LEGISLATIVE COUNCIL

Thursday 28 November 2013

The PRESIDENT (Hon. J.M. Gazzola) took the chair at 10:30 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) (10:31): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers, and question time to be taken into consideration at 2.15pm.

Motion carried.

ELECTORAL (PREFERENTIAL VOTING REFORM) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 November 2013.)

The Hon. J.A. DARLEY (10:36): I rise very briefly to make a few comments on the issue of electoral reform. There is no question that even at this late hour on the last sitting day of the year, discussions are still taking place about how best to deal with electoral reforms. My position is this: I support optional preferential voting. It represents the fairest and most democratic system of voting. It will eliminate the dodgy backdoor—

The PRESIDENT: Order, the Hon. Mr Darley! My advice is that you have already spoken on this one and you did not seek leave to conclude. Are there any further speakers?

The Hon. M. PARNELL (10:37): It was a late night and people are perhaps a bit confused about where we are. We are on the Hon. John Darley's bill which, as I have alluded to in previous debates on this general topic of electoral reform, is very similar to the bill that I also have on the notice paper. The only difference between the Darley optional preferential voting bill and the Greens' bill is that, as well as having the option to vote for as many or as few candidates above the line (that is common to both the bills), the Darley bill has the additional ability for people to allocate preferences optionally below the line. In other words, rather than have to fill out all of the 50, 60 or 70 squares below the line, under the Darley bill you will be able to number as many or as few squares as you want.

Because the bill is very similar to the Greens' bill, the Greens will be supporting the Darley bill, but I just want to put a couple of observations on the record in relation to how this debate has progressed and the various negotiations that have been happening behind the scenes. The first thing to note is that, at a meeting yesterday, which was attended by representatives of pretty much all parties, the Electoral Commissioner was able to expand a little bit on concerns that she had expressed in writing about some of the potential difficulties of introducing optional preferential voting so close to the state election.

I think it is fair to say that the commissioner reiterated concerns she had previously had in relation to, firstly, accessing a relevant computer program, and, secondly, having that program audited so as to be able to legally rely on it for the count on the legislative assembly ballot. What also became clear through this briefing yesterday was that up until 1993 all ballots in South Australia for the Legislative Council were counted manually. In fact, for the 100 and whatever years previously, every election had been counted manually.

I am not advocating that the Greens' preference is to automatically revert to a manual count, but we need to get in perspective the issues raised by the Electoral Commissioner so that we have an understanding of how significant are these potential barriers and whether they can be overcome. The first thing, I think, for people to realise is that whether it is the Darley OPV bill or whether it is the Greens' OPV bill, we know from experience interstate with other electoral systems that the vast majority of people will continue to do what they have always done; that is, they will vote above the line rather than below the line. At present, it is something like 97 per cent of voters vote above the line.

When you bring in optional preferential voting, there is no evidence that the proportion of people will change, but let's assume that it does change—let's say that there is an extra handful of

people who decide, under the Darley bill, that they now have the ability to vote below the line but without numbering every square. Maybe some more people will do that; maybe it might go to 95 per cent vote above the line and 5 per cent vote below the line. The importance of that figure is that, even for people who do vote above the line, it is clear from interstate experience, such as in New South Wales, that the majority of them will still just put '1'. Generally, the how-to-vote cards of candidates in relation to upper house voting will say, 'Just vote 1.'

So, the vast bulk of the task of counting votes in the Legislative Council will be putting them in piles, having a look at where the No. 1 square is above the line and putting it into a pile. You then count the number of ballot papers in that pile. That is the vast bulk of the task. On that basis, there will be a very clear idea on the night of the election who are the successful candidates.

But that is not the whole of the task, as we know; there will be the need to count people who vote more than one square above the line and, under the Darley model, people who vote fewer than the full number of squares below the line; they will still need to be manually counted. But if we do, in round figures, assume that it is only 5 per cent of the population for whom that applies, on the basis of South Australia having 1.1 million voters, we are talking at around 50,000 people whose ballot paper will need to be manually counted or put into a computer program, a relatively small number. From my perspective, if resources are allocated to the task of counting those 50,000 votes, it will be possible for us to have the result of the Legislative Council election in a timely manner. I do not accept the idea that it is too hard.

The Greens will be supporting this bill. Members who are concerned about the things the Electoral Commissioner might have said, and think that perhaps it is irresponsible to be proceeding with this when the Electoral Commissioner has expressed some concerns, I think the approach would be to look at it this way: within government, there are the resources of the various departments, such as the Attorney-General's Department; at officer level, those people can engage with officers of the South Australian Electoral Commissioner and they can sort out these problems.

If for whatever reason they find they are unable to sort out these problems, with this being the last scheduled day of sitting, the government will be able to make a call whether the legislation should be proclaimed to come into operation for this next election or whether it should be deferred to later. If we do not pass these bills now, the option is off the table: optional preferential voting is off the table if we do not pass it through the Legislative Council today. So, if people are serious about getting the best possible voting system—the one that just about everyone agrees is the most democratic, one that we know is used elsewhere and one that we know is capable of delivering an election outcome that is fairer than the status quo—we need to pass this bill now.

I will be voting for the Darley bill, and I hope that, when my bill comes up, people vote for that as well. I am happy to leave it to the executive to work out whether the difficulties that have been expressed are insurmountable. I do not believe they are, but I think that it would be irresponsible for us not to at least to have this option on the table, so that is why the Greens will be supporting the Hon. John Darley's bill.

The Hon. S.G. WADE (10:44): I thought it might be helpful if I were to put on the record some of the factors that have weighed on the mind of members of the Liberal opposition. The Hon Mark Parnell made two points which, if you like, might provide a framework for my comments. The first comment—and I ask the honourable member to forgive me if I misquote him—

The Hon. M. Parnell: I will pick you up if you do.

The Hon. S.G. WADE: Feel free to edit as we go. My understanding is that the Hon. Mark Parnell suggested that just about everyone considers optional preferential as the most democratic counting system for the Legislative Council. On behalf of the Liberal opposition, I would say that we are still agnostic. We have given a public commitment, at a CEDA forum in October and at a number of forums since, that we are keen to actively engage a review of electoral systems that could be used by this place; in relation to that, OPV is one of them.

I think it would be fair to say that the Attorney-General is perhaps more interested in the Saint-Laguë method rather than OPV. For my party, we will excuse ourselves from just about everyone because we actually believe that we should do due diligence, and properly consider all the options that this parliament could consider for the electoral system of this place. We do not believe that we can do that job properly in the very short period between the federal election in early September and the election in March next year.

The other impression I got from the Hon. Mark Parnell's contribution was that the Electoral Commissioner was concerned about reform at this stage. I have had a letter, a personal briefing from the commissioner, and the benefit of another briefing (thanks to the good offices of the Attorney-General) from the commissioner yesterday, and I think it would be fair to say that the Hon. Mark Parnell's comments are, in my view, a significant understatement.

In that context, I would like to quote from the letter I referred to. The letter the Electoral Commissioner sent me was dated 5 November. It was actually about the Parnell bill, but the comments still apply to OPV; in fact, I think it would be fair to say that the Electoral Commissioner thought that the challenges she is facing in relation to OPV are probably stronger in relation to the Darley bill than to the Parnell bill.

Be that as it may, these were comments about optional preferential voting, and they were made as recently as 5 November. The commissioner wrote to me on 5 November in response to my correspondence of late October seeking her views on the Electoral (Optional Preferential Voting) Amendment Bill 2013, introduced by the Hon. Mark Parnell, and I seek the indulgence of the council to quote three or four paragraphs from her letter. She raises three main areas of concern: one is in relation to formality, another is in relation to computer counting, and another is in relation to computer awareness and education.

However, one which I think indicates that this is more than just an issue of concern for the Electoral Commissioner, and is a fundamental issue for her in terms of the integrity of the electoral system, is reflected in the section where she talks about computer counting. I quote:

> The count software we use for counting the Legislative Council ballot papers is owned by the Australian Electoral Commission (AEC). ECSA has a license agreement to use the software but changes would need to be effected by the AEC as they own the intellectual property.
>
> The current version of the count software has been accredited by the Australian National Audit Office (ANAO). This satisfies the requirement of section 96B(3) of the Act and I have therefore approved the use of the software in previous elections.
>
> A key element of electoral administration is that any computer programs used are fully audited and tested to ensure that it would produce the same results as it would if the count was conducted manually.
>
> The timing of this legislative change (November 2013) would not allow a proper audit of any changes to the count software to happen prior to the State Election in March 2014. The AEC have confirmed that there would be considerable changes to coding required and it would take some months for the ANAO to certify the system.
>
> As Electoral Commissioner, I would not be comfortable using a system that did not comply with best practice. If a full audit and testing regime is not conducted on any count software, I would not approve it for use.

Fortunately, that letter arrived before I had the personal briefing with the commissioner, so I took the opportunity to clarify what she meant. She mentioned in paragraph 2 that under 96B(3) of the act she is required to approve a computer program. In paragraph 5 she said, 'I would not approve it for use.' I was clarifying that if we were to pass a bill like the Parnell bill (similar issues if not worse arise in relation to the Darley bill), would she approve the use of the program? Of course, it draws our attention to the act itself. In 96B(1) it states:

> The Electoral Commissioner may approve a computer program to carry out steps involved in the scrutiny of votes in an election.

She is not compelled but she 'may'. In 96D(1) it states:

> An approved computer program may, if the Electoral Commissioner so determines, be used in the scrutiny of votes in an election.

Putting those two together, my understanding was that there are two approvals that the commissioner would be required to give. The advice I was given by the commissioner is that she would not give approval under the act. What she did make clear in both this letter and in my briefing was that she would undertake a manual count if this legislation was passed.

My understanding from the personal briefing in early November was that the commissioner's advice was that a manual count might take four weeks and, if there was a need for a recount, it would take another four weeks. In the briefing with a range of Legislative Council members yesterday, I think the commissioner advised that it would be difficult at this stage to determine how long each of those steps would take; it would depend on how many candidates and how many groups were in the field.

However, be that as it may, we are talking about weeks and months of potential delay if we were to pass either of these bills, and that would result, in my view, in the totally unacceptable

situation of the South Australian community being forced to wait for a manual count process. I can assure you that businesses in South Australia hate uncertainty and if we have an incoming government being delayed because this council decided to—

The Hon. R.P. Wortley interjecting:

The Hon. S.G. WADE: Excuse me, I think I have the call.

The Hon. R.P. Wortley interjecting:

The PRESIDENT: I know you do have the call. The Hon. Mr Wade.

The Hon. S.G. WADE: If I could just reiterate that point, because the Hon. Russell Wortley seems to be failing to understand this. The electoral system produces whatever members the people of South Australia vote for. It is the members of the other place, not this place, who will determine the government. The government in that place actually needs this council to meet to pass legislation.

I can assure you that if we are entrusted with the confidence of the people at the next election, we will not tolerate a two-month delay because this council decided it would ignore the advice of the Electoral Commissioner—not simply concerns—she is saying she would not approve a computer program that would be needed to do a computer count, a timely count for this council. That would raise a number of significant concerns for the formation of the next parliament.

The only positive benefit I can see is that we might have the Hon. John Gazzola in the chair as President for longer. Be that as it may, this opposition will not be supporting either of the OPV bills, not because we oppose the idea—we may yet join the team of just about everyone who loves the OPV—but at this stage we are agnostic. We will not be supporting this legislation because we believe neither this bill nor the other bill that is on the *Notice Paper* have been given due consideration.

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

ELECTORAL (OPTIONAL PREFERENTIAL VOTING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 November 2013.)

The Hon. M. PARNELL (10:54): When we last debated this bill I sought leave to conclude my remarks and I now do so. I do not intend to reagitate the issues that we have just talked about in relation to the Hon. John Darley's bill, only to say that this being the last sitting day it is not my intention to adjourn the bill.

I hope to proceed the bill through all its remaining stages because, as I said in relation to the Hon. John Darley's bill, if we do pass this legislation then we at least keep the option open for the government to determine whether any of the difficulties the Electoral Commissioner has identified can be resolved. I believe they can, but they will not be resolved if we do not pass this bill and give the government the opportunity to pursue it further directly with the Electoral Commissioner. So, with those words, I close the second reading debate and I urge all honourable members to support the bill.

The council divided on the second reading:

AYES (9)

Finnigan, B.V.	Franks, T.A.	Gago, G.E.
Hunter, I.K.	Kandelaars, G.A.	Maher, K.J.
Parnell, M. (teller)	Vincent, K.L.	Wortley, R.P.

NOES (10)

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

PAIRS (2)

Zollo, C.	Bressington, A.

Majority of 1 for the noes.

Second reading thus negatived.

ELECTORAL (LEGISLATIVE COUNCIL VOTING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 October 2013.)

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (11:02): I rise to close the debate on this bill. I thank honourable members who have made contributions to date. We are, of course, as we all understand, limited in terms of time for conduct of debate on this bill. The government is concerned that we need to be able to address the sorts of issues that arose in the recent Senate election, where micro-parties gamed the system. I note with optimism—I hope the optimism is still alive—that both major parties have agreed to a review of the voting system for the election of Legislative Council candidates. The government looks forward to working with all members in the chamber in relation to this for the next election.

I now turn to answer briefly matters raised in relation to this bill in the other house. The opposition sought clarification in relation to the new regulation-making powers of clause 9. I note that this provision has already been passed by the parliament in the Electoral (Funding, Expenditure and Disclosure) Amendment Bill 2013, and would commence, but for the current bill before the house, in July 2014. I am advised that it is standard regulation-making power that is used to provide flexibility in relation to the subdelegation of certain uncontroversial administrative decisions.

I can confirm that at this stage there are no matters intended to be included in subsection (2)(e). A decision was made to commence the provision earlier, attaching it to this bill, in light of the intention to increase the nomination fees for single candidates. The flexibility provided by these regulation-making powers allows this change in the regulation to occur by virtue of subsections (c) and (d).

The government has had a number of conversations with the Electoral Commission—and I am sure other honourable members have as well—to ensure that any reforms proposed do not interfere with the integrity of the votes, and that is why we have proceeded with the amendments that we have. We would prefer, of course, to adopt optional preferential voting, or even the Sainte-Laguë system for the next election. The Sainte-Laguë system would eradicate the problem and would at the same time be easy to count; I understand it is a system in use in New Zealand and in various electorates in Europe. I understand there would be no requirement for computer software to count that system, and it would be fairly easy to explain to the voters. In the words of Antony Green, 'Sainte-Laguë is a very simple system and overcomes the biggest hurdle to implementing change ahead of the state election, and a more complex preferential solution would have required the SA Electoral Commissioner to modify her accounting software.'

At this stage, at least, I understand that we have not convinced the majority of the members of the chamber to support the Sainte-Laguë system and do not expect our amendment to be successful in that regard. The government has filed amendments to this bill following conversations with many members and are open to continuing these conversations to achieve the best possible outcome. I look forward to the committee stage of the bill.

Bill read a second time.

In committee.

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

That it be an instruction to the committee of the whole that it have power to insert a new clause in relation to applications for registration of political parties.

Motion carried.

Clauses 1 to 4 passed.

New clause 4A.

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

Amendment No 1 [Darley–2]—

Page 2, after line 14—Insert:

4A—Amendment of section 40—Order in which applications are to be determined

(1) Section 40(3)—delete 'period of 6 months immediately preceding the day on which a general election must be held under section 28(1) of the *Constitution Act 1934*' and substitute:

prescribed period

(2) Section 40—after subsection (3) insert:

(4) In this section—

prescribed period means—

(a) in the case of an application relating to a political party that is not a parliamentary party—the period of 6 months immediately preceding the day on which a general election must be held under section 28(1) of the *Constitution Act 1934*; or

(b) in the case of an application relating to a parliamentary party—the period of 80 days immediately preceding the day on which a general election must be held under section 28(1) of the *Constitution Act 1934*.

For the sake of clarity I should point out that I will not be moving my first set of amendments. The amendments from the first set that I intend to move have been consolidated into [Darley-2]. This amendment seeks to enable a parliamentary party the opportunity to formally register outside of the six month time frame provided for under section 40 of the legislation. The 80-day time frame is intended to enable parliamentary parties to meet all of the existing requirements under the act and give the Electoral Commissioner sufficient time to meet those requirements.

