more general accusation, which in the end only occurred in the last letter, which was that she still retained overall responsibility for managing the school site and she had not done a good enough job in terms of managing it. That was a more general criticism at the end, as opposed to specific criticisms covered by the Debelle inquiry. Ms Andrews has criticisms of that accusation coming right at the end anyway.

If you accept that version of events—and, as I said, Mr Harrison did not challenge it; I think he took one of the questions on notice, to check his actual letter which was sent and which I read back to him, an exact quote from a section of the letter—he makes it quite clear that he was no longer pursuing a disciplinary sanction against Ms Andrews. Yet, as part of the public parade of villains, in essence, Mr Harrison and the government publicly referred to Ms Andrews and Mr DeGennaro in terms of their strong response to the Debelle royal commission. As I said, Ms Andrews put on the record her significant concern about what she saw as scapegoating.

I think the other issue in relation to Mr DeGennaro—and I place on the record that Mr DeGennaro was an extraordinarily competent officer in the Treasury portfolio back in the period of the Liberal government—is that, whilst a lot of people might not have been supportive of him in the context of the education portfolio, I think they have always acknowledged his outstanding capacity in terms of finance and finance-related issues, whether it be in Treasury or in the finance area of the education department.

There was no answer given at all to the question put by Mr DeGennaro in his evidence, and that is whether or not Mr Harrison and the government were prepared to take a different disciplinary sanction against him, given his long history of loyal service to governments of both persuasions over many years; that is, remove him from his current position and put him in another department, in a finance-related portfolio, which clearly would be seen to be taking some disciplinary sanction but would not have been, in essence, the ultimate sanction of removal from the public sector.

As it turns out, Mr DeGennaro had the gun pointed at his head and he resigned before the government or Mr Harrison took action against him. However, that was clearly an option that was open to the government, and Mr Harrison in particular, and no satisfactory response has been given as to why that particular option was rejected.

[Sitting suspended from 17:59 to 19:47]

The Hon. R.I. LUCAS: I want to address some comments to the evidence given by Mr Simon Blewett, in particular the evidence of Mr Blewett, and also Mr Craig Stevens, an executive solicitor from the Crown Solicitor's Office. What certainly was not covered by Justice Debelle in the Debelle royal commission was information provided to me which indicated that there had been a conversation between Simon Blewett, on behalf of Premier Weatherill, and the Crown Solicitor's Office in relation to disciplinary action being taken against education department officers.

Over a series of, I think, a couple of weeks, we asked a series of questions in the House of Assembly in relation to this particular issue. The Premier was very cautious in terms of his responses and, I guess, in summary, was indicating that, if Mr Blewett was having conversations with the Crown Solicitor's Office, it was an entirely defensible and natural course of action for the chief of staff to the Premier to be having those discussions with crown law.

Can we make it clear that the chief executive officer of the education department, Mr Tony Harrison, had legal advisers and those legal advisers were crown law. He was considering taking action against up to 11 education department officers, and he was taking advice from his lawyers—crown law—as to what charges he might be able to make against individuals and, if he was to make charges, what penalties should apply in relation to those individuals.

It was only the questions raised by the Liberal Party firstly in the parliament, but then, more particularly, directly to Mr Blewett and to Mr Craig Stevens, that enabled us to place on the record the fact that the chief of staff to the Premier had rung the legal advisers to the education department CEO Mr Harrison, and had had a discussion with what we were told was at least one public servant in relation to the disciplinary action that was proposed to be taken against that particular individual.

The information provided to me was that Mr Blewett inquired of Mr Stevens as to what his recommendations were about an individual public servant, and, when he was told that that did not include the sacking of that particular public servant, Mr Blewett expressed very strong negative views to the executive solicitor in the Crown Solicitor's Office in relation to that position.

To be fair, both Mr Blewett and Mr Stevens put different complexions on the conversation. Mr Stevens' position was that he believed, when he was contacted by Mr Blewett, that Mr Blewett already knew the nature of the advice that Mr Stevens was giving Mr Harrison. Now, that is a curious defence mounted by Mr Stevens in terms of his position, because Mr Harrison made it clear that from his viewpoint there were only two or three people in the education department that would have been privy to the advice being provided to Mr Harrison about this particular public servant, and one would assume that Mr Stevens was not having a broad discussion with all and sundry at the Crown Solicitor's Office in relation to the nature of his advice to the chief executive. But nevertheless that was Mr Stevens' evidence, and here are his exact words:

> I can confirm that I received a telephone call from the chief of staff at approximately 10.30am on Friday 6 September. The conversation was brief, lasting around about two minutes.

He says a number of other things and then he says:

> But in light of some of the questions that some of the honourable members have asked, it was clear to me when the conversation started that Mr Blewett knew what my advice was. He wasn't seeking for me to give him that advice or inform him of that advice, but he sought to inquire about it.

Now, as I said, that is an extremely curious defence from Craig Stevens about this particular telephone call. I put the further question to Mr Stevens: 'Well, if Mr Blewett already knew what your advice was, why was he actually ringing you?' So, the position of Mr Blewett, the chief of staff to the Premier, had been, 'Well, look, I was just inquiring about the process, trying to find out and to brief the Premier as to where things were up to,' yet Mr Stevens is saying that Mr Blewett already knew the nature of the advice prior to the conversation. If that is the case, that is entirely inconsistent with the position of Mr Blewett and Mr Weatherill that Mr Blewett was just inquiring as to the general natural of the process and how things were proceeding.

Clearly, if Mr Blewett knew the nature of the advice, he had no purpose or reason to ring the legal adviser to the CEO about an individual public servant. Everyone is consistent that he did not ring up generally about the process; there is a concession that there was a brief conversation about the circumstances of an individual public servant.

I certainly cannot believe the manufactured position, it would appear, that Mr Blewett already knew the advice when he rang Mr Stevens. As I said, Mr Stevens has no response or explanation as to why Mr Blewett was therefore ringing him if he already knew the nature of the advice. In essence, he was saying we would need to ask Mr Blewett why he was ringing if he already knew the nature of the advice.

There are a number of curious things in relation to a number of the circumstances that relate to Mr Blewett. For example, Mr Blewett's position was as clear as mud in relation to the mystery of the missing email. Mr Blewett's position to Debelle, evidently, and certainly to the select committee, was that he obviously received the email but he does not remember receiving it, and he does not remember to whom he sent the email, even though there is clearly a mystery person who received the email four minutes later. He does not remember who he sent it to, but the one thing he remembers is that he did not send it to the minister for education.

We put the curious conflict of positions to Mr Blewett: how do you defend a position where you say, 'I can't remember what I did with the email or to whom I sent it,' yet, at the same time, you say, 'I'm quite sure that I didn't send it to minister Weatherill'? I think the absurdity of that position is apparent to everyone, with the possible exception of Mr Blewett and maybe minister Weatherill, yet that was the position that Mr Blewett sought to defend when the wood was put on him in the select committee. He was decidedly uncomfortable in his response, and it is unsurprising that he was decidedly uncomfortable, because, as I said, he had no response to the simple question as to how he could justify the conflict between those two positions.

There is then the issue that the Hon. Mr Brokenshire has addressed, and that is: to whom did this mystery email go? We have now been advised that Mr Andrew Mills has either recently left or is about to leave his position in South Australia to head to Queensland. In a letter to the committee dated 14 November, he says:

> It is not appropriate for Telstra to undertake a search of the mailboxes that they manage. The Office of the Chief Information Officer will arrange for the requested SAGEMS email boxes, identified in your letter, to be recovered to disk by Telstra from their annual backup that covers 2 December 2010.
>
> I have requested that the South Australia Police undertake a technical search of that disk to ascertain whether any copy of the email exists within those mailboxes.
>
> I estimate that these actions will take several weeks.
>
> I will provide the findings to the Select Committee on completion of the search...

As has been explained by Telstra, this search of the mailboxes is just a snapshot at the end of June 2011. If the person who has received the mystery email from Mr Blewett has deleted the email prior to the end of June 2011, then this search will not show up the recipient of the email. Given that the government's position and Mr Blewett's position is that they cannot remember who they sent it to, other than he is sure he did not send it to the Premier, and given that no-one else has 'fessed up that they have received the email, I think most of us are assuming that whoever received the email has deleted it prior to the end of June 2011 and therefore it will not show up. Nevertheless, there are only, I think, 30 or so mailboxes that need to be searched—

The Hon. R.L. Brokenshire interjecting:

The Hon. R.I. LUCAS: How many?

The Hon. R.L. Brokenshire: About 20.

The Hon. R.I. LUCAS: Twenty, I am told, or 30 mailboxes that need to be searched, so it is a modest task from that viewpoint. It was certainly something that was not undertaken, again, by the Debelle royal commission. The searches undertaken for the Debelle royal commission did not pursue this particular line of inquiry, and I congratulate my colleague, the Hon. Mr Wade, who as always has been meticulous and assiduous in terms of his pursuit of the truth and facts. In relation to this particular issue, his IT knowledge has assisted the other members of the committee, and we were able to establish that there was the potential for this additional search of the snapshot at the end of June 2011, and indeed that is a task that is being undertaken, we would hope, as we speak.

The final point I would make in my contribution this evening is a specific point to highlight the absurdity of minister Weatherill, the Weatherill government and the education department's handling of this issue. We took some evidence, again, which was not part of the Debelle inquiry evidence, in relation to the handling of events when the person was convicted 15 or 16 months later in February 2012.

As members will be aware—again, this was not pursued in any detail by Mr Debelle—a subsequent search of emails through FOIs from the member for Unley indicated that Ms Kate Baldock, a government spin doctor and a spin doctor for minister Portolesi at the time, had received copies of emails in relation to these events in February 2012, yet, curiously, minister Portolesi said she knew nothing about it until March 2012, a month later. When Ms Baldock was hauled before the committee, Ms Baldock's defence was that she did not have to advise the minister, because it was already a matter of public record that ABC radio had briefly published some details of the matter.

We also had copies of emails from within the department which indicated that a letter had been drafted to go to parents in the local school community, but the trigger point, according to the department's spin doctors working for the Weatherill government, was that they would only send this letter to the parents of the school community advising them of the details (this was in February 2012) if the media ran the story. Now, they were referring to Channel 7, I think it was, and *The Advertiser* running the story.

Clearly, when we put the question to the education department, 'Don't you consider the ABC part of the media?' Ms Baldock and others have said the ABC had already run the story, and that is why they did not have to advise minister Portolesi of the issue. They assumed she would have known about the story anyway, but then you have this email which says, 'We'll send the letter to the parents if the media run the story,' and they decide not to send the letter to the parents in February 2012, because Channel 7 and *The Advertiser* (the media in the education department's viewpoint) did not run the story. I mean, the stupidity of this whole process was that the education department and the Weatherill government's view was that the ABC does not constitute a part of the media. In the education department's terms, it is only Channel 7 and *The Advertiser* that have any weight in terms of whether or not there is a media story.

There are many other examples in the evidence which were not made clear in the Debelle inquiry which this select committee has brought to the surface and highlighted in terms of the dysfunctionality of the department, the minister's office and the government's processes. For all those reasons, I support the tabling of the interim report today.

Members of the committee are looking forward to the evidence to be given on Friday from an acknowledged specialist child protection expert, Professor Freda Briggs, on the issue, and I am sure that will be interesting and informative evidence. My personal view is that there are only a limited possible number of future witnesses to the committee, but the Chair and others may well have differing views, and I will, of course, always listen to their views before making a final decision on these issues. Clearly, we are also awaiting the results of the SAPOL investigation into the possible identification of the recipient of the email.

Motion carried.

NATURAL RESOURCES COMMITTEE: BUSHFIRE PREPAREDNESS

The Hon. R.P. WORTLEY (20:06): I move:

That the report of the committee, on bushfire preparedness of properties in bushfire risk areas, be noted.

On 3 September 2013, the Natural Resources Committee was approached by the Minister for Emergency Services (the member for Napier) to consider the proposal that properties in bushfire risk areas should be subject to bushfire safety inspections at time of sale. This is similar to a proposal considered but not adopted by the City of Mitcham on 28 May 2013. The possibility of

mandatory inspections resulted in criticism in the media and from the real estate industry, which sees it as acting as a brake on development.

The Natural Resources Committee heard that the vast majority of houses in the Adelaide Hills would be vulnerable if a bushfire on the scale of the Ash Wednesday fires of 1983 were to recur. Even dwellings built after 2009, which must comply with Australian Standard 3959 for bushfire proofing, are designed to withstand only a fire danger index of 100, and this can be exceeded, as happened in the Canberra bushfires in 2003, the Wangary bushfire in 2005 and the Victorian Black Saturday bushfire in 2009.

Due to time constraints, the committee was, unfortunately, unable to hear from the Real Estate Institute and the Local Government Association prior to the end of the parliamentary session. Members took evidence, however, from a range of witnesses, including the Country Fire Service, the Metropolitan Fire Service, the City of Mitcham, Blackwood/Belair and District Community Association and the Housing Industry Association.

After considering the evidence, the committee concluded that additional measures relating to subdivision planning and community awareness should also be considered to improve bushfire safety. The committee heard that councils have bushfire committees comprising elected members (that is, councillors) and specialist staff and that these committees could potentially take on additional responsibilities. Members heard that council-based bushfire committees have excellent local knowledge and could potentially assist with ensuring that development plans provide for better access and egress for emergency vehicles and local residents.

On days of catastrophic fire risk, however, it is likely that many houses in high-risk areas would not survive a bushfire no matter what level of protection has been afforded them. In these instances, it is important that residents have an opportunity to safely evacuate early in the day and be suitably prepared well in advance to do so. Consequently, the Natural Resources Committee has recommended that the Minister for Planning instruct councils in high fire risk areas to amend their development planning processes to prevent any further cul-de-sac developments, thus ensuring that adequate vehicle access and egress is provided. Further, councils should not be permitted to permanently close off roads without the approval of emergency services.

Residents in high fire risk areas need to have prepared bushfire action plans well in advance of a potential bushfire. Members noted that more than one plan may be required for each household, allowing for different conditions and different circumstances on different days of the week. Unfortunately we heard that the majority of people still do not have bushfire action plans. A good way to encourage households to develop such plans is for the state government to provide a pro forma plan that people can use and amend if required. This would be much easier for people to do than starting from scratch. Residents may also need support preparing their own plans; indeed, the committee heard that local resident groups are proactively supporting residents in preparing their plans, and we applaud those efforts.

Another proposal that the committee supported was the Blackwood/Belair and District Community Association proposal that schools in bushfire risk areas team up with nearby schools—on the plains and in low fire risk areas—that will remain open on days of catastrophic fire risk. This will enable parents to take their children to those schools rather than having to take a day off—

The Hon. T.A. Franks interjecting:

The Hon. R.P. WORTLEY: It won't work; I have tried many a time. This will enable parents to take their children to those schools rather than leaving them at home or having them turn up to an empty school on a catastrophic fire day.

Members interjecting:

The Hon. R.P. WORTLEY: Mr President, I cannot even hear myself think, let alone anything else. Where is the protection of the Chair?

The PRESIDENT: The Hon. Mr Wortley has the call, and I am listening intently.

The Hon. R.P. WORTLEY: The committee heard that many areas of public land adjoining residential areas in the Mitcham Hills are often not managed for bushfire hazard reduction to local residents' satisfaction. The committee heard that residents consider unmanaged, or little managed, areas with tall, dry grass and fallen trees present a risk to adjoining property owners. Whether this land is managed privately or by local or state government, it is important to be mindful of the risk and ensure it is minimised as much as is practicable, particularly when private residents are being

implored to clean up their own properties to reduce bushfire risk. All landholders in the community, especially the larger ones, such as state and local government, need to set a good example.

Finally, the committee was concerned that many people in bushfire risk areas do not have fire insurance. Rather than making this a mandatory requirement, members supported the suggestion of the Hon. Robert Brokenshire MLC that some consideration be given to developing a rebate on fire insurance for people in high fire risk areas who prepare bushfire action plans and lodge them with their insurer. We have recommended that the Minister for Emergency Services give this further consideration.

I acknowledge the valuable contribution of the committee members during the year. Presiding Member the Hon. Steph Key MP, Mr Geoff Brock MP, Mrs Robyn Geraghty MP, Mr Lee Odenwalder MP, Mr Don Pegler MP, Mr Dan van Holst Pellekaan MP, the Hon. Robert Brokenshire MLC, the Hon. John Dawkins MLC, and the Hon. Gerry Kandelaars MLC have all worked well together on this report. Finally, I would like to thank members of the parliamentary staff for their assistance. I commend the report to the house.

The Hon. J.S.L. DAWKINS (20:13): I will be brief. I rise to commend the Hon. Mr Wortley for his motion, which I support. I think this is another example of the way in which the Natural Resources Committee has worked very hard on a number of issues, particularly anything to do with bushfires. In my earlier speech on the Select Committee into Community Safety and Emergency Services, I think I alluded to the common interest of members of both the select committee and the standing committee in the Cherryville fire, and the impacts of that.

This report also demonstrates the value of site visits. The committee went up and visited some of that area in and around Blackwood and Belair, and the very new subdivision in Blackwood. As the honourable member said, most inappropriate housing estates are being developed around narrow cul-de-sacs next to large belts of native vegetation. These are just fire traps.

It is not just in the depths of the Adelaide Hills. Certainly, I have raised in the committee similar issues about the Angove Park development at Tea Tree Gully, where about 12 months ago there was quite a nasty fire in the middle of a housing subdivision because there is a thick patch of native vegetation and it is very difficult to control the grass in there. We need to take more note of those issues when new subdivisions are being planned next to native vegetation.

With those words, I commend the work of the committee to the council. I also commend the work of minister O'Brien, who certainly sought our views and observations on these matters, and I hope that we get the benefits out of that work. I commend the report to the council.

Motion carried.

NATURAL RESOURCES COMMITTEE: WHYALLA REGION

The Hon. R.P. WORTLEY (20:15): I move:

That the report of the committee, on the Whyalla Region Fact Finding Visit 23 to 24 October 2013, be noted.

The Natural Resources Committee visited the Whyalla region in late October 2013 at the request of the Hon. Robert Brokenshire MLC. Mr Brokenshire had for some time been urging committee members to make the visit following the raising of a number of concerns by landholders adjoining the Iron Duke open-cut mine south of Whyalla. Mr Brokenshire visited the landholders early in the year and reported back to the committee about dust from the mine impacting on native vegetation, crops and sheep.

Members heard that, as well as financial and environmental impacts, the mine was reportedly also affecting the health and wellbeing of some nearby landholders. Other concerns raised related to access by mining exploration companies to farming land, inadequate compensation for the use of land for exploration and mining, the impact of the mine's tailing dam on groundwater, and the destruction of habitat as a consequence of the dumping of waste rock.

The committee visited Arrium's Iron Duke mine on Wednesday 23 October and received a detailed presentation by staff. Mine staff rejected landholders' concerns, asserting adequate community consultation at all stages of the operation. Arrium staff reported to the committee that they had tried hard to address landholder concern but had been unable to do so and had consequently reached an impasse. Arrium also alleged that landholders had provided no proof to support claims about dust impacts, although acknowledging that dust monitoring by Arrium had commenced only 12 months previously.

From Arrium's perspective, the region was an inherently dusty place, with the mine only partly responsible for dust. Mining staff openly acknowledged problems with their tailings dams, which had leaked and overflowed, resulting in groundwater mounding and native vegetation dieback. Arrium appeared to be addressing this issue, which was also being monitored by the Department for Manufacturing, Innovation, Trade, Resources and Energy. Revegetation of the area affected by the tailings dam was occurring and would continue to in accordance with the Program for Environmental Protection and Rehabilitation.

After visiting the mine, the committee visited landholders at the Turnbull family's Moonabie Homestead, south of Iron Duke mine. The committee heard allegations of poor practice and compliance by a number of resource companies in the region. Landholders alleged that some mining companies were more concerned with extracting wealth from the share market than extracting minerals from the ground and alleged unscrupulous practices, such as illegal access and damage to farm properties.

After the landholder meeting, committee members travelled through grazing properties with significant stands of native vegetation adjacent to the Iron Duke mine and the long-abandoned Iron Baron township. Members were shocked at the obvious damage to native vegetation, much of which is dying or in the process of dying, apparently as a result of being smothered by red dust, which could be seen coating foliage. Members also observed that compared with locations further away from the mine, and not impacted by dust, there was a marked difference in the vegetation and ground cover. In the badly impacted areas, only Mallee and saltbush appeared to be unaffected. This contrasted starkly with the less impacted areas, where there was a continuous and healthy cover of native and pasture grasses between the bushes and trees.

In conclusion, the committee understands that mining in the Whyalla region is an important contributor to the local economy, employing many local people. It is obvious to the landholders and to the committee that the mines will remain operational for at least the next couple of decades and no-one seems to be suggesting that the mine should close.

What landholders say they want is for impacts to be acknowledged and for landholders to be compensated. Landholders also want the mining companies to implement best practice and comply with all relevant legislation and regulations. The landholders the Natural Resources Committee spoke with suggested that the Mining Act should be amended to provide for a much more robust environmental impact and monitoring program.

I acknowledge the valuable contribution of the committee members—the presiding member, the Hon. Steph Key MP; Mr Geoff Brock MP; Mrs Robyn Geraghty MP; Mr Lee Odenwalder MP; Mr Don Pegler MP; Mr Dan van Holst Pellekaan MP; the Hon. Robert Brokenshire MLC; the Hon. John Dawkins MLC; and the Hon. Gerry Kandelaars MLC—who have all worked well together on this report. Finally, I would like to thank the members of the parliamentary staff for their assistance. I commend this report to the house.

The Hon. J.S.L. DAWKINS (20:21): I will be brief. I commend the motion on behalf of the Hon. Mr Wortley. Certainly, once again the committee had a valuable site visit to the Middleback Ranges area. We did hear some conflicting reports from, first, the people in the mining industry, but also from some of the pastoral and cropping operators in the adjacent area. My hope—and I expressed this to both parties—was that those parties could get around the table and work through some compromises. I was quite confident that would be the case, and I hope that will happen.

Certainly, there were some environmental issues that needed to be looked at but, as the Hon. Mr Wortley said, mining is such an important part of that region of the state—and no-one can attest to that more than the Hon. Terry Stephens—so it is important that the three industries, pastoral, agricultural and mining, can coexist in the region. It is important because the Arrium mine is important for Whyalla, on an employment basis, but also for the town of Cowell and the District Council of Franklin Harbour, which have quite a lot of employment at the Arrium mine. With those remarks, I commend the motion to the house.

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE: SALE AND CONSUMPTION OF ALCOHOL

The Hon. R.P. WORTLEY (20:23): I move:

That the interim report of the committee, on its inquiry into the sale and consumption of alcohol, be noted.

The terms of reference for the inquiry were advertised on 11 May this year. The committee also wrote directly to a number of individuals and organisations with expertise and interest in the subject matter inviting them to provide evidence. There were 34 written submissions received and 48 witnesses have given evidence to the committee to date.

The committee would like to thank all those people who have assisted with the inquiry. The committee commenced hearing public evidence on 20 May this year and concluded hearings for the current year on 18 November. Due to time constraints, the committee has not yet completed its inquiry. Committee members have resolved to present an interim report on their findings to date regarding the adequacy and appropriateness of laws and practices related to the sale and consumption of alcohol in South Australia.

The committee has also reported on the health risks of alcohol consumption in respect of foetal alcohol syndrome. In conducting the inquiry, the committee sought to consider the available evidence concerning the modification of laws and practices to minimise social and health issues, criminal behaviour, and other antisocial behaviour arising from the consumption of alcohol, and to effect positive change where necessary.