For the benefit of all members, a parliamentary party is defined under section 36 of the act as a party, at least one member of which is a member of parliament of South Australia or a senator for the state of South Australia, or a member of the House of Representatives chosen in the state of South Australia. In practice, this amendment would enable a sitting member of parliament, like me, the opportunity to register a parliamentary party in time for the next state election if they so wished.

The reason for the amendment and, indeed, all of the amendments that I am proposing, is straightforward. The government has, through its bill, shifted the goalposts on both sitting members of parliament and other candidates who are intending to run in the next state election. They have done so after the close of party registrations. They have opted for a model that favours major party dominance. The private member's bill that I proposed, and that proposed by the Hon. Mark Parnell, sought to get rid of, once and for all, dodgy back-door preference deals.

The bill we are debating right now has nothing to do with getting rid of preference deals. It is clearly intended to disenfranchise Independents and minor parties. The only winners here are major parties. I, like the Hon. Mark Parnell, maintain my position that the best and fairest option available to us is an optional preferential voting model. However, given the time constraints, I know it would be impractical to insist on such a change in this instance.

However, it is quite clear, I think, that this bill will get up in one form or another. That said, I will do my level best to ensure that Independents and groups are not disadvantaged to the extent that is proposed by the government. The government and the opposition have nothing to lose by allowing parliamentary parties to become registered before the next election.

Before concluding my remarks, I would make the comment that I think this bill ought to be the subject of a sunset clause, irrespective of the amendments that are agreed to, so that this matter may be revisited after next year's election. I did seek some advice about inserting such a provision into my amendments and there were some complexities involved. That said, it is not open to such a proposal.

If at this stage it is too difficult to have a sunset clause drafted, I would ask both the government and the opposition to give an undertaking on the record that they are committed to reviewing the Electoral Act after the next election and considering seriously a bill based on optional

preferential voting. With those few words, I urge all honourable members to support this amendment.

The Hon. I.K. HUNTER: This amendment is opposed by the government. It is the government's view that party registration, whether it is a parliamentary party or not, should be resolved well before one month out from polling day. This amendment would see registration being determined as late as February. The registration process involved in party registration, including the objection and appeal processes, should occur within a longer time frame. The government believes there is sense in the current time frame, after all members in this place have had the best part of four years to register as parliamentary political parties.

The Hon. S.G. WADE: The opposition indicates that we do not support the Darley amendment. In response to the question the Hon. John Darley asked of both the government and the opposition, in fact I might wait for the answer from the government before offering the opposition's answer.

The Hon. I.K. HUNTER: I do not know what the question was you are waiting for an answer on, Mr Wade.

The Hon. S.G. WADE: In that case, because the government apparently was not listening—and the Hon. John Darley might clarify if I have misunderstood the question—my understanding was that the Hon. John Darley asked both the government and the opposition to give an undertaking that we would review the electoral system after the election and support the introduction into this parliament of a bill based on optional preferential voting.

I think I can give the undertaking on behalf of the opposition that we will support an appropriate review of the Electoral Act and the administration, and so forth, post the 2014 election. We are attracted to a joint select committee parliamentary committee approach to that review but it may well be that, depending on what comes out of the election, there might be particular tasks that might be reviewed by other bodies.

In relation to whether or not we would support the introduction into this parliament of a bill that would introduce optional preferential voting, my expectation is that we would wait for the outcome of the review. If the recommendations of the review incline the Liberal Party to the view that optional preferential voting is the best system, we will either introduce a bill or support a bill that is introduced. I hasten to say, considering that I have been fortunate enough to be elected to this place for the 53rd parliament as well as for the 52nd parliament, I have every expectation that as a member of the 53rd parliament I will be considering an OPV bill, whether it is a Liberal bill, a Labor bill or a bill from another private member.

The Hon. I.K. HUNTER: I think I said in my second reading close that the government's preferred position is to introduce optional preferential voting, and certainly the Sainte-Laguë system, but I think I understood—

The Hon. S.G. Wade: You can't have both.

The Hon. I.K. HUNTER: Well, you can.

The Hon. S.G. Wade: No, you can't. Sainte-Laguë is not preferential. How can you give optional preferential in an non-preferential system?

The CHAIR: Order!

The Hon. I.K. HUNTER: I think the operative word is 'optional'. That is our preferred position, but also I can happily say that we are committed to working to achieve further reform in this area. We look forward to perhaps in the future parliament establishing a joint standing committee to investigate broader options for reform.

The Hon. S.G. WADE: Just to highlight the difference between the approaches, I can assure you ours will be a joint select committee; it will not be a joint standing committee.

New clause negatived.

New clause 4B.

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

Amendment No 2 [Darley–2]—

Page 2, before line 15—Insert:

4B—Amendment of section 53—Multiple nominations of candidates endorsed by political party

Section 53(2)(b)—after 'amount' insert '(which may not exceed $2,000)'

I will speak to amendments Nos 2 and 3 together as they relate to the same matter. Clause 9 of the government bill amends section 139 of the act to enable fees to be fixed by regulation. During his second reading speech, the Attorney made it very clear that the government's intention was to increase by regulation the nomination fee for single candidates from $450 to $2,000. Members will note that in the first raft of amendments I had drafted I proposed that the nomination fee for single candidates be capped at $1,000 in the legislation itself, rather than through regulation.

Whilst this is still my preferred position, I appreciate that I would not have the support of the major parties because of the lower amount I propose. For that reason, I have chosen somewhat reluctantly to ensure that the amount is capped in the legislation but at the same time increase the maximum amount payable to $2,000. This is entirely consistent with what the government has proposed, and I see absolutely no reason why the government should not accept this amendment.

Once again, for the record, I do not agree that the amount should be increased to $2,000, but at the same time I hold concerns that the actual amount the government prescribes by regulation could be a lot higher. If this amendment is supported, at the very least the government will be bound to the comments it has made on the public record and therefore prevented from further disadvantaging candidates at the next election. I urge all honourable members to support this amendment.

The Hon. I.K. HUNTER: The government opposes these two amendments of the Hon. Mr Darley. It has already been indicated to this parliament that the government intends to raise the nomination fee for single candidates by regulation to $2,000 and no more. It is appropriate that fees for nomination remain in the regulations. If such fees require review or readjustment, this may be done without the need to amend legislation every single time; setting a maximum statutory limit interferes with this flexibility. If members have a problem with any part of the regulations, the house always has the option of disallowing the regulations, as I believe was demonstrated in 2012.

The Hon. S.G. WADE: The opposition has engaged in extensive consultations with the government over some weeks on a range of matters, and it would be fair to say, not surprisingly, that there has been a particular focus on those discussions in the last two days. At a briefing which the Attorney-General arranged for, I understand, all parliamentary groups within this council yesterday, the Attorney-General invited the opposition to consider whether there are opportunities to strengthen what I call 'miscellaneous 2', but of course what this house knows as the Electoral (Legislative Council Voting) Amendment Bill 2013, the bill we are considering now.

In that context we identified two particular opportunities to strengthen the bill, strengthen it in the context of our strong view that optional preferential voting, Sainte-Laguë and a threshold should not be considered for the 2014 election. That is not the government's view, I accept that. I imagine that we would have suspension of standing orders in both places if the Liberal Party indicated it was willing to be courageous and experiment with Sainte-Laguë before 2014, but we are not.

So, in the context of our, what I believe to be, responsible approach as custodians of the electoral system and the electoral act, in the context of none of those three experiments being undertaken for the 2014 election, the Attorney, as I understood it, was inviting us to think of opportunities to strengthen miscellaneous 2, whether there were steps the parliament could take to protect the electoral system from undemocratic influences in the context of what is hopefully a short-term issue because of the proximity of the 2014 election.

In that context and for the sake of transparency, we have indicated to the government that we would be open, at least as a short-term measure, for the nomination fee to go as high as $3,000. The other suggestion we made is reflected in government amendments the government has tabled.

So, it is up to the government as to whether they want to put an undertaking on the record, but what I can say is the Liberal opposition, the opposition party, does not support this amendment and we would not object to a government nomination fee as high as $3,000. We do accept that that is 50 per cent higher than the fee currently payable in the commonwealth, but we are agreeing to that in the context of appropriate short-term measures that can be taken to protect our electoral system.

To bring those comments back to the amendment, we will not be supporting this amendment because our good faith discussions with the government, which perhaps I would suggest have not been reciprocated with the proceedings in this house this morning, would mean that we need to maintain the flexibility for the government to take the nomination fee as high as $3,000.

The Hon. M. PARNELL: At present under section 53A of the Electoral Act, when you nominate for either the House of Assembly or the Legislative Council you have to fill out a nomination paper, and you have to pay a deposit of the prescribed amount in cash or a bankers cheque. The government has pointed out that when in legislation is says 'prescribed amount', that means prescribed in regulations and therefore the parliament has the ability to disallow regulations.

It will come as no surprise to anyone that we are unlikely to have that opportunity between now and 15 March. The government could pass a regulation tomorrow and as the bill currently stands they could put whatever amount they wanted and there is nothing that anyone could do about it. The Hon. John Darley's amendment at least seeks to put an upper cap on the amount that is payable.

The Greens' position is that we have used the language of 'barriers to entry' and we have said that our primary objective was to have some sort of a barrier (but I think threshold is probably a better word) of entry to parliament and that threshold should be some level of support, not a numerical threshold (I know we will get to that later) but a threshold which means that to be elected you must have some level of support.

We have never subscribed to the view that to be elected to parliament you must be rich, that would be undemocratic and we would not support that but, having said that, there does need to be a sensible deposit set which does require some level of seriousness before a person puts themselves forward for election.

If the amount was to be $3,000 per candidate, and the Hon. Stephen Wade suggested that they were open to that idea, then you think about it: a party that wants to contest 47 Lower House seats and run a team of three in the Upper House requires $150,000 cash to contest the election. I can certainly speak from some experience that that is $150,000 less that you would have to spend on anything else to do with the election.

Sure, if you get 4 per cent of the vote, you will get your deposit back. But $150,000 cash sort of sitting there in the Electoral Commissioner's piggybank, if you have paid in cash—there are only two ways to pay it: cash or bankers cheques—that is a huge amount. Even at $2,000 per candidate, that is $94,000 total for the House of Assembly electorates and another $6,000 for a team of three in the upper house: that is $100,000 in cash that you have to find to contest the election. So, the stakes are quite high.

At present, the government has the discretion how to set the amount and, given that the opposition has said that they are prepared to go even higher than the government has talked about, I think that the ramifications on our democracy are quite serious. So, the Greens will support the Hon. John Darley's amendment. It is not saying that the deposit should be $2,000; it is at least setting a cap on it. The minister said, 'Well, you've removed flexibility and you have to come back to change the regulations.' My response to that is, 'It is not such an onerous task every four years to set the amount or to invite parliament to increase the cap on the amount.'

The Hon. T.A. Franks: It's not as if we're going to forget about it.

The Hon. M. PARNELL: No. My colleague interjects: this is a matter that does focus the mind of parties and candidates; it will not be forgotten. Certainly, it seems for now that the Hon. John Darley's amendment is a sensible one and at least sets the upper bound which candidates and parties will need to be saving towards if they are to contest the 15 March election.

The Hon. D.G.E. HOOD: I do not often speak when government and opposition are in agreement, but I think that this is a very significant issue, and I think that the Hon. Mark Parnell has outlined it quite well. I think that it is important to know why we are debating this bill at all, and that is, as the minister said a moment ago in his second reading summing up, this issue is really borne out of the so-called gaming of the system in the Senate and that we have seen people elected to the Senate on very, very small votes, which I think, generally speaking, the public would not support—certainly, that is the feedback we have had to our offices.

That is the situation we are dealing with and, because of that situation, it makes some sense to make it more difficult to have massive ballot papers, with candidates who really stand very

little if any chance at all of getting elected, although, as the Hon. Mark Parnell said—whenever it was; I did not have much sleep last night, but the other day, or maybe yesterday—what we do not want are substantial barriers to entry for being on the ballot paper, although there should be some reasonable barriers to entry to actually being elected to parliament, certainly for an eight-year term.

I see no reason why we need to change the amount of registration for the House of Assembly at all. Typically, in a House of Assembly contest, you will have four candidates—it is often Liberal, Labor, Greens, Family First; sometimes you will have a couple of Independents in there as well, making it six, and maybe these days you have Palmer or whatever, so there could be seven or thereabouts—but you do not end up with the so-called tablecloth ballot papers in the lower house. So, why would we impose greater costs on potential entrance to the democratic system when there is not a problem to fix in the House of Assembly?

Again, as the Hon. Mark Parnell pointed out, what we could be imposing—I have heard the figure of $5,000, thrown around in some discussions I have been party to. Now with $5,000 across 47 seats, you are talking almost a quarter of a million dollars just for lower house registration if a particular party wants to run in all 47 lower house seats.

This is not self-interest speaking, because in the case of Family First, the party of which I am privileged to be a member, that would not represent a substantial barrier for us—we would find that money, and we would pay the fee—but I can guarantee you that almost every other political party, other than Liberal, Labor, the Greens, Family First and perhaps Palmer these days as well, would find that a very substantial barrier and, for that reason, Family First supports the Hon. Mr Darley's amendment.

We do have a problem in the upper houses, and we need to fix that issue—I think that there is general agreement on that, and that is why we are here today—but I do not see why we should be imposing artificially high barriers to entry in the House of Assembly where no problems exists, as far as I am aware. Certainly, the number of candidates who stand is modest, and there is no confusion amongst the electorate about what the process is or should be. So, we see no reason for the amount of registration fee to change in the lower house at all, frankly. But in the upper house, we would support a changing of the amounts, and I think that the Hon. Mr Darley's cap is a sensible interim measure towards putting that in place.

The Hon. S.G. WADE: I think the Hon. Dennis Hood raises a very good point, and I think it is a point which we, as a committee, need to keep in mind. It would be fair to say that, in the context of this bill and other related bills, members of our joint party room—the Liberal Party caucus, for those who have trouble translating these terms—were constantly asking 'What is the mischief?' The Hon. Dennis Hood is really asking that in relation to whether we have a mischief in the House of Assembly, and I think it is fair to say that we do not. I am not aware of any significant increase in either the House of Assembly or the House of Representatives Independent candidates. Therefore, I think the Hon. Dennis Hood raises a good question: is there any need to increase the nomination fee for the House of Assembly?

In that context I am advised that, within the regulations, it is within the capacity of the executive, as the regulation-making authority, to set a different nomination fee for the House of Assembly to that of the Legislative Council. We suggest to the government that it might consider the comments of the Hon. Dennis Hood, and may well choose to have a differential rate. It might actually encourage people to perhaps nominate for the House of Assembly rather than the Legislative Council, because it might be a cheaper option. I would say that the sort of people who want to make that choice do not deserve to sit in this place.

The Hon. I.K. HUNTER: Honourable members have made some very important points in this discussion. The government is happy to consider those when it comes to setting the regulated fees.

New clause negatived.

Clause 5.

The Hon. J.A. DARLEY: My next amendment is consequential so I will not be proceeding with it.

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

Amendment No 1 [Wade–1]—

Page 2, line 19 [clause 5(1), inserted subparagraph (i)]—Delete '20' and substitute '2'

I would actually like to thank the Hon. Dennis Hood for setting the scene for this amendment. The Hon. Dennis Hood, as I said, highlighted what is a mischief, whether we are making changes in relation to the House of Assembly where there is no problem and, if so, should we stop and reflect. That is exactly what the opposition is suggesting in relation to this amendment.

This amendment seeks to maintain the status quo for the House of Assembly. Currently, you need two electors to nominate you to stand in the House of Assembly. As I said, as far as I know there has not been any perceived problem with an increase in the number of Independents standing for that place, so I have moved this amendment. 'If it ain't broke don't fix it,' and the opposition proposes to keep the number of nominators at two. To use the Hon. Mark Parnell's phrase, we do not need unnecessarily high barriers to entry.

The Hon. I.K. HUNTER: The government opposes the amendment, obviously. We sought to set enrolment numbers to be consistent with federal legislation. Notwithstanding that these provisions do not prevent mischief, we are seeking to address for our system to at least be no worse than the federal provisions. We believe it is necessary.