The committee recognised the importance of laws and practices and how they may contribute to the burden of problem drinking in the South Australian community and, to the extent they do contribute, how they should be changed, if at all. How any such changes might be implemented effectively also requires careful consideration. In addition, ongoing health promotion strategies, community education and social marketing strategies, appropriately targeted at population groups, are needed to inform the community of best practice approaches to the promotion and protection of the health of children and adults.

Before going further, I would like to take this opportunity to thank members from the other place who provided valuable input into the inquiry. I would like to thank Ms Frances Bedford, Mr Alan Sibbons, Mr David Pisoni and the Hon. Dr Bob Such, and from this chamber I would like to thank the Hon. Kelly Vincent, the Hon. Jing Lee and the Hon. Dennis Hood. Inquiries such as this would not be possible without the valuable contribution of the many individuals and organisations who gave up their time to come forward and give information. We thank all of those who presented evidence to this inquiry, either in writing or by appearing before the committee.

The committee heard that the issue for the government in setting alcohol policy through regulation and public policy mechanisms is one of balance. The available evidence, the interests and aspirations of people who consume alcohol responsibly and the issues for those who misuse alcohol and the commercial interests of the alcohol industry and its consequences for tourism, employment and revenue must all be balanced.

Most Australians (approximately 90 per cent) have tried alcohol at some time in their lives. Almost 83 per cent have consumed an alcoholic drink in the past 12 months, approximately 8 per cent drink daily and approximately 41 per cent drink weekly. We know that most people drink responsibly and at levels that have very few adverse effects. While there are social and economic benefits associated with the sale and consumption of alcohol, there are also a range of potentially serious substantial short and long-term harms.

The committee was presented with a substantial amount of evidence about alcohol-related morbidity and mortality and the relationship between drinking environments and harm. The committee heard of the acute harms that result from the misuse of alcohol. These may include the risk of violence or of car accidents and chronic harms such as depression, cancer and liver damage, as well as the impacts on individuals, families, the community and the workplace.

The committee heard evidence that more than 70,000 Australians were victims of alcohol-related assaults in 2010. Of these, more than 24,000 Australians were victims of alcohol-related domestic violence. The committee heard evidence that South Australian research reveals that alcohol is responsible for or contributes to 30 per cent of road accidents, 44 per cent of fire injuries, 34 per cent of falls and drowning, 16 per cent of child abuse cases, 12 per cent of suicides, 10 per cent of industrial accidents, approximately 10,000 hospital admissions each year and approximately 500 deaths each year.

The committee heard that last year 50 per cent of police call-outs and one in eight deaths of people under 25 were alcohol related. Quite apart from the economic cost, the social and public cost of alcohol-related violence has been described by some members of the judiciary as an epidemic. The committee heard evidence from a number of witnesses that alcohol-related

problems are considerable and impact the health, wellbeing and social interactions of individuals, families and communities.

Awareness of the potential risks and harms of alcohol when consumed in quantities above the limits recommended by the National Health and Medical Research Council has increased in recent years. Evidence-based research has continually highlighted the relevance of alcohol legislation and policy in managing the use and misuse of alcohol. Governments therefore need to balance managing the social, health and economic costs of alcohol with considerations of the income resulting from the sale and consumption of alcohol and the employment of the substantial workforce involved directly in the industry and in subsidiary employment.

The committee heard that the alcohol industry in South Australia is a substantial employer and contributor of revenue to the economy. South Australia has a national and international reputation as a premium wine producer and for having some of Australia's leading wine districts. The alcohol industry is a significant contributor to tourism and regional economic activity. The committee consistently heard in evidence that the key issues in addressing alcohol-related harms are: availability, price and promotion and marketing. There are many studies that show the number of licensed venues has a direct correlation with the number of people consuming alcohol and the distinct likelihood of an increase in alcohol related harm.

The committee heard that over the past two decades South Australia has seen the liberalisation of restrictions on the sale of alcohol with an increase both in the number and categories of licensed premises and the number of special event licences. The committee was informed that South Australia has the highest per capita number of liquor licences of any Australian state or territory. The number of liquor licences has increased from 3,590 in 1996 to 6,160 in 2012, representing an increase of 72 per cent. During the same period the population of South Australia increased by 12 per cent. In other words, the rate of increase of licensed premises in South Australia was six times the rate of population increase.

The relationship between alcohol outlet density and alcohol related violence, criminal and antisocial behaviours, and alcohol related harm is of critical importance in assessing the adequacy of laws and practices governing the sale and consumption of alcohol in South Australia. What is not evident is whether there is a threshold level of density of alcohol outlets where assaults become a serious problem and what effect each additional outlet has on the number of assaults. The committee was told that evidence shows a clear link between extended trading hours and increased alcohol related crime and assaults in the Adelaide central business district. There is overwhelming evidence that the price of alcohol has a clear influence on its sale and consumption for all its consumers including young people and heavy drinkers.

Through its regulatory mechanisms, the government plays a key role in influencing the price of alcohol and whether it may be sold cheaply from licensed outlets. When the price of alcohol is reduced or discounted, the result is an increase in sales and consumption. Currently alcohol advertising in South Australia is regulated by the Alcoholic Beverages Advertising Code. This stipulates alcohol advertisements must be presented in a balanced and responsible manner and must not have a strong appeal to children or adolescents. However, this is a self-regulatory code administered by the alcohol industry. Perhaps it should be administered by an independent regulator.

The committee heard evidence from the youth sector, health sector, and the drug and alcohol sector that alcohol advertising and sponsorship of sporting and other community events should be reviewed as they have a considerable impact and influence on children and young people and on the community in general. The committee heard evidence that minimising harm by helping young people learn to consume alcohol appropriately and equipping the community to help young people make responsible choices should be the primary goal of any response to the issue of alcohol consumption.

It is interesting to note that the National Indigenous Drug and Alcohol Committee has reported that Indigenous Australians were 1.4 times more likely than non-Indigenous Australians to abstain from drinking alcohol but they were also about 1.5 times more likely to drink alcohol at risky levels for both single occasion and lifetime harm. Population statistics indicate that Indigenous Australians have a shorter lifespan than non-Indigenous people in the community. According to the information of the Australian Bureau of Statistics, Indigenous people die at an earlier age than non-Indigenous people as a consequence of harmful consumption of alcohol.

It is estimated that alcohol is involved in 40 per cent of male suicides and 30 per cent of female suicides. There is a strong link between alcohol consumption and representation of Indigenous people in the criminal justice system, particularly for men. Indigenous Australians are also more likely to be victims of violence. We know that Indigenous people are acutely aware of the health, economic and social costs of excessive alcohol consumption, including violence, social disorder, family breakdown, child neglect, loss of income or diversion of income to purchase alcohol, involvement with the criminal justice system, and incarceration.

We know too that Indigenous people are actively involved in responding to alcohol misuse in their communities. The committee heard evidence that foetal alcohol syndrome is one of a range of health consequences that result from the use of alcohol during pregnancy. Foetal alcohol spectrum disorder is the overarching term commonly used for the range of conditions that may result as a symptom of foetal exposure to alcohol in the womb.

Foetal alcohol spectrum disorder encompasses foetal alcohol syndrome, partial foetal alcohol syndrome, alcohol related neuro-developmental disorder, and alcohol related birth defects. Notably, instances of foetal alcohol syndrome are in the minority of all FAS disorders.

Foetal alcohol spectrum disorder is widely recognised to be the most prevalent and preventable cause of non-genetic birth defects and brain damage in children. There are a range of consequences that can occur to the foetal brain when there is parental exposure to alcohol, including physical, cognitive, intellectual, behavioural and social functioning disabilities, such as problems with communication, motor skills, attention and memory deficits.

Facial abnormalities and abnormalities of the central nervous system can also occur. The type of defect or defects suffered by an individual relate to the time period during the pregnancy when alcohol was consumed. Importantly, though, there is no cure. The health risks associated with alcohol consumption can be long lasting, and it is important to recognise that health impacts do not necessarily result from the excessive consumption of alcohol or binge drinking. Any amount of alcohol can cause harm to the unborn child, and the resulting disabilities are permanent.

The committee was told that prevention is the only way to eliminate foetal alcohol spectrum disorder. Zero alcohol consumption in pregnancy results in zero risk. Education to promote awareness of the disorder and the risks of consuming alcohol in the pregnancy is critical to its prevention. The committee heard evidence that there is a lack of knowledge of the prevalence of foetal alcohol spectrum disorder in South Australia and Australia in general. The true extent of this condition is unknown because there is no nationally consistent definition or diagnostic tool to test for it.

The committee was told that women, the health sector and the broad community need to be educated about the risk of foetal alcohol spectrum disorder and the national health guidelines on drinking and pregnancy. The inquiry has revealed that the availability, price, marketing and promotion of alcohol are key issues for the government to consider in respect of reducing patterns of risky and anti-social behaviour and other alcohol-related harms in the community. I commend the report.

The Hon. J.S. LEE (20:37): As a member of the Social Development Committee I would like to make a few remarks about the inquiry into the sale and consumption of alcohol. First, I would like to commend the Hon. Dennis Hood for putting forward a motion for the Social Development Committee for this inquiry. I also take this opportunity to thank the rest of the members of the committee: the Hon. Russell Wortley, Presiding Member, the Hon. Dennis Hood I mentioned earlier, the Hon. Kelly Vincent, Mr David Pisoni MP, Ms Frances Bedford MP, Mr Alan Sibbons MP, and the Hon. Dr Bob Such MP.

There has been a good working relationship getting the interim report to this level of witnesses and hearings. I thank all the witnesses who came in, those who made submissions and particularly the two very hard-working people who assist the committee, Robyn Schutte, the Social Development Committee secretary and Carmel O'Connell, the research officer, and not forgetting *Hansard*, who has been there with us along the way.

The committee heard that, in general, alcohol is consumed in a responsible manner and at moderate levels. However, there are instances of people consuming alcohol at levels that increase their risk of alcohol-related injury and developing health problems over the course of their lifetime. The issue for governments in setting alcohol policy through regulation and public policy mechanisms is to balance available evidence and the interests and aspirations of people who consume alcohol responsibly with those who misuse alcohol, as well as supporting the commercial

interests of the alcohol industry and recognising the benefits to the community in terms of tourism, employment and revenue.

The alcohol industry is a significant contributor to the South Australian economy in terms of revenue, is a substantial employer, providing a major export item, as well as the role it plays in tourism, regional economic activities and community development as well. So, it was the intention of the Social Development Committee to investigate and seek advice on the effectiveness of laws and practices that govern the sale and consumption of alcohol, and in doing so reflect a body of evidence-based knowledge to effect positive change where necessary.

Whilst the committee heard a substantial amount of evidence about the harm that results from the misuse of alcohol and how it presents a continuing challenge for policymakers, the alcohol industry and the police, who are charged with keeping law and order, protecting public safety and the wider South Australian community, the issue for government is whether measures to counteract the negative effects of alcohol should be introduced across the general population or primarily be targeted to those persons who misuse it.

In the course of the inquiry a number of key issues were consistently raised, in submissions received and in oral evidence presented, to target the misuse of alcohol and to effectively respond to health issues, criminal and antisocial behaviour as a consequence of alcohol consumption. These issues were: alcohol-related harm and harm minimisation strategies; categories of liquor licences and density of outlets; trading hours; liquor licensing accords; alcohol pricing; advertising, marketing and promotion; alcohol sales volume data; community education and social media strategies; and enforcement of existing legislation.

As this may be the last sitting week of the second session of the 52nd parliament, the committee has resolved to present an interim report on its findings to date, based on evidence received and additional research undertaken into the adequacy and appropriateness of the laws and practices relating to the sale and consumption of alcohol in South Australia. In conclusion, I look forward to seeing the presentation of recommendations when parliament resumes in 2014. With those few words, I commend the interim report to the council.

Motion carried.

STATUTORY AUTHORITIES REVIEW COMMITTEE: ANNUAL REPORT 2012-13

The Hon. CARMEL ZOLLO (20:42): I move:

That the annual report of the committee 2012-13 be noted.

As members would be aware, the Statutory Authorities Review Committee is a multipartite parliamentary standing committee, whose five members are drawn solely from the Legislative Council. The tabled report is the 58th report of the committee, the 18th annual report and my sixth as the presiding member. As expected, the report represents a summary of the committee's activities for 2012-13.

The committee met on 18 occasions during the reporting year, tabled a report into the EPA inquiry and has two ongoing references. The EPA inquiry report was tabled on 5 February 2013. The inquiry commenced in May 2011. It received 15 written submissions and heard oral evidence from 23 witnesses. The committee made six recommendations. The report, recommendations and response from the minister have already been placed on the public record and, given the time, I will not repeat them.

In relation to the two ongoing inquiries, the first inquiry into Funds SA commenced in November 2012. The committee received four written submissions and heard oral evidence from 21 witnesses, commencing on 2 May 2013. The second inquiry into the State Procurement Board commenced in May 2013. We received nine written submissions, though I do acknowledge that one of the submissions had supporting letters, but they were not signed so, therefore, had no status for our purposes.

Given that I will not be here for the noting of the two ongoing inquiries, I will make mention—

The Hon. J.S.L. Dawkins: Shame!

The Hon. CARMEL ZOLLO: Thank you, the Hon. John Dawkins—that we anticipate that the committee will be tabling the Funds SA inquiry report out of session, as well as the State Procurement Board interim report out of session. In relation to the Funds SA inquiry, the committee

is still seeking further information which will assist in its deliberations. However, as I have already mentioned, I will not be part of the new parliament and I would like to take the liberty of saying that, in my view, the investment of funds in our state is sound.

In relation to the State Procurement Board, we have not had the opportunity to hear all our witnesses and, indeed, not even deliberated at any level, and the interim report recommends that the new committee in the new parliament continue with the inquiry.

In relation to other activities of the committee during the reporting year, the Hon. Gerry Kandelaars and the Hon. Terry Stephens attended the 12th biennial conference of the Australasian Council of Public Accounts Committees (known as ACPAC) from 10 to 12 April 2013 in Sydney.

I would like to take the opportunity to thank all members of the committee for their ongoing work—Hon. Rob Lucas, Hon. Ann Bressington, Hon. Terry Stephens, and you, Mr President, until 17 October 2012 when you resigned for reasons of attaining higher office. The Hon. Gerry Kandelaars was a member from 17 October 2012.

The Hon. J.S.L. Dawkins: Is there a committee Gerry hasn't been on?

The Hon. T.J. Stephens: A good hardworking member.

The Hon. CARMEL ZOLLO: Absolutely. He is a very good, hardworking member. I thank the staff for their service throughout the year—our secretary from July to December 2012, Mr Gareth Hickery, who is on long service leave; Ms Linda Eckert, our acting secretary from January 2013 to June 2013; Ms Eva Nikitas, our research officer from July to February 2013, who left for the happy reason of starting a family; and Ms Debbie Bletsas, our research officer from April till June 2013.

It has been a pleasure chairing the committee for nearly five years—it will be five years by the time of the election—and I offer members my best wishes in all their future deliberations.

The Hon. T.J. STEPHENS (20:47): I start my contribution by thanking the Hon. Carmel Zollo for her stewardship over the last five years. I have been on this committee for my entire parliamentary career and she has had this committee in her control over the last five years. I believe it is a very good committee that serves the people of South Australia and this parliament.

Can I also thank the staff. I will not mention everybody, as the presiding member (Hon. Carmel Zollo) has just been through that and, given that it is going to be a long night, I will not go down that path. I thank the members of the committee for their work. It has been a pleasure to serve with Hon. Carmel Zollo, Hon. Gerry Kandelaars, Hon. Ann Bressington, Hon. Rob Lucas and, of course you, Mr President, for that brief period before you abandoned us for the richness and chocolates of the presidency.

I will say that I appreciated, in particular, working with the Hon. Gerry Kandelaars on this committee and seeing the Hon. Rob Lucas and the Hon. Gerry Kandelaars working on the Funds SA inquiry, in particular. Both have a breadth and depth of knowledge that is impressive and I have enjoyed participating and watching those two members bouncing off each other and, I think, pulling apart what is a very interesting issue.

Whilst we have not finalised our report, I believe that it has been a very interesting inquiry. Of course, we travelled to Melbourne and Sydney, and I must thank the Hansard staff who travelled with us.

The Hon. Carmel Zollo: That was after June.

The Hon. T.J. STEPHENS: It was after June, but I would like to say that we did spend quite a bit of time together and it was a very interesting exercise.

The Hon. J.S.L. Dawkins: Do you want to tell us more?

The Hon. T.J. STEPHENS: No. As you know, Mr Chairman, it is one thing to spend a couple of hours on a committee, but if you are travelling away from home you do spend a period of time together, so it is always good to learn from other members of parliament, and in particular it is great that the Hansard people come along and support us.

With those few words, I would like to support the Hon. Carmel Zollo and thank her for her service, other members of the committee and, as I said, the staff. I look forward to the continuation of the two very worthwhile inquiries we have been reporting on. The new SARC that will come into

play after the next parliament will certainly have some interesting stuff to go on with in regard to the inquiry into the Procurement Board. I commend the report to the council.

Motion carried.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: SAFEWORK SA

The Hon. G.A. KANDELAARS (20:51): I move:

That the report of the committee, on an inquiry into the occupational health and safety responsibilities of SafeWork SA, be noted.

One of the functions of the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation is to keep the administration and operation of legislation affecting occupational safety, rehabilitation and compensation under constant review. The committee has a function to examine and recommend to the executive and parliament about proposed regulations, particularly in relation to statutory bodies such as WorkCover.

The committee can also inquire into health and safety and workers rehabilitation and compensation matters on its own resolution or by referral from either house of parliament. To this end, on 12 May 2012 the committee resolved to inquire into the occupational health and safety responsibilities of SafeWork SA and the effectiveness and efficiency of the agency. On 1 January 2013, the new model Work Health and Safety Act and regulations came into effect in South Australia, and this provided the committee with a further incentive to undertake the inquiry.

Historically, there have been several different structural models of occupational health, safety and welfare, now known as Work Health and Safety in South Australia. Following the Stanley review in 2003, all OH&S functions were merged into a new entity—SafeWork SA. This is the first inquiry into the state's health and safety system since the Stanley review.

SafeWork SA has a responsibility to deliver proactive education and enforcement of health and safety programs to all citizens within South Australia regardless of their relationship to WorkCover. This requires SafeWork SA to deliver information, training and education to the community, to students who are getting ready to enter the workforce, to small businesses which are diverse, to volunteers, and many other stakeholder groups.

The Work Health and Safety Act is new legislation with new terminology, new enforcement provisions, and many new codes of practice which need to be understood. SafeWork SA must communicate and consult with businesses and other affected groups regarding implementation, monitoring, enforcement and management accountability. In addition to the challenges of implementing new legislation, in the last 10 to 20 years there have been many changes to the way people work. There are now more contracting, temporary labour hire arrangements, franchising, and small family-run businesses that operate from home.

These business arrangements are varied and complex. When small businesses tender for work with large corporations, they are required to show evidence of an effective safety management system. This is not always easy for small business, which is a major contributor to the state economy.

South Australia achieved a 43.7 per cent improvement in the rate of serious injuries per 1,000 employees between 2008-09 and 2011-12, in comparison to the national average of 27.7 per cent for the same period. Whilst this is a significant achievement, South Australia's record of 10.3 serious injuries per 1,000 workers is only slightly below the national figure of 10.7. SafeWork SA still has a lot of work ahead of it to continue to drive down injury rates in this state.

The committee received a variety of submissions from both employer and employee organisations and appreciated the opportunity to hear evidence from a wide range of witnesses. A number of consistent themes emerged from the evidence. In particular, the lack of medium to long-term strategic planning and resource constraints were identified as an issue that prevents SafeWork SA from effectively delivering prevention programs to the citizens of South Australia.

The committee noted that the lack of resources can easily be claimed as a reason for not undertaking certain activities, but there is a need to be focused on reviewing operational demands to ensure efficiency and effectiveness in the delivery of core business programs. The funding arrangements of SafeWork SA from WorkCover appear arbitrary and at the discretion of WorkCover, with no appeal rights by SafeWork SA. On occasions, WorkCover has delayed decisions about funding for SafeWork SA programs, and this has adversely affected

SafeWork SA's ability to implement planned preventative programs. There is a need to review the funding arrangements to ensure that a more effective, efficient and responsive regulatory and preventative service is delivered to South Australian businesses and the community.

A large challenge for all regulators is how they communicate the health and safety messages to small businesses which are both time and resource poor. There is a need for proactive collaboration between SafeWork SA and larger organisations that have a vested interest in improving safety performance. New technologies will also play a part in the role of communication of key initiatives.

There is a large network of independent work health and safety practitioners and businesses, including self-insured employers that have previously been recognised in this place for their good safety performance. This network provides a valuable resource in the education and capacity building of small to medium businesses. SafeWork SA has a responsibility to engage with this network to ensure a consistent approach to the delivery of work health and safety information, education and training.

Another challenge for SafeWork SA is the great demand for their inspectors from the private sector, where salaries are higher. It is important that all inspectors are competent and at the top of their game, which requires training, development and succession planning. The benefit of being an inspector should be promoted. I note that there is a good short video on this very issue available from SafeWork SA's website. The video promotes the benefits and diversity of inspectorate work.

Many witnesses were critical of the lack of inspectorate expertise in high-risk occupations and the failure of SafeWork SA to effectively investigate complex, serious incidents, such as the Spin Dragon ride at the Royal Adelaide Show, which occurred some years ago. SafeWork SA needs to develop a strategy to deal with these types of incidents, such as using other public sector experts, cross-jurisdictional sharing of expertise or the use of consultants, at cost of course.

Witnesses did not support the merging of SafeWork SA responsibilities with WorkCover, because of the potential conflict of interest. Many also thought that WorkCover had its own problems with unfunded liabilities, which were reported to be $1.366 billion, a 63.7 per cent funding ratio, for the 2012-13 financial year. In view of these factors, the committee formed the view that the current arrangements should remain. The committee has made a number of recommendations that aim to address the issues raised in the inquiry.

I would like to express my thanks to all those who made submissions and took time to give evidence to the committee. I would also like to thank the members of the committee—the Hon. Steph Key MP (who is a very able chair of the committee), Mr Alan Sibbons MP, Mr Ivan Venning MP, the Hon. John Darley MLC and the Hon. Rob Lucas MLC—for their contribution and deliberations, as well as the committee staff, in particular Sue Sedivy, who contributed to the preparation of this report during the duration of the inquiry. I conclude my remarks.

The Hon. R.I. LUCAS (21:01): I rise to support the motion. In doing so, there are only three or four of the recommendations that I want to address some brief comments to. It is a comprehensive report. The Hon. Gerry Kandelaars has summarised in greater detail. I join with him in thanking other members and the staff for the work that they have done on the committee.

The recommendations to which I want to address some comments are as follows. The first one is recommendation 8. The Hon. Mr Kandelaars has made some comments in relation to the recommendations in relation to the complicated funding model for SafeWork SA. We have made some general recommendations in relation to this issue, that is that we should ask the minister to review the funding model to ensure that it is transparent for a longer term to allow SafeWork SA to plan strategically and that it be reviewed at least every three years.

The committee finds that it is a complicated process. It certainly does not make good planning sense for SafeWork SA to have to wait year on year to ascertain exactly what its budget is. It needs to have the capacity to plan more strategically, and certainly one would hope at least on a three-year basis. Whether that is done through the current funding arrangement through WorkCover or whether a future government and a future minister can come up with an alternative funding model is entirely an issue for future governments and the minister to look at, but certainly I think the committee was of one mind, that there needed to be a resolution.

It was a genuine issue from SafeWork SA's viewpoint, and putting aside the quantum issue, the issue of having long-term confidence in terms of what your budget is likely to be, or a longer term confidence in terms of what your budget is likely to be, made good sense.

The second issue was recommendation 9. This is an issue on which we took a lot of evidence. This was a criticism from many industry groups, particularly those in the construction industry, that SafeWork SA in recent times had moved away from its old model, where they had specialist people trained in the construction industry doing the inspections in the construction industry. Because they understood the industry, they were able to respond in many cases with advice in terms of how to resolve issues and for the employer and the employee to be able to get on with the business of running their worksites safely, to the benefit of both the workers and to the business as well.

For whatever reason, SafeWork SA, in recent years, has moved to a position where that was not as often the case. Some in the construction industry reported to the committee and to me that they would have people coming to their construction sites with expertise from the retail industry or some other industry. As the construction people said, some of those people with that sort of background were not entirely useful in terms of making sensible judgements about safety issues but, more importantly, giving sensible advice in terms of how to resolve issues in the interests of worker safety and in the interests of the businesses as well.

So, recommendation 9 and all that sits behind it is an important recommendation. I would hope that SafeWork SA and future governments would look at that particular recommendation carefully and place some pressure on SafeWork SA to move closer to the system that used to exist in relation to people with expertise being the people in the position of being inspectors for that particular industry.

The next recommendation is the final recommendation 26. As has been revealed publicly, this term of reference for the committee was my original initiative, in terms of looking at whether or not there was an argument, as occurs in some other states, to merge SafeWork SA and WorkCover. It is fair to say that the majority of the evidence that we took from stakeholders did not support the merger of the two bodies. It is true that a small number of employer organisations did support it, but they were in the minority.

The committee's judgement in the end was that, for those reasons but also making judgements about some recent changes that had been made to the WorkCover board and possible changes to the WorkCover system, now probably was not a sensible time to be looking at a merger of the two organisations. WorkCover certainly has more than enough problems of its own to resolve without having to go through a merger with another body such as SafeWork SA.

The final recommendations that I want to address some comment to were recommendations 21 and 22. Recommendation 22 recommends that SafeWork SA undertake an independent evaluation of research programs to improve work health safety outcomes, and recommendation 21 talks also about the research effort. I wanted to address some comments to this because it was really only in the last 48 hours, literally, that we got some information which we have included in an appendix. We have left the recommendations as they were but, as this was something which I had a keen interest in, I wanted to place some comments on the record.

Because I had some criticism of the research grant program of SafeWork SA given the so many other needs in terms of needs for additional trained inspectors trained in their areas of expertise and a range of other requests for simplified information and explanatory information for employers and subbies, in particular, of the new work health safety legislation and codes and the inevitable budget pressures, I had asked earlier in the committee inquiry of SafeWork SA whether some of the criticism I was getting of the money that SafeWork SA was spending on research programs was valid or not, and whether or not here was an area where money could be reduced and money actually go into the inspection training regime and also in providing information to subbies and others on the complicated new work health safety legislation and codes of practice, etc.

We received some answers from SafeWork SA which are included in the appendix. Members can make their own judgements. We do not get enough detail about the nature of some of the research projects, but certainly on the surface of it there are a number of those that I wonder as to the value of the information that is being provided. Inevitably any information is useful, but you have competing priorities and my argument would be that some of these might only have minimal usefulness in terms of improving work health and safety outcomes, whereas spending the

same amount of money on training and inspectors or information for subbies or a range of other initiatives would probably, in my humble judgement, have greater work health safety outcomes.

There are a number, as I said, that have been highlighted to me: 'Hey Presto! I'm a self-employed contractor! What's OHS?' Also, $50,000 was given to the Office of the Employee Ombudsman. There are a number of others that, as I said, unless you get to see the detail of them, you cannot make a final judgement about the worthiness of them or not.

It seemed to indicate that SafeWork SA was only spending in the last year about $900,000 early on in the earlier years and it was only about $85,000 in the last year. I had separate information given to me that there were very large grants being given to unions by SafeWork SA and we went back in the last 48 hours to say, 'How do they match the answers they have given to us and the information that I had been provided with?' Anyway, what came back was a more detailed response in relation to the research program which I think, in the end, was about $600,000 or $700,000 a year, although I am not entirely clear of exactly the response from SafeWork SA on that. I just do not have it with me, but certainly in the documents that are tabled there was detail of how much was being spent.

I had been provided with a program which was separately called Health and Safety Partnerships Program, and they advised us:

> The program is different to the WHS grants program and was a three-year program commencing in 2007-08, delivered through registered employee associations to improve the level of WHS training, resources and information available to employees and industries with high levels of workplace injuries and compensation. Under this program the funding, which totalled $1 million per annum, was divided evenly. An independent grants assessment panel was established to review the applications against the funding criteria and make recommendations on project funding.
>
> In the first three or four years the recipients of the grants were: the Independent Education Union; the ASU; Liquor, Hospitality and Miscellaneous Workers Union; Communications, Electrical, Plumbing and Allied Services Union; Australian Manufacturing Workers Union; Australian Workers Union, Textile, Clothing and Footwear Union of Australia; National Union of Workers; the SDA; Australian Meat Industry Employees Union; Construction, Forestry, Mining and Energy Union; and the construction and general division of the TWU. In 2011, the government authorised a three-year continuation—

I note the words from the SafeWork SA advice that the government authorised a three-year continuation of the program, they do not say they are SafeWork SA—

> $1 million for each of the financial years 2010-11, 2011-12 and 2012-13.
>
> Recipients of the grants were the ASU, the IEU, AMWU, the CFMEU, the NUW, the AWU, the SDA, and SA Unions. All grant recipients must report on the financial acquittal of the funding provided, detailing the outcomes of WHS training, resources and information provided as part of their contract conditions.

It would appear over about seven years that $6 million or $7 million has been provided to unions under this Health and Safety Partnerships Program. I think it would be useful for not only SafeWork SA but any government post March 2014 to look closely at the value of the million dollars per year going into the union movement here in terms of improvements in work health and safety outcomes.

Whilst the recommendations of the report are in relation to the research grants, as I said, given the fact that this information about the Health and Safety Partnerships Program only arrived in the last 48 hours, can I indicate that at least as one member of the committee my purpose for recommendation 22 and also the argument for it was partly driven by this information in relation to this partnerships program.

It would certainly be my personal recommendation to an incoming government that SafeWork SA should conduct an independent evaluation not only of the research programs but also of these partnership programs to see what improvements in work health safety outcomes are being achieved by the $1 million per year.

Motion carried.

SELECT COMMITTEE ON LONSDALE-BASED ADELAIDE DESALINATION PLANT

The Hon. M. PARNELL (21:16): On behalf of the Hon. Tammy Franks, I move:

That the select committee have leave to sit during the recess and report on the first day of the next session.

Motion carried.

The Hon. M. PARNELL: By leave, I move:

That, upon presentation to the President of a report, the report be deemed to be laid on the table of the Legislative Council and the President is hereby authorised forthwith to publish and distribute such report.

Motion carried.

SELECT COMMITTEE ON THE INQUIRY INTO THE CORPORATION OF THE CITY OF BURNSIDE

The Hon. J.S.L. DAWKINS (21:17): On behalf of the Hon. Ann Bressington, I move:

That the select committee have leave to sit during the recess and to report on the first day of the next session.

Motion carried.

The Hon. J.S.L. DAWKINS: By leave, I move:

That, upon presentation to the President of a report, the report be deemed to be laid upon the table of the Legislative Council and the President is hereby authorised forthwith to publish and distribute such report.

Motion carried.

SELECT COMMITTEE ON LAND USES ON LEFEVRE PENINSULA

The Hon. M. PARNELL (21:18): I move:

That the select committee have leave to sit during the recess and report on the first day of the next session.

Motion carried.

BUDGET AND FINANCE COMMITTEE

The Hon. R.I. LUCAS (21:19): I move:

That the committee have leave to sit during the recess and report on the first day of the next session.

Motion carried.

SELECT COMMITTEE ON WIND FARM DEVELOPMENTS IN SOUTH AUSTRALIA

The Hon. J.S.L. DAWKINS (21:19): On behalf of the Hon. D.W. Ridgway, I move:

That the select committee have leave to sit during the recess and report on the first day of the next session.

Motion carried.

SELECT COMMITTEE ON ST CLAIR LAND SWAP

The Hon. J.S.L. DAWKINS (21:19): On behalf of the Hon. J.M.A. Lensink, I move:

That the select committee have leave to sit during the recess and report on the first day of the next session.

Motion carried.

SELECT COMMITTEE ON MATTERS RELATING TO THE INDEPENDENT EDUCATION INQUIRY

The Hon. R.I. LUCAS (21:20): On behalf of the Hon. R.L. Brokenshire, I move:

That the select committee have leave to sit during the recess and report on the first day of the next session.

Motion carried.

The Hon. R.I. LUCAS: By leave, I move:

That upon presentation to the President of a report, the report be deemed to be laid upon the table of the Legislative Council, and the President is hereby authorised forthwith to publish and distribute such report.

Motion carried.

LIVE MUSIC IN SOUTH AUSTRALIA

The Hon. T.A. FRANKS (21:21): I move:

That this council notes the report of the Live Music Thinker in Residence entitled 'The Future of Live Music in South Australia'.

I rise to draw the attention of the council to the Live Music Thinker in Residence report and to make some comments on the recommendations within that report and the importance of live music in

general. Given the hour and given we have much more to debate, I will not labour too much on the points and I will make my speech a little shorter than I had originally intended.

The report, obviously, has been the latest initiative of the Thinker in Residence program and the first of that program to be hosted and housed within the Dunstan Foundation. It brought Martin Elbourne, as the Thinker, to Adelaide several times and his report is reasonably substantial. While it is not the definitive outline of the future of live music in this state, I certainly think it is a useful piece of work and something that this council should rightly pay heed to.

It is important to pay heed to the live music industry, because it is not just a joyful and fun thing, it is actually also an incredibly important part of the economics of not only Australia, of course, but the world. Members may be surprised to know that in fact Australia is amongst the leading digital music markets internationally, and that in our country, 335,100 people actually work in the music sector. That was calculated by the ABS in 2007, and I would note that that is actually more than car manufacturing and mining combined. Music concert ticket sales reached almost $1 billion in 2011 and 11 million attendances at music events occur nationally.

In 2011, venues such as hotels, clubs, cafes and restaurants were estimated to generate 41.97 million attendances and leverage $1.21 billion worth of revenue through audience spending in licensed live music venues, with 6,300 such gigs each week across the country. Live music helps to sustain about 15,000 direct jobs. Live music in hotels, clubs and restaurants generated gross revenues of $1.21 billion and contributed approximately $650 million to the Australian economy in 2010-11 alone. In 2009-10, each Australian household spent an estimated $380 on music related goods and services, totalling over $2 billion economy-wide in that year. It is an important industry and obviously a joyful industry that adds that extra dimension to life through the cultural benefits that it brings as well as those economic ones.

The Thinker in Residence had around 150 meetings with stakeholders. They included musicians, venue owners, the state government, of course, the local council, owners of rehearsal spaces and production studios, artists, managers, music organisations and festival organisers. It also included visits to the regions, specifically the Barossa Valley, Port Lincoln, Port Augusta, Whyalla and McLaren Vale. I personally was able to meet with the Thinker, and I certainly appreciated the input and the conversations I had with the office, and I particularly thank Donna Hender and Margot McInnes for their ongoing discussions with me.

Indeed, Reverb is the overall branding, and the Reverb team is certainly going to take the recommendations of the Thinker further. But it is also up to the South Australian community, not just the music industry, and, of course, this parliament to ensure that the potential we have to harness not only the economic opportunities that the live music industry can provide but, of course, that indefinable quality that makes life worth living and to extend those benefits as widely as we can.

I note that recommendation 48 of the report is to 'Remove the definition of "entertainment" in the Licensing Act.' It will come as no surprise to members of this council that I fully support that recommendation, given that it reflects my private member's bill, which will lapse, of course, in this session of parliament and, indeed, was not accepted recently in the debate on liquor licensing reform but, rest assured, I will be reintroducing it into this council in the new year when we resume.

I look forward to that debate, and I draw all members' attention to page 113 of the Live Music Thinker in Residence's report, which backs my call to remove the definition of 'entertainment' in the Liquor Licensing Act. I will not go into too much detail—I have talked about that issue in this place before—but I refer members to my speeches questioning why the Liquor Licensing Act needs to define the specific genres of music and, indeed, why they have such a particular problem with grunge techno and a favouring of jazz. What business that is of liquor licensing enforcement still is a question that befuddles me.

Recommendation No. 47 is an encouragement for local councils to create their own live music plans in conjunction with local development plans. That is a quite logical and obvious recommendation and certainly one where I have to acknowledged that we have been outstripped in this area because the City of Sydney is showing us how it is done. Their recent report, Live Music Matters, which was launched at the beginning of this month, is something that I think we should be seeing not only with the Adelaide City Council but also other councils not only in the metropolitan area but potentially in the regions as well.

I commend the National Live Music Office. John Wardle and Dr Ianto Ware, who run that particular office, were instrumental in that report. That report in Sydney is an approach I think we

could take here. Rather than having a Thinker in Residence, we should be encouraging resident Thinkers. We should be starting from the grassroots up, particularly when it comes to an issue such as live music. We should have been looking at the people who had the on-ground knowledge, the grassroots knowledge, who are living and breathing this in Adelaide and South Australia every single day and using their wisdom. But that is a further way forward, and I hope that we follow the same path that Sydney has taken.

Recommendation 43 states that we need to 'reduce barriers to live music created by legislation meant for other purposes and encourage dedicated live music venues. It goes on to say:

> Artists need spaces to perform, write, record and rehearse and audiences need spaces to connect with artists. A reduction in available space, due to the changing nature of the city environment described earlier, is an ongoing threat to live performance. Complex legislative requirements can provide significant barriers to the creation of dedicated live music venues and spaces and threaten the capacity of existing venues to continue to operate.

That is an issue that has now been going on for some decades, and I know that many in this council, well before me, have raised those issues in this place. However, that does not mean it is a challenge we should shy away from.

The report goes on to note that some of the most welcome changes of the small venues licence do remove some of the barriers put in the way of live music. However, it goes on to express concern that venues that have a high emphasis on live music as their business need to have more than 120 patrons on an ongoing basis to make that venue viable through ticket sales. So while it says it might support a bar culture, the Thinker does not believe that the small venues licence will actually benefit the live music industry per se.

Recommendation 42 is an area about which the Thinker, Martin Elbourne, was quite passionate in his public statements and in one particular forum that I attended at the Scott Theatre. It is to encourage a culture of early and late night activity, reducing the early morning issues of antisocial behaviour. The Thinker was quite clear, in fact, that gigs start earlier. It certainly does not mean that gigs also cannot start late, but he was very much an advocate of having different niche markets, particularly for those who have children to be able to go and attend a live music performance and get home in time for the babysitter who has looked after the kids earlier on. That is something he raised. I note that the band The Whitlams used that particular market very well.

It is a very effective use of a venue to book two gigs in a night. To have a 7.30 gig and then a 10.30 gig means that you get two bangs for your buck yet you have the same equipment outlay, the same venue outlay. You cut your costs but you get two audiences. From a business model perspective that is something the live music industry could pursue, although I certainly do not see that starting gigs earlier has to be at the expense of having late night gigs. That was the somewhat controversial interpretation by some, that the Thinker might have us all in by midnight. I am pretty sure that is not really what he meant; certainly the written version of the recommendation makes it much clearer.

In recommendation 41 the Thinker also pointed out that there was a need for a more flexible approach to the Late Night Trading Code of Practice. He raised many concerns regarding the effect he thought the late night code may have on live music, in particular smaller venues that would be burdened with onerous costs associated with the new requirements. That was an area he believed needed careful watching, certainly with the amendments of this council, to ensure that we review that late night code of practice, and I think the recent changes to liquor licensing will help the Thinker in residence fulfil that particular recommendation.

In recommendation 40 the Thinker also urged the state government to take the lead on clarification of roles and responsibilities held by regulatory and enforcement bodies. He stated that:

> Public confusion, created by intersecting and overlapping regulations between authorities, needs to be overcome. Although some local government authorities produce guidelines, greater collaboration is required between the commonwealth and state governments to clarify the roles and responsibilities of regulatory and enforcement bodies particularly in relation to the cross over between the National Construction Code—Building Code of Australia (Cwth), the Development Act (SA) and the Liquor Licensing Act (SA).

Indeed, that is one of the ongoing bugbears.

On a more positive note, the Thinker was certainly thinking outside the square, if you are thinking the square is the City of Adelaide itself. He pointed to a range of areas that he believed—and I tend to agree—are ripe for a renaissance in terms of live music. He pointed to Port Adelaide in particular, and that is certainly in line with the government's own rhetoric. However, he also pointed to the Barossa, and I note that one of the recommendations—as the Hon. John Dawkins

would be interested to know—calls for more activity in Gawler. I thought that might pique the honourable member's interest.

I believe that there has been a really welcome focus here on ensuring that live music is spread across the state. There are recommendations that there should be touring circuits across the state in regional areas of South Australia, and setting up that well-trodden path on which bands can take their show on the road and get not only touring practice but also, as the Thinker himself said, 'Find out if they hate each other's guts before they go on a nationwide or overseas' tour.' Always a good thing to find that out earlier rather than later!

What I found lacking here was that outer metropolitan areas were not targeted so much other than, obviously, Port Adelaide, but I think any touring schedule should look at the outer suburbs as well as the regions. The Thinker also recommends to support more underage shows and has a range of recommendations about audience development. In recommendation 25 he envisages creating a one-off annual celebration of local music.

Certainly celebrating local music is one of the areas to which I particularly wanted to draw the council's attention, and I commend Fowler's Live for their recent music awards, which, for the last two years they have instituted off their own bat, where they have recognised and awarded South Australian local music across the industry, not just the performers but all facets of the industry including venues, management and so on. Unless we take those times to reflect and recognise the genius that we have within this state, we tend to overlook it.

On that note, I also commend Adelaidenow or *The Advertiser* for recently running their top 100 South Australian songs. I note that The Angels took out the number one spot after a bit of audience feedback with *Am I Ever Gonna See Your Face Again?* Reading my paper on the weekend, I was quite interested to learn the story behind that song, and that it is quite a tragic sad song of the loss of the life of a young Adelaide student; yet, of course, the audience has turned that song into something very different. That is the beauty of live music, because a band can play without an audience in their bedroom or in their garage, and they can record, but until they have that interaction with the audience, there is not that spark, that amazing thing that live music brings that is beyond that recorded or isolated product.

I note that the Thinker's report has generated a lot of media interest in various ways and certainly that top 100 list was part of it. Not all said about the Thinker has been pleasant and a lot of it is conflicted and, certainly, it has the industry at least talking if not yet agreeing. I was really struck when I saw an article by Andrew P. Street, who was well known in Adelaide as a street press writer for *dB Magazine* in the past when street press print media was a hallmark of the music industry. Of course with the digital era, that is increasingly less so. He still writes for a range of outlets.

He had a piece in the online magazine, *Faster Louder*, which is quite a well-known music outlet for reporting, reviews and so on in Australia, and in it he responded to that top 100 with the best six Adelaide songs that did not make the best Adelaide songs list. In true Adelaide style he points to the fact that what the hell was Paul Kelly's *From St Kilda to Kings Cross* or *Darling It Hurts* doing on there when we all know that *Adelaide* is the best 'diss' song of Adelaide ever, and it was written by Paul Kelly who, of course, comes from Adelaide, as much as Melbourne likes to claim him. He prompted my memories because his number six was Baterz's *Target's Air Conditioner* and members may not be aware, but Baterz was a friend of mine, and so I am going to name-drop now, and I will read out what Andrew P. Street has said about Baterz, which is:

> If you mention Baterz to Adelaide indie music fans lovers of a certain age, their eyes will mist over. Barnaby Ward grew up in Canberra and swapped his time between the two most often mocked Australian cities, forming The Bedridden with old school pal Kirsty Stegwazi (herself a formidable songwriter) and then releasing a solo album approximately every 10 minutes once they split up.

I think I own about 20 of them. The article continues:

> The reason that he didn't become the planet's dream combination of Daniel Johnston, Lou Barlow and the Moldy Peaches is that A. He was in Adelaide and B. He died in 2000 of complications related to HIV contracted through a blood transfusion, having been born with a severe form of haemophilia. There should be [Andrew P. Street says] a statue of him in the middle of Rundle Mall, if you ask me.

Online, this sparked enormous feedback. For those of you unfamiliar with the song *Target's Airconditioner*, it begins with the lines, 'Going into town on the sweaty 181.' Of course, many of us would remember that the 181 used to be a bus and, indeed, it was never air-conditioned, but Target has always had air conditioning and Adelaide has always had very hot summers. Whenever

Baterz played *Target's Airconditioner*, everyone in the room knew the words. Indeed, there has been a lot of Facebook traffic that we need to have a statute of Baterz somewhere opposite Target in Rundle Mall. I think this is a fabulous idea.

However, statues are very expensive and, if we cannot afford a statue, I would suggest a mural with the Baterz artwork from his various Army of Nerds collections, which have an array of strange creatures. He did all the artwork, as did his Army of Nerds, on these various CDs. Certainly, one can only look to something like the 'Wall of Solutions' mural that has become a tribute to Elliott Smith and see that it is a tourist attraction internationally. Paying respect to our musicians—the big ones, the well-known ones, as well as the largely undiscovered but certainly much-loved geniuses such as Baterz—is a fitting way to ensure that we embed live music in our culture.

I would also say it is not just that I knew Baterz: Baterz is actually quite a phenomenon, and for the last 10 years there has been a tribute gig every year to him at the Grace Emily Hotel, and that will continue for some time to come. A whole range of Adelaide musicians come along and play one or two Baterz songs each, and it is a fitting memorial to him. Certainly, I believe a mural would be an even better memorial so that people can find out who he was, and maybe putting the website on that mural would be a great step forward.

In summing up, and getting back to the more basic and boring aspects of the live music industry, I cannot conclude without touching on the Building Code. Recommendation 49 is to work with the federal government to achieve changes to the Building Code, small to medium venues that come under the class 9B. I had never heard the term 'class 9B' until I started talking about it to people who were trying to run music venues and about what their problems were. Every second sentence, I think, ends with 'class 9B and the Building Code'.

Class 9B buildings are those used for places of public assembly for entertainment or recreational purposes. These include theatres, galleries and halls; they are all classified as class 9B. Cafes, restaurants, bars and hotels are class 6. In some cases, the activities carried out in hotels, bars, cafes or restaurants may lead to them being categorised as class 9B buildings. This occurs when it is seen to be a change in use from a place that primarily sells alcohol to a place that primarily provides entertainment.

New venues wanting to provide a mixture of services, such as having a bar and providing an occasional theatre show or exhibition, may be classed as class 9B. When they are so classified—places of public assembly for entertainment—they are subjected to major compliance requirements, such as the installation of fire hydrants, sprinkler systems, smoke detector systems with 24-hour monitoring and a direct connection to the fire brigade, mechanical smoke extraction systems, increased fire rating, and isolation of walls and doors, disabled facilities and access, and increased structural requirements for floors. These requirements are in place for safety reasons.

There is, of course, attention between the need for safety and the commercial viability of businesses with a minimal operating budget. This is particularly true when repurposing heritage buildings which require lots of structural work to meet requirements. Whilst the safety of patrons cannot be compromised, it may be possible to be more flexible in the way that risks are mitigated. It may also be possible to introduce a graded system of compliance so that smaller venues with smaller capacities can ensure safety without being subjected to the full range of conditions as required by being classified as class 9B.