As the Hon. Mr Parnell stated in his second reading contribution, we do not expect that this is too onerous. The government believes it is sensible that a candidate be able to demonstrate at least a base level of support as a precondition to seeking election, that being 20 nominators.

The Hon. M. PARNELL: As I said earlier, when we are looking at the hurdles that need to be jumped before a person can get on the ballot paper, in our view we do not need an onerous financial hurdle. However, the idea that you need to find at least 20 people who are prepared to endorse you running as a candidate is not terribly onerous.

Antony Green, when he was here talking about electoral reform, identified this as one area which was easy to fix. It seems to me that if a person cannot find 20 people who agree that they are a good candidate, they are unlikely to be able to get a lot of people voting for them, in which case it does bring into question the usefulness of having them on the ballot paper. Notwithstanding that, we live in a democracy and everyone is entitled to put themselves forward. I do not think a hurdle or a barrier of having to find 20 people who agree that you should be a candidate is at all onerous. It does not cost any money; it just requires someone to get 20 signatures.

We will be supporting the bill as it stands and rejecting the opposition's move to keep it at two which, as people have pointed out, means your mum and dad, maybe your brother and sister. It is a very low bar and we think 20 is an appropriate number.

The Hon. D.G.E. HOOD: Family First will be supporting the amendment—that is, keep the number at two rather than increase it to 20 as the bill proposes—supporting the opposition's position. The reason for that is, as I have just outlined, there really is no problem that I am aware of in the House of Assembly elections. The Hon. Mark Parnell makes a good point: 20 is not an onerous number. If people cannot find 20 signatures then you have to wonder about the likelihood of them winning the election.

However, I say that 20 is a tokenistic number, as well. Anyone can find 20, so why bother? Why should it not be two? If you can find 20 very easily, what is the difference? For that reason, I think it just creates an unnecessary administrative burden, albeit a small one, but just red tape for red tape's sake. If it is easy to find 20 then what is the point? It is not a barrier at all so why would we bother inserting it into the bill?

Amendment negatived.

The Hon. I.K. HUNTER: I move:

Amendment No 1 [SusEnvCons–4]—

Page 3, line 2 [clause 5(1), inserted paragraph (a)(ii)]—Delete '100' and substitute '250'

This amendment to clause 5 simply increases the number of supporting signatures needed upon nomination for the Legislative Council from 100 to 250. In our view this further legitimises the nomination process. In the absence of broader reform we believe this mechanism is one of a few available for the 2014 election.

Again, honourable members who wish to stand for the Legislative Council, given that they require at least 100 now, should have no difficulties, if they are worthy candidates who have some hope of being elected, being able to find 250. We hope that will ease some of the burden in terms of the tablecloth-sized ballot papers we have seen in other places.

The Hon. S.G. WADE: The amendments are querying two versus 100. I think what the minister was referring to was the change from the bill rather than a change from the current act. The opposition supports the point that the government just made. This is one of the few opportunities we have—the phrase I have used—to strengthen this miscellaneous bill prior to March 2014.

As I have indicated, we would want the whole act—I do not want to overstate it—shall we say the whole of the Legislative Council election process to be reviewed after the 2014 election. It may well be that in the context of that review this figure goes back down again. We think it is an appropriate measure in the context.

The Hon. J.A. DARLEY: I want to ask the minister for clarification: if you have a group of two does that mean you need 250 or 500?

The Hon. I.K. HUNTER: My advice is that you would need 500 nominations for two.

The Hon. D.G.E. HOOD: I have a point of clarification for the minister also. I think I know the answer to this but if he would not mind putting it on the record. Does this apply to registered political parties already registered? That is, will it apply to all candidates for the Legislative Council in the upcoming election or only those not currently registered?

The Hon. I.K. HUNTER: On my understanding it is clause 53A which applies to single candidates only.

The Hon. J.A. DARLEY: Could I ask the minister for clarification. Does that then mean that something is going to be done to increase the time frame to get these signatures?

The Hon. I.K. HUNTER: I think the question was about increasing the time frame for nomination, or the nomination process. My advice is that it is the government's intention that with the reforms to nomination requirements, should they pass, candidates will be fully aware and able to commence the process of collecting material required to nominate from at least mid January and, ideally, even before that. So, once this legislation passes, should it pass, candidates, I imagine, will be activating their networks and making sure—these are single candidates—they have the required number of nominators.

The Hon. S.G. WADE: I thank the minister for his response to the Hon. John Darley's question. It gives me the opportunity to reiterate that the Liberal Party's support for the amendment was in the expectation that the forms would be available earlier. We appreciate that the Electoral Commissioner is an independent statutory officer, but I think it is appropriate for the parliament to express a hope and expectation that the documents supporting the electoral process will be available in a timely fashion.

I think it would be realistic to say that any well managed political candidate or party would not want to stop collecting signatures at 500 because the relevant date, I presume, for these 500 people being electors is the close of nominations and if, heaven forbid, a Liberal Party member should die, you would not want to find your candidate not eligible to stand because the form was short. So, I can assure you that our instructions to our party officials would be—we might actually ask for a higher quota than some of the younger parties. For example, d4d might be able to get by with 501, but I can assure you that the Liberal Party forms are likely to have well over 500 people.

Not only might people die, people might move, there might be all sorts of reasons why people who signed the form in December, January or February might not be eligible electors at the time of the close of rolls. To be realistic, and I appreciate that not all members of this council are persuaded by arguments of achievability or whether or not a system might fall over, I think the time frame will be of assistance, not just to potential candidates as they get the signatures for the form but for the Electoral Commission itself.

I am sure that candidates and groups will be encouraged to get their form in as early as possible so that the commissioner can do a check. In fact, I would not be surprised if the process the commissioner establishes has a flag, so that if a person is, for want of a better word, a nominating elector and they become unavailable through death or other circumstances to be a nominating elector then that would be flagged for the commissioner. So, it is important that not only are these measures practical for potential candidates, but that they are practical for administrators.

I join the government in expressing the hope and the expectation that the commissioner might be able to make that form available as early as possible. I think the words the minister used were 'mid-January and earlier if possible', and we would join him in that hope.

The Hon. M. PARNELL: The Greens will not be supporting this amendment. We need to put this into context. The current requirement is two—like, one, two, your mum and dad, your brother and your sister. The proposal was to bring it up to 100, which is consistent with the number of signatures required in other jurisdictions. The proposal now is to bring it up to 250. So, from two to 250. If you are running a group, as I understand it, with a ticket of three, that is 750 unique signatures—and the minister will correct me if I am wrong, but is not the registration for a political party still 200? So, you need 3½ times more signatures to run a group of three than you do a party of three. It seems that that is over the top.

We wanted to support an increase, but going from two to 100 is a 50-fold increase, but going up to 250 is an order of magnitude greater than that. The Greens say, yes, we want people to be able to show they have some support as part of their eligibility to go on the ballot paper, but it should not be such an onerous task as I think would result from this amendment's passing.

The Hon. J.A. DARLEY: I support the amendment in principle, but when the government says, 'We hope it will be January or February,' is that firm? We cannot be expected to get 500 signatures in 72 hours.

The Hon. I.K. HUNTER: I remind honourable members that they are not restricted to finding their nominators and signatures in the time between opening of nominations and close—you can actually start harvesting (I should not use that word) or contacting your networks and lining up people who will nominate you well before that. I am pretty sure most people who intend to take advantage of this provision will be doing that.

The Hon. S.G. WADE: Honourable members will recall, in the context of what I call 'miscellaneous 1', that we discussed requiring the Electoral Commissioner to distribute applications for postal votes, and we had a discussion in that context as to whether or not it was appropriate to direct the Electoral Commissioner. I reiterate the comments I made earlier: the Electoral Commissioner is an independent statutory officer, and the officer does operate within the framework of the act. If the parliament was concerned that the availability, the time frame, for the nomination was such an acute issue that it wanted to put a duty on the commissioner in the act, then we could consider that amendment.

As I said earlier, the opposition is comfortable with expressing an expectation and a hope to the commissioner. My understanding is that the government is hoping that it might be mid-January, if not earlier. It is not a big task, I would have thought. It is sounding like I am getting a bit like Mark Parnell: we have sent people to the moon, surely we can put out a nomination form out by mid-January. Having said, the opposition believes that it is appropriate for the parliament to express its intention and is not inclined to not make it a statutory declaration to the commissioner.

The Hon. M. PARNELL: I formally ask the minister to clarify the difference in numbers required for political parties. Doing a quick online search, I came up with 150. My recollection was that it was 200. My further recollection is that we last debated it in this chamber when the Democrats had dropped below a certain number and a certain former Attorney-General saw his chance to get them deregistered, so I think we originally debated a bill with a 500-member threshold. My recollection is that we ended up settling on 200.

Can the minister, first, confirm how many signatures are needed to register a political party, and that will then put in context the additional number of signatures required to run as a group compared with running as a party.

The Hon. S.G. WADE: My recollection is the same as the Hon. Mark Parnell's, but I have another recollection in the same context. My understanding is that one of the reasons the government was attracted to settle at 200 was because at that stage they were in coalition with a National Party member of another place, and they would not have met the 500 threshold.

The Hon. I.K. HUNTER: Honourable members have the benefit of their long-term memory and how we changed these threshold figures in the past. My understanding is that it is 200—the Hon. Mr Parnell is right. The reasons for changing it in the past I will leave him to speculate upon and other people's motivations.

In terms of why we are addressing this issue, I reiterate that our hands are somewhat tied. We have very few options left to try to avoid some of the bad behaviour we saw in the federal election. The government believes, and I think the opposition believes, that this is a prudent move to try to restrict the behaviour of those people who would seek to game the system and harvest preferences. In conjunction with my next amendment, we think we will have some impact on that.

The Hon. J.A. DARLEY: The minister has indicated that we can start collecting signatures now but if this prescribed form is not available it makes it pretty impossible.

The Hon. I.K. HUNTER: My advice is that the Electoral Commission has indicated that as soon as the bill is passed with the relevant changes made they will be made to the prescribed form and the expectation, we hope, is that it will be available within a fortnight.

The Hon. M. PARNELL: Just a final observation on those numbers that we have been talking about. In relation to this forthcoming election it looks as if the will of the house is for there to be a very high threshold, but if this system was not then further amended after the next election and before the 2018 election, anyone who is considering becoming part of the political process will have a very clear choice: if you only have 200 friends you form a political party; if you have 500 or 750 friends you can form a group of three on the ballot paper.

This seems to be a move to encourage more people to form political parties, and I just make the point that the gaming of the system that everyone is talking about in relation to the last federal senate election is not the exclusive domain of non-parties. You can also game the system by registering yourself as a small or so-called microparty. So I can see that this is perhaps a short-term fix for this election, but the Greens maintain the position that we think 100 is appropriate, but 250 names is excessive.

The Hon. I.K. HUNTER: I do not want to belabour this discussion too long, Mr Chairman, but the Hon. Mr Parnell simplifies the argument somewhat, because if you were to go down the path of setting up a political party there are other requirements under section 39 that you need to pay attention to such as setting up a constitution which is not a small thing, as he would know, maintaining a membership and keeping it in good order; setting out names and addresses of electors; be accompanied by declarations of membership of the party which is another hurdle. So, it is not as simple as the honourable member has maintained in his discussion.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 2 [SusEnvCons–4]—

Page 3, lines 9 and 10 [clause 5(2), inserted subsection (3a)(b)]—Delete paragraph (b) and substitute:

(b) an elector signs a nomination paper under subsection (3)(a)(ii) for—

(i) a candidate in the group; and

(ii) another candidate in the election (including another candidate in the group),

This relates to grouped Independents. The government is concerned that where there is a reasonable increase in nomination requirements there is a possibility if one group is able to gather together a required number of nominators they may—and there is no restriction on this happening, and we have heard that this has happened elsewhere—that those nominators may nominate multiple groups, and clearly that is not something that we should be contemplating. So this amendment would maintain or require that to nominate a group you need unique nominators.

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

Amendment carried; clause as amended passed.

Clause 6.

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

Amendment No 4 [Darley–2]—

Page 3, lines 15 and 16 [clause 6(1)]—Delete 'the groups endorsed by registered political parties appearing before the groups who are not so endorsed' and substitute 'prescribed groups appearing before all other groups'

For the sake of convenience, I will speak to all three amendments, nos 4, 5 and 6, that I have on file. This set of amendments relates to the government's proposal to amend section 59 of the act which deals with the printing of the Legislative Council ballot paper. Currently, the act provides for the order of groups in the ballot paper to be determined by lot with groups appearing before individual candidates. The government's proposal would result in registered political parties appearing on the ballot paper before those groups who are not so endorsed and the drawing of separate lots for the registered parties, as opposed to other groups.

In short, it is intended to ensure that major political parties receive primacy on the ballot paper ahead of other groups and Independents. The set of amendments that I am proposing will ensure that groups will be afforded the same level of fairness. It does so by proposing that the definition of 'groups' includes not only registered political parties but also any group which has a sitting member of parliament in this state. I am sure all honourable members would have received a letter from the Electoral Reform Society of South Australia indicating its strong opposition to this bill for reasons along similar lines to the concerns that I have raised. The letter reads:

> If this bill is passed, voters will not be able to vote for individual candidates above the line, making it much more difficult for those voters who want to support these individuals. The unfairness of having to mark all the squares if voting below the line will, firstly, force individual candidates to group together and, secondly, will force voters to consider voting for such groups rather than individuals. It will be counterproductive to any attempts to reduce the significance of preference harvesting arrangements between such groups, and forcing someone like Nick Xenophon to stand in a group to avoid having to rely on below the line votes is fairly outrageous.

The letter goes on to state:

> This bill ensures that registered political parties will get the first positions on the ballot paper and hence will get the favoured positions before Independent groups and, lastly, individual candidates. At the 2010 election it was the independent Climate Sceptics who had first position but under this bill this would not be allowed.
>
> This bill will restrict individuals and small groups to trying to explain their main aim to essentially two words. This restriction will not apply to those parties already registered with up to six words allowed for their names. At least with the previous five words allowed, there was some equality between registered party names and the names of the independent groups. Previously, South Australia had a ballot paper for the upper house that had a degree of fairness to all candidates. This bill removes this fairness.

The concerns raised by the Electoral Reform Society are very valid indeed. Why is it that the government is trying to remove the option of voting above the line for those voters who want to vote for an individual candidate? Why is it that the government is attempting to give favoured positions only to registered parties? Why is it that the government is attempting to restrict what individuals and small groups can call themselves? I think we all know the answer to these questions.

There is certainly no doubt in my mind that these reforms have very little to do with eliminating preference harvesting arrangements and everything to do with the government trying to secure as many seats as possible under the guise of genuine electoral reform. This is the same government that has openly supported the abolition of the upper house. I urge all honourable members to give careful consideration to this amendment and, indeed, all of my amendments.

The Hon. I.K. HUNTER: The government opposes amendments 4, 5 and 6 in the name of Hon. Mr Darley. It is the government's view that the order of parties and groups and candidates on a ballot paper should be consistent at each election. This will minimise elector confusion associated with the current random placement of parties and non-party groups, making it easier for the electorate to locate the preferred candidates.

The distinction should be based on registration, which is currently a distinguishing feature in the act. With registration comes a level of legitimacy. A party with a sitting member has the option of registering as a party pursuant to section 39 of Electoral Act. Legislation should make this process as easy for electors as possible. This amendment seeks to do just that.

The Hon. S.G. WADE: The opposition considers that the Hon. John Darley raises some very valid points and I think it would be fair to say that the parliamentary system is developing in a much more sophisticated way. The Clerk, I am sure, can correct me but I think there were decades in the middle of the last century when this house only had representatives of the Australian Labor Party or the Liberal and Country League. It would be fair to say that, increasingly, since the 1970s and 1980s, with the advent of proportional representation, this place has been blessed with quite a diverse range of Independents and groups. Certainly, there is a growing sophistication, and there is a number of candidates who do not want to associate with a party yet they may choose to associate with each other. There are discussions in the media at the moment about different ways, if you like, that members can associate.

These are not simple issues. How the Electoral Act might need to be updated to make sure that it is fair to all participants, no matter what form of political organisation they choose to adopt, are complex issues. The opposition is not attracted to reform on the run and in this context will be supporting the government in opposing amendments Nos 4, 5 and 6 from the Hon. Mr Darley. I must admit I thought that amendment No. 7 was of the same cluster. He might correct me if I am wrong, but we are intending to oppose amendment No. 7 because we also see it as a related amendment.

Amendment negatived.

The Hon. J.A. DARLEY: Could I move that my first amendment be recommitted?

The CHAIR: No yet, sir. You have a number of amendments still to clause 6: No. 5, No. 6, and No. 7. You indicated that that was going to be a test.

The Hon. J.A. DARLEY: That is right; they are all consequential.

Clause passed.

Clause 7.

The Hon. J.A. DARLEY: I apologise, Mr Chair. We are just going to get it.

The CHAIR: [Darley-2] amendment No. 8?

The Hon. J.A. DARLEY: Yes; we are just getting it.

The CHAIR: Minister, in the meantime would you like to move yours?

The Hon. I.K. HUNTER: Yes, I will. It is related to the Hon. Mr Darley's, of course, so I will explain. I move:

Amendment No 3 [SusEnvCons–4]—

Page 3, lines 22 to 25—Delete clause 7 and substitute:

7—Amendment of section 62—Printing of descriptive information on ballot papers

Section 62(1)(d)—delete '5 additional words' and substitute:

2 additional words (or 3 additional words if 1 of those words is 'group')

It is an alternative amendment to the Hon. Mr Darley's. We do not support his, but in the spirit of compromise we are putting up this amendment. I will just explain.

The government's position is that two words is sufficient as a descriptor. These descriptions on the ballot paper often confuse voters, and the government believes streamlining the words to two will have a positive impact. Other states do not even permit anything more than the name of the candidate being on the ballot paper. We therefore will oppose Mr Darley's amendment, but in the spirit of compromise move my amendment, which allows for two words, which is our original position, but will allow for three if one of those three words is the word 'group'.

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

Amendment No 8 [Darley–2]—

Page 3, line 25—Delete '2' and substitute '3'

Section 62(1)(d) of the act currently provides that a candidate may have a description consisting of the word 'Independent' followed by not more than five additional words printed adjacent to their name on the ballot paper for use in election. The government bill proposes to limit the use of additional words to two, rather than five. My amendment seeks to find a middle ground, if you like, by altering that number to three. As members would know, prior to this bill even being introduced I made it publicly known that I would be running at the next state election and that I would be doing so as part of a group, so it is fair to say that the government's proposal has the potential to directly impact me. I make no secret of that.

I must say, however, that I was quite surprised to read yesterday's *InDaily* article entitled 'Sitting MPs shut gate on lesser known candidates'. That suggested that the bill before us had the agreement of members of the Legislative Council and that a deal had been agreed to add 2.5 per cent minimum vote threshold qualification to the existing bill. Let me make it clear for the record that I have not been involved in any discussions regarding a 2.5 per cent minimum vote threshold qualification, nor have I suggested at any time that I agree with what the government has proposed under its original bill. I do not support a 2.5 per cent minimum vote threshold qualification and any suggestion otherwise is completely wrong.

In my view, the use of a threshold in the way that it is being proposed is fundamentally undemocratic. It disenfranchises voters who choose to vote for minor parties and it disenfranchises voters who make a conscious decision to vote below the line. Once again, I maintain my position that the most sensible way of dealing with the concerns that have been raised about micro parties and preference deals is by implementing an optional preferential voting model.

The government has chosen to ignore my pleas and place optional preferential voting in the too-hard basket. That should come as no surprise I guess, but to suggest, as the government has done, that their bill addresses the capacity that currently exists to manipulate the system through preference deals is total utter rubbish. What they have done is to garner support for a bill which clearly provides major parties with an advantage over all other candidates, whether they be Independents or minor groups. It is about major party dominance.

This amendment will not rectify that problem, but, to some extent, it will address the issue of the government trying to shift the goalposts just 3½ months out from an election after the close of party registrations.

The CHAIR: The Hon. Mr Wade on the Hon. Mr Darley's amendment.

The Hon. S.G. WADE: I was hoping to address both because I see them as alternatives. In relation to the Hon. Mr Darley's comments about deals and bills to stamp out diversity, if I could run those themes together I think it would be fair to say that there have been widespread discussions amongst members of this place about a range of options, and thresholds is one of them. I accept the Hon. John Darley's statement that he was not part of a deal in relation to the 2.5 per cent, but I think it would be fair to say that there have been substantial discussions around this place.

I do acknowledge that my comments in my second reading contribution suggested that it was my understanding that the government has fully briefed the crossbench members on the bill. Let us just say that a member of the crossbench indicated that they had not received a briefing on this bill, so I correct the record in that regard. If Mr Darley was suggesting that somehow the major parties had gone into a dark room, done a deal and imposed it on the parliament in the form of this bill, we do not agree with that. The Liberal Party would believe that is an inappropriate characterisation of the development of the bill and I would argue that the Liberal Party in its participation in any discussions on agreed words with the government has been sincere and consistent in trying to protect diversity.

Moving on to the specific issues raised by the amendments, as I said in my second reading contribution, I would not overstate the importance of two versus three words. We, as a Liberal Party, do not want ballot papers to be misused as another form of pamphlet; in other words, that people are putting their campaign messages on the ballot paper, rather than doing the hard yards of doing the campaigning outside the booth, which is where it should be done. We are attracted to trimming it to try to reduce the temptation for that message approach. Having accepted the need for trimming, where do you draw the line? We are inclined to three. What the two amendments before us pose is: should there be a requirement that one of those words be the word 'group'?

The Hon. John Darley's comments about political parties and where groups and political parties should be located on the ballot paper raise the issue in terms of how candidates would like to characterise themselves and their associations with other candidates. One does think, 'Would somebody not feel comfortable with the word 'group'?', and it may well be the case that they are not. There are some candidates where the association with the other candidates would be looser; for example, they might prefer to call themselves a network or an alliance or what have you, which has dredged my memory in relation to a political group that is active in Europe, particularly in the United Kingdom, called the Movement for Christian Democracy.

That group was initially established as a network of like-minded Christians but, from time to time, they have, as I understand it, put forward parliamentary candidates. If they did that in Australia, they would have to drop one of the words, obviously—they would have to drop 'Movement', 'Christian' or 'Democracy'. Are we going to get them to call themselves the Christian Democracy Group? We have to force them to drop a word; we would probably get them to drop four. I imagine they would call themselves the Christian Democracy Movement. I think it would be quite inappropriate to stick the word 'group' on them; it might be quite misleading.

We think that it is appropriate to reduce the number of words that are used as descriptors, but we do not see that it is good practice to prescribe what those words might be—next we will have the government writing each of our descriptors for us leading up to the election. For those who have trouble understanding my logic, the opposition is inclined to support the amendment being put forward by the Hon. John Darley.

The Hon. I.K. HUNTER: I am not sure whether the Hon. Mr Darley was listening when I moved my amendments, so I will recap very briefly. What the government amendment seeks to do is to keep the descriptor at two words, or three words if one of the three words is 'group'. For

instance, if the Hon. Mr Darley wants to describe himself on his ballot paper (and we are referring only to the ballot papers, not the other material a political party uses at election time to describe its position), it could be the John Darley Group, and that would be sufficient and qualify under my amendment.

To answer the question the Hon. Mr Wade raised about some groups from Europe transplanting themselves over here and wanting to run, they have two options, really: they can either register as a political party and then use their party name or their party abbreviation, which is probably what they would think about doing. The word 'group' relates, naturally, to the word 'group' that is in the legislation because it applies to group voting—group voting tickets, groups above the line. That is the language we use, and that is why the word 'group', I suggest, should be part of the two-word extension to three.

The Hon. M. PARNELL: I would like to ask a question before I put the Greens' position on the record. One thing that has changed over time is the English language and the way it is used, especially now that we have electronic forms of communication. We are used to seeing words put together without spaces—perhaps they might have a full stop or a dot between them—and I am thinking that at the last election there was a group that ran on an animal welfare ticket using the name 'SaveBabe.com'. My question of the minister is: how many words are used up with the phrase 'SaveBabe.com'? For those who do not recall, Babe was the pig in the film—

Members interjecting:

The Hon. M. PARNELL: Spoiler alert: I will not give you the end of the film. How many words are used up with the phrase 'SaveBabe.com'?

The Hon. S.G. WADE: You do not even need to go to savebabe.com. GetUp! is a political organisation that has a composite word. I suggest that the Hon. Mark Parnell raises an interesting point.

The Hon. I.K. HUNTER: I thank my adviser for saving my bacon on this one. I understand that this is an interpretative matter, and that is how it will be determined, I suppose, by the Electoral Commissioner when considering this matter. I expect that the words would be given their ordinary meaning but, ultimately, that would be a matter that could be determined by a court, I suppose, if it were to go down that track. However, I think it would be left in the hands of the commissioner, and I think most people would respect her judgement.

The Hon. M. PARNELL: The Greens' position is that we have considered all the different options around the five words, and I just remind people that Antony Green did identify the five words as being one of the areas of reform that was fairly easy to undertake. We have looked at all options, from the status quo to removing any words other than the name of the candidate. Ultimately, we have settled on the position—

An honourable member: Two and a half.

The Hon. M. PARNELL: Not 2½ words, as—

Members interjecting:

The Hon. M. PARNELL: The interjections are completely out of order. Ultimately, the Greens have settled on the amendment as proposed by the Hon. John Darley, and that is that we are happy to go with the three words. The Hon. Stephen Wade makes the point that 'group' might not be the chosen collective word people might want to use, but I again make the point that we are absolutely tinkering with the system. We are not looking at the wholesale reform that I think all members have said is required, that is, to look at why groups at all, the relationship between groups and parties, the fact that you can put names other than your own as part of the name of your group.

These are all issues that will need to be dealt with later, but for now I think the fairest thing is that if there is going to be a reduction from five we will be supporting the Hon. John Darley's amendment, going to three words. We therefore reject the government amendment, which provides that you can only have three words if one of them is 'group', otherwise you have two words. We think the Hon. John Darley's amendment is preferable.

The Hon. D.G.E. HOOD: I do not necessarily see this as an either/or contest. We have two amendments before us and I think there is merit in both amendments, and Family First's inclination is to support both of them.

I think one of the things that needs to be stated in this debate that is very significant is that by allowing, as we currently do (and it seems that will change today), five words on a ballot paper, that is effectively free advertising. You might have the Free Beer and Wine Party, for example, which, just by nominating, has its group name or party name, whatever it may be, with their slogan on a ballot paper distributed to over one million voters around South Australia—basically at no cost to them.

We need to be aware that that is part of the system we have developed over the years, and I think that is one of the core reasons that the system has been exploited in the way it has. It is sensible to reduce the number of words on the ballot paper so that the words used become a description or an identifier, rather than an advertising opportunity. Family First's view is that both amendments have merit, and for that reason Family First supports both of them.

The Hon. T.A. FRANKS: I seek some clarification from the government on why it has landed on 'group' and how that takes into account quite legitimate groups who have run in the past, such as Ban Live Export. That is a well-known campaign name that is a clear policy goal, and it is a quite legitimate group to be running in a state election. Under the government amendments, where the three words could only be used if they included the word 'group', Ban Live Export would not be able to promote what its cause was to the South Australian public, yet a group that was pro-live export would be able to because they could run as the Live Export Group.

Has the government considered that it might be ruling out the democratic ability of quite legitimate groups in this state who have run previously to run in the future, or had it simply considered the Nick Xenophon group in its considerations of this particular amendment?

The Hon. I.K. HUNTER: The government's position is that we would have preferred two words alone. The Hon. Mr Darley said that he was after the middle ground. If you like, we tried to find the middle-middle ground. I understand that the Hon. Mr Wade's and the Hon. Mr Hood's arguments about the description on the ballot paper is completely different from how parties, groups and organisations campaign outside of that—that is up to them and they have the freedom to do that. We are concerned also that the space on the ballot paper is being misused as a billboard, if you like, to re-run a campaign, and that is not what we think should be happening.

The Hon. K.L. VINCENT: Very briefly, on behalf of Dignity for Disability, we will be supporting the Hon. Mr Darley's amendment, and without the government's amendment to that amendment. So, yes, Mr Darley; no, government—just for the sake of clarity because we are all very tired.

The Hon. J.A. Darley's amendment carried; clause as amended passed.

Clause 8 passed.

Clause 9.

The Hon. D.G.E. HOOD: Members would have seen my amendment filed earlier this week and I just want to give a little bit of background to this amendment before I withdraw it. I will not be proceeding with it, as I have mentioned to members in corridor chats. This amendment came out of a discussion between a number of the parties represented in this place. We have to remember that the whole reason we are dealing with this bill in the first place was the so-called gaming of the system in the Senate, as most of us have mentioned today, so I will not go over that again.

In essence we had people getting elected to six-year terms in the national parliament of Australia on very small votes. How do you deal with that? When the public does not want that, what do you do to fix the problem—so-called? There is a variety of options which we have seen. There is OPV, which has been presented, there is Sainte-Laguë, etc. However, one very simple way of fixing it is to put in a threshold below which—whatever the number is—an individual, regardless of whether they are with a party, a group or they are acting as an individual candidate, cannot be elected.

That number may be half a per cent; it may be 5 per cent or it may be, as this amendment says, 2.5 per cent. How that 2.5 per cent came about was a negotiation between the other parties. My preference was for a lower number, a much lower number. There was significant feeling that it should be much higher than where it has ended up and, after a series of negotiations, it ended up at 2.5 per cent.

However, I want to be absolutely clear about the way this would have worked because I think there is a misunderstanding in this place about the effect of this amendment. What it would have meant was that any party, group or individual that got below 2.5 per cent of the primary vote in the Legislative Council would have had their votes distributed. Their votes would have been distributed—I am not talking about a system where votes exhaust—according to the preferences that they allocated on their group voting ticket. Exactly what we do now, except a requirement of at least 2.5 per cent primary vote to be elected. That was what I was proposing.

This was, again, in negotiation with a number of the parties in this place. It does not need to be disclosed necessarily who that is; they may choose to do that and it is up to them. However, we had broad agreement, I think it is fair to say. As I said, I will not be proceeding with this amendment because during the consultation we had yesterday (that the Hon. Mr Parnell mentioned), I think basically every group or party in this room had at least a representative of their party or group, with the Electoral Commissioner, over lunch, hosted by the Deputy Premier—

An honourable member interjecting:

The Hon. D.G.E. HOOD: Lunch break, I beg your pardon, yes; I did not get lunch yesterday. She told us that there were very substantial problems with the software and introducing this system. Frankly, it is hard to understand how it could be so difficult, nonetheless I think we need to listen to somebody in that position, and that is why we should not be rushing to introduce an optional preferential voting system either. She felt that, as with optional preferential voting, the 2.5 per cent threshold was impossible to be implemented in the time available, and I am happy to take her advice. I think it would be arrogant of me, frankly, to reject her advice. So, on that basis I withdraw the amendment.

The CHAIR: As the Hon. Mr Hood advises that he is not proceeding with that amendment, the Hon. Mr Wade, I thought you had something at clause 9?

The Hon. S.G. WADE: Thank you, Mr Chair. I would like to pose questions that were posed by the Deputy Leader of the Opposition in the House of Assembly, the member for Bragg, and the government might forgive me if it has provided the answer—I am not aware of it. I think it would also be of benefit to the council as a whole to be informed of that advice in any event.

Section 139(2) of the Electoral Act currently allows for regulations to fix fines of up to $750 for the contravention of a regulation. The bill proposes to increase this to $5,000. My questions are: how many fines are currently prescribed by regulation under this power? If there are none, why is it necessary for this fine-making capacity to be increased from $750 to $5,000? Why are the regulation-making powers being made more specific than under the current section 139 of the act? Is it anticipated that this will provide any further regulation-making capacity than what is currently available? Lastly, what matters are intended to be included in subsection (2)(e) of the proposed section 139 and what would the commissioner's discretion relate to?

The Hon. I.K. HUNTER: I was just conferring with my adviser to confirm that in fact I have addressed the issues raised by the Hon. Mr Wade in my second reading closing speech. Just to reiterate very briefly, we are talking about regulations, the making of regulations, and clause 9. Essentially, this provision has already been passed by the parliament in the Electoral (Funding, Expenditure and Disclosure) Amendment Bill 2013 and would commence, but for the current bill before the house, in July 2014.