This will require a national focus, with input from a range of stakeholders and, indeed, those stakeholders must include the music industry, but it can be done. In New South Wales they have varied class B. If New South Wales can do it, South Australia can. In 2009, New South Wales introduced a variation to the building code that changed the criteria for which buildings should be classified as 9B. They deleted part C section 1 of the classification, and that means that discos, nightclubs or bar areas of a hotel or motel providing live entertainment or containing a dance floor are no longer subject to those regulations. This variation makes it far more viable for a small multi-use venue to provide entertainment as well as sell alcohol.

So, with those words, I look forward to the Premier's response to this Live Music Thinker in Residence report, and given that this is the last sitting session of the year I look forward to a vibrant new government of whichever colour with a dedication to continuing the work we have done so far in live music.

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

SITTINGS AND BUSINESS

The Hon. G.A. KANDELAARS (21:46): I move:

That standing orders be so far suspended as to enable me to move the following motion:

That the order made this day for notice of motion private business No. 5 to be an order of the day for the next Wednesday of sitting be discharged and for the order of the day to be taken into consideration forthwith.

Motion carried.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: ANNUAL REPORT 2012-13

Adjourned debate on motion of Hon. G.A. Kandelaars (resumed on motion).

The Hon. G.A. KANDELAARS (21:47): I understand that there are no further speakers on this matter and therefore I suggest that the motion be put.

Motion carried.

HEALTH INFORMATION TECHNOLOGY PROJECTS

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

That this council notes with concern the government's management of IT projects within Health.

(Continued from 13 November 2013.)

The Hon. R.I. LUCAS (21:48): I rise to continue speaking to this important issue in relation to South Australian health and its management, or mismanagement, of IT projects. At the outset, I want to correct an error in the *Hansard* transcript from my contribution two weeks ago. In the section of my contribution I refer to two separate probity complaints. The first I refer to relates to the ESMI project and a reference to a Ms Kate Phillips and then later on I am reported as saying:

Similarly, in relation to the EPAS project, I am told again that a probity complaint has been lodged with the probity director for this project, who is again Ms Kate Phillips...

That *Hansard* should record EPLIS (Enterprise Laboratory Information Systems) rather than EPAS. So, in that particular paragraph for those avid readers of *Hansard,* the probity complaints that have been lodged, or so I assert, are in relation firstly to the ESMI project and the EPLIS project. I am not aware as to whether or not one has been lodged in relation to the EPAS project.

Last week in summary I highlighted what I believed was a growing scandal of tens, possibly hundreds, of millions of dollars in relation to SA Health's management over a long period of time of IT projects. I also asserted that minister Snelling was desperate to keep much of this growing scandal hidden at least until after the March 2014 election where if he is elected, of course, eventually one would hope that it is revealed in dribs and drabs. If there is a change of government, we would hope there would be a lancing of the boil and all of the gory detail can be released for the public to be made aware of very quickly.

I spoke last week and I am speaking again this week because I have been frustrated in terms of trying to get answers to questions that I have asked on this particular issue. In September of this year I put questions to SA Health executives, David Swan and others, in the Budget and Finance Committee and here we are nearing December and we still have not received responses to those particular questions. Questions have now been put over a period of three or four weeks to minister Snelling in the House of Assembly and minister Snelling continues to make outlandish statements, unsupported by fact, and in other cases indicates that he has not been briefed or he is unaware or he will go off and check but, of course, he never comes back with a reply after he says he has gone off to check.

I do not want to waste my time this evening picking apart everything that minister Snelling has said; there will be other occasions to do that. I would like to spend my time outlining the detail of some of the problems. The best example I think of the negligence or incompetence, or both, of minister Snelling is demonstrated by his response to a question from the member for Norwood when he was asked: has the minister decided now to only roll out EPAS to the Port Augusta Hospital GP Plus sites and a 15-bed ward at the Repat Hospital prior to the March election next year? As part of his response he said, 'In terms of the project (that is the EPAS project as a whole) it is on time and on budget.' There we have minister Snelling in the house indicating that the $422 million EPAS project is on time and on budget. That is just palpably untrue.

There is just so much evidence, some of which I have put on the record and some of which I would hope at some stage either SA Health will concede or the Auditor-General will concede when he comes before Budget and Finance Committee. It is quite clear that EPAS was meant to have rolled out by June of next year (June 2014). At the very earliest the IT insiders and Treasury insiders are saying it will be late 2015, so a delay of some 15 to 18 months. Those pessimists amongst the observers believe that it could be as late as late-2016 or almost two years later than first predicted. For minister Snelling to say in the house that EPAS is on time and on budget, as I said, is unsupported by fact and is palpably untrue.

As I said, I am not going to pick apart all of the errors and inconsistencies in minister Snelling's statements to the house. I want to outline the extent of the problems that we have within SA Health in terms of its management of IT projects. I am advised that, as of this week, a Mr Paul Farrow, who only three weeks ago had been appointed as one of the new head honchos in SA Health IT, as the director of EPAS operations, was dismissed. That was three weeks after he had been appointed in a process presided over by the newly-appointed director of IT, or eHealth programs, Mr Michael Long, who commenced work only in May of this year. Here we have a new senior executive appointed just three weeks ago who, I am informed as of this week, has been dismissed.

There are clear questions there as to what was the process of appointment of Mr Farrow: did that appointment go through the full selection panel process required of senior executive appointments? If it did not, why didn't it? What were the reasons for the early termination of Mr Farrow after only three weeks? Did it have anything to do with claims that he made on his CV in terms of his background expertise and experience? If it did, why were they not checked prior to his appointment? If there were other reasons for the dismissal, what were those other reasons? The minister should also come clean and indicate what, if any, termination payments had to be made to Mr Farrow in terms of terminating his appointment.

I am also advised that senior officers in relation to the administration of EPAS have, in recent times, written to both Mr Swan and to Mr Michael Long, expressing their grave concern at the new direction the EPAS project has taken over the last couple of months. I am also advised that another individual has also written to Mr Swan, expressing that person's lack of confidence in Mr Long in terms of his management of the IT programs within Health.

There is still a position in relation to the management of this $422 million EPAS project. Key positions are unfilled, people have resigned, people are in the position of contemplating leaving the project, they are concerned at the lack of commitment from the minister and from Health to the project, they are concerned at the changes in direction to the project, they are concerned at the minister's decision to try to hide or delay exposure of the EPAS rollout until after the state election, they are concerned at the increased costs that will mean to the project, they are concerned that it may well mean that further key people will leave the project, setting in train a never-ending circle of trauma for the project as more money is wasted on delays. As more key people leave the project the challenge for those remaining in terms of implementing the project becomes more and more significant.

The other issue I want to raise, which has been provided to me recently, is a very significant concern in relation to security of the EPAS system. As I indicated when I last spoke, the original scope, which had been approved, had a security of what was called twin factor authorisation. Given the sensitive nature of the information—that is, all the clinical information of patients would be included in the system—what would be required to access the system will be not only a swipe card but also a separate PIN number; that is, twin factor authorisation. However, the government and the ministers removed that twin factor authorisation from the original scope. Instead of that twin factor authorisation security, they have now included single factor, which is just the use of a user name and password.

Further advice provided to me in recent times highlights the extent of the security problem now confronting not only SA Health but obviously all South Australian patients in relation to the EPAS. I am firstly advised that, whilst unpublicised, there have been recent phishing attacks that have resulted in several clinical email accounts being compromised within SA Health. Let's be clear on what that is: clever IT operators have been able to penetrate the security of the clinical email accounts, so I am advised, within SA Health, and a number of those clinical email accounts have been compromised.

The advice I have been given is that EPAS, as a result of this removal of twin factor authorisation security, will now be vulnerable to such a phishing attack and, this time, the hackers

or the clever IT operators could potentially access all SA state medical health records. The consequences of that are devastating and should be apparent to all who follow security and ICT issues within the health environment. My understanding is that there is already a high-level discussion going on between SA Health and Treasury in relation to this unacceptable exposure to a successful phishing attack and that an explanation is being sought as to who made the decision to remove the level of security that was originally required for all our clinical records within our hospitals.

Let's be clear on that: patients entering our hospital system should be entitled to have that information restricted to not only themselves but those they authorise in terms of their family or their treating doctors and clinicians. It certainly should not be accessible to hackers or, indeed, anyone else who wants to successfully penetrate the EPAS within SA Health. My advice is that much more will be heard of this if the government and the minister persist in their current attitude to the system.

Further information has been provided to me in relation to the ongoing budget problems for EPAS. I have been provided with confidential copies of documents presented to the EPAS board meetings in recent months. In particular, I refer to a financial report on the EPAS program dated Thursday 12 September 2013. In that, I refer to a section under the title 'Total cost of ownership (TCO) program net cost'. I quote:

> The total cost of ownership forecast shows a deterioration of $10.8 million against the approved budget. This reflects the estimated financial impact of a 44-week delay ($33.3 million) offset by setting aside of $22.5 million in delayed base contingencies to meet the first 30 weeks of delay. The use of contingencies to cover 30 weeks of the delay was put to the minister as part of the approval of the revised program activation and timetable. Formal access to the contingencies has not yet been sought as additional program costs and the loss of benefits occur primarily in the 2014-15 financial year.

I quote that deliberately because this confidential document quite clearly says, 'The use of contingencies to cover 30 weeks of the delay was put to the minister,' that is, minister Snelling, 'as part of the approval of the revised program activation'. Yet we have minister Snelling, whenever questions are put to him, indicating that the project is on time and on budget or denying that he has had access to this sort of detailed information.

This particular document was leaked deliberately to highlight the inaccuracy, or the untruthfulness, of the public claims being made by minister Snelling on this issue. It is clear that there are people within both Treasury and SA Health who are concerned at minister Snelling's handling of this issue but, in particular, his public statements and the accuracy or otherwise of the public statements he has been making on this issue.

I also refer to a confidential EPAS program board report, reported to the EPAS board, dated August 2013. This is a long document and I only want to quote from two sections of it. Under the resourcing section, it makes clear that, as at the end of August 2013, a total of 220.96 full-time equivalents were working on the EPAS program. This was an increase since July of 3.2 full-time equivalents. The mix of that was 146.46 SA Health staff and 74.5 contractors.

A third of the people working on this particular project were contractors. We are talking about a single IT project which, as of August, had 221 full-time equivalent staff working on the project. That is why every month of deliberate delay by minister Snelling to try to put this issue beyond the state election is burning about $3 million a month. The minister, as I said, is trying to hide all this until after the March election.

The second part of this confidential report, issued as at 27 August 2013, addresses the issue of the claimed benefits through the removal of legacy systems as an offset to the costs. Under the heading of 'Poor communication of EPAS benefits and implementation progress', I note, and this is an update as of 20 June 2013:

> Meeting held with the CIO and eHealth program director to agree structure and template for the development of an EPAS benefits realisation plan. This format will be applied to all eHealth programs. In the meantime, letters have been issued to chief executive officers of the local health networks advising them of their offsets to be realised by the financial year. This was supplemented by a meeting held with CEOs of the LHNs on 20/6/2013 to discuss intent of letters. It was agreed at the meeting that P. Zervas to schedule a meeting with each CEO LHN and their respective COOs to review detail of offsets. Timing: assumptions that were made in 2011 as part of the business case and identify gaps with the proposed resolution plan. All systems to be decommissioned will also be discussed. The outcome of these discussions will be built into the EPAS benefits realisation plan and a sign-off of the plan will occur. In the meantime, 2012-13 benefits have been realised.

The reason I quote that comment, and there are many others in this report, is to highlight the issue I mentioned two weeks ago. In the business case, the claimed benefits were that the legacy systems would be decommissioned and that the staff working with those legacy systems would be saved, and that would be a net offsetting benefit to the cost of the implementation of EPAS.

The LHNs were saying to SA Health, 'Well, look, some of those staff that you assumed in your business case to be removed have already gone in terms of us achieving other savings that SA Health required of us. Therefore, they are no longer available as a saving to be attributed to the EPAS project.' Of course, if that eventuates, that increases the net cost again of EPAS on the SA Health budget. So this is a very significant issue.

That document, and many other parts of that document, attest to the fact that the EPAS project administrators at least recognise it is a problem and are endeavouring to do something about it. However, there is an ongoing battle between the local health networks and the EPAS project management team in terms of achieving the claimed savings from the original business case.

The other aspects in relation to the management of EPAS that the minister really does need to respond to are, firstly, the issue of the appointment of Mr Michael Long. We put on the public record that Mr Long, who comes from Canada, we understand, is currently being paid just under $3,000 a day for his job. The minister has conceded that he was appointed as a result of an Ernst & Young review. We were told that he was originally appointed for just a six month period, until November this year but that he has agreed to stay on until February next year before he leaves.

We understand Mr Long was asked to deliver on a number of the recommendations from the Ernst & Young report. The minister should take the opportunity to put on the public record how many of the recommendations in the Ernst & Young report which were allocated to Mr Long have actually been delivered in the six-month period he has been in charge of IT within SA Health. Certainly the view of many observers is that they do not believe that he has added much value to the project for his cost of $3,000 a day.

The other issue is that EPAS has been subjected to a number of reviews. The minister has referred to a KPMG gateway review that was prepared following the 'go live' in the Noarlunga hospital, but I am told there have also been other reviews conducted separately by BearingPoint, Ernst & Young, and Mr Tom Stubbs. I place on the record a request for the minister to again indicate publicly, and to release publicly, the details of those four particular reviews and what they were recommending in terms of changes that need to be made to the management of the EPAS project.

Finally, in relation to EPAS costs, a leaked copy of other information provided to me indicates that when the total cost of ownership—that is, the TCA was calculated as part of the original EPAS business case—$44.8 million in risk-based contingencies was included. Of course, that figure of $44.8 million has been increased to just over $49 million in recent times. I am told that a total of 10 months slippage was built in to the costing originally, but that ten-month delay is going to be well and truly used up, given the estimated delays in the project already.

Turning now to other IT issues within Health, I want to refer to a number of those on which information has been provided to me. The next one I want to refer to is the Clinical Practice Support system (the CPS system), which was a nursing system designed to replace Excelcare. I am advised that that particular requirement was actually written into an enterprise bargaining agreement with the Australian Nursing and Midwifery Federation (ANMF) and that that system was only ever rolled out eventually—until the money ran out—in the Port Augusta and Lyell McEwin hospitals.

I am told that whilst it worked reasonably well in Port Augusta, it ran into a figurative brick wall at the Lyell McEwin, where there were very significant difficulties in terms of its usefulness to the business and to its original expectations. Eventually, even the ANMF became critical of the Clinical Practice Support system, which they had originally supported. It was meant to roll out to most hospitals, as I said, but it only ever rolled out to the two hospitals: the Port Augusta and Lyell McEwin hospitals.

I am not sure exactly how much money the government and SA Health spent on CPS. It is hard to get that information. Some have suggested that it is up to $10 million. Again, the minister should indicate how much money was spent on CPS. Does he also concede, as many have put to

me, that in the end it was a significant waste of money by the government and SA Health in terms of the introduction of another IT project within health?

The next IT system which has attracted some publicity is the controversial Oracle system which was meant to replace Masterpiece. This system, as members would know, was originally meant to cost $20 million. Its cost to the budget in the end is going to be over $60 million, a blowout of $40 million on a $20 million project.

Work commenced on Oracle in 2009. I have been advised that SA Health went ahead with a very rapid implementation program, trying to implement it in July 2010. It was a very aggressive program. I am told that there were significant problems in terms of the configuration of Oracle, which created many of the problems that we have seen reported in the parliament and by the Auditor-General.

For example, ICT deals with hundreds of software vendors, so the total spend on licences might be correct, but it is extremely difficult to analyse the spend by vendors without reverting to taking out the many invoices that have to be paid each year. That design or configuration problem, together with other configuration problems, added to its lack of functionality as they attempted to rapidly implement it.

I am advised that Ernst & Young were commissioned to do a report, and again I am advised that Ernst & Young advised against going live in 2010. I am told that SA Health ignored that advice from Ernst & Young and went ahead, and we have therefore seen the three years of problems with Oracle. I am also told that there were very many warnings through the IC steering committee to the chief executive of Health—I assume also to the minister, although I am not definitively clear on that—that there were major problems with going live as quickly as they were suggesting, but all of those warnings were ignored in terms of SA Health's management of the project.

Members of the Legislative Council will know that today when we debated the late payment of bills legislation we were told that the government was going to pay interest on all late payment of bills for all government departments and agencies except for one department. Surprise, surprise, that one department was the worst performing department of the lot, that is SA Health. We put the question to the minister and to the government, 'Well, if SA Health is the worst performing agency in terms of paying its bills, why would you excuse it from the late payment of bills legislation?'

The minister's response was extraordinary. It was, 'Well, look, SA Health is still trying to implement the Oracle system, and it is possibly not going to be until 2015 that Oracle will be implemented, and it will only be when Oracle is finally implemented that we will be in a position to be able to enforce the late payment of accounts.' As I said, most departments and agencies are paying 95 per cent plus of their bills on time. In SA Health the number is about 70 to 75 per cent. It is an extraordinary difference.

What we are being told today is that Oracle will not be fully implemented until 2015. It started in 2009, so we have a six to seven-year implementation time frame for what was meant to be a $20 million IT project in Health, a further indication of the incompetence or negligence of ministers of health, minister Hill and minister Snelling, and chief executives of the SA Health department.

The last one in relation to these particular projects is that I have been further advised that about a year ago—or more than a year ago now—a tender was released for e-program management office services. Given that there are over $0.5 billion worth of IT projects running within the health department, this is obviously a pretty important tender. The importance of proper governance and controls is obviously a critical issue. It was identified more than 12 months ago. People are asking me what is the current status of this tender and why it has taken so long to appoint someone to implement it. Again, that is a question that can only be answered by the Minister for Health and Ageing or the chief executive officer for SA Health.

Finally, I want to turn to the significant probity issues within SA Health in relation to its management of some of these ICT programs. The first one I want to turn to is in relation to the procurement tasks for desktop services. I gave some brief detail two weeks ago about this, but there has been no response, so I intend to place some more detail on the public record.

As I said the last time, I am advised that SA Health has some 30,000 desktops or laptops and other peripherals, and about every nine months or so they go for an RFQ (a request for quotation). As a result of the most recent process, a number of multinational companies have been

placed on a panel, as successful members of the panel in terms of providing that sort of equipment or service to SA Health. One of those companies is HP, and I am told that SA Health has just employed an individual from HP, who at this stage I will not name, to manage procurement tasks for desktop services within SA Health.

Let me paint the picture: HP is currently a supplier of desktop services to SA Health, yet one of their employees, or a contractor for them, is on a six-month contract, filling in a senior position in this area within SA Health. This person, in their role, has access, I am told, to all the competitor pricing for those companies that compete with HP in the marketplace on a rolling basis. This person, I am told also, or that position, has access to other commercially sensitive information. I am told that HP are charging SA Health $90,000 for three months, or $180,000 for the six-month contract period, for this particular person's services.

I am further advised that Mr Rob Smith was the acting senior manager of desktop services, and that a number of the senior managers reporting to him have raised their concerns with him and other senior management about this perception of a conflict of interest that I have just identified. I am told that, in all of those cases, their concerns have been ignored.

There are significant issues in relation to this. I raised the issues two weeks ago, and the minister has chosen not to put anything on the public record in terms of an explanation or a response. Given that it would appear that SA Health is also not responding to other probity issues that I have raised in a satisfactory way through the Budget and Finance Committee, the only opportunity to raise these issues is to put them on the public record in the parliament.

Another issue in relation to HP, which I put on the record in terms of a question to the minister, is whether or not it is true that HP overcharged SA Health more than $250,000 in 2012-13 for infrastructure services. If that is true, is it correct that that issue was identified to senior managers in SA Health, and is it correct that SA Health have done nothing to recoup the more than $250,000 in overcharging in that particular area of infrastructure services?

I am the first to acknowledge that issues of claims of overcharging can be vigorously disputed, and I place on the record that I make no judgement, at this stage, as to the accuracy or otherwise of the concerns. The fact that the minister and the CEO continue to ignore and deny many of the issues that I have raised in relation to IT does not give me much confidence in terms of what they are saying and what they are doing, but I do accept that claims of overcharging can be vigorously disputed and may be able to be convincingly rebutted by HP. I want to place that on the record, but the issue needs to be resolved by the minister and/or the chief executive of SA Health as to whether or not this claim is being raised by senior officers within SA Health. If they are, what is SA Health doing to resolve the issue with this company?

The second probity issue, again, I touched on in my earlier contribution, and that relates to the ESMI contract. The allegation in this particular area is that a contractor to SA Health has provided inside information to a senior officer of one of the tendering companies for the ESMI project during the tendering process. The allegation extends to the fact that this contractor to SA Health who was associated with the tendering process is a close personal friend of the senior officer of this particular company and that, during the tendering process, the senior officer in this tendering company was being given information or coaching from the contractor within SA Health.

In particular, I place on the record the claim that has been put to me that there is a text from the contractor associated with the ESMI tender within SA Health to the senior manager of this tendering company in the early stages of the project saying that their particular tender was 'not on the radar'. That is the advice to the tendering company and it is, so it is claimed, in a text, so the claim should be able to be easily checked—the claim 'not on the radar', an indication that that tendering company, if it wanted to be successful in that bid, needed to obviously sharpen its pencil in terms of its tender.

This is a serious claim. I am told that a probity complaint has been lodged with Ms Kate Phillips, the probity director of the ESMI project. I am told that there are copies of text messages from this senior officer in the tendering company to four other individuals, who all received copies of the original text and who were also told that they had been advised that they were 'not on the radar' and that they now needed to sharpen their pencils and get on with trying to win the ESMI project. I raised questions about this in a general way with the CEO of SA Health. Questions have been raised with the Minister for Health, and everyone denies any knowledge of the fact that there is even a probity complaint.

I have been provided with much more information in relation to that bid, and I have been provided with much more information about the ESMI project. For example, I understand the project manager has recently resigned. I am told that a senior technical lead person was dismissed and marched out the door. I am told that most of the ESMI team has now gone in terms of the management of the project within SA Health and that it is a walking disaster area at the moment within SA Health, as described to me by one observer of the management of the ESMI project.

As I said, we also have these serious claims in relation to the probity issues of that particular project but, having raised the issues, clearly at this stage the minister and the chief executive are all trying to indicate that they know nothing about it.

I also place on the record that at a much earlier stage, I have copies of a number of letters, but one I refer to in particular is dated 8 July 2011, from a company called Central Data Networks to minister Hill complaining about the tendering process for ESMI back in July 2011. I will not quote all of it, but this letter says:

> I wrote to you on 8 June and I haven't yet received a response...

This was now 8 July:

> Since the date of that correspondence, we have learnt of the following disturbing information. The three shortlisted vendors are...

They list the vendors, and go on to state:

> Within only 10 days of the tender closing, these vendors would have requested repair for technical discussions two weeks later. As the vendor responses consisted of nine copies of very detailed response documents, these could not have been read in detail in this timeframe. It is considered that this shortlist was already predetermined prior to submissions being received.
>
> Further evidence was in the form of requests for additional clarifying information, all of which had already been provided in the tender responses. This further reinforces the belief that the tender shortlist was predetermined. The tender process required only software costs to be presented with the daily rate for installation. As the installation effort will vary significantly between vendors, this is by no means a fair comparison and will result in uncompetitively high costs to SA Health.
>
> Shortlisted proposals are costed between $12 million and $20 million for software alone. Our company's bid was $5 million, fully compliant, and yet it was not shortlisted. Once hardware and installation services are added, the final solutions will be $30-$40 million. We do not believe the SA government is expecting this size of expenditure, and CDM, being an Australian company, can complete the project for less than $10 million yet our company is not being considered.

It then goes on to claim what the New South Wales government has done in relation to one of the vendors which is on the shortlist, and I will not go into that detail. They then go on to say:

> We understand the evaluation team attended visits to overseas installations, yet the shortlisted vendors all claim to have their latest software already running in Australian sites. As these include Flinders Medical Centre and Royal Adelaide Hospital, we wonder why there was a need for overseas site visits unless it was to avoid exposing the evaluation team to the failures in one particular state, for instance.
>
> We consider that these issues are clearly deficiencies in the tender process and the process, and we repeat our request that the statewide imaging tender should be urgently halted and a thorough examination be undertaken.

I have been provided with a number of other letters which also make claims in relation to the management of that particular process and probity issues. I hasten to say that, again, I am not privy to all the details of the costings of the competitive tenders and bids. I do not sign off on those particular costing figures, because they are the claims of an unsuccessful bidder.

I recognise that, but there are a number of other issues that that unsuccessful bidder has raised, and the fact that, subsequently in the same process, other significant probity issues have been raised about the same process. There have also been concerns about overseas visits to look at sites when they could have visited locally and the cost of that to SA Health.

Issues raised in relation to the long-term ongoing costs of the project as opposed to the upfront costs are all issues which need to be addressed by the minister or the chief executive. One of the concerns from one of these people complaining to me is that they noted the question I put to the chief executive (Mr Swan) at the Budget and Finance Committee. I said:

> Can I also ask you about ESMI. You referred to the medical imaging project before. Similarly, can I ask whether any concerns have been raised with the probity director Kate Phillips in relation to the ESMI project?
>
> Mr SWAN: I would have to take that on notice. I am not aware of any.

This is in September 2013. The letter I have referred to dates back two years to July 2011. When we put questions to minister Snelling in the House of Assembly in the past couple of weeks about probity issues and probity concerns raised about ESMI and EPLIS, the minister indicated that he had no knowledge and would have to go off and check in relation to those claims. One of the questions was:

> Has SA Health advised the minister that Ms Kate Phillips, who is also the probity director for the medical imaging IT project ESMI, has received a complaint about the probity of the ESMI project?

Mr Snelling's response:

> Likewise, not that I am aware. I have not been advised of any...complaints that I recall, but I am happy to check my records.

When he was asked about whether there had been any complaints about the probity of the EPLIS project: 'Not that I am aware, but I will check my records.' The standard response from minister Snelling and Mr Swann appears to be, 'Not that I am aware, I will need to check my records,' but of course, no-one ever gets back in terms of ever having checked their records. They must have the most inefficient record-keeping system in Christendom.

No-one ever gets back after having checked their records as to whether or not there is a record of a probity complaint being lodged with Ms Kate Phillips. That is the frustration that some of these people have. We are always told that there are these probity processes that people can go through in relation to it. This company or one of these companies has lodged a probity issue back in 2011 and has heard nothing, and then sees the chief executive of the department in 2013 asked about it and he says that he is not even aware. It is fair enough if they say, 'Look, there was one, we have investigated it and we have dismissed it,' but they do not even want to concede that on the record, because that may well raise the level of concern perhaps in the media and elsewhere about the probity issues within the department.

I have so many other complaints in relation to the probity and cost issues of IT projects; time tonight just will not allow me to go through the rest of them. The reason for placing at some detail all of that information about the probity concerns, the blow-outs, the mismanagement and the negligence is, as I said, as a result of frustration at not getting answers either through Budget and Finance or through the House of Assembly question time.

The heat is now on Mr Snelling and his department in the period leading up to the election. We intend to make this a focus. I would hope they will not be allowed to hide these issues. We would hope that, if not through the parliament but through the media, pressure can be placed on minister Snelling and the department to provide some answers to the very many questions that whistleblowers and insiders in Treasury, in SA Health, in industries and companies that do business with SA Health, contractors who have worked with SA Health, and many others who have spoken to me on these issues. They are all demanding answers, and the buck stops on minister Snelling's desk.

Debate adjourned on motion of Hon. Carmel Zollo.

RETAIL AND COMMERCIAL LEASES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 November 2013.)

The Hon. R.P. WORTLEY (22:44): My understanding is that the catalyst for the Hon. John Darley introducing this amendment bill relates to his concerns about accounting and transparency in relation to the payment of land tax within retail and commercial leases. Whilst the Hon. John Darley's intentions for this are desirable, there are a number of unintended consequences which may result from what is being proposed, which would require further investigations than the short time we have to debate the bill in the house.

In relation to nondisclosure of land tax charges, this amendment bill tries to provide transparency in the exact component of land tax a lessee is paying on a lease. By clarifying exactly what can be charged by the lessor (no more than the single holding rate), this bill would effectively see land tax charged as an outgoing. The consequences this could have on each individual lease are unknown. Whilst existing leases are exempt, nothing is mentioned about renewed leases.

This bill, whilst it is well intentioned, does not address the original threshold issue that has arisen since the high-profile Buffalo Inn court case. It is the government's intention to conduct a comprehensive review of the act after the up-and-coming state election to deal with these issues

the Hon. John Darley has correctly identified. Given the short time we have to debate the bill before us tonight, this would seem to be the most appropriate course of action.

The Hon. R.I. LUCAS (22:46): I rise on behalf of Liberal members to indicate our position on the bill. I understand that there have been discussions between the shadow minister responsible, Mr Steven Griffiths, and I think also Liberal leader Steven Marshall. The Liberal leader, Steven Marshall, has provided me with a statement in terms of our position, which I will read onto the record. It states:

The Liberal Party recognises the expertise on land tax matters of the Hon. John Darley and his efforts on this Bill regarding Retail and Commercial Leases and land tax being open to scrutiny and thank him for providing the briefing that he provided.

This Bill was introduced in the last sitting week, so little time was available to the Opposition for consultation to occur. Contact was made with the Property Council of South Australia and the Australian Retailers Association. The Property Council stated they 'have long advocated for the ability of landowners to be able to pass on land tax to tenants through a clear and transparent process, and we strongly support amendments to remove the current prohibitions to do so', while also going on to say:

'We are concerned with the drafting of the Bill as it stands, we believe it will not achieve what it sets out to do. The issues resulting from the 2010 increase in the threshold as mentioned by the Hon. John Darley in his second reading speech are not addressed by the Bill.'

The Australian Retailers Association noted to the opposition:

'It is our view that South Australia should be like the majority of other states where land tax is not a retrievable billable cost. It saves a lot of mucking around along with disputes. If it is not then landlords should factor these types of costs into their rents when they negotiate them.'

The land tax impost created by 12 years of Labor policies has long been recognised as a disincentive to some in owning property. The Liberal Party is focused on policy that will address this. As such, the Leader of the Opposition has authorised that, if elected to government in March 2014, the Liberal Party commits to undertaking a formal review of land tax transfer for retail and commercial premises to tenants and will invite industry and interested persons to make submissions and consider legislative amendments.

The Hon. J.A. DARLEY (22:48): I would like to reiterate and stress that my original and only intention for introducing this bill was to create transparency for tenants in retail and commercial premises. This bill was never intended to be a free kick for landlords to impose additional costs onto tenants, as I am well aware of the struggles that businesses, especially small businesses, face. This bill was intended to legitimise what many landlords have been doing since 2003, when land tax first emerged as a problem, and ultimately to expose the unreasonable impost that land tax has become.

Over the past few weeks, I have consulted with both the government and the opposition, as well as tenancy groups, and I am concerned that there may be some misunderstanding about the intent of the bill. I hope that I have made myself very clear today that this bill is about transparency rather than adding an additional cost impost for small businesses.

I have had discussions with both the government and the opposition about the need for a review of the Retail and Commercial Leases Act, and it is my understanding that they have both indicated their support for such a proposal. The act has become a dog's breakfast not only in terms of land tax but also with regard to the safeguards afforded to tenants and especially small businesses. I am confident that this review will have the support of the Small Business Commissioner, who is currently in the unenviable position of having to navigate through a 19-year-old act which is a complete mess. I will continue to push for this review to ensure that what is promised will come to fruition.

Previously, retail and commercial leases were able to include land tax as part of the outgoings. This did not present too much of a problem, as land tax prior to 2003 was fairly insignificant. However, with the rapid increase in the value of land and little change to the land tax scale of rates, the amount of land tax payable simply became too great for landlords to absorb. As they were prohibited from openly passing on this cost to their tenants, many landlords merely recalculated rents to include this cost.

The intention of my bill was to get landlords to be more transparent and disclose how much land tax was being passed on through hidden rent increases. This situation has arisen because the government is addicted to the revenue that the land tax cash cow generates for it each year.

I have been very outspoken about the way that land tax has become uncontrollable and unmanageable. The government has been unwilling to review the way in which land tax is levied and has created a situation where a small taxpayer base is footing the bill for approximately

14 per cent of taxation revenue for the state. These taxpayers' cries for relief have fallen on deaf ears.

The government's popular response is often that big businesses, such as landlords of retail and commercial premises, can afford to pay; however, we all know that these costs will be passed on to their tenants who, in turn, will have to increase the cost of goods or services to cover their own costs. Ultimately it is the consumer who pays, and it is no secret that many South Australians are already struggling with the cost of living.

The government's attitude to hit the big boys is driving business out of South Australia. Having the highest land tax rates in the country provides no incentive for investment in this state. Land tax affects everyone, from the large landowners to the end consumer and everyone in between, and I urge both major parties to make a commitment to review this matter if they form government next year. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

LIFETIME SUPPORT SCHEME

Order of the Day, Private Business, No. 15: Hon. G.A. Kandelaars to move:

That the regulations under the Civil Liability Act 1936 concerning Lifetime Support Scheme, made on 20 June 2013 and laid on the table of this council on 3 July 2013, be disallowed.

The Hon. G.A. KANDELAARS (22:53): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

SELECT COMMITTEE ON ACCESS TO AND INTERACTION WITH THE SOUTH AUSTRALIAN JUSTICE SYSTEM FOR PEOPLE WITH DISABILITIES

The Hon. S.G. WADE (22:55): I move:

That the report of the select committee be noted.

On 19 October 2011, on the motion of the Hon. Kelly Vincent, the Legislative Council established a select committee to inquire into and produce a report into the access to justice for people with disabilities. In proposing the committee, the Hon. Kelly Vincent highlighted that the key objective of the committee was to raise awareness of the universal right to access justice so that the parliament might hear firsthand how reforms to the justice system would benefit people with disabilities in our communities. It was intended that the committee would work cooperatively with the government in developing proposed amendments to the Evidence (Hearsay Rule Exemption) Amendment Bill and thus facilitate government work in these reforms.

The committee was named the Select Committee on Access to and Interaction with the South Australian Justice System for People with Disabilities, and it was my privilege to chair it. I would like to thank the other members of the committee for their positive engagement: the Hon. Ann Bressington MLC, the Hon. Tammy Franks MLC, the Hon. Kelly Vincent MLC, and the Hon. Carmel Zollo MLC. Leslie Guy was our secretary and Patti Raftopoulos, the research officer. Yes, honourable members, you are right: there was a complete lack of gender balance amongst both the members of the committee and the support staff—I was the token male.

The committee's terms of reference charged the committee with the responsibility to inquire into and report on access to and interaction with the South Australian justice system for people with disabilities, their families, carers, and support networks. In particular, it highlighted participants' knowledge of their rights, availability and use of appropriate service reports, dealings with the police, the operation of the courts, how South Australia compares with other states and territories in terms of access to justice for people with disabilities, and what measures could be taken to enhance participation in and thereby provide people with disabilities with just and equitable access to our justice system, and any other related matter.

Honourable members will recall that the background to this committee was the tragic case in relation to St Ann's Special School and other cases involving people with an intellectual disability and also, I think it would be fair to say, the dialogue that the Hon. Kelly Vincent was having with the courts about accessibility. In one of those ironies that only real life can provide, the chief justice at that time, John Doyle, experienced a period of temporary mobility issues and was able to understand in a fresh way the mobility issues faced by citizens accessing our justice system.

The committee met on 11 occasions to receive oral evidence, consider written submissions and deliberate. Meetings were held in Adelaide. In total, the committee received 31 written submissions from individuals, organisations, and oral evidence was heard from 17 witnesses. I would particularly like to thank people with disabilities and their carers who participated in the review. It is not easy to share one's lived experience of what in many cases was painful criminal abuse, but it was certainly invaluable for the committee to be able to meet and talk with both people with disabilities and their carers in better understanding the challenges before us.

The committee found that people with disability faced multifaceted structural barriers in accessing justice as both victims and offenders in the South Australian justice system, and these barriers often leave people with disability vulnerable to miscarriages of justice. In particular, people with disability often experience significant difficulties comprehending information available about their rights in the justice system and significant difficulties communicating in both investigations and in justice proceedings.

The committee made a number of important recommendations to improve the current system of justice for people suffering with a disability. These included improving community legal education to present information in ways more appropriate to the range of levels of comprehension, including people living with intellectual and/or cognitive disabilities. It was recommended that appropriate tertiary education and continuing professional development opportunities should be provided for the legal profession and police, which build the capacity and skills with the criminal justice system workers to understand the general and legal needs of people living with disability.

The committee recommended that disability organisations consider providing appropriate tools for people with disability so that professionals in the criminal justice system can more readily identify citizens who live with disability and adjust their procedures accordingly. Consistent with the origins of the committee in terms of the Evidence Act, the committee recommended that the Evidence Act be amended to increase opportunities for people with disability to provide admissible evidence in court.

In conclusion, I would like to focus on one of the committee's recommendations that was of particular interest to me. Independent advocacy and information are important tailored mechanisms to support people with disabilities to engage across a range of domains including the justice system. Evidence submitted to the committee supported the crucial role a disability justice advocate could provide in supporting a person with disability to be aware of their legal rights and help the person exercise these rights effectively. This role would also be particularly important in assisting a person who suffers from a disability to understand and communicate appropriately in legal proceedings and, therefore, improve their access to justice.

A disability advocate would, where possible, be nominated by the person suffering the disability. In that sense, there are two main ways the committee considered this system could operate effectively. First, the system could be similar to the registered intermediaries in the United Kingdom where suitably qualified workers who are not normally known to the person with a disability are trained in communicating with people who have specific disabilities. The report recommended that a pool of suitably trained people could be maintained for this purpose, and registered intermediaries would be available for people with disability to access during the investigation and trial phase of the criminal justice system.

Secondly, a disability justice advocate could be a familiar person known to the person with a disability. This could be a family member, a carer, a disability services case manager, a communications specialist, an independent advocate or a trusted friend. Although they may be a legal practitioner, their role as a disability justice advocate would not be as legal adviser.

This recommendation of the committee was picked up in an episode of the *PM* program. On 25 July 2013 Caroline Winter interviewed the Hon. Kelly Vincent. As part of that interview, the Hon. Kelly Vincent particularly addressed this recommendation and said:

> They are a trained professional communicating with people with disabilities, who might communicate in ways that are different to verbal, or perhaps they have reduced verbal capacity allowing the person to help the person with a disability communicate with the judge or with the police officer and so on.

Caroline Winter then says, 'John Brayley is South Australia's Public Advocate and has backed that recommendation 100 per cent.' John Brayley responds and says:

> Certainly there's good evidence in other jurisdictions, the independent third persons in Victoria and in the UK, intermediaries who are trained professionals who for example can help at court.

I think what's good about this South Australian recommendation is that it recognises that a range of people could be asked to do this support role.

Caroline Winter says, 'But he wants to see more than ideas and plans.' John Brayley then says:

As recently as yesterday I heard about another case about a person who had been assaulted and couldn't get a case up because of issues of evidence. So I think it's going to be really important that these actions occur sooner rather than later.

I think that is a very appropriate transcript to reflect on. We are now, effectively, six months since that interview and any participant in the committee wants to know that the recommendations will be acted on. As John Brayley, the Public Advocate, indicated, that aspiration is also shared by the community. People with a disability need to have processes in place that can support them to access the justice system. These recommendations can only be a starting point.

There is, if you like, a clear way forward. In this report Caroline Winter highlighted the disability justice plan. Again, I quote from her interview. She says:

The report will feed into the state's Disability Justice Plan which will also include proposals to change laws and assist people with disabilities to give evidence in court.

She then introduces South Australian Attorney-General John Rau. Mr Rau is quoted as saying:

Part of what will come out of this, definitely, is a proposal for amendments to the Evidence Act to enable people with disabilities to be better accommodated in the courts.

Caroline Winter says:

In terms of the timeline for implementing any recommendations from this report, the plan which will eventually be finished and the changes to the Act, when could we actually see I guess some action that will protect these people?

John Rau says:

Subject to the consultation on the final proposals going fairly smoothly, we could start to see things roll out towards the end of this year.

That comment was made in July of this year. I am certainly not aware of any movement on the implementation of these recommendations, even in relation to that evidence space. As I said, both this parliament and the community will be looking for action.

The vehicle to take these recommendations forward may well be the disability justice plan. The discussion paper in relation to the plan was released on 21 May 2013. The committee was well aware of the development of the plan and in fact was able to meet with officers of the team developing the plan. We appreciated the fact that in the issues paper issued by the government in relation to the disability justice plan it was specifically indicated that submissions to our parliamentary committee would be taken up as part of the government consultation. So, I think that was a good way to make sure that parallel processes of consultation with the community did not lead to duplication of effort, but proved to be complementary.

The disability action plan consultation involved five public meetings involving more than 120 people, including three meetings in regional areas as well as a considerable number of meetings with a range of individuals and organisations. I was particularly pleased to become aware of a summary of outcomes from consultation meetings. The web page of the Attorney-General's Department in relation to the disability justice plan has a page called, 'Legislation—outcomes Disability Justice Plan public meetings.' What the page indicates is that these are the range of issues that were identified in meetings and the number of green stickers, as they put it, indicate the level of priority indicated in the public meetings. The more stickers the higher priorities.

What was interesting was that there were three high priority items, double sticker items, and one of them specifically in relation to improving evidence was in relation to support. It said that participants wanted to have it legislated that a vulnerable adult must be accompanied in an interview with either a legal representative or a support person. With those words, I commend the report to the council. I thank both the members and the staff who were involved in its preparation. I urge the government in whatever form it takes in the future to maintain the direction and I would hope accelerate the momentum of developing responses under the disability access to justice framework.

The Hon. K.L. VINCENT (23:10): It has been my enormous privilege over the past several months to have had the opportunity to participate in this inquiry into such an important issue, one that I am sure members here are well aware has formed much of Dignity for Disability's focus and

workload for some time. I must again express my gratitude for the support that my motion to establish the committee enjoyed in the council and the hard work of my fellow committee members, in particular the Hon. Stephen Wade, who kindly offered his time and experience to chair the committee and act as token male. I was not even aware that this was the case until now but I am all for autonomy, so if that is how the Hon. Mr Wade wants to view himself, far be it from me to stop him.

I also note with interest the fact that if I understand correctly several times throughout his speech for all its strengths, the Hon. Mr Wade used the term 'people suffering with a disability'. I might be corrected but I believe it was something to that effect. I think it is relevant in the context of this committee and this report that we talk about eliminating the barriers that many people with disabilities face to equal rights so that they can in fact live with their disabilities with dignity, autonomy and respect instead of suffering from the societal barriers that are inflicted upon them more often than not, if not all the time, not by themselves. I also acknowledge the hard work and efforts of Leslie Guy, the committee secretary, and the work of research officer, Patti Raftopoulos.

In speaking to the committee's report, I feel that perhaps the best approach would be to deal in turn with the committee's terms of reference, but before doing that I would like to extend my additional thanks to those who presented to the committee—people with disabilities, professionals, family carers and so on. As the Hon. Mr Wade has already pointed out, they were not always easy stories to listen to but, if it is not an easy story to listen to, it is probably five times harder to tell, so I acknowledge the bravery and honesty of many of the witnesses who presented to the committee.

In dealing with each of the committee's terms of reference in turn, this is an approach that is not only rational but also allows me to deal first and foremost with what I feel are some of the greatest issues examined by the committee, the first being participants' knowledge of their rights. The evidence before the committee indicated strongly that for people with disability generally, but for people with intellectual and cognitive impairments and sensory disabilities in particular, there is scant information available and accessible which educates people with disabilities about their rights, in appropriate formats and at an appropriate level of complexity.

This, I feel, is the starting point for the wider crisis for people with disabilities in the justice system because without adequate information and education that gives us the knowledge and language to protect our rights, people with disabilities are left with precious little means to protect ourselves. With a lack of accessible and appropriate information, little or no education in civics and many people with disability excluded from sex education delivered in PE classes, for example, within out schools, the conditions are fixed in such a way that it is almost inevitable that people with disabilities become victims or offenders depending on their life experience and disability in far greater numbers than their non-disabled peers and that when they do they are unable to make effective use of their rights or of the justice system that exists apparently to safeguard those rights.

This brings me to the second term of reference, availability and use of appropriate service supports. This is where we as a society compound our failure of people with disabilities. Having failed to provide people with disabilities with information and education that might have helped them avoid coming into contact with the justice system, or at least letting them know how to circumnavigate it, we now doom them within it, failing to provide adequate support to allow them to participate effectively.

A lack of quality, specialised training for court officials, police and lawyers leaves those in the justice system who could support people with disabilities without the tools to do so. The failure of the justice systems to keep pace with interstate and international standards and advances in infrastructure technology and procedure has left us with this system that is largely inaccessible by virtue of its ageing buildings (an issue the Hon. Mr Wade touched on earlier), indecipherable language, and the inability to adjust to accommodate new professions and services, such as facilitated communication.

These failures are sadly replicated in relation to the committee's third term of reference, dealings with police. Here, also, a lack of training for officers and a failure to keep pace with the developments now in other jurisdictions and the expectations of communities has left this state with a system that is unable to accommodate the needs of people with disability. In many cases this produces serious injustices. People are unable to collect evidence effectively from victims of crime with disabilities if they do not have the supports available to allow them to communicate this evidence effectively, and this serves, of course, as a serious barrier to successful prosecutions, which again compounds the likelihood that these prosecutions will need to occur, because anyone

wanting to perpetrate abuse against people with disabilities in particular will know that they are a lot more likely to get away with it.

I have previously expressed, and will reiterate now, my deeply held concern that this makes some people with disabilities, in particular children with disabilities, targets for particular types of offending. In relation to people with disabilities accused of offences, a similarly troubling pattern apparently emerges. Rigid procedures find themselves at times mixed with a somewhat bloody-minded 'us and them' mentality. The submissions to the committee included reference to a number of occasions in which officers did not believe that people had disabilities and withheld supports in an effort to test them or to make them earn the right to use those supports that we would have hoped would have been naturally available to them.

I could be mistaken, but I do not believe that we force someone who presents as probably needing an English language interpreter in court to sit an English test before they are given that support. I think this implied need to prove your requirement for these supports indicates a concerning type of discrimination. On other occasions it was disclosed that inflexible processes were applied with an unaccommodating 'tick-a-box' approach, which saw people without a clear understanding of their situation rushed through procedures, with the only apparent goal being to indicate that the procedure had been in some way followed. This does not represent what I would consider to be a genuine effort to administer justice, and in many cases produces outcomes that can only be described as bizarre, if not depressing.

I have already dealt in part with the fourth term of reference. It is my view that none of these terms of reference are mutually exclusive, the fourth being the operation of the courts. However, I feel it would be remiss of me not to again make a special point of mentioning the issue of facilitated communication and communication assistance. This is an issue that is terrifyingly foreign to the South Australian justice system, despite the clear need for professional intermediaries to assist people with communication difficulties, if they have the need, already being well established in other jurisdictions in Australia, such as Victoria. It is my understanding that intermediaries have been assisting young people and people with physical, intellectual and psychiatric disabilities in the United Kingdom since 1999. The fact that South Australia appears incapable of comprehending how such a scheme could operate is perhaps the clearest indication of how far behind we are and how important it is to discuss an issue like this openly, frankly and urgently.