I am advised that it is standard regulation-making powers used to provide flexibility in relation to the subdelegation of certain uncontroversial administrative decisions. In relation to subsection (2)(e), which I think the honourable member was interested in, I confirm and again I reiterate what I said in my closing speech, that at this stage there are no matters intended to be included in subsection (2)(e). The decision was made to commence the provision earlier, attaching it to this bill, in light of the intention to increase the nomination fee for single candidates. The flexibility provided by these regulation-making powers allows this change in the regulations to occur by virtue of subsections (c) and (d).

The Hon. S.G. WADE: Supplementary to the questions offered, is it the government's intention that any new offences be added to the regulations pursuant to the bill that is before us?

The Hon. I.K. HUNTER: My advice is no.

The Hon. S.G. WADE: Could I ask the government to give an undertaking that regulations that are developed pursuant to this legislation will be consulted with other parliamentary groups before they are promulgated?

The Hon. I.K. HUNTER: My advice is yes.

Clause passed.

Title passed.

Bill reported with 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) (12:31): I move:

That this bill be now read a third time.

Bill read a third time and passed.

FIREARMS (MISCELLANEOUS) AMENDMENT BILL

In committee.

Clauses 1 to 3 passed.

Clause 4.

The CHAIR: Mr Brokenshire, you have an amendment at clause 4?

The Hon. R.L. BROKENSHIRE: Just for clarification, I do have an amendment at clause 4. I advise the committee that, based on proceedings that have occurred as a moving feast over the last few days, I will be moving only one amendment, and that is amendment No. 4 standing in my name: clause 9, page 5, line 19. Other than that amendment, I advise that I will not be moving the rest of my amendments.

The CHAIR: The Hon. Mr Brokenshire, you have [Brok-2] amendments Nos 1, 2, 3 and 4 and you will not be proceeding with those?

The Hon. R.L. BROKENSHIRE: There are lots of consequential amendments to those as well, but I will not be moving any amendments other than amendment No. 4, which is to clause 9. I am just advising the committee that I will no be moving my other amendments.

The CHAIR: The Hon. Mr Brokenshire, we have [Brok-2] amendment No. 5, clause 9, page 5, line 19, delete '10' and substitute '28'.

The Hon. R.L. BROKENSHIRE: That is the one I am moving, yes.

The CHAIR: We have not got there yet.

Clause passed.

Clause 5.

The Hon. S.G. WADE: As I indicated, the opposition appreciates the cooperative work between the minister and the shadow minister and, as a result, the opposition and government have an understanding of what respective members will support.

Since my previous contribution on this bill, the opposition has received advice from the Law Society in relation to this bill. It does not incline us to any amendments, but the opposition thought that it might be useful for the public to have the benefit of the Law Society's advice and the government's response. So with the indulgence of the committee, I will put the issues raised by the Law Society. There is one issue on clause 5 and I understand one issue on clause 12, and in both cases I would seek the response of the government to the concerns of the society.

The Law Society specifically holds concerns in relation to clause 5 which relates to proposed section 10B. This relates to the firearm prohibition orders issued by the Registrar. The Law Society's concerns are that the clause provides a low threshold for the exercise of police powers. If a police officer merely has reason to believe that a firearms prohibition order applies to a person but the order has not yet been served on that person, the officer is authorised to order that person to remain at a particular place for up to two hours.

The society suggests that this section be amended to ensure this power is only exercised if police actually know that the order exists, is applicable to the person concerned and is necessary for the officer to effectively serve the order in the circumstances. The society suggested alternative words. I understand the government is aware of the suggestion of the society, and I would appreciate it if they could provide advice.

The Hon. G.E. GAGO: The advice I have received is that the legislation addresses 'reason to believe', which is a higher threshold than 'reasonable suspicion', and I am advised that members should be assured that this power will not be taken lightly and that the commission will ensure police general orders will reflect that understanding.

Clause passed.

Clauses 6 to 8 passed.

Clause 9.

The Hon. R.L. BROKENSHIRE: I move:

Amendment No. 5 [Broke-2]—

Page 5, line 19 [clause 9, inserted section 14(3)(d)]—Delete '10' and substitute '28'

This is a fairly simple amendment, but it is one that does assist bona fide law-abiding licensed and registered firearms owners. It simply deletes '10' and substitutes '28'. Basically, that gives more desirable and workable loan periods in the stakeholder sector, taking it to 28 days and not 10. That is now the only amendment I will move, based on discussions I have had with the opposition and government today.

The Hon. G.E. GAGO: The government supports this amendment. We believe that it is reasonable in that it moves to decrease the administrative burden on the licence holder and makes it less onerous for licence holders.

Amendment carried; clause as amended passed.

Clauses 10 and 11 passed.

Clause 12.

The Hon. S.G. WADE: Consistent with my earlier question, this also is a question that arises out of the late received advice from the Law Society. My understanding is that section 72AB relates to seizure and forfeiture of equipment. The clause inserts a new section 27AAB that allows a police officer to seize equipment that was used to illegally modify or illegally manufacture a firearm.

The Law Society has raised concerns about what they perceive is several potential unintended consequences of this clause. In that context, I would ask what the government might expect in terms of ensuring that police seizures of equipment are appropriate. The example given to me was that an offence might be committed by a previous owner, the equipment might have since been sold, the equipment was used without the owner's permission and/or knowledge, or the legal owner could be a financier. Effectively, that is three examples: the modification done by a previous owner, the modification done without the owner's permission or knowledge and, thirdly, where the legal owner is a financier, not the person who has immediate control of the item.

The Hon. G.E. GAGO: I have been advised that the intention is that the seizure provision will generally apply to those persons who set up backyard operations for the purpose of manufacturing unlawful devices, such as a silencer, or illegally altering firearms. These tools of the trade, such as lathes and other equipment, are directly used or suspected to be used in the commission of an offence. If the equipment is owned by, say for instance, an innocent third party, and there is no compromising of the public safety, the equipment could be subject to forensic analysis but not necessarily sought to be forfeited; rather, the equipment would be returned to the party not involved in the crime.

The Hon. S.G. WADE: I thank the minister for her response.

Clause passed.

Clause 13 passed.

Clause 14.

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

Amendment No 1 [Wade–1]—

Page 11, lines 19 to 27 [clause 14, inserted section 29BA]—Delete section 29BA

In my second reading contribution, I indicated the opposition's concern in relation to what the bill calls 'certain magazines'. This amendment seeks to delete new section 29BA, which is the second section proposed to be inserted by clause 14. Effectively, amendment No. 1 removes the ban on magazines. This amendment, as I understand it, was agreed between the Minister for Police and the shadow minister for police, and again I commend both members for their diligence in making sure that the bill was both appropriate in terms of dealing with the threat to public safety that is involved by illegal firearms and practical and workable on the ground.

The Hon. G.E. GAGO: As previously indicated, the government supports this amendment, and I think we have already outlined the reasons for that.

The Hon. R.L. BROKENSHIRE: I just place on the public record that Family First supports this amendment. In speaking to this amendment, I want to put on the public record a couple of relevant things. There has been a huge amount of effort by lots of members of parliament in both houses: by the shadow minister, by the minister and by those of us in other parties who have responsibility for this portfolio area.

This legislation came through very quickly. It came through with an incredible lack of consultation. All members know my passion and support for the police. That said, to keep the goodwill up between the police, the government, the parliament and law-abiding, legitimate and genuine firearms owners, there is a bit of work needed to be done, and I will leave it at that. Suffice to say that I have it confirmed from the shadow minister that whoever wins the next election it is acknowledged that there will be basically a rewrite of the Firearms Act finally tabled in the parliament for debate.

I know there has been a lot of work done by a lot on this, including the FLAG group, but my experience is that we need to keep rapport and goodwill between legitimate licensed firearm owners and police. I have been concerned over the last period of time that they may not be as strong as it has been in the past and as a former police minister I have found that when that rapport is strong and there is good open dialogue between SAPOL, and particularly the firearms branch, and law-abiding citizens, we get much better outcomes that we are after as a parliament.

I support and commend the government and everyone who is supporting this bill from the point of view of the focus on getting unlicensed firearms and accessories, etc. off the streets. I support the police and the government in any attempt and approach they can make to ensure that criminals are not out there risking the safety of good law-abiding citizens.

I just wanted to put that on the public record because I know that next year this bill will come back in and I would like to think that there is a fairness test for law-abiding people when it comes to firearms. I think I have made it clear enough with that and I will not be saying anymore in the debate, but let us hope that as a result of this bill we can see the criminals behind bars and the law-abiding citizens of this state carrying on with business as usual.

The Hon. S.G. WADE: I certainly acknowledge the sentiments being raised by the honourable member. In my second reading contribution I indicated that the work of FLAG involves a lot of unfinished business in relation to this act, and certainly the Hon. Robert Brokenshire's range of amendments raise a whole series of other issues which represent unfinished business.

I am not surprised that the shadow minister for police has indicated his interest in ongoing reform of the bill, because the opposition certainly associates with the sentiment that the police deserve every support that we can give them in upholding the law and that law-abiding citizens need to be respected so that laws that are designed to target people who use firearms inappropriately and against the law can be targeted, not law-abiding citizens.

Amendment carried; clause as amended passed.

Clauses 15 to 18 passed.

Clause 19.

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

Amendment No 2 [Wade–1]—

Page 14, lines 1 to 13—Delete the clause

I would suggest to the council that it is, effectively, consequential. It removes the penalty for the ban that we have, in turn, removed in clause 14.

Amendment carried; clause deleted.

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) (12:54): I move:

That this bill be now read a third time.

Bill read a third time and passed.

[Sitting suspended from 12:55 to 14:16]

DAYLIGHT SAVING EXTENSION

The Hon. R.L. BROKENSHIRE: Presented a petition from 16 residents of South Australia requesting the council to call on the state government to:

1. Resist any further extension of daylight saving hours;

2. Conduct a full and proper review of the current extension of daylight savings hours and its impact on families and communities in the western half of South Australia;

3. Resist any efforts to shift the South Australian time zone to be the same as Eastern Standard Time; and

4. Set a plan and time frame to shift South Australia to true Central Standard Time, being one hour behind Eastern Standard Time.

PAPERS

The following papers were laid on the table:

By the President—

Supplementary Report of the Auditor-General, 2012-13—Government Advertising
Reports, 2012-13—
District Councils—
Franklin Harbour
Goyder
Joint Parliamentary Service

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

Reports, 2012-13—
Across Government Asbestos Risk Reduction
Attorney-General's Department
Australian Crime Commission—Undercover Operations, Assumed Identities and Witness Identity Protection—Criminal Investigations (Covert Operations) Act 2009
Australian Energy Market Commission
Construction Industry Long Service Leave Board Annual Report 2013 Erratum
Controlled Substances (Drug Detection Powers) Act 2008
Correctional Services Advisory Council
Courts Administration Authority
Department of Planning, Transport and Infrastructure
Department of Treasury and Finance Annual Report for 2012-13 Corrigendum
Electoral Commission of South Australia
Electricity Industry Superannuation Scheme
Equal Opportunity Commission
Essential Services Commission of South Australia
Freedom of Information Act 1991
HomeStart Finance
Legal Practitioners Conduct Board
Local Government Finance Authority of South Australia

Professional Standards Council
Protective Security Act 2007
Renewal SA
SA Metropolitan Fire Service Superannuation Scheme
Surveyors Board of South Australia
Tarcoola-Darwin Rail Regulation

Reports, 2011-12—

Australian Crime Commission—Undercover Operations, Assumed Identities and Witness Identity Protection—Criminal Investigations (Covert Operations) Act 2009

Report on compliance inspection by the Police Ombudsman under the Listening and Surveillance Devices Act 1972

Review Report of the Residential Energy Efficiency Scheme dated October 2013

Approved Licensing Agreement (Adelaide Casino) between the Minister for Business Services and Consumers and SkyCity Adelaide Pty Ltd—
Variation Agreement dated 11 October 2013

Casino Duty Agreement between the Treasurer of South Australia and SkyCity Adelaide Pty Ltd—Variation Agreement dated 11 October 2013

Determination and Report No. 5 of 2013 of the Remuneration Tribunal—Members of the Judiciary, Members of the Industrial Relations Court and
Commission, the State Coroner and Commissioners of the Environment, Resources and Development Court

Determination and Report No. 6 of 2013 of the Remuneration Tribunal—Communication Allowance for Judges and Related Office Holders

State Government Response to the recommendations of South Australia's First Citizen Jury

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

Reports, 2012-13—

Adelaide Dolphin Sanctuary Advisory Board
Administrator of the National Health Funding Pool
Berri Barmera Health Advisory Council Inc.
Central Adelaide Local Health Network
Chief Psychiatrist of South Australia
Coast Protection Board
Country Health SA Local Health Network Inc.
Defence SA
Department for Communities and Social Inclusion
Department for Health and Ageing
Dog Fence Board
Far North Health Advisory Council Inc.
Gawler District Health Advisory Council Inc.
Hawker District Memorial Health Advisory Council
Health Performance Council
Lower Eyre Health Advisory Council Inc.
Lower North Health Advisory Council Inc.
Loxton and Districts Health Advisory Council Inc.
Mallee Health Service Health Advisory Council Inc.
Millicent and Districts Health Advisory Council Inc.
Northern Adelaide Local Health Network
Pastoral Board
Port Broughton District Hospital and Health Services Health Advisory Council Inc.
Renmark Paringa District Health Advisory Council Inc.
SA Ambulance Service
South Australian Housing Trust
South Australian Medical Education and Training Health Advisory Council
Southern Adelaide Local Health Network Health Advisory Council Inc.
Southern Adelaide Local Health Network
The Health Services Charitable Gifts Board
Waikerie and Districts Health Advisory Council Inc.
Women's and Children's Health Network

South Australian Abortion Reporting Committee—Report, 2011
Final Report of the Review of the South Australian Health Practitioners Tribunal, November 2013
Government Response to the Review of the South Australian Health Practitioners Tribunal
Report of Actions taken by SA Health following the State Coroner's Finding into the Death of Andrew David Hollonds
Report on Maternal, Perinatal and Infant Mortality in South Australia 2011, dated September 2013
Report on Pregnancy Outcome in South Australia for 2011, dated September 2013
Gambling Prevalence in South Australia 2012 Survey

By the Minister for Water and the River Murray (Hon. I.K. Hunter)—

Reports, 2012-13—
South Australian Water Corporation
Stormwater Management Authority

PRINTING COMMITTEE

The Hon. K.J. MAHER (14:23): I bring up the second report of the committee for 2013.

Report received.

SELECT COMMITTEE ON LAND USES ON LEFEVRE PENINSULA

The Hon. M. PARNELL (14:23): I bring up the report of the select committee and the minutes of proceedings and evidence.

Report received and ordered to be published.

SELECT COMMITTEE ON LONSDALE-BASED ADELAIDE DESALINATION PLANT

The Hon. T.A. FRANKS (14:24): I bring up the report of the select committee and the minutes of proceedings and evidence.

Report received and ordered to be published.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. CARMEL ZOLLO (14:24): I bring up the report of the committee for 2012-13.

Report received.

QUESTION TIME

NORTHERN ZONE ROCK LOBSTER FISHERY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:25): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about rock lobsters.

Leave granted.

The Hon. D.W. RIDGWAY: On Tuesday, 26 November I asked the minister a question on the northern zone rock lobster fishery regarding the 2007 management plan which recommended the use of spatial management. Her answers were insufficient and only served to offend the rock lobster industry.

To answer one of my own earlier questions to the minister I can confirm that, due to the considerable uncertainty as a result of the declaration of the minister's marine park sanctuary zones, the Rock Lobster Fishery Management Advisory Committee suspended further development of the Northern Zone Rock Lobster Commercial Fishery Management Plan. Not only that, despite the minister's attempt to mislead us—that is, the South Australian Rock Lobster—

Members interjecting:

The Hon. I.K. HUNTER: Point of order, Mr President.

The PRESIDENT: There is a point of order. Leave out the opinion and the debate.

The Hon. I.K. HUNTER: It is an absolute outrage that the Leader of the Opposition would stand in this place and allege that the Leader of the Government has misled the house. It is outrageous and I ask that he withdraw it.

The PRESIDENT: The Hon. Mr Ridgway to withdraw.

The Hon. D.W. RIDGWAY: I will withdraw it if it pleases the minister.