I ask at this point: exactly what is it that the judicial and police system is so afraid of? Why is it so hard for many people within those professions and systems—and I do not wish to imply that all of them are the same, but why are we so afraid of change that could, in fact, make it easier for police and court officials to do their job—to do everything they can in their power to administer justice. I think the fact that we have these supports interstate and internationally indicates that we should and, indeed, have nothing to fear but the miscarriage of justice.

This brings me quite clearly to the fifth term of reference: how South Australia compares to other states and countries in terms of access. I will pause for just a minute to make another expression of gratitude, that being to Ms Mary Woodward, who is a speech pathologist and communication assistant who works with disadvantaged people, including people with disabilities, to help give their evidence in a court, whether as an alleged victim or alleged perpetrator. Her advice and time has been invaluable to me in forming my opinions on these issues. I look forward to continuing to work with her in the future.

In addition to the issue of facilitated communication, another area I feel requires particular reflection is the area of evidence law. Changes have been mooted in this area by the Attorney-General for some time now after I raised the issue following the appalling and now, unfortunately, infamous Christies Beach bus case. Given the amount of time that has elapsed since the government indicated the issue was a priority, I have had a great deal of time to research it. I have considered the Uniform Evidence Act, which is in use at the commonwealth level and in all states and territories except Queensland, Western Australia and South Australia.

A key point of difference between the Uniform Evidence Act and South Australia's Evidence Act of 1929 is the way in which it deals with the issue of capacity. While the South Australian legislation is silent on capacity, with the issue left to the common law, the Uniform Evidence Act contains a clear statement regarding competence, which establishes an assumption of general competence to give evidence, which can only be displaced by an 'incapacity which cannot be overcome'.

The aim of this provision, as highlighted in a number of Australian Law Reform Commission reports and discussion papers, is to ensure that no person who is able to communicate with assistance—be that, as I understand it, through an interpreter, a communication facilitator or otherwise—should be prevented from giving evidence. I feel that this is a principle that should be reflected in South Australia's evidence laws and, in fact, in many other laws, particularly as we attempt to move our disabilities services legislation at both state and national levels to a human rights, competency-based, autonomy-based level. We should at all times respect and appreciate the inherent competence and ability of people with disabilities until we are given solid evidence to prove otherwise, and even in those cases we should support those people as well.

Of course, I do feel that this particular clause of the Uniform Evidence Act could be, importantly and quite easily, hopefully, imported into South Australian evidence laws and suggest that the adoption of the Uniform Evidence Act is one way that this could be accomplished.

The final term of reference, the consideration of any other related matter, provided some interesting information regarding the accessibility of correctional facilities. I have, through constituent complaints, had an awareness of a number of issues in this area for some time and consider it to be a further example of the wider failure in the justice system to be flexible and accommodating to people with disabilities and to keep pace with new developments, infrastructure, training, technology and procedure as well as cultural and societal attitudes.

In relation to this area, I would also like to highlight a longstanding issue that I have raised on previous occasions regarding the issues surrounding individuals with intellectual disability who are found to be unable to enter a plea. The fact that these individuals, in the event that they require supervision or other assistance, are placed under the supervision of the Minister for Mental Health and managed in accordance with the Mental Health Act is entirely inappropriate and results not only in harm to the individuals placed under supervision but also an additional pressure on services that are not designed to support them.

Of course, if a person with an intellectual disability happens to have a mental illness that is relevant to the proceedings, then it is perhaps appropriate that we have this discussion but to generalise and lump people with disabilities is not only disrespectful to their autonomy and personhood but also, again, places unnecessary pressure on an area that is already under much pressure and places them in an environment where they are not going to flourish and they are probably going to seem even less able to stand up in a court because they are expected to do so using supports that are not designed to fit their needs.

The committee has made a number of recommendations to address these issues which include a number of matters I have already mentioned such as the need for improved training for police, lawyers and court staff, improvements to support services (including communication assistance), the introduction of intermediaries, recognition of the role of professionals in the field of facilitated communication and the urgent need to amend the Evidence Act 1929.

I would again like to thank my fellow committee members and our committee staff for their hard work on this very important issue. It is, of course, hard work that is ongoing, as the Hon. Mr Wade pointed out and as I certainly have previously and will continue to do so. The debate on this is ongoing. It has been far too slow and frustrating at many points and certainly the tabling of this report, or any other plan, does not give us the right to rest on our laurels. It is when we actually have the justice system that fits the needs of people to whom it is supposed to deliver justice that we can do that.

I commend the committee's report to the council and implore the government to adopt its recommendations expeditiously and call on it to finally take action to address this crisis in our justice system because, from many of the stories told to the committee and the stories that I have told in this place, we are clearly running out of time. The facts disclosed in the submissions to the committee paint a clear picture of a justice system that is failing and has been failing for some time—too much time.

In some respects, the South Australian justice system is not years but decades behind other jurisdictions and behind the people again that it is supposed to serve. I cannot stress strongly enough that it is a crisis, and one that we, whether government members or non-government members, have a duty to stand up and treat as such and respond to as such. With those words—they certainly will not be my last on the issue—I commend the report to the council.

The Hon. CARMEL ZOLLO (23:30): As a member of the committee, I rise to make some very quick comments in relation to this report. I note that the committee worked in a very

cooperative manner and made eight recommendations. I, too, take the opportunity to thank those members of the public who came forward to be witnesses before the committee. I think we all appreciated that it is not always easy to do so when life's experiences have not been pleasant and sometimes outright distressing.

The government had already made a commitment to make amendments to the Evidence Act and had embarked upon a wideranging consultation process through the Disability Justice Plan, and the work of our committee then fed into the plan in order to be complementary to the public meetings and other submissions that were received.

The Hon. Kelly Vincent spent some time talking about the further education that is required in the legal system, and I do concur with her comments; indeed, it would seem to most people to be obvious. While the legislation that was committed to by the government has not been prepared in time for this parliament, it is hoped that when the new parliament resumes the legislation will be before it in the near future.

I also add my thanks to the other committee members: obviously, the Hon. Stephen Wade as the Chair, the Hon. Kelly Vincent, the Hon. Tammy Franks, and the Hon. Ann Bressington. Of course. I also thank the committee staff—the secretary, Ms Leslie Guy, and our research officer, Ms Patti Raftopoulos.

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE: INQUIRY INTO NEW MIGRANTS

Adjourned debate on motion of Hon. R.P. Wortley:

That the final report of the committee's inquiry into new migrants be noted.

(Continued from 24 July 2013.)

The Hon. J.S. LEE (23:33): As the mover of this inquiry into new migrants, it gives me great pleasure to make some remarks on this motion. First of all, I would like to acknowledge the contribution made by the Social Development Committee and all their work on the new migrants inquiry. In terms of the presiding member, we seem to have played musical chairs. The Hon. John Gazzola was the presiding member until 16 October, probably before he became the President, so I would like to acknowledge him. The Hon. Carmel Zollo was a presiding member of this committee, and the newest one is the Hon. Russell Wortley.

On this committee, I would also like to thank the Hon. Denis Hood, the Hon. Kelly Vincent, Mr David Pisoni MP, Ms Frances Bedford MP, Mr Alan Sibbons MP, and the Hon. Dr Bob Such MP. Special thanks go to Robyn Schutte, the committee secretary, and Carmel O'Connell, the research officer, for a fantastic job in preparing the report and, of course, to Hansard for all of their good work in recording and transcribing the words of all the witnesses. I place on the record my sincere appreciation to individuals and organisations who made submissions and appeared as witnesses during the inquiry period.

Australia has had a long history of migration. It has been an integral part of economic and cultural policy at the federal, state and territory levels and has played a crucial role in the history and development of Australia. More than 7 million people have migrated to Australia since 1945. Today, approximately one in four of Australia's population of more than 23 million people was born overseas, originating from 240 different source countries. Almost half of the population is a migrant or the child of a migrant.

As a strong advocate for multicultural affairs, this particular inquiry is very important to me. The overall objective of the inquiry was to provide a snapshot of the number of new migrants who have settled in South Australia since 2000; to investigate and report on the social, cultural and economic impact; to acquire an understanding of how they adjust and overcome personal and social barriers in a new culture; and the services available to assist them and how beneficial they are. In doing so the committee was in agreement on the importance of understanding the complexities of contemporary migration.

Altogether, 40 recommendations were made under 11 broad categories. I would like to make some remarks on those recommendations. In the policy area, four recommendations were made to the government or minister and I would like to highlight one of those:

6. The Committee recommends that the Minister for Multicultural Affairs negotiate with key government departments to ensure key performance indicators...that address culturally specific outcomes are written

into all funding and service contracts for the delivery of migrant services, to ensure consistency and measurable outcomes for new migrants.

In the visa applications and approvals category, three recommendations were made. I would like to highlight one of those:

7. The Committee recommends that the Minister for Multicultural Affairs negotiate with the Australian government to ensure the level of skilled migration is maintained, to address potential skill shortages in the labour market that arise from time to time and to counteract labour supply issues, for example, labour shortages as a result of the ageing of South Australia's population.

In the category of programs and services to new migrants, five recommendations were made. I would like to highlight one of those:

12. The Committee recommends that the Minister for Multicultural Affairs conduct consultations with new migrants to gain a greater understanding of their views about which forms of settlement assistance should be offered in the first year of settlement; the first five years of settlement and if there should be on-going settlement services beyond this time frame.

In the category of employment and training, six recommendations were made. One of those was:

15. The Committee recommends that the Minister for Multicultural Affairs, the Minister for Small Business, the Minister for Manufacturing, Innovation and Trade, and the Minister for Employment, Higher Education and Skills develop strategies to improve employment outcomes for new migrants, including specific pathways for humanitarian entrants, that address the key employment exclusion points and include:

- Building pathways and industry partnerships to improve employment participation and outcomes;
- Matching employment skills and aspirations to available employment opportunities;
- Individual support, mentoring and work experience opportunities;
- Employer awareness programs;
- Identifying and addressing discriminatory practices, where they exist, or are likely to arise.

Most of the witnesses that came in demonstrated that employment is a big issue for new migrants. In the category of English language proficiency, five recommendations were made and I would like to highlight one of those:

24. The Committee recommends that the Minister for Education and Child Development review the operation of the Intensive English Language Program, Transport Assistance Program, for school aged migrant children and assess whether recent changes have created an impediment to attendance levels.

In the category of migrant health there were a number of health issues, and four recommendations were made. I would like to highlight one of those. There have been some big issues accessing health services.

28. …the Committee recommends that the Minister for Multicultural Affairs consult with the Humanitarian Settlement Services program providers in South Australia and identify the GPs and medical practices with knowledge and experience in managing migrant health needs, have a willingness to bulk bill where appropriate, and use the Doctors Priority Line for interpreting services.

In the area of housing, two recommendations were made. I would like to highlight one of those:

30. The Committee recommends that the Minister for Housing and Urban Development expand the Private Rental Liaison Program to provide a specific focus for new migrants. This would ensure coordination and collaboration with key agencies to improve accommodation outcomes for new migrants.

Young migrants are facing lots of issues. Five recommendations were made in this area. One of those is:

32. The Committee recommends the Minister for Multicultural Affairs and the Minister for Education and Child Development ensure strategies are developed to coordinate programs that deliver timely and appropriate interventions for children and youth at risk in newly arrived migrant families.

In the category of new migrant families and those at risk there were two recommendations. One of those is:

38. The Committee recommends that the Minister for Multicultural Affairs ensures there are adequate support programs available and accessible for new migrants who enter South Australia under the 204 visa category for Women at Risk.

In the category of the participation of new migrants in social, educational and economic life, two recommendations were made. One of those is:

40. The Committee recommends that the Minister for Multicultural Affairs negotiate with key government departments to develop strategic plans that engage key stakeholders from all levels of government,

non-government agencies and new migrants to ensure collaborative service provision and to reduce the level of overlapping service delivery.

The last category is about research into overseas migration to South Australia:

1. The Committee recommends that the South Australian government support the need for high quality research to ensure informed, evidence based decision making in migration policy and program development.

The research is of the utmost importance because the committee notes the timing of the inquiry and particularly the timing of the Australian census collections. The recent census collection was conducted on 9 August 2011. The Australian Bureau of Statistics takes approximately one year to process the first release of raw data and an additional six months for the second release of raw data.

More complex data analysis about the characteristics of recent migrants is a continuous process between census collections for the Australian Bureau of Statistics, researchers and academics once the release of the initial data has occurred. Much of the analysis provided in the written and oral evidence heard by the committee throughout their deliberations concerning new migrants in South Australia is based on the information analysis of data from the 2006 census collection.

Where appropriate and available, the committee has accessed additional data from the most recent census collection. Therefore, I feel that this inquiry is just the beginning. I really strongly believe that we need to have continuous high quality research to ensure that new migrants' issues have been addressed by the government.

In terms of my closing remarks, I certainly hope that for the healthy and robust development of a strong multicultural society the 40 recommendations of this report will be acted upon. With those few remarks, I support the motion and commend the report to this council.

Motion carried.

CRIMINAL LAW CONSOLIDATION (DISHONEST DEALINGS WITH CHILDREN) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 July 2013.)

The Hon. R.P. WORTLEY (23:45): The Hon. John Darley MLC introduced the Criminal Law Consolidation (Dishonest Dealings with Children) Amendment Bill on 15 May 2013. This private member's bill is based on a similar Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2013 introduced to the Senate by Senator Nick Xenophon. The 2013 Xenophon bill is itself based on an earlier bill that Senator Xenophon introduced to the Senate in 2010—the Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2010. The common theme of all these bills is to promote child safety and to counter online predatory behaviour by adults towards children.

The government supports the objective behind this bill. The bills were all prompted by the tragic case of Carly Ryan, who was murdered by an online predator and child molester. What happened to Carly serves as a vivid but, sadly, not unique example of the dangers posed to children by adult sexual predators who use the internet to groom their victims.

The Carly Ryan Foundation, established by Carly's mother, Sonya, carries out valuable work, promoting online safety for children and educating children and parents on safe internet usage. Sonya Ryan was named South Australian of the Year in November 2012 in recognition of her important work to improve the safety of our children.

Predatory online conduct on the internet by adults aimed at children is an ever increasing problem. In South Australia, the relevant offences are found at section 63B of the Criminal Law Consolidation Act 1935. Section 63B of the act states that a person who makes a communication with a child with the intention of procuring that child to engage in or submit to a sexual activity is guilty of an offence. This offence is punishable by a sentence of up to 12 years.

Section 63B further states that a person who makes a communication with a prurient purpose and with the intention of making a child amenable to sexual activity is guilty of an offence punishable by a sentence of up to 12 years. These offences will capture the vast amount of online grooming activity.

The purpose of the Hon. John Darley's bill is to capture a different type of grooming activity. The first offence included in the Hon. John Darley's bill seeks to criminalise the act of a person lying about his or her age or identity to a child, then arranging to meet or actually meeting that child without the need to prove any intention to commit another offence. The second offence included in the Hon. John Darley's bill includes that additional element; namely, that the person intends to commit an offence when meeting with the child. A higher penalty applies to this second offence.

The government has filed an amendment to the Hon. John Darley's bill that removes the first offence and slightly changes the second offence. The most important changes are clarifying that the offender must have lied about his or her age by claiming to be younger, and removing the reference to identity from the offence, thereby limiting it to a lie about the age of the offender. The government considers that this amendment is better targeted at the behaviour the Hon. John Darley's second offence seeks to capture, being the type of behaviour Carly Ryan's murderer engaged in.

The government is sympathetic to the objective of the first offence, but is hoping to work on the drafting of this offence with the Hon. John Darley between the houses. The first offence represents a significant development in the criminal law. It will criminalise the act of lying about your age to a child and then attempting to meet with that child. The government agrees that it is extremely difficult to contemplate an innocent example of this sort of conduct but, given the concerns expressed in the past by the South Australian police and the Law Society of South Australia, wants to work with the Hon. John Darley further on this proposed offence.

Most importantly, work needs to be done on whether this offence ought to be included in the redraft of the current grooming offences of section 63B of the Criminal Law Consolidation Act, rather than with the dishonesty offences in part 5. The contribution of the commonwealth Attorney-General's Department to the Senate's committee inquiry into Senator Xenophon's bill noted that the conduct sought to be criminalised in this bill goes beyond the accepted limits of criminal responsibility. This is true. The conduct contained in the first offence in this bill goes beyond the current accepted limits of criminal responsibility, but that does not mean that these limits should not be questioned. The government is committed to working on this important issue and looks forward to further debate on these issues and the progression of this legislation or similar legislation during the next parliament.

I conclude by noting that the Victorian parliamentary inquiry into the handling of child abuse by religious and other non-government organisations only this month also highlighted the need to extend the criminal law to capture grooming activities, including the capture of the grooming of parents and carers of the intended victim. The government supports the second reading vote, but will move its amendment if the council is minded to proceed to the committee stage.

The Hon. S.G. WADE (23:50): As the Hon. Russell Wortley indicated, this bill is a response to the murder of 15-year-old Carly Ryan by Garry Newman. Newman constructed an alter ego through the internet which he used to lure Ms Ryan to meet up with him before he murdered her at Port Elliott. Investigations found that Newman was a serial predator with over 200 fake identities. He was sentenced to life imprisonment with a nonparole period of 29 years for the murder of Carly Ryan.

The commonwealth criminal code and the Criminal Law Consolidation Act of South Australia both already include offences in relation to grooming or procurement of children. For example, section 63B of the Criminal Law Consolidation Act makes it an offence for a person to procure an indecent act by a child. However, it is not an offence under the code or the CLCA for a person to lie about their age or identity to a child with the intention of meeting, or arranging to meet, with a child or lying about their age or identity, including the intention of committing an offence.

The Darley bill would make it an offence for a person to knowingly communicate with a child by electronic means—that is by the internet or other electronic means—and make a false statement about the person's age or identity and to meet or arrange to meet a child, the maximum penalties being five years where there is no intention to commit an offence and 10 years where there is an intention to commit an offence.

As the Hon. Russell Wortley reminded the council, the bill before us is similar to the bill that the Hon. Senator Xenophon tabled in the Senate to amend the commonwealth criminal code. The Senate Legal and Constitutional Affairs Committee reviewed the bill and in mid-2013 recommended that the bill not be made law. The prevailing view of stakeholders is that

the Xenophon bills duplicate grooming and procurement offences and are so broadly drafted that they will capture innocent conduct, such as acts by parents or persons in loco parentis.

Other comments were: criminal offences should attach to misrepresentation, not merely the intent to misrepresent; inappropriately the bills capture situations where the communicator reasonably believes that the person is not a child; and, lastly, they criminalise a misrepresentation of age to a person under 18 years of age, even if consensual sexual activity between the sender of the communication and its recipient would not otherwise be a crime.

The Carly Ryan Foundation and cyber safety expert, Ms Susan McLean, support the Xenophon bill on the basis that it is important to provide police with the ability to investigate and prosecute offenders prior to the commission of any procurement or grooming offences. I acknowledge that the Hon. John Darley has picked up a number of the learnings from the Senate Legal and Constitutional Affairs Committee in the drafting of this legislation. I note that only yesterday the government filed an amendment to this bill. It was little over 24 hours ago. Considering that this motion was moved on 15 May, it is disappointing that it has taken the government so long to engage in the bill, and disappointing that the amendment was not tabled earlier.

The government talks about working with the honourable member to develop the amendments. If the government had chosen to table the amendment in something more than the one day before the end of the scheduled parliamentary sittings for the year, their claim of commitment would carry more credibility. Nonetheless, the parliamentary Liberal Party supports the bill. We do believe that there is an opportunity to strengthen the law in this area so that we may provide better protection to children in South Australia.

The Hon. T.A. FRANKS (23:55): I rise incredibly briefly, given the late hour and the further debate that we have, to indicate that the Greens support further debate on this issue, and so we will support a second reading of this bill.

The Hon. J.A. DARLEY (23:56): I just want to make some comments before adjourning. I note the government's contribution on this bill and the fact that it says that some effort has been made to address this issue. There is no question that the proposed amendment signifies a shift from the original position that was put to me by the government some months ago. That said, in my view the government has not moved far enough, and the proposed amendment is wholly unsatisfactory.

Let me remind the government of the sort of person this bill is aimed at. On 20 February 2007, Carly Ryan, aged just 15 years, was brutally murdered at the hands of 50-year-old Garry Francis Newman, a perverted online predator who manipulated his way into Carly's life through deception. He did so by pretending to be 20-year-old 'Brandon Kane', a musician from Melbourne. At her 15th birthday, Garry took on another identity, this time that of Brandon's father, 'Shane'.

Some time later, after rejecting his sexual advances, Garry convinced Carly to meet him through the use of his online identity. He took her to a secluded beach where he proceeded to bash her and suffocate her, before finally throwing her into the water to drown. Within 11 days of Carly's murder, detectives were able to locate Garry, only to discover him talking online with a 14-year-old girl from Western Australia. On 13 March 2010, Justice Trish Kelly ordered Garry Francis Newman to life imprisonment with a 29-year nonparole period for Carly's murder. During sentencing, she stated:

> Garry Newman deserves a life behind bars for his grossly perverted plan to deceive, seduce and murder Carly. It was a terribly cruel thing you did to this beautiful, impressionable 15-year-old child. I say 'child' because that's what she was, a child that fell in love with the idea of the handsome, musically inclined and rather exotic Brandon Kane. The real man was in fact an overweight, balding, middle aged paedophile with sex and murder on his mind.

That is the sort of person this bill is aimed at. Each day, thousands of paedophiles go online with the single purpose of luring in young, unwitting victims. I would like the government to explain to me what part of this behaviour ought to be deemed acceptable: the fact that they have lied about their age, the fact that they have lied about their identity, or the fact that they have done either of these two things and are making an attempt of meeting up with their young and innocent victims in person?

I acknowledge only too well that this bill creates an offence where one did not exist before. That is the whole point. I would like someone to explain to Sonya Ryan why it is that this

government does not consider it acceptable to create a new offence that would apply to these predators, because that is what they are, and their conduct deserves to be punished accordingly.

If the government wants to talk about degrees of penalties, if they want to suggest perhaps a fine and a criminal conviction for offences at the lower end of the spectrum and gaol terms at the higher end of the spectrum, that is something I am more willing to consider, but I will not accept the argument that the current law is wide enough to deal with these creeps, or that it is inappropriate to create a new offence where one does not exist before, or that it is too broad in scope. We create new offences in this parliament every day. We identify activities that are deemed unacceptable by community standards, and we make the perpetrators of such activities accountable for their actions. This should not be any different.

I appreciate that the Attorney's office has put a great deal of work into this issue in recent weeks, and my comments are not intended as a criticism of that. I agree with the Hon. Stephen Wade's comments that it is a pity that things did not occur before this. What I am critical of is the position the government has chosen to adopt with respect to this bill, and I do intend to pursue this matter further over the coming months and into the next election. With that, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

WORK HEALTH AND SAFETY ACT

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

That 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, be disallowed.

(Continued from 1 May 2013.)

The Hon. K.J. MAHER (00:01): On Wednesday 13 November this year, the Minister for Industrial Relations tabled a report from the Small Business Commissioner. In speaking to this, I indicate that the government will be supporting the Hon. Robert Lucas's disallowance motion. The government, of course, accepts that it needs to deliver practical solutions that can be made into codes of practice over time.

The Hon. S.G. Wade: The things you see in the closing days of a session.

The Hon. K.J. MAHER: It is not just a half bad idea; we are actually supporting the Hon. Rob Lucas. It is hard to do. The basis for the government's decision is advice received that the codes in their current form may lead to noncompliance, especially the smaller employers within the industry. The government believes that such noncompliance can only thwart the intent of making the housing industry a much safer place for workers.

The government has taken the decision to instruct SafeWork SA to continue the collaboration referred to in the report of the Small Business Commissioner to assist the housing industry in developing codes of practice that ensure maximum safety for housing industry workers. It is clear from the commissioner's report that the commissioner believes that these claims continue to resonate with employers in this industry.

In making this decision, the government will ensure that the codes achieve the objective of safer workplaces that will be developed and embraced by industry and not detract from the core government policy of affordable housing. The minister in another place has advised that the government's intention is to suspend the operation of these codes to provide for this collaboration. In order to bring about the intended suspension, the government will be supporting the disallowance motion.

The Hon. R.I. LUCAS (00:03): If it were not for the lateness of the hour, this would have been a most enjoyable contribution indeed, but I will limit myself to a short and modest contribution. All I would like to say at this stage is that for almost two years, I think, or possibly three years, the Liberal Party, business groups and others have been highlighting the absurdity of the work health safety laws, the codes of practice, and the impacts on small businesses in particular in South Australia, and the potential costs for new home buyers, particularly in the residential construction industry. This led to the motion to disallow these codes of conduct.

As I have said, in other circumstances this would have been an extended contribution, but let me briefly quote the government's position. In particular, the Hon. Mr Wortley will be delighted he is not in the chamber for this contribution, but he was the lead man on behalf of the government.

When the opposition and the HIA, in particular, made the claims, he said, amongst many other things:

> There has been a lot of fearmongering about the effects of these laws. These fears are misguided and, sadly, often based on misinformation from lobby groups with a particular self-interest in seeing this legislation defeated.

Other quotes are 'the unfounded fears expressed by members of opposition about codes of practice', 'criticism and misinformation from the Hon. Mr Lucas' and 'the misinformation and inaccuracies of the Hon. Mr Lucas and the HIA'. He also said:

> For many years, the South Australian Housing Industry Association has been running the line that, first, the national construction standard and now the work health safety legislation will increase the cost of building houses in South Australia by some $15,000 to $30,000 per home. These claims are simply sensationalist and inaccurate. While these figures are quoted by the HIA and now by the Hon. Rob Lucas as fact, there are no other reports to substantiate these claims. It is for this reason that I have had to use equally strong language to dispel such information.

There are literally dozens of other inflammatory and dismissive comments made by minister Wortley, members of the government backbench and other ministers in particular. The Small Business Commissioner says:

> In general there appears to be a number of recurring issues that this industry sector faces in relation to these Codes. These are:
>
> - There are significant additional costs to comply for small businesses;
> - These costs are both administrative and through the purchase and/or hire of various equipment—for example, lunch rooms, fencing, scaffolding and so on to meet the obligations;
> - Depending upon the location and size of the build and also the type of construction, for example in a residential house construction (whether it is single or double storey) the cost can range from 4 to 5k at the lower end up to around 25 to 35k or higher. From the information that has been provided there is a consistency in the range of costs for various items for example, fencing related, welfare related, scaffolding related and so on depending upon the relative size of the project;

There is much more in the four-page report. In the summary, the commissioner says:

> An unintended consequence of the current Codes, I believe, will be noncompliance by many—especially with the smaller participants in the industry—as many of them do not have the time, skills, or even inclination to read and digest the voluminous amounts of information and associated paperwork that is seen as ambiguous, confusing and not really relevant to their situation. The implementation of the current Codes will lead to increased costs to the industry and these costs would be passed onto the consumer.

This is exactly what the Liberal Party, the construction industry, lobby groups and many others (in particular, the subbies sector) have been saying to the Premier, the ministers, government members, crossbench members and to others for years and years and years, and they were ignored, ignored and ignored and, sadly, from the start of this year, these massive increased costs and red tape have been imposed upon industry. As the Small Businesses Commissioner says, the reality is that they are so complicated and so voluminous. I am positive that the minister and other members who supported the legislation did not take the time to look at the codes and see the problems that were going to be created.

I want to pay tribute to the Housing Industry Association and a number of the other groups because, even though they were pilloried by ministers and others and dismissed by ministers and others, they continued to argue for what they believed in and they fought the good fight in relation to the issue. If you accept minister Rau's position, he happened to go into a cafe on the Norwood Parade and a couple of building subcontractors bailed him up and said, 'What on earth are you lot doing?' As a result of that—not as a result of all the evidence the Liberal Party, the HIA for years have been putting on the public record—it convinced him to suspend the codes. The reality is that there is no such thing as the suspension of the codes. It was a legal fiction.

I indicated that we would leave this disallowance motion until the last Wednesday of sitting to enable the Small Business Commissioner to do the investigation, and I congratulate Hon. Mr Darley for putting a timeline on the government's and the Small Business Commissioner's requirement to look at this, because that forced the government's hand.

The government was playing cute with this; it thought it would refer it to the Small Business Commissioner until after the house got up. The Hon. Mr Darley saw through that process and put a time limit on it, and the Small Business Commissioner did his investigation. He has come back with a response and I assume we now have everybody—or at least the government and the opposition,

and most of the other members, I suspect—supporting the disallowance motion, as should have been the case months ago. So I welcome the government's change of heart, albeit delayed.

Motion carried.

CRIMINAL LAW CONSOLIDATION (OFFENCES AGAINST UNBORN CHILD) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 February 2013.)

The Hon. K.J. MAHER (00:11): I will be extraordinarily brief. The government does not support this bill.

The Hon. S.G. WADE (00:12): The Hon. Robert Brokenshire tabled the Criminal Law Consolidation (Offences Against Unborn Child) Amendment Bill in the Legislative Council on 20 February 2013. I advise that this bill is a conscience vote for the Liberal Party.

The bill seeks to insert new criminal offences where a person causes serious harm to a pregnant woman which causes death or serious harm to an unborn child even where no intent to cause harm to the unborn child can be proven. The South Australian case that highlights the issue is that of Ms Lisa Smith, who was killed when her intoxicated fiancé crashed their vehicle while reportedly driving her to hospital to deal with emergency pregnancy complications, causing the death of their unborn child. Queensland has legislated to strengthen the law in this area, and last week the New South Wales Legislative Assembly passed a bill.

In my view there would be merit in the Criminal Law Consolidation Act being reviewed in relation to harm to unborn children; however, I am concerned that the bill before us has not been subject to adequate community consultation. While I am informed that the New South Wales bill was opposed by the Australian Medical Association, the Bar Association and the Royal Australian and New Zealand College of Obstetricians and Gynaecologists, I am not aware of any South Australian professional bodies commenting on the specific bill before us. Accordingly, while I will support the second reading I will not support the bill progressing further in this parliament.

Critics of the Brokenshire bill claim that the bill risks undermining the rights of pregnant mothers to control their own bodies. I indicate that my support for this bill is to support the rights of unborn children: I do not support the winding back of the rights of women.

The Hon. T.A. FRANKS (00:14): I rise to strongly oppose this offences against the unborn child bill, because it may well lead to reform that further reduces women's access to safe and legal abortions, and because the current law acknowledges the crimes appropriately. There is no need for this particular bill before us.

Indeed, this bill creates a new crime of conduct that causes serious harm or destruction of an unborn child and extends the existing dangerous driving offences to specifically, in this case, create offences of up to 20 years' imprisonment for serious harm to an unborn child or up to life imprisonment in the case of the death of an unborn child. An 'unborn child' is not defined in this bill. An 'unborn child' is not defined in the act. We have no definition in this bill of the situations it will cover.

In that case, I ask, as I have done by email, for the mover of this bill to define whether or not an unborn child includes a zygote, whether or not an unborn child includes a foetus, whether or not an unborn child includes an embryo; and, going back to the foetus, I ask: if it does include a foetus, and it does commence in that stage, does that foetus sit on a parity with the definition of stillbirth in terms of a foetus who has reached 20 weeks of gestation or 400 grams of body mass? We do not have a definition of 'unborn child', yet here we have a new criminal offence of causing serious harm or death to an unborn child. I think that is a nonsense.

I think that this bill has been put before us with very short notice. Certainly the email last week was the first time that it was drawn to the attention of this council that we would be voting on this bill, and when the second reading speech was made in February this year, it was pledged that members would receive a more extensive briefing which would outline the legal ramifications of this bill. I have yet to receive that briefing. On Friday, I asked the mover of this bill for that briefing and I am yet to receive that.

I certainly sought advice from the Law Society as to their opinion on this bill. I was informed that the mover had not sought the Law Society's advice on this bill. I think that is an incredibly bad

process for such an important bill and for a bill that focuses on the incredibly devastating and sad situation of a particular woman whose life was lost, and that woman was pregnant. I think that she deserves better than a bill rushed before this parliament, and a bill that clearly, from the email communication of the mover of this bill, has been tied to what is called Zoe's Law (2) in New South Wales. That has been an incredibly controversial bill in that place, and it has many similarities to this bill, although I note that at least they define that it is a foetus at 20 weeks of gestation and, according to the current accepted nationwide definition of 'stillbirth' it would be applied in that particular situation.

I acknowledge that the mover has indicated to me that this crime would not be able to be applied to the woman who was pregnant; however, I note that in my discussions and correspondence with parliamentary counsel that they say that that would be a matter of interpretation. Again I say, we have no Law Society advice on this bill. We have a rushed process where we were given less than a week's notice that we were going to be debating it, and we have scant information as to the possible massive implications should we accept it tonight.

The Greens will be strongly opposing this bill. We believe that it is a salvo in a move to erode women's reproductive rights. I am sure I am not alone in having received many emails in support of this bill in the last 24 hours, and I note one particular writer who urges me to support the criminal law consolidation amendment bill that is being brought to a vote in the South Australian parliament today. I will not disclose the writer of this email but I am happy for members to see that it is a legitimate email. She goes on to say:

> I believe that under no circumstance should any person harm or cause the death of an unborn child. If a couple does not want a child, there are plenty of ways and means to prevent that from happening.
>
> ...the emotional trauma (or survived victim) is not worth it.
>
> I (22 yrs) am severely affected by, Morquio (which was detected at pregnancy) and I am very grateful that mum was pro life and didn't seek to abort me. If I can love life to such a degree; every child should be given this opportunity**.**

A further email to me states:

> It is my understanding that the Police count a killed unborn child in their road fatality statistics.

These two emails indicate to me that these people have been misinformed about what this bill does. That raises grave concerns.

However, this council cannot possibly know what this bill does because this council does not have a definition of an unborn child within the bill or indeed within the act, it certainly does not have Law Society advice and it certainly does not have the briefing paper that was promised by the mover in his second reading speech.

I note that the mover, in informing us that he was going to bring this bill to a vote, did equate it with Zoe's law 2 in New South Wales. I say to the mover and to other members of this council that Zoe's law 2 is opposed by the Australian Medical Association of New South Wales, the Royal Australian and New Zealand College of Obstetricians and Gynaecologists, the medical insurer MDA National, the New South Wales Bar Association, the Women's Electoral Lobby, Family Planning New South Wales, the Women's Legal Service, the Australian Women Against Violence Alliance, the Women's Abortion Action Centre, the National Foundation for Australian Women, the Equality Rights Alliance, Rape and Domestic Violence Services Australia, and Pregnancy Help Australia.

The mover, the Hon. Robert Brokenshire, interjects that it still got through. Yes, it did still get through the lower house of New South Wales but that does not justify your bill getting through tonight, particularly with such an amorphous definition, a lacking definition of what an unborn child is. It is a bill that should not have been put up without Law Society advice. It is a bill that should have been put up with much more notice than you have given us tonight. It is a bill that I believe absolutely proves the adage that hard cases make bad laws. In this case I think that this bad law, if passed by this parliament, would make hard cases that would open a whole legal minefield. With that, we strongly oppose the bill.

The Hon. R.I. LUCAS (00:22): Can I indicate firstly that this issue of the vote at the second reading is actually a conscience vote for members of the Liberal Party. It would appear from the speeches of the Labor members and Greens members that it is not being treated as a conscience vote by them. I think they have indicated that the Labor government opposes it and the Greens oppose it, according to their recent speeches. I think that is disappointing. I think this is an

issue that should be treated as a conscience vote issue. I am pleased that Liberal members will have that opportunity in the chamber on this particular issue.

Members interjecting:

The Hon. R.I. LUCAS: There are good conversations going on here. I was just making the point that it was a conscience vote for members and Liberal Party. In relation to the second reading I am pleased to see that. I must admit—and the honourable member can speak for himself—that I thought, in relation to this, that we had been asked to vote on this two weeks ago. I might be wrong–there were so many bills going around.

The Hon. T.A. Franks: That was stillbirth. That was a whole different thing.

The Hon. R.I. LUCAS: Alright; as I said, I stand corrected. There were so many references in relation to bills and votes that I cannot recall. Certainly from my viewpoint, I am prepared to support the second reading to allow further debate. I accept the argument of the Hon. Tammy Franks that if the bill was to be supported there would need to be much clarification in relation to the committee stages.

My understanding is that the Hon. Mr Brokenshire, should the bill pass the second reading, is prepared to concede that, and we will not be proceeding beyond clause 1 of the committee, or the second reading of the debate, if it gets through the second reading. So, I am certainly prepared to allow the debate to continue. I think it is an important enough issue to be debated. I do not accept some of the scaremongering that I have received by way of email correspondence already.

Whilst the Hon. Tammy Franks said bad cases make bad laws, and I accept that argument, I think sometimes bad emails do not necessarily damn the particular argument. You can get bad emails on both sides. Just because somebody stuffs up the interpretation of a piece of legislation does not mean that that is what was intended by the mover or was, indeed, being pushed by the mover. Sometimes it might be, but some of the scaremongering that I have had by way of an organised email campaign in the last 24 hours is equally misleading, in my view, in relation to both the intention and the impact of the legislation, but anyway put that to the side.

I have not followed the New South Wales debate super closely, but my colleagues inform me that the legislation passed overwhelmingly in the lower house. It was either 60 to 20 or 80 to 20, or something. So, this was not something that squeaked through by a one vote majority. I am assuming that significant numbers of Labor and Liberal members must have, eventually, supported—

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

The Hon. R.I. LUCAS: I know there aren't many, but there must have been some.

The PRESIDENT: No, there are not. There are not that many Labor members. No, there were not.

The Hon. R.I. LUCAS: None at all?

The PRESIDENT: I do not think so. I think we are about 20 in the lower house in New South Wales.

The Hon. R.I. LUCAS: I stand corrected then. If there were no Labor members—

The PRESIDENT: I could be wrong.

The Hon. R.I. LUCAS: The President says he might be wrong and I will indicate that I might be wrong. I do not know. All I know is the numbers are there and it was obviously a very significant majority on what the Hon. Tammy Franks has rightly identified as a controversial issue. Generally, controversial issues do not have overwhelming majorities one way or the other, they are generally much closer votes.

The Hon. T.A. Franks interjecting:

The Hon. R.I. LUCAS: Well, I accept, but I think the Hon. Tammy Franks will have to accept that the law has passed the lower house in New South Wales by a comprehensive majority. The point I am making is that with controversial issues it is very rare for them to be so comprehensively supported. I do not think that all New South Wales lower house members are idiots and have been deluded by rampant Family First equivalents in New South Wales, or Christian Democrats, or whatever they are in New South Wales.

Clearly, a significant number of well educated, well intentioned members of parliament voted in a particular way. That does not dictate the way we should vote. I accept that. All I am saying is that at the second reading I am prepared to, at least, have the debate. In indicating my willingness to support the second reading I indicate that I reserve my position for the committee stages and the third reading. I do not indicate that I will necessarily support the legislation should it ever get to that particular stage.

The Hon. K.L. VINCENT (00:28): I will speak as briefly as I can tonight. It has already been a long day of sitting. Probably I have done more sitting than most of you—that is a pun I will never get sick of making. I would like to start off by saying, as many members have, that this is a conscience issue for the Dignity for Disability Party. Having stated that, I will now try to be as cohesive as I can, given the hour, in telling you what is on my conscience.

I would like to note that my office has received about 50 emails on this topic in the past 48 hours or so, and at last count just over half of the senders of those emails were against the passing of this particular bill. There was also a snap protest on this issue organised by the South Australian Feminist Collective out the front of Parliament House today, as I am sure members are aware, rallying against the bill. I attended and spoke on issues relating to this bill, along with fellow MPs the Hon. Mr Hunter and the Hon. Tammy Franks.

I appreciate that this is a very emotional topic for many people if not all, and I appreciate that each person will respond differently to the death of a foetus or a baby that is in utero as a consequence of a car accident, a fall, a bike accident, an assault, an illness or any other reason. I also appreciate that there will be a range of responses felt by the partner of the woman carrying the baby, family members and so on. I have absolute empathy for those people. However, I also have a deep belief in good law making and I hold particular concerns about this bill when it comes to good law making, especially for the reason that has already been mentioned that for a bill with 'unborn child' in its title there is no definition of an unborn child in the bill and I think that creates a concerning breadth and scope for this bill.

I do not believe that making foetal personhood laws will solve the differing human emotions and grief that can occur when a baby is lost as a result of assault or intentional harm. Some of the emails to my office supporting this bill suggest that this bill could be one way of eliminating or at least reducing violence against women, presumably because if the perpetrator realises that they could be charged with the death of a foetus they will not assault the woman that they are planning to assault. I find this a little odd. I do not think that this argument recognises the often complex nature and issues surrounding domestic violence, in particular.

People who choose for any reason to perpetrate domestic violence can already be charged with assault and murder or having restraining orders against them, yet they still perpetrate these crimes, and I assure you I agree there remains far too much violence perpetrated against women as commentators such as Graeme Innes, Elizabeth Broderick and Natasha Stott Despoja as well as I all noted at and/or around White Ribbon Day on Monday through various media forums. However, I fail to see how the introduction of foetal personhood laws could change this. To improve the safety of women we need better education and support for women to report violence in relationships. I suppose what I am trying to say is that I believe the best way to protect a foetus is to protect the woman who is carrying it.

We need better support for women and their children and indeed all their family members to leave violent relationships. We need male leaders in sport, law, politics, music, the arts, religion, multicultural communities, medicine, health and every other sphere of life to be good role models and set high standards of behaviour and have no tolerance for violence against women. We need police to be adequately trained and resourced to manage domestic violence reports and respond to the needs of alleged victims accordingly.

We also need to understand that women with disabilities are far more likely, research would suggest, to face domestic violence than their non-disabled pregnant peers. Unfortunately there is no solid research I can find on the incidence of violence against pregnant women with disabilities but that is an area I am interested in investigating further.

We need to sort out how we treat the people we already have living, breathing and moving around the state before we worry about foetal personhood laws. We need to figure out how we are going to look after all the children in schools in this state we have failed to adequately protect from child abuse. We need to get protections in place so that people with disabilities that arguably make

them vulnerable to abuse do not get exploited, assaulted and sexually assaulted while living in state funded facilities or anywhere else, I might add.

We need to figure out a way to prevent women with disabilities being twice as likely to experience violence and abuse as their non-disabled female peers. Whether a woman has a disability, a baby in utero, is black or white, employed or unemployed, rich or poor, they do not deserve to have violence perpetrated against them.

We need to focus on improving the safety of women. We need to enhance the rights of women. We need to do this not because a woman is carrying a foetus but because she is a living, breathing human being. Passing a law that makes foetuses of indeterminate growth into people is not the answer. Let's focus on the people and the humans we already have in our community because at the moment we are letting them down.

The Hon. J.S.L. DAWKINS (00:35): I will be brief. As has been mentioned by two of my colleagues, this is a conscience matter for members of the Liberal Party. It is my preference to support the second reading to continue the discussion on this matter. However, I would reserve my position if the bill got to a third reading.

The Hon. J.A. DARLEY (00:35): I will be even briefer. I, like other members, am concerned about the breadth and scope of this bill and the potential consequences if a bill of this nature is passed. However, I intend to support the second reading of the bill.

The Hon. R.L. BROKENSHIRE (00:36): I will try to be as brief as I can, given that it is 12.35 on Thursday morning. I thank all colleagues who have contributed to the debate. I have some important matters I want to put on the public record regarding the second reading of this bill which I have proudly put before the parliament. Those who have made submissions on this bill I want to thank, and I have still been getting submissions in support of it throughout today.

I acknowledge that it will be a conscience vote for all honourable members, as the Hon. Rob Lucas, the Hon. John Dawkins and others have said. I remind honourable members that a similar bill, known as Zoe's law, passed the lower house in New South Wales recently. I put on the public record, given that it has been brought up in the debate, what that was. In New South Wales, it was 63 votes to 26.

For the record, I advise that I understand that it is reported that nine Labor MPs in New South Wales were part of the 63 who actually supported the vote. I make clear that it was not none or zero Labor MPs, but actually nine who supported it. Further, I also put on the public record that those nine were out of a total of 20 remaining New South Wales ALP members. So, one-third, or thereabouts, of ALP members in the New South Wales parliament supported the bill.

This week we are campaigning, as my colleague the Hon. Kelly Vincent has said, against violence against women. Footballers, other sportspeople, celebrities, and politicians are all showing their support. I am a White Ribbon ambassador. This bill is about protecting some of our most vulnerable women, namely, pregnant women. The impetus for the bill is the tragic death here in South Australia of a young lady in January this year. I made the commitment to the family and public that I would move this bill back then. I did so within months, and I am now bringing it to a vote at the second reading.

The tragic and sad situation was that that young lady was killed in a car accident, where her partner was the driver, and he has now been sentenced. South Australia Police recorded two fatalities from the accident—the young lady and her unborn child. However, the court could only prosecute for one death—the young lady. There was no law to cover the loss of the unborn child. The Zoe's law campaign in New South Wales is named after the unborn child of a lady, a mother, who also died in a car accident, and that campaign is similar—

The Hon. T.A. Franks: No, she didn't die; she's still alive actually, and she opposed Zoe's law 1—get it right.

The Hon. R.L. BROKENSHIRE: And the campaign is similar from a legal perspective. However, the mother survived that accident.

The Hon. T.A. Franks: Brodie Donegan is still alive.

The Hon. R.L. BROKENSHIRE: She survived that accident. Brodie Donegan, who I was not going to name, did survive that accident. However, the unborn child in the accident did not survive. I note that Premier O'Farrell has said that if the bill did not criminalise the mother's actions against her own child, and did not affect the laws on abortion, he would let it go through. This bill

covers both of those bases. Another lady survived her accident but lost her child in Western Australia. She, as the mother of that unborn child, has been pursuing justice there. In fact, the Western Australian Attorney-General recently wrote to me to confirm that reform on this issue remains on his government's agenda.

Let us turn to Queensland now. Queensland already has laws covering this issue and has done for some time, I am advised, as a result of a bill introduced by an Independent member of parliament there about 20 years ago. Now, let us look at Victoria. In Victoria this week, a man allegedly threatened to kill his unborn child, then punched his wife in the stomach and raped her twice but was freed on bail. The woman ultimately suffered a miscarriage. He has 12 charges, but one he is not charged with is causing the death of the child itself. He is charged with causing serious injury but not the taking of that child's life.

As an aside, but to illustrate what can happen, the *Daily Mail* in the United Kingdom reported in October that in Austria there was a case where two pregnant women miscarried after their jealous friend poisoned their drinks. She was sentenced to 18 months' gaol, with 14 months suspended. In other words, only four months of imprisonment.

Back home, a local story published in *The Advertiser* yesterday now—because we are still sitting into the next day—revealed that a man who psychologically tortured his former partner with SMS threats of rape, bodily harm and causing a miscarriage will be eligible for release in eight weeks for those threats, with his gaol term for that behaviour being just 12 months, backdated for time served in custody.

I accept that, in the case reported yesterday and in the Victorian case, those related to threats, but naturally the deterrent factor of the penalty that would apply if the person followed through on the threat to actually kill the unborn child is very important. I come towards the end of my summing up to the question of gestation, which has been raised on several occasions during the debate this morning.