The PRESIDENT: You will withdraw?

The Hon. D.W. RIDGWAY: I will withdraw.

Members interjecting:

The PRESIDENT: The Hon. Mr Ridgway, perhaps it would be safer if you just got to your question.

The Hon. D.W. RIDGWAY: I only have a little bit more of an explanation, Mr President.

The PRESIDENT: Well, Hendrik is up there waiting. The Hon. Mr Ridgway.

The Hon. D.W. RIDGWAY: The South Australian Rock Lobster Advisory Committee was able to present very detailed information on the recalculation of the displaced effort. This includes information from expert fisheries scientists Associate Professor Caleb Gardner and Dr Ian Knuckey. This information was also reviewed by fisheries management expert Steven McCormack, who agreed that SARLAC's approach was perfectly legitimate but a more conservative approach was preferred.

The rock lobster industry members met with the minister, Mr Mehdi Doroudi, and minister Hunter's chief of staff on 24 July where these findings were presented. This means the minister is well aware of this scientific information. My questions are:

1. Why does the minister continue to accuse the South Australian Rock Lobster Advisory Committee of not providing its own scientific information, when it clearly has?

2. Why was the scientific information from the experts ignored by the government?

3. If marine park and sanctuary zones are meant to maintain our marine biodiversity is it not hypocritical to ignore the advice that suggests that the current model will possibly result in overfishing?

4. In the absence of an approved management plan due to the marine park process, is the 2007 management plan the current management plan for the northern zone rock lobster fishery?

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) (14:27): I thank the honourable member for his questions. It is just outrageous: it is obvious that the Leader of the Opposition failed to listen to my response clearly yesterday. I indicated quite clearly that extensive consultation had occurred. In fact, the reason that the northern rock lobster plan was delayed—because this other one has gone through—was that the industry itself, fishers from the northern zone, requested that it be delayed further. I assented to their request and have delayed the completion of that zone plan until those fishers are in a position to be able to proceed. Part of the reason they requested that was because of the introduction of marine parks.

Now, the southern rock lobster zone did not see that as any issue to slow down their process. However, the northern zone fishers did, and I listened to the industry and its view was that it wanted to wait and see until the marine park zoning had been completed so that they could be confident about any impacts that it might have on their fishery before finalising the plan.

However, having said that, a great deal of work has gone into that plan; it is near completion. We have consulted extensively with the industry, and I have agreed to the industry request to delay it further until after the implementation of the marine parks. I am happy to do that, so it is absolutely misleading of the honourable member to come into this place and indicate that I in fact have not considered their input. I have already outlined in detail the issue around the scientific data. We have agreed to disagree on the scientific data. We have, as I have indicated in this place, listened to the industry, looked at all the information they have provided to us and considered that extremely carefully. However, we disagree with the conclusion they have come to.

We have applied a fair way of calculating displaced effort across the fisheries. The northern rock lobster zone believe they should have a special formula applied to them. They have not been able to provide us with any evidence that would indicate that we need to reconsider the way we have calculated that displaced effort. We have considered their data in great detail, and our scientists simply disagree with their calculations. They are not able to challenge the work we have done. In fact, they have indicated that the work we have done is of high integrity; it is just that their view is that it should be done in a different way, that they should have a special formula applied to them.

As I have indicated in this place, the issue for us is that we get the balance right. It is a matter of making sure we displace the effort the marine parks impact on, but they are fishing licences we are removing, they are people's business, they are families, most of which are located and living in regions. If we remove too many, we will potentially face removing too many licences and unnecessarily taking licences off businesses and families when it is their livelihood. So, it is important that we get the balance right between accurately displacing effort and not unnecessarily removing too many businesses from our fisheries; those businesses are very important to South Australia and to our regions.

We believe we have that balance right. Almost all the other fisheries have moved on and accepted that this is a fair and reasonable way to go. The only people who believe that they warrant special consideration is this northern rock lobster fishery, and, as I said, we simply do not agree with the calculations they have brought to us.

NORTHERN ZONE ROCK LOBSTER FISHERY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:33): By way of supplementary question, what courses of action are open to those fishers if, in the event, your information is wrong and the fishery is overfished?

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) (14:34): The honourable member knows or should know, but regularly fails to comprehend, that we monitor our fisheries regularly. Our scientists are out there, our PIRSA people and SARDI are out there, year in year out, monitoring our fisheries, doing surveys of our fisheries, measuring biomass so that we know well in advance, basically at the egg stage, what size our fishery is likely to be in a year or two years' time. We are able to predict ahead what our fish stocks are likely to be. We continue to monitor our fisheries and carefully consider any implications that science brings back to us.

NORTHERN ZONE ROCK LOBSTER FISHERY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:34): I have a further supplementary question. The minister misses my point. If in the future the fishery is unsustainable, will it just be addressed by a reduction in quota? Clearly, the industry has said to you they are worried—

The PRESIDENT: There's no debate.

The Hon. D.W. RIDGWAY: —that not enough effort had been taken out, so what is your solution? Just to reduce their quota at some point in the future?

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) (14:35): We don't believe we've got a problem and therefore we don't need a solution. We don't believe we've got a problem; we have done the very best science on this. It is fair, it is reasonable, it is transparent, and the northern rock lobster zone is not able to provide us with any evidence that our calculations are incorrect or insufficient. They disagree with us, and I accept that, but they are in fact not able to provide us with any additional or new evidence. As I said, we monitor year in, year out, and we will consider any implications as they arise.

KOALAS

The Hon. J.M.A. LENSINK (14:35): I seek leave to make a brief explanation before directing a question to the Minister for Sustainability, Environment and Conservation regarding koala rescue volunteers.

Leave granted.

The Hon. J.M.A. LENSINK: I have been contacted by some volunteers who are concerned about inconsistencies, and barriers towards their assistance of rescuing koalas, by DEWNR. The particular organisation—most of whose members have a background in veterinary services—rescue and care for injured and sick koalas throughout South Australia.

They receive approximately 30 to 40 phone calls a week from members of the community reporting sick, injured or orphan koalas. Once they have received that information, they rescue the animals and provide them with the care and treatment they require to return to full health, and they obtain the relevant permits to undertake these tasks. DEWNR also refers koalas to this group; however, they do not provide much support.

This organisation believes DEWNR is making it increasingly difficult for them to provide assistance, and an example of this occurred earlier this month when one experienced koala volunteer had in her care two baby koalas that required regular feeding every four hours. Prior to rescuing a second animal, the volunteer had advised DEWNR of her intention to take the animal to a function, due to the regular feeding needs, and clearly the other koala was required to be placed in her care, so she had to take both with her.

DEWNR saw a photo of this through social media and advised the volunteer in an unfriendly manner that no koala is to be taken to any public place. DEWNR have also told the organisation that they cannot rescue koalas from national parks. My questions for the minister are:

1. Who is responsible for rescuing koalas from national parks?

2. Can the minister undertake that he will take up this issue with DEWNR to ensure that there is an outcome which enables the organisation to continue its good work?

3. Will he review DEWNR's policy?

4. Will he investigate why there has been a breakdown in communication between DEWNR and the volunteer organisation?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:38): I thank the honourable member for her most important question, and can I say at the outset that my department is very, very anxious indeed to be working with volunteer community organisations across our business. We make that one of our cornerstones of our key drivers I suppose, of how we do business working with volunteers—be they people who look after our botanic gardens, help with our weed eradication control, or look after injured wildlife.

There are processes that we put in place to make sure that animal welfare is a priority in these issues. People are required to have the appropriate permit, and that could go to the need for appropriate amounts of training in these areas, and indeed a compliance with our knowledge of the regulations that pertain to the various categories of wildlife that are being looked after.

Can I say that it is entirely appropriate that my agency and staff would be monitoring how wildlife is being presented. In the situation the honourable member outlines, there may have been some miscommunication, but I would hope that when members of my department see publications in the media or on Facebook, or any on other form of social media, they would act in the best interests of wildlife and ask the appropriate questions. At all times, the requirement is that they do so in a civil and polite way and recognising the importance that we as a department place on our key work with volunteer organisations across our agency.

I do not for a minute pretend to understand the details the honourable member has laid on the table today. To the best of my knowledge, it has not been brought to my attention. I will ask for a report from my department and find out what happened in this situation. If there is a breakdown in communication, I will be eager to restore proper normal functioning between our agencies and the organisation because we understand our volunteer organisations are very important to all the work we do.

I say again that our primary role is the protection and care of native wildlife, and I would expect my departmental officers to be checking when they see instances of animals that they suspect in the first instance, prima facie, may not be kept in accordance with the permits that have been applied for.

REGIONAL STATEMENT

The Hon. J.S. LEE (14:40): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about the regional statement.

Leave granted.

The Hon. J.S. LEE: The draft regional statement 2012 was released in December 2012 and the Regional Communities Consultative Council was ordered to undertake public consultation. Almost 12 months have passed and the final statement is yet to be released. I believe my colleague in the other place Mr Steven Griffiths (shadow minister for regional development) wrote to the minister and received a reply, dated 13 October, in which she said:

> I am expecting to receive the Regional Communities Consultative Council's final consultation report in the coming weeks.

My questions are:

1. Can the minister provide a definite date for the release of the regional statement?

2. Can the minister advise why the final report has taken almost 12 months to be made publicly available?

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) (14:41): Because it is a very comprehensive, well-consulted report. That is why it has taken so long. We have extensively involved our regional communities and organisations. It is quite right that it was back in December 2012 that I released the draft regional statement. It was about enabling regional communities to have a greater input and influence in decisions around regional matters, highlighting the essential contributions made by regions to South Australia's economy and outlining a framework for prosperity for regional communities to be able to drive forward change from the community up.

The statement has been really a conversational tool between government and regional communities to work in partnership and ensure the ongoing future prosperity of our regions. It reaffirms our longstanding commitment to regions and signifies our work towards greater collaborative partnerships and a more strategic and coordinated approach, particularly to planning and services. It brings together current government plans, strategies and services with regional plans (things like our roadmaps), and highlights how we will consolidate and build on those current initiatives to help ensure that regional communities remain prosperous.

I asked the RCCC, my independent advisory body, to undertake targeted community consultation and provide feedback. They undertook a number of workshops throughout this state during this year and, to complement that consultation process, we also conducted an online survey which was placed on the PIRSA website inviting broader public input, if you like, and engagement.

I asked the RCCC to undertake further targeted industry consultation to ensure that the views of specific industry stakeholders were considered. I also asked my department to consult with government agencies and stakeholders to help identify opportunities for government to better engage with regions through the statement. The RCCC has finalised its report, and now that has gone to PIRSA, which is finalising the final version of the statement.

As you have seen, a great deal of work has gone into ensuring that our regions have comprehensively been involved in consultation and engagement in this process. An enormous amount of work has been done, and I have to say the last draft that I was presented with was of very high quality, so I think it will be well worth the wait. I think that regions will be very pleased to see the way that their input has been incorporated into the statement. It is imminent. Any day now, any tick of the clock, I will be releasing that statement. It will not be long. I am sure that it will be a pre-Christmas present.

The Hon. I.K. Hunter: Worth waiting for.

The Hon. G.E. GAGO: And it will be well worth the wait.

The Hon. R.L. Brokenshire: It is exciting, minister.

The Hon. G.E. GAGO: It is very exciting. We are all very excited about it.

PRIVATISATION

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

ECONOMIC GROWTH

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

QUESTION TIME

COMMONWEALTH GOVERNMENT FUNDING

The Hon. G.A. KANDELAARS (14:46): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about the impact of federal government cuts.

Leave granted.

The Hon. G.A. KANDELAARS: Yesterday the minister referred to the federal government cuts to almost every area in South Australia, particularly our regions. Can the minister outline the risks associated with Liberal government cuts such as these?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:46): Good question. I thank the honourable member for his fabulous question. South Australians are rightly deeply concerned about what the election of the federal Liberal government means to this state. They are deeply and rightly concerned.

Members interjecting:

The Hon. G.E. GAGO: They are both. They are deeply and rightly concerned. It has only been 10 weeks since the election of the new federal Liberal government, and South Australians are already clearly beginning to see what happens when a federal Liberal government is elected. We know what is in store. We have already seen significant cuts, broken promises and decimation of our public services at the state level here in South Australia. With the Liberal government at the federal level, clearly no jurisdiction is safe.

I spoke in this place yesterday about the disgraceful decision by the federal Minister for Infrastructure and Regional Development not to honour any non-contracted commitments made by the former Labor government and funded. They were funded and budgeted for, and the decision had been made to pursue those. They were not election commitments. Decisions had been made to pursue those and funds were made available. This is likely, as I indicated, to result in the loss of around $20 million to South Australians, to our community projects, and many of those projects, as we know, were going to occur in our regions.

I also spoke about the delay in accepting the proposed guidelines for the South Australian River Murray Sustainability program. Most shamefully, $650 million in River Murray upgrades and water buybacks have been deferred, threatening to choke our state's lifeblood and undermine the nature of the agreement South Australia reached to save the Murray River. In the regions, the commonwealth has also reneged on an agreement for the upgrade of the road through the APY lands where its share was $85 million. Just reneged. Gone in just a click of the fingers. Gone.

The Hon. I.K. Hunter: Ripped away.

The Hon. G.E. GAGO: Ripped away. Ripped from the lands. Who can forget the $10 million cut to our Farm Finance Package for our South Australian farmers in need, showing the true disdain with which the Liberal government holds the South Australian farming community. The Coalition's dismissal of regional South Australian communities is a disgrace and, of course, those opposite have done nothing, absolutely nothing, not a thing; not lifted a pen to write a letter, not lifted a phone to make a phone call. They have done nothing to try to retrieve some of the damage that has been done, the services ripped from our farmers.

The Leader of the Opposition, Mr Steven Marshall, and those opposite continue to remain silent. There is no justification at all in letting the federal Liberals rip billions of dollars from our communities. The Liberal government is playing with the livelihoods of real families and real communities.

The list goes on and on: abolition of the Department of Regional Australia, reduced fire assistance grants, and cuts to the CSIRO reported at around 1,400 scientists and researchers. Jobs on the line; 1,400 of our leading scientists and researchers. Cuts to jobs at our Border Compliance Division that slipped under the radar, potentially jeopardising jobs that are involved in our front-line quarantine services.

As I said, the list goes on and on, and it is not just our regions where we have seen devastating cuts. Also at risk is $500 million of automotive assistance. This reckless decision is putting the jobs of thousands of Holden workers at risk, and where is Mr Steven Marshall and those opposite? Nowhere to be seen; certainly nowhere to be heard. They are all too happy just to sit back and watch Holden workers suffer this downfall. What a disgrace! What an absolute disgrace!

We have had childcare workers dealt a massive blow. The $300 million funding boost aimed at improving the wages of 30,000 childcare workers, one of the most underpaid group of workers, looks like it is going to be axed. It looks like that $300 million is likely to be axed. What would we really expect from a Liberal government? That they would stand up and deliver for the workforce that is approximately 95 per cent female? Do we think they are going to stand up for them? No. They can only find one meritorious woman to put in the ranks of their cabinet, so they are unlikely to look after all of those other careworkers—one woman meritorious enough to go into their cabinet. One.

Just in the last two days we have seen another backflip from the federal Liberal government with the federal education minister indicating that he wants to tear up the funding agreement reached as part of the Gonski reforms with the states and territories, including South Australia. They just want to tear that up. These cuts total over $2 billion—$2 billion.

An honourable member interjecting:

The PRESIDENT: Order! I will be inviting the minister to restart her answer in a moment. I am listening. Minister.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: You can leave any time you wish. I am not keeping you here, the Hon. Mr Ridgway. Minister.

The Hon. G.E. GAGO: Two billion dollars of cuts potentially—$2 billion worth of cuts in just 10 weeks. God help us! We have had 10 weeks of stunning silence from the Leader of the Opposition, Mr Steven Marshall, and complete silence from those opposite us. The silence is deafening. The only plan that we get from Mr Marshall and his shadow ministers is a little pamphlet. That is what we are peppered with: glib statements. It doesn't take rocket science to see how Liberal governments operate. We are seeing a culture of cuts, disdain and complete disrespect and disregard for South Australia's interests.

So, although Mr Marshall is doing his best to keep his plans as secret as possible and fobbing off voters with meaningless rhetoric and little pamphlets, we all know what they are going to do with this state. As I said, we can see what the Liberal ideology is. It is: cut, slash and burn, and that is what is in store for us if those opposite happen, God forbid, to be elected in the next election.

COMMONWEALTH GOVERNMENT FUNDING

The Hon. R.L. BROKENSHIRE (14:55): I have a supplementary question. Can the minister advise the council how many hours the public servant, or staff, has spent and what it cost us to hear that nonsense?

The PRESIDENT: About as much as it costs us to pay you.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:56): Much less than all the cuts made by the Liberal government to this state.

ANIMAL WELFARE ADVISORY COMMITTEE

The Hon. T.A. FRANKS (14:56): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question on the topic of the Animal Welfare Advisory Committee report.

Leave granted.

The Hon. T.A. FRANKS: I note that the Animal Welfare Advisory Committee report was tabled in this place this week. Under the highlights of the report it states that a code of practice for the humane destruction of wombats has been developed and, indeed, a code of practice for the keeping of security dogs in South Australia has been developed and endorsed and will be published on the website. The report also mentions that AWAC reviews and formulates position statements and policies, but I note that none of these documents appear to currently be on the website. So, I ask the minister two questions:

1. Can he advise when these codes and, indeed, other position statements and policy documents will appear on the website?

2. More extensively, can you also advise the council whether or not the Animal Welfare Advisory Committee was requested to provide an opinion to the minister about the likely animal welfare implications of reforms to free-range egg labelling in the past year?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:58): No and no.

The Hon. T.A. Franks interjecting:

The Hon. I.K. HUNTER: The honourable member asked me could I advise her, and I don't have that before me so the answer is no and no, but what I can talk about, and it is kind of important, I suppose, is the—

Members interjecting:

The Hon. I.K. HUNTER: No, it's them that always ask the wrong ministers. Let me say again—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.L. Brokenshire: Don't upset him, he's got his happy tie on.

The Hon. I.K. HUNTER: I do. Mr President, if I can get to the key issues that really should be raised today, it is the massive slashing of the Animal Welfare Advisory Committee by the federal commonwealth government. The commonwealth government announced on 8 November 2013 that 21 advisory groups have been dissolved.

The Hon. T.A. Franks interjecting:

The Hon. I.K. HUNTER: The honourable member says, 'Can you tell me when it's going on the website?' No, I don't push the button that puts things up on the website. I don't know because it is not my direct responsibility. She asked me the question, 'When will it go up?' I can't tell her. I can ask the question but I don't have that advice before me right now. What she should be asking, and what members of this chamber fail to ask time and time again, is what the commonwealth is doing behind closed doors, because they do not do media anymore. The commonwealth government said, 'No, no, we're not talking to the media anymore. If you're lucky, we'll have one weekly media conference where we'll tell you what you want to know, but not really.'

What this commonwealth government has done in relation to animal welfare is that they have sacked them all. On 8 November 2013, 21 advisory groups have been dissolved by the commonwealth government, including the Australian Animal Welfare Advisory Group, and the functions of these groups will be taken over by other agencies. No information was provided prior to the announcement—fait accompli!

The AAWAG performed a valuable role in overseeing implementation of a national Australian Animal Welfare Strategy and brought together government, industry and animal welfare advocacy representatives with experts—not necessarily scientists because, if they were scientists, they would have been for the high jump on day one—from all animal welfare fields. South Australia

is bitterly disappointed that a valuable group of stakeholders has been disbanded without consultation.

We will be seeking a clear direction from the commonwealth as soon as possible, I am advised, about how they will ensure that stakeholders and experts—experts, not scientists, because scientists now are taken out and shot by the federal government. Their opinions do not matter anymore, science does not matter anymore in Australia, according to the new federal Liberal government, and scientists with opinions, certainly are not welcome to give their advice on policy debates in this country anymore, according to the federal Liberal government.

We will be seeking assurances that the commonwealth is still fully committed to the national strategy and its implementation, but I cannot say with any great confidence that the federal Liberal government is committed because they have just sacked all of the bodies that might have given them any particular advice.

The Hon. R.L. Brokenshire: Wasting time, Mr President.

The Hon. I.K. HUNTER: You'll get your shot in a minute, Brokey. In terms of egg labelling—

The PRESIDENT: Is there a point of order?

The Hon. T.A. FRANKS: There is a point of order, Mr President: the Hon. Robert Brokenshire is not to be referred to as Brokey but the Hon. Robert Brokenshire.

The PRESIDENT: Minister, I did not hear it, so would you please refer to Brokey as the Hon. Mr Brokenshire.

The Hon. I.K. HUNTER: Suitably chastised. I do not enjoyed flogging him as much as the Hon. Mr Ridgway does, but I am suitably chastised in my inappropriate and intemperate language. I shall refer to him in the future as the Hon. Brokey! In relation to egg-labelling situations, which I think the honourable member asked about as well, the South Australian government recognises that consumers want truth in labelling.

The Hon. T.J. Stephens: It's not an answer to the actual question.

The Hon. I.K. HUNTER: Thank you. As members would be aware, there is not a national enforceable standard for free-range eggs, and members may well be aware that the Queensland Liberal National Party government has just put an absolute shaft right through their legislation and said, 'We're going to define free range now as up to 10,000 chickens per hectare,' and that is absolutely outrageous, but that is an indication of what the Liberals stand for. They do not pay any attention to what the consumers want, they do not pay any attention to what farmers want, they do not pay any attention whatsoever to scientists or expert advisory opinion: they know best.

As members would be aware, this government has been working hard with other jurisdictions to try to work towards a national and federally consistent approach to egg labelling. The egg industry in South Australia is a small part of a national industry. South Australia produces only about 40 per cent of its required egg demand, I am advised, and significant numbers of interstate free-range eggs are sold in South Australia—well, labelled as free range. The reason a national enforceable approach is so important is that we can legislate here but it is not binding on other jurisdictions, and eggs from other states can be sold as free-range eggs, leading to further confusion for the consumer.

Given that a national enforceable approach has not been agreed, I am pleased that my colleague the Minister for Business Services and Consumers recently announced that South Australia will establish a voluntary industry code. We will do it ourselves. This industry code will benefit both free-range egg producers in South Australia and consumers, who have been confused about the way in which eggs are labelled, particularly the free-range definition—and with what the Queensland Liberal National Party government is doing, can you blame them for being confused? They obfuscate, at any opportunity, truth in labelling. They will not advise consumers of what they are getting in their free-range eggs, but this South Australian government will stand up for consumers at every turn.

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

The Hon. I.K. HUNTER: Thank you. The Hon. Michelle Lensink recognises the leadership of the Hon. Jay Weatherill, Premier of this state. He will stand up for South Australians when the Liberals fail us all.

Free-range egg production systems enable hens to have access to an outdoor range, we all know that. However, there is no single consistent standard for what constitutes a free-range egg production system, as evidenced by a variety of standards and various quality schemes which are currently being run down by the Liberal Party in Queensland.

Organisations with existing codes or standards include the International Humane Society, the RSPCA, Biological Farmers of Australia, the Victorian Farmers Federation and Free Range Egg and Poultry Australia. However, sir, if they ever have an expert view or, indeed, employ scientists, they will not be listened to by the federal Liberal government either. In South Australia protection of consumer rights is managed by the Attorney-General under state consumer legislation—and he is doing a fantastic job at it, may I say.

The PRESIDENT: The Hon. Ms Franks; with a supplementary or a point of order?

ANIMAL WELFARE ADVISORY COMMITTEE

The Hon. T.A. FRANKS (15:05): A supplementary. How does the government propose to—

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Franks has a supplementary.

The Hon. T.A. FRANKS: How does the government propose to fund its voluntary free-range egg campaign? Will that be in the form of a levy on free-range producers or will it be government funded?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:06): I thank the honourable member for her most important question. I will refer that to the Attorney in another place for an answer.

The PRESIDENT: Before I call the Hon. Ms Zollo I acknowledge that this may be her last question. I see the Hon. Ms Zollo is—

Members interjecting:

The PRESIDENT: Order! I understand that the Hon. Ms Zollo is also slotted in at question 18, and there is a good chance we will get to it. So I am assuming that this may be her last question.

ADELAIDE BOTANIC GARDENS

The Hon. CARMEL ZOLLO (15:06): Thank you, Mr President. I suspect it may well be my last question. My question is to the Minister for Water and the River Murray. Will the minister inform the chamber about the recent opening of the new First Creek Wetlands located at the Adelaide Botanic Gardens?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:07): I thank the honourable member for her very important question; it is seldom that I have better questions than those I have from the Hon. Ms Carmelina Zollo. I look forward to at least one more this session, but I may be disappointed.

The honourable member is, indeed, correct. On Friday 22 November I had the great pleasure of opening the newly completed First Creek Wetlands at the Adelaide Botanic Gardens, along with parliamentary secretary Simon Birmingham. These wetlands are the culmination of 10 years of planning by the Botanic Gardens, its board and staff, to use water more wisely at the Botanic Gardens but also to provide a new garden experience for visitors.

The journey began in 2003 when the Botanic Gardens undertook an in-depth study into water usage amongst its facilities. During those 10 years, of course, we saw our state endure severe drought and adapt to water restrictions, and we watched our most precious resource, the River Murray, become pushed to the brink of environmental catastrophe. Of course, that was largely due to the Liberal Party, which would never stand up for South Australia. It would not get behind our campaign to Save the River Murray, and it was up to Premier Jay Weatherill to lead that fight again, and win it.

He was not afraid to take up that fight against the federal Labor government, he was not afraid to take up that fight against a New South Wales state Liberal government or a Victorian state

Liberal government. He decided he was going to stand up for the state's interests against whomever he needed to fight, not like the group over there, who are too timid to raise their voice in support of South Australia's vital interests.

However, back to the Hon. Carmelina Zollo's most important question about the Botanic Gardens. The Botanic Gardens knew it could use water more efficiently and more sustainably, and also more ingeniously, because it had very good science to access.

The Hon. J.M.A. Lensink: Go on, tell us how much the Liberal Party hates scientists!

The Hon. I.K. HUNTER: Well, I don't need to: the Hon. Michelle Lensink just said it for us.

The PRESIDENT: You've just told us.

The Hon. I.K. HUNTER: The Hon. Michelle Lensink just reinforced for the rest of us how much the Liberal Party hates scientists. I can't understand why. Scientists are lovely people who deal with facts, truths and evidence and make our world a better place.

Members interjecting:

The PRESIDENT: I'm tempted to call order, but we're all having such fun, minister.

The Hon. I.K. HUNTER: The wetland installation captures water from First Creek and its catchments, filters it at the wetlands and then, in turn, stores it for irrigation at the gardens. The project itself will see the Botanic Gardens within five to eight years, it is hoped, be entirely independent from mains water for irrigation, which is going to be an outstanding achievement.

First Creek is dry in summer and wet in winter, and the wetland will be no different, mirroring the natural water flows of these sorts of ecosystems. When First Creek is flowing a small amount of water, a maximum of about 25 litres per second, will be diverted into the wetland through a narrow, small pipe. Most of the First Creek water will continue to flow down First Creek into the River Torrens. Water that does not enter the First Creek Wetland will be filtered by a gross pollutant trap before it flows on into the River Torrens.

Once water enters the wetland, it is filtered by a continuous deflexion system unit that removes litter before the water enters the settling pond. The settling pond then cleans the water by slowing it down, allowing clay and sand and other particulate matter to settle. The cleaner water then flows into the filtering pond, where the plants and microscopic life remove pollution like heavy metals, bacteria, viruses and nutrients from water, letting the native plants do their work. I am advised this is known amongst wetland experts as a macrophyte zone. The water is from there mechanically filtered by a sand filter and pumped 100 metres below ground for storage. Lastly, when required, the stored water is pumped up into the storage pond and used to water the garden.

The First Creek Wetland has also been developed as an important educational facility to help the community to understand the role of wetlands, especially in an urban environment. Containing more than 60,000 plants, the wetland is a significant collection for the Botanic Gardens and includes a number of native rare and endangered species collected by the Botanic Gardens staff from the South Australian Seed Conservation Centre; seeds that were then propagated and grown by our nursery at the Mount Lofty Botanic Gardens and planted at the wetlands.

The wetland itself features pathways and viewing platforms, as well as an educational sign area to explain the aquifer system and the importance of wetlands to the 1.6 million annual visitors to the Adelaide Botanic Gardens, including an expected 50,000 school students. It is a great new addition to the gardens, and I urge members to check it out when they have an opportunity.

At the launch, I had the great pleasure of talking to some of the Botanic Gardens staff, and I was impressed by their great enthusiasm and professionalism in bringing this project to fruition. Special mention must go to Mr Andy Hart, the Botanic Gardens curator, who has worked on this project from start to finish. I also had the pleasure of joining with some students from Gilles Street Primary School to plants some seedlings at the wetlands—some of the first students to learn from this new facility.

I have spoken in this place before about the state government's efforts to make South Australia a water-sensitive state. I have spoken at length about our plans to see Adelaide capture some 60 gigalitres of water across Greater Adelaide by the year 2050, and I am advised that this project is a piece of that puzzle enabling us to capture, at the end of the year, 23 million litres of water that would otherwise have run out through the Torrens system.

It is a great example of an organisation thinking about how they can do things better, how they can do things more sustainably, and everybody at the Botanic Gardens who has been involved in this project deserves our congratulations. I heartily commend their efforts to the chamber.

FLAXLEY RESEARCH CENTRE

The Hon. R.L. BROKENSHIRE (15:13): This will be my last question for this session. I seek leave to make a brief explanation before asking the minister for primary industries a question about dairy in South Australia.

Leave granted.

The Hon. R.L. BROKENSHIRE: As always, I declare my interest in dairy farming. Originally, South Australia thrived on dairy research from the Northfield Dairy Research Centre. Due to the fact that there was some urban sprawl, the dairy research centre at Northfield was sold by the then government and some of the funding from that went into a new dairy facility, called the Flaxley Research Centre. I am advised that the Flaxley Research Centre is now either up for sale or has possibly been sold. My questions to the minister on that, and on another piece of infrastructure in the CBD that also has an interest with the dairy industry, are:

1. Can the minister advise the house where the matter of the Flaxley Research Centre is up to—is it sold or going to be sold?

2. If it has been sold or is going to be sold, given that that money really belongs to the dairy industry, can she advise the house what will happen with the proceeds of that property?

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) (15:15): It must have been a Liberal government that sold Northfield, given that he has not accused Labor of selling it. So, I find that really interesting.

Members interjecting:

The Hon. G.E. GAGO: Yes, it was probably the Hon. Robert Brokenshire who sold the Northfield Dairy Research Centre in the first place. I find it fascinating. The fact that he has not accused Labor of selling it must mean that it was in fact a Liberal government that sold Northfield Dairy Research Centre. Again, the Hon. Robert Brokenshire is shamelessly hypocritical, but that has never stopped him in this place, never even slowed him down. In relates to Flaxley—

The Hon. J.M.A. Lensink: Nasty, nasty minister.

The Hon. G.E. GAGO: I'm not nasty at all. The Hon. Robert Brokenshire and I get on extremely well together—we do a lot of good work together. It's a mutual thing: he bags me and I bag him, but we do so with great respect. In relation to our commitment to dairy research, I have indicated in this place before that the arrangements around research now have been approached in a national way.

In the past, each jurisdiction tried to dilute its research resources across as many different sectors as possible, to do a little bit of something in everything, and of course that is a very inefficient and ineffective way to go about research. We now have a much more nationally coordinated approach to research, where different jurisdictions are given lead responsibilities for carriage of research in different areas so that we share the distribution around the country, and then we share the research findings and information that come from that.

South Australia is no longer responsible for dairy research. In fact, within that R&D framework, SARDI is the national leader in areas of grains, wine, fishing and aquaculture, pigs, poultry, climate adaptation, animal welfare and food and nutrition. Our emphasis and need to be investing in and conducting dairy research are no longer relevant for us. I just cannot remember which jurisdiction was given the responsibility for dairy, but I would bet it was Victoria—I would hazard a guess.

So, not only have those changes taken place but also we go about research now in a very different way. The old-fashioned way was that we set up a whole series of research farms or stations around the state that actually acted and operated as farms, and research was conducted in that way. We now no longer rely as heavily on that; in fact, we rely very little on that method of research in some areas only. We now do extension research, where we actually go out to

commercial farms and work with farmers in real commercial farming situations and run our research in collaboration and partnership with farmers.