We have not stated a gestation period in this bill and we are only going to the second reading today, as the Hon. Rob Lucas and others have indicated. Honourable members are today voting on the principle of this reform, and we will consider what has been said and what we are told outside the chamber about feelings on gestation. Zoe's law, the New South Wales legislation that I have just talked about, sits that at 20 weeks.

Naturally, as supporters of Jayden's law, we are not inclined to set that threshold, but that may be the will of the parliament. I advise the house that I intend to proceed with this further next term, where I will be committed to taking this bill through the committee stage to a third reading, but I acknowledge and thank all contributors again and advise that we will only take it to a second reading this morning.

In theory, as we are not voting on the clauses in committee, it would be a question of severity of the sentence towards the maximum penalty if, say, the woman herself did not know she was pregnant or had not told others she was pregnant. That is why we have maximum penalties: to allow room in sentencing for the range of situations.

However, we put the maximum penalty there for the worst cases, and the message through this type of reform is simple: a woman is not an appropriate subject of violence. No person or being is but, in the case of a woman, she may be pregnant and, in that instance, if you hurt or assault her then you may be at risk of two penalties. We need to protect pregnant women because they and their unborn child are unique in their vulnerability.

Lastly, I come to the rally of about 40 diehards convened on the steps of parliament today opposing this bill, saying it takes away abortion rights. I want to put on the public record in the strongest possible way that it does not. That is a nonsense. There are a great many women who are very supportive of the legislation that we are debating here tonight. Women who oppose this bill do not speak for all women—nor, of course, I acknowledge do women who support this bill. This is about more than women's rights. In fact, rightly or wrongly, I believe the majority of women want protection from violence and protection for their unborn child.

With those remarks, I invite honourable members to indicate their position in conscience on the principles of this bill, knowing they will not be drawn to vote in committee or on the third reading on the specifics of the bill as written today. I commend this bill to the house—as, indeed, it has been commended and passed in some other states of Australia.

The council divided on the second reading:

AYES (7)

Brokenshire, R.L. (teller)	Darley, J.A.	Hood, D.G.E.
Lee, J.S.	Lucas, R.I.	Ridgway, D.W.
Stephens, T.J.		

NOES (8)

Franks, T.A.	Hunter, I.K. (teller)	Kandelaars, G.A.
Maher, K.J.	Parnell, M.	Vincent, K.L.
Wortley, R.P.	Zollo, C.	

PAIRS (4)

Wade, S.G.	Gago, G.E.
Dawkins, J.S.L.	Lensink, J.M.A.

Majority of 1 for the noes.

Second reading thus negatived.

PUBLIC FINANCE AND AUDIT (DEBT CEILING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 April 2013.)

The Hon. R.L. Brokenshire: Debt's out of control.

The Hon. R.I. LUCAS (00:53): Debt's out of control, yes. This bill seeks to limit the Treasurer's or government's capacity to borrow money if the borrowings would result in a net debt greater than $14 billion. The member for Davenport advises that in the bill there is no penalty for breaking the $14 billion debt level; however, the $14 billion debt level is indexed by CPI commencing on 1 July 2014. Without running through all the details of the member for Davenport's calculations, he indicates that under the provisions of the bill it would actually allow the debt figure to increase to $14.618 billion, which was an increase of $600 million in—

The Hon. R.L. Brokenshire: It's massive.

The Hon. R.I. LUCAS: Massive; well, you're not Mike Rann, so you can get rid of that particular phrase. However, it is a $600 million increase in the $14 billion debt figure; and I am not sure whether that is really the intention of the Hon. Mr Brokenshire. Putting aside that particular technicality, the member for Davenport has indicated that the Liberal Party does not support this particular provision. The Liberal Party accepts that the intent of the Hon. Mr Brokenshire is right; that is, the state's debt levels are too high, and we do need governments and parties that are prepared and willing, over a period of time, to reduce the extent of the net debt figure in South Australia.

As we have indicated on a number of previous occasions, when the last Liberal government was first elected the auditor-general reported net debt at $11.6 billion. When the Labor government was elected in 2002 that $11.6 billion had been reduced to just over $3 billion. In the space of 12 years of disastrous financial mismanagement, that $3 billion figure is now heading to $14 billion. The solution we put to the Hon. Mr Brokenshire and the people of South Australia is to—

The Hon. R.L. Brokenshire: Change the government.

The Hon. R.I. LUCAS: —change the government. Do not pass a debt ceiling amendment bill piece of legislation which still allows a $600 million increase in the net debt, anyway. The simple solution to the problem of ever increasing debt—and the record demonstrates the fact, as I have just put on the public record in terms of the performance of the last Liberal government—is that if you want to tackle the debt issue in South Australia you change the government. You get rid of a group of financial incompetents led by a premier and ministers who have no comprehension of debt, deficit or, indeed, what you would do about it, and you elect an administration led by

someone with a business background like the member for Norwood. You elect someone and a team with the capacity to manage the finances of the state in a reasonable fashion over a period of time to tackle both the debt and deficit problems.

For those reasons, whilst we support and congratulate the Hon. Mr Brokenshire and his focus on the issue of the problems of the state's ballooning net debt, we do not support this particular solution.

The Hon. R.L. BROKENSHIRE (00:55): In closing the debate, I thank all honourable members for their contribution. I particularly thank the Hon. Rob Lucas, the former treasurer, shadow finance minister and possibly finance minister in five months' time. It was no surprise, sir, that the Hon. Rob Lucas' solution was: if you want to fix this very scary debt issue that is now before the state of South Australia, the simple solution is to change the government. I guess that is what his simple solution would be, and it may well be that that is a solution.

However, notwithstanding that, I just want to summarise by saying that as much as I know the Liberal Party's structure and its focus on a strong economy, fiscal management, balanced budgets, preferably surpluses in recurrent budgets and definitely no extreme core debt, Family First is putting this up because we are in a precarious situation.

When we were having a debate on these matters and the sale of assets recently, the Premier said on FIVEaa that I was a hypocrite. After listening to the Premier for a while, I flatly rejected that and reminded him that we now encounter a situation where on two occasions we have had the equivalent of State Bank disasters. In fact, I reminded the Premier that his government, and former Labor governments over the last 20 years—and it is only 20 years; 1993 was when we had the huge State Bank debacle mark 1. Here it is, 2013, and we now have the equivalent of the State Bank debacle mark 2. There are a few differences between the two. The first is, as the Hon. Rob Lucas rightly pointed out, that at that point in time with the State Bank debacle mark 1, the core debt was about $11 billion. Today, with State Bank mark 2, the core debt, on the government's figures, is projected to be $14 billion.

There is going to be some miraculous recovery, and I want to break this story ahead of the next two or three weeks when the Treasurer and Premier comes out. I will say to *The Advertiser* and *The Australian* and all the media: be ready for the big press release that will say, 'Tight fiscal management under this Treasurer and Premier has reinstated the vibrant and vigorous economy of South Australia. It's all under control. Don't you worry about that, because the Treasurer, Premier Jay Weatherill, has fixed it. Mike Rann mucked it up, but Jay Weatherill came in and had the bold and futuristic vision to actually take on Treasury and Premier and he has actually fixed it. It will all be fixed before Christmas and we will have a Christmas present.' That is what the message from this government will be, mark my words.

Well, sir, I say what an absolute joke. What a gross misrepresentation of the truth and what a fantasy this government and this Treasurer and Premier will be living in if indeed that occurs. As a South Australian citizen, I am incredibly concerned about the state of South Australia.

Mr Raymond Spencer, whom I admire as a very successful businessman (and I give credit and thanks for the fact that he is heading up the Economic Development Board), came out the day after I was in *The Advertiser* recently, where I expressed my concern about this incredibly high debt. This will be an election based on what an economic adviser to then president Bill Clinton said: 'It's about the economy, stupid.'

Irrespective of the whitewashing that may occur, the reality in fact is that the next state election will be front and centre about one matter, and one matter only, and that is the fact that this government has failed the South Australian community that lives in this state today and future generations—not just one generation, but future generations of South Australians—on where the debt is up to and the hamstringing effect that that will have on this state into the future.

Mr Raymond Spencer actually said that we should double our debt. I understand what Mr Spencer is saying. In a perfect world, if our debt was being spent on growing our economy I would agree that there is potential for an increase in debt. But on two successive occasions I, as one of 1.7 million (or thereabouts) South Australians, have experienced a situation that I stood by when I debated with the Premier a few weeks ago that this Labor government and former Labor governments have put this state for the second time into a most precarious situation.

There is debt and there is debt. I want to say that there is good debt and there is bad debt. The $14 billion that this state government has in the forward estimates is core debt, which they

admit is there; it might have been $13.8 billion, but let's round it off and if we round it off to the highest or the lowest based on the decimal of 5 per cent it puts us at $14 billion. At least 50 per cent of that core debt is bad debt. It is bad debt because it is based on lack of management over a 12-year period.

I am no economist. I do not have a bachelor of economics like the Hon. Rob Lucas, the former treasurer and the possible finance minister next year. I do not have an economics degree like my leader in the Family First Party, the honourable, very intelligent and clever Dennis Hood. I am just a mere and humble farmer. I am also a South Australian with three adult children, personally having a significant debt but wanting to grow, as my forefathers have, an economy and an opportunity for this state.

Mark my words: even at 1 o'clock on Thursday morning, and at any other time of the day, night or whenever, I will fiercely debate the fact that this government has failed this state economically. If you fail the state economically, you fail the future of South Australia. The bad debt is far too bad. Many South Australians right across the state say to me on a regular basis, 'I'm worried, Robert, about the debt of this state; I'm worried about the future; I'm worried about the growth opportunities.'

I do not support footbridges for $43 million that were misrepresented even to us who had to support the proposal after discussion, because the damn footbridge does not even do what was shown on the glitzy IT that they put up. The footbridge does not even go straight into the opening of the Adelaide stadium; it actually just goes over the river.

We are in a lot of trouble, and one thing I am going to do as a member of parliament between now and the next election is with every second and every piece of energy that I have, I am going to tell every possible South Australian that this government has failed South Australia on the fundamental thing that provides the protection of the environment, a future for our children, and the opportunity to provide proper services. Members should go to a school like I did today and ask them how they are paying for their power. There are schools in this state now that are struggling to pay for their electricity.

I am not going to stop reminding every South Australian that we are in trouble, and that is why I support this debt ceiling limit. Those poor South Australians, who vote only once every four years, are tied up for as long as it takes to address this debt, and it is going to hurt—it is going to hurt big time.

South Australia is not America. We do not protect the world, we do not send armies all around the world, we do not have to put billions and trillions of dollars into protecting the peace of the world by looking after Third World countries and looking after people's needs—that is not us; we are just a small player. To look after Australia and to look after our own people, we actually have to ensure that we live within our means and that we show some intestinal fortitude in how we manage our affairs.

There is no South Australian, including my own family, who is not subject to scrutiny, and that scrutiny is called the bank. I deal with the bank for our family a lot. I am not going to go into it publicly tonight, but I deal with the bank all the time because we cannot grow our business without the support of the bank, but the bank will not let our business grow unless we have sufficient equity, sufficient cash flow, sufficient balanced recurrent budgets and a business plan to look after our family's business. They are elementary basics. It is time Treasury and the Auditor-General actually showed responsibility with this.

I do not apologise for introducing this bill about a debt ceiling. I challenge any member, particularly government members, to show me any South Australian who is not disaffected by this debt increase at the moment, particularly the bad debt component. I challenge government members to show me any South Australian who is genuinely prospering because I am not meeting them—and I live in the real world. I do live in the real world because tomorrow night when I get home I will be weighing up my milk income, my grain income and my livestock income against my input costs, and it is hard work. It is hard work, even when you have a supplementary income as a member of parliament.

Surely the least that should happen is not only what may or may not occur on 15 March next year, as the Hon. Rob Lucas is saying—a potential finance minister and the current shadow minister—that is, maybe a change of government. We need more than that. We need some checks and balances. We may have the same government back in for 16 years, or we may even have

them in for 20, or 24 or, if I live long enough, perhaps even 28. They are all scenarios that are possible. We need to realise this.

There is no guarantee that there is going to be a change of government at the next election; in fact, I foreshadow that it will be a very tight election. Indeed, if there is not a change of government at the next election, if, God willing, I live long enough, it may well be that as a government it beats Sir Thomas Playford's record as premier. That is a possibility—a real possibility. Part of that possibility may even determine tomorrow's voting, but I will not go into that now.

Irrespective of all the scenarios that may or may not occur, we need a debt ceiling limit. There is $14 billion and a lot of that is either bad debt or debt on things like the football stadium, which I know my colleague thinks is fantastic. We have had chats about it, and he is more in tune with this than I am, as are the majority of people, and I congratulate my leader on that. Maybe I am out of tune, but I think it is $500 million that should have and could have been spent elsewhere. In fact, if that $500 million had been spent on AAMI Stadium, we would have had a fully-roofed stadium and a fully weatherproofed stadium in summer, winter, autumn, spring. Now they are going to put that into high-rise and subdivide it and make money. That is all history.

I conclude with this: the South Australian community need to put pressure on who is in government at the time, maybe Liberal, maybe Labor. How do they do that? They do it simply by this: they cannot afford to wait every four years to vote a government in or out because they have made a mess of the economy. What they want is that, if the government of the day needs to borrow more money, they bring it into the parliament and the parliament then assesses the business plan of the government and either passes it or refuses it.

Can I finally say this: in the five years or thereabouts or maybe six years that I have been in this chamber—a chamber that I am on the public record for not always saying I agreed with when I was in the cabinet because it made life difficult at times, but having served in both houses—how important is this chamber and therefore by having this debt ceiling limit bill and allowing this chamber to be the check and balance on the government of the day, it puts that government under scrutiny and will force them for once to be very careful with the money they spend and/or borrow.

A lot of it is borrowed: nearly $14 billion just on the core debt. I will not go any further with all the other debt, but there is $14 billion on the core debt. They will actually have to show to the parliament through the Legislative Council on behalf of this great state of South Australia, why they want to borrow more, so to me it is a no-brainer that we support this bill.

Second reading negatived.

LOCAL GOVERNMENT (RATES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 November 2012.)

The Hon. G.A. KANDELAARS (01:12): I rise on behalf of the government to indicate that we will be supporting this bill.

The Hon. R.I. LUCAS (01:12): The Liberal Party supports the bill.

The Hon. J.A. DARLEY (01:12): At the outset I would like to thank the government and the opposition for their support for this bill. In particular I would like to thank the Attorney-General, Mr John Rau; the member for Goyder, Mr Steven Griffiths; and the Leader of the Opposition, Mr Steven Marshall, in another place, for their commitment to this issue.

Above all I would like to thank the member for Port Adelaide, Dr Susan Close, for her unwavering support for this bill. I know that this is a matter that hits very close to home in her electorate of Port Adelaide, and her persistence in getting the government to agree to the bill has been most valued. I would also like to thank Mr Liam Golding, adviser to the Attorney, and Ms Kim Meier, adviser to the member for the Goyder, for all their hard work.

There is no question that there has been a lot of toing and froing over the final form of the bill, but I am extremely pleased that common sense has finally prevailed and that on this issue at least we have been able to find some common ground. It is not as common an occurrence as most of us would like to think. All parties would have to agree that in this instance it was the right outcome.

Finally, I would like to thank Mr Craig Evans from the Cruising Yacht Club of South Australia, Mr Glen Jones from the Boating Industry Association of South Australia, Mr Wayne Phillips from the Royal South Australian Yacht Squadron and Holdfast Quays, and Mr Andrew Smiles from the Refuge Cove Marina, not only for bringing this matter to my attention and entrusting me to see it through to the end, but also for their continued support and tireless lobbying.

As I mentioned during the second reading debate, there is absolutely no justification for rating marina berths and hard stands based on occupation. There are no services being provided on these individual pieces of land, and councils are not recouping any costs in any way.

The existing rating system is and always has been nothing more than a revenue-raising exercise on the part of councils at the expense of boat owners. Any argument that local residents are subsidising wealthy boat owners is completely unwarranted. There is no question that councils have been given ample opportunity to address this issue without the need for legislative change, but unfortunately those directly impacted by these changes have been unwilling to play ball.

I note that the member for Port Adelaide has tried countless times to have the matter resolved in her own electorate under the existing legislative framework without success. Under the circumstances, it is therefore only appropriate that we take the steps that we have to ensure that boat owners are no longer disadvantaged by way of comparison to other ratepayers.

Just by way of clarification, honourable members will note that I intend to move a number of amendments to my bill to reflect the outcome of ongoing negotiations with the government and the opposition on this issue. There were several options available in terms of dealing with this issue, some more difficult than others. The amendments reflect a much more straightforward approach. In a nutshell, they provide that marina berths are to be treated in the same way as caravan parks and residential parks for rating purposes.

Section 152(2) of the act specifically prevents fixed charges from being applied to caravan parks and residential parks. The amendments broaden the scope of those provisions to also include each marina berth within a marina. Further, the act allows councils to use a differential rate basis or a general rate basis for rating purposes. I am advised that all but one council use a differential rate basis as opposed to a general rate for rating purposes. That being the case, it was important that the bill enable them to continue to do so, but within limits so as to reflect the intent of the first amendment.

Those limits are that, in relation to marina berths, the amendments provide for the use of a differential rate only in cases where it does not exceed the amount that would have been payable if the land in question was used for commercial purposes. The term 'commercial purposes' is then defined. The amendments also make it clear that section 158, which enables councils to fix a minimum amount payable by way of rates or charges, or alter the amount that would otherwise be payable by way of rates in respect of land that falls within a range of values determined by the council, does not apply to rateable land consisting of a marina or marina berth.

There is no doubt that the approach adopted still resolves the issue of boat owners. It will ensure that they are rated appropriately for their marina berths by bringing to an end the exorbitant revenue-raising exercise of councils in relation to those berths. Just by way of final clarification, I should inform honourable members that some time ago I agreed to deal with the issue of the basis of differential rates for vacant land separately to the issue of marina berths. As the bill currently stands, it deals with both issues.

During the committee debate, I will be proposing that clause 3, which deals with vacant land, be struck out of the bill. The net result is that virtually all of the substantial provisions of the bill will be replaced by the amendments that I have proposed. I know this is not the most ideal way of dealing with a bill, and I seek some indulgence with respect to that. With those few words, I look forward to a speedy passage of the bill.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

New clause 2A.

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

Amendment No 1 [Darley–3]—

Page 2, after line 7—Before clause 3 insert:

2A—Amendment of section 152—General rates

(1) Section 152(2)(ba)—after subparagraph (ii) insert:

or

(iii) each marina berth within a marina;

(2) Section 152—after subsection (5) insert:

(6) In this section—

marina means a facility comprising pontoons, jetties, piers or other structures (whether on water or land) designed or used to provide berths, moorings or dry storage for vessels;

marina berth means a piece of rateable land within a marina—

(a) used for the berthing or mooring of a vessel; or

(b) used for the dry storage of a vessel (commonly known as a hard stand);

Section 152 of the Local Government Act deals with general rates. It provides that a general rate may be a rate based on the value of the land subject to the rate, or be a rate that consists of two components, one being based on the value of the land subject to the rate and the other being a fixed charge. Subsection (2) goes on to provide that a fixed rate cannot be imposed against each site in a caravan park or each site in a residential park within the meaning of the Residential Parks Act 2007. The amendment seeks to broaden the scope of those provisions to also include marina berths within a marina. This would prevent councils rating marina berths based on occupation.

New clause inserted.

Clause 3.

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

Amendment No 2 [Darley–3]—

Page 2, lines 8 to 24—Delete the clause and substitute:

3—Amendment of section 156—Basis of differential rates

(1) Section 156—after subsection (4) insert:

(4a) Despite subsection (4) but subject to subsection (5a), the use of land as a marina berth is declared to be a permissible differentiating factor for the purposes of this section.

(2) Section 156—after subsection (5) insert:

(5a) Despite any other provision of this Act, the use of land as a marina berth cannot be used for the purpose of the declaration of differential rates that exceed the rate that would have been imposed were the land being used for commercial purposes.

(3) Section 156—after subsection (15) insert:

(16) In this section—

commercial purposes—land is to be used for a commercial purpose if the land is to be used for—

(a) a shop (within the meaning of the *Development Regulations 2008*); or

(b) an office (within the meaning of the *Development Regulations 2008*); or

(c) any other commercial use of land not referred to in the categories specified in paragraph (a) or (b).

As already outlined, section 156 of the act provides for the use of differential rates according to the use of the land, the locality of the land, the locality of the land and its use, or on some other basis determined by the council. I am advised that all but one council currently use a differential voting basis, as opposed to a general rating basis, for rating purposes. It is not possible to use both. This applies to marinas as much as it does to other rateable land. Given that that is the case, the amendment seeks to enable councils to continue to use a differential rating basis for marina berths

provided that it does not exceed the amount that would be payable if the land in question was used for commercial purposes.

Commercial purposes land is defined as land that is to be used for a shop within the meaning of the Development Regulations 2008 or an office within the meaning of the Development Regulations 2008 or any other commercial use of land not already referred to. As I have already mentioned, this amendment is entirely consistent with the intent of the bill and certainly provides an easier way forward than what was initially proposed. It still addresses the concerns of boat owners with respect to paying rates in excess of the value of their land.

Amendment carried; clause as amended passed.

Clause 4.

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

Amendment No 3 [Darley–3]—

Page 3, lines 5 and 6 [clause 4, inserted subsection (1a)]—Delete:

'section 158A' and substitute 'section 152'

Section 158 of the act enables councils to fix the minimum amount payable by way of rates or charges or to alter the amount that would otherwise be payable by way of rates in respect of land that falls within a range of values determined by the council. This amendment seeks to make it clear that these provisions do not apply to rateable land consisting of a marina or a marina berth. It prevents councils from trying to overcome the restrictions imposed through the first amendment that was moved. I commend this amendment to the committee.

Amendment carried; clause as amended carried.

Clause 5.

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

Amendment No 4 [Darley–3]—

Page 3, line 7 to page 4, line 20—Delete clause 5

Again with the support of the government and the opposition, it was decided to adopt the more simplified approach for dealing with the issue of rating policies for marina berths. This measure has therefore been superseded by the former amendments that have been proposed.

Amendment carried; clause deleted.

Title passed.

Bill reported with amendment.

The Hon. J.A. DARLEY (01:29): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (ASSESSMENT OF RELEVANT HISTORY) BILL

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

ABORIGINAL LANDS TRUST BILL

The House of Assembly agreed to the bill with the amendments indicated by the following schedule, to which amendments the House of Assembly desires the concurrence of the Legislative Council:

No. 1. Page 29, after line 19—insert new clause 55 as follows—

55—Royalty

(1) Subject to subsection (2), the Treasurer must cause the an amount equal to two-thirds of the total royalty paid under the mining Acts that relates to mining operations or regulated activities on Trust Land to be paid to the Trust.

Note—

One half of the amount paid under this section (that is, one third of the total royalty paid) must be spent improving the Trust Land, or for the benefit of communities living on the Trust Land, where the mining occurred—see section 21(3).

(2) If the total amount to be paid to the Trust under this section exceeds the prescribed limit in any financial year, the excess is to be paid into the Consolidated Account.

No. 2. Page 32, after line 6—insert new clause 61 as follows—

61—Exemption from stamp duty

No stamp duty is payable in respect of an instrument comprising, or relating to the conveyance or transfer of, or the creation of any other interest in or over, Trust Land.

Consideration in committee.

The Hon. I.K. HUNTER: I move:

That the House of Assembly's amendments be agreed to.

Motion carried.

At 01:34 the council adjourned until Thursday 28 November 2013 at 10:30.