That works extremely well because it provides a much closer link and nexus with real primary industries. The feedback from our farmers is very positive. They are very supportive of that form of research and are highly cooperative in the way they operate with SARDI and PIRSA officers to run extension projects. I must put on the record my congratulations and gratitude for the way that our farmers do cooperate in that way. I think we are a jurisdiction that is probably one of the most successful in doing that—

An honourable member interjecting:

The Hon. G.E. GAGO: I'm getting to Flaxley. This is all relevant to Flaxley—I have another five minutes to go on Flaxley! I do put on the record my congratulations and recognition of our farmers and the fabulous cooperation in the way they conduct themselves with our research.

In relation to Flaxley, it has been assessed to be surplus to our requirements and it has been earmarked to be sold. It definitely hasn't been sold yet, but my understanding is that it is on the market and, if it's not on the market, it's about to go on the market. It definitely has been earmarked for sale and as I said (and for the reasons that I have outlined) that facility has now become surplus to our requirements.

I understand the honourable member's sentiments for that site. It has been a great research farm, a great research institution, and a lot of people have many fond memories of that facility. There are a lot of scientists and other workers who have come and gone from that site and a lot of hard work and sweat has gone in to toiling soil and other work at that particular facility. So I understand the sentimental attachment to the site but as I said, our research methodologies have moved on and so must we.

FLAXLEY RESEARCH CENTRE

The Hon. R.L. BROKENSHIRE (15:21): I have a supplementary question but firstly I advise the council—for the interest of the minister—that premier John Bannon's government sold Northfield in 1985. However, I didn't want to attack the government because I protect them. My question is: will the proceeds from Flaxley be available to the dairy industry?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:22): I think I have indicated in this place before that half of the finances that come from the sale of the agency's assets goes to Treasury and half goes back to the agency. We have indicated in this place before that we intend to invest that into further research. While I am on my feet, I have been advised that in fact it is not actually on the market at the moment but is about to go onto the market.

GOVERNMENT COMMUNICATIONS CENTRALISATION

The Hon. R.I. LUCAS (15:23): I seek leave to make a brief explanation prior to directing a question to the Leader of the Government on the issue of centralising communications.

Leave granted.

The Hon. R.I. LUCAS: In the 2012-13 Mid Year Budget Review—just over 12 months ago—the government announced a budget saving of centralising communications functions to achieve $2.6 million in savings this year and $5.3 million next year. In summary, all the agencies would be asked to centralise communications-related functions across government so that communications officers would be taken out of the agencies and placed in some central location with a subsequent reduction of 50 full-time equivalents.

Can the minister indicate in relation to departments and agencies reporting to her how many officers have been transferred and what progress has been made in terms of centralising communications functions in accordance with the Mid Year Budget Review announcement?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:24): I thank the honourable member for his most important question. Indeed, this government has worked very hard under the leadership of our Premier, Jay Weatherill, to look at a whole range of different initiatives to assist this government in streamlining and improving efficiencies, reducing duplication and replication of services wherever

possible, and trying to ensure that we develop and maintain a highly efficient and highly effective public sector. We know that the opposition, if they were to win government, secretly plan to slash the public sector and slash up to 35,000 jobs. We know that that translates to essential community public services and amenities, and we know that is what they secretly mean to do. The member for Heysen (Mrs Isobel Redmond) let it slip, so we know what their secret plans are.

In relation to the centralisation of communication, I do not have those details with me today. They are mainly operational issues. I am happy to take those on notice and bring back a response as expeditiously as the question deserves.

ELECTRONIC CONVEYANCING NATIONAL LAW (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 30 October 2013.)

The Hon. R.I. LUCAS (15:26): I rise on behalf of Liberal members to support the second reading of the Electronic Conveyancing National Law (South Australia) Bill. The establishment of national electronic conveyancing is an initiative of the Council of Australian Governments and is intended to provide a single national electronic conveyancing system for use throughout Australia. In February 2009, the commonwealth, state and territory governments entered into a national partnership agreement to deliver a seamless national economy, and the development of the National Electronic Conveyancing System (NECS) as a single national system was included in the agreement as one of 27 initiatives.

It has been estimated by the government and others that this will generate national gross savings of up to $250 million per annum and reduce the cost of preparing and settling each transaction by around $230 once fully implemented. The national electronic conveyancing system will become operational when all states and territories have passed legislation.

The shadow minister responsible (Mr Griffiths) has indicated to the Liberal Party that he sought feedback from the Real Estate Institute of South Australia and the Real Estate Institute has indicated its full support for the legislation. On that basis, the Liberal Party supports the 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) (15:27): I thank the opposition for their indicated support for this important piece of legislation, albeit an administrative matter, and I look forward to this being dealt with expeditiously through the committee stage.

Bill read a second time.

Bill taken through committee without amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:31): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (DANGEROUS DRIVING) BILL

In committee.

Bill taken through committee 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) (15:34): I move:

That this bill be now read a third time.

SPENT CONVICTIONS (DECRIMINALISED OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 November 2013.)

The Hon. S.G. WADE (15:36): Thank you, Madam Acting President. It is particularly appropriate on the honourable member's last day that she should preside over the council on the last sitting day of the year.

I rise in relation to the Spent Convictions (Decriminalised Offences) Amendment Bill 2013. On 30 September the Attorney-General introduced the Spent Convictions (Decriminalised Offences) Amendment Bill 2013. The bill proposes to amend the Spent Convictions Act 2009 to provide that historical convictions for offences constituted by homosexual acts that are no longer criminal offences can be spent. On 22 November 2012 the Senate of the commonwealth parliament resolved to call:

> ...on all Australian states and territories to enact legislation that expressly purges convictions imposed on people prior to the decriminalisation of homosexual conduct.

The Senate motion referred to the Protection of Freedoms Act 2012 in the United Kingdom which enables the Home Secretary, on application, to formally disregard certain convictions for decriminalised consensual sexual offences. The UK provisions, which commenced on 1 October 2012, took the approach of specifying the relevant offences—that is buggery and gross indecency between men—and then allowing the Home Secretary to decide whether the convictions should be disregarded in all circumstances.

While no other Australian jurisdiction appears to have taken specific steps to address the spending of homosexual offences, four jurisdictions already have repealed law provisions in their spent convictions legislation which could be engaged in such circumstances. In that context, I pause to reflect whether in their motion the Senate of the commonwealth parliament were anticipating that those jurisdictions would take action. Why I say that is that the motion does say that it calls on all Australian states to enact legislation that expressly purges convictions imposed on people. Suffice to say, it may well be that the Senate's view is that the general repealed law provisions are not adequate in the context of these particular offences.

I raise that point merely because there are so many jurisdictions that have relevant repealed law provisions and the appeal from the Australian Senate was on 'all Australian states and territories' and, as I said, uses the term 'expressly'. Be that as it may, far be it from me to try to comprehend the mind of the Australian Senate.

The legislation of four jurisdictions, that is, the ACT, New South Wales, Tasmania and the Territory, provide in broad terms that a conviction for an offence of a kind that has ceased by operation of the law to be an offence is spent when the offence ceased to be an offence, but only if the offence is prescribed under the regulations to be an offence to which this subsection applies. South Australia and Queensland do not have relevant provisions. Western Australia has an on application only approach to spent convictions, and Victoria has no spent convictions legislation at all.

So, back to the bill before this parliament. This bill would make amendments to the Spent Convictions Act to allow convictions for homosexual acts to be spent. Under the act, certain criminal offences automatically become spent for most purposes after a qualification period of 10 years, provided the individual has not been convicted of any further offences other than a minor offence in which there was no penalty or the only penalty was a fine not exceeding $500.

Under the act, there are some offences that can never be spent. The effect of the act is that a sex offence can only be spent if upon conviction the penalty did not include imprisonment, whether suspended or not, and by order of a qualified magistrate considering all the circumstances. Under the act, spent convictions need to be disclosed if disclosure is for one of a number of excluded purposes. Excluded purposes include the task of caring for children.

The bill proposes to adapt the spent convictions regime by expanding the definition of sex offence to include a designated sex-related offence that is constituted by consenting adults engaging in or procuring another adult to engage in sexual intercourse or an offence prescribed as a designated sex related offence for the purposes of this definition.

If the bill is enacted, a person who is convicted of an offence related to unspecified consensual sexual activity would be able to apply to a qualified magistrate for their conviction to be spent for all purposes and it would be spent if the qualified magistrate finds that an offence is a designated sex related offence and the offence has ceased, by operation of law, to be an offence. The offence could be spent even if they received a sentence of imprisonment. Any term of

imprisonment bars convictions for other sexual offences from being spent. Imprisonment of 12 months or more bars other offences.

The definition of 'designated sex-related offence' includes the capacity for offences to be prescribed by regulation. The government would prefer to have a regulation-based capacity to expand the offence category as they work through how to accommodate the convictions of a person who was a minor between 1972 and 1975, a time when two men could legally engage in consensual sex in private only if they were 21 or over. A later bill, passed on 27 August 1975, made South Australia the first Australian state to fully decriminalise homosexuality. As a South Australian Liberal, I would acknowledge the work of the Hon. Murray Hill MLC in that legislative story.

On my reading, designated sex-related offences prescribed by regulation do not need to involve consensual activity. The clarification of consent in proposed section 3(8) is, in my view, ineffective to limit the definition to consensual activity. It may be better incorporated in the magistrate's task in section 8A(c). If in the future other offences involving consensual activity between adults were to be decriminalised convictions for those offences would, without further action, be eligible to be spent. Theoretically, there are a range of offences where that may well be relevant.

Once that conviction is spent, either automatically or for an eligible sex offence by order of a qualified magistrate, a further application may be made to a qualified magistrate under section 13A of the act that the spent conviction need not be disclosed for one of the three excluded purposes. I note that the United Kingdom legislation specifies the relevant offences. The current South Australian act already allows sex offences to be specified by regulation.

The opposition was at a loss to understand why the provisions in relation to 1972 to 1975 could not be included in the legislation. The government provided a copy of the draft regulations and, on that basis, we have drafted amendments to the act which would incorporate that limited area of offence in the legislation itself. I commend the legislation to the house and also seek the support of the council when we consider the amendment during the committee stage.

The Hon. T.A. FRANKS (15:46): I rise very briefly, given not only that this is the last day of sitting in this parliamentary session but that it is getting late in the day. I am very pleased to see this bill before us today. I note that it was only introduced in the other place on 26 October and here we are debating it now.

I note that in 1997, Tasmania became the last state to decriminalise sodomy, and that was 22 years after the lead was set here in South Australia. While homosexual sex is no longer a crime, thousands of criminal convictions are still outstanding across our nation. It is an issue that I am very pleased to see this government take action on, and we welcome this spent convictions legislation before us. Indeed, it is time to wipe the slate clean. These historic convictions for homosexual sex are not appropriate in this day and age, and they must be expunged.

Of course, the most relevant group to have suffered these previous laws and, indeed, to have carried this burden, are older gay men, and I believe that this will be a very welcome move in that community for those men who had consensual sex with other adult men in Australia prior to the time of the decriminalisation of sodomy. With those words, the Greens welcome this and look forward to the speedy passage of this bill through the chamber.

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) (15:47): There being no further second reading contributions, I thank those members who have made a contribution and who have indicated their support for this bill. The bill makes amendment to the Spent Convictions Act so that historical convictions for offences constituted by previously outlawed homosexual conduct may be spent.

Under our current provisions, some people who have convictions for historical homosexual offences will already be able to apply to a qualified magistrate for their conviction to be spent but only if the sentence received did not include imprisonment. As such, building upon recent reform, the bill introduces a new term 'designated sex-related offence', which is defined as a sex offence which is constituted by consenting adults engaging in, or procuring another adult to engage in, sexual intercourse. A qualified magistrate will be able to order a conviction for a designated sex-related offence as spent if satisfied that the conduct constituting the offence has ceased by operation of law to be an offence.

Under the Spent Convictions Act, a spent conviction is still disclosed for what is referred to as an 'excluded purpose'. A qualified magistrate can also order that a spent conviction not be disclosed for one of three excluded purposes, but not for all of the excluded purposes. Under this bill, however, once spent, the designated sex-related offence constituted by consensual homosexual sex which is no longer an offence is not disclosed for any purpose, including one of the excluded purposes. The intention is that a person is placed in the same position as if the conviction never occurred, as it is most appropriate to do so in these cases. I look forward to the committee stage.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

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

Amendment No 1 [Wade–1]—

Page 2, lines 20 and 21—Delete paragraph (b) and substitute:

(b) an offence where—

(i) the offence is constituted by consenting persons of the same sex engaging in sexual intercourse, or another form of sexual activity; and

(ii) at least 1 of them is 16 or 17 years of age (and none of them is younger); and

(iii) their actions would not have constituted an offence if they were not of the same sex; and

(iv) no person engaged in the activity was in a position of authority in relation to another person engaged in the activity;

This relates to the class of young people who were not adults in the period 1972 to 1975. That was a time when two men could legally engage in consensual sex in private in South Australia only if they were 21 or over.

A later bill, passed on 27 August 1975, made South Australia the first state to fully decriminalise homosexuality, but the government did identify in its research on this bill that that was a class of people who would not be adequately catered for by the provisions of the statute. My understanding was that the government was grappling with that issue, and proposed a regulation-based capacity to expand the offence category to accommodate that group of minors between 1972 and 1975.

I know that the Attorney-General does not share our preference—or at least to the same extent—for statute-based rather than regulation-based provisions, but I put the motion before the committee. I understand that the government is favourably disposed.

The Hon. G.E. GAGO: The government does not oppose either of these amendments. Each of the amendments put forward by the Hon. Mr Wade removes the power to prescribe an offence as being a designated sex-related offence and, instead, inserts into the bill a new element into the definition of designated sex-related offence.

The definition the Hon. Mr Wade is inserting by way of his amendment No. 1 is based on the draft regulation provided to the opposition between houses. The change to subclause (8) proposed by the Hon. Mr Wade in amendment No. 2 is also based upon the draft regulation provided to the opposition between houses. On that basis, these amendments reflect the intent the government demonstrated in the draft regulation, and therefore the government is happy for them to go through.

The Hon. S.G. WADE: The minister's comments remind me that, out of respect for the committee, I should have highlighted the fact that this would remove the capacity for the government to add further offences by regulation. I submit to the committee that that is appropriate because in my view there are still offences which involve consensual sexual activity between adults which have not been decriminalised.

The one that comes to mind straightaway is prostitution. This parliament has grappled with sex worker reform in this parliament and has not progressed it. If we were to decriminalise prostitution, in my view we would need to turn our mind to—considering that I believe it would fit

into the category of consensual activity between adults—how we would want to deal with spent convictions. It may well be that the parliament takes the view that some prostitution-related offences should be able to be spent and others should not be.

I just make the point that not only are we supporting the government's approach in relation to this group of young people from the 1970s who now, with all due respect, are ageing like I am, but also it does say to the executive that in relation to this area of activity, if there are future laws which do remove offences relating to consensual sexual activity between adults, we would expect future parliaments to actively consider how those offences should be dealt with under the spent convictions legislation.

Amendment carried.

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

Amendment No 2 [Wade–1]—

Page 3, lines 8 to 12—Delete subsection (8) and substitute:

(8) For the purposes of the definition of *designated sex-related offence*—

(a) a person will not be taken to have engaged in an activity with his or her consent if the person would not be taken to have freely and voluntarily agreed to the activity under section 46 of the *Criminal Law Consolidation Act 1935*; and

(b) a person is in *a position of authority* in relation to another person if they would be in a position of authority in relation to the person under section 49(5a) of the *Criminal Law Consolidation Act 1935*.

The Hon. G.E. GAGO: The government also supports this amendment, and I outlined my reasons when I addressed amendment No. 1.

Amendment carried; clause as amended passed.

Remaining clauses (5 to 7), 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) (15:57): I move:

That this bill be now read a third time.

Bill read a third time and passed.

WORKERS REHABILITATION AND COMPENSATION (SAMFS FIREFIGHTERS) AMENDMENT BILL

The House of Assembly agreed to amendments Nos 1 and 2 made by the Legislative Council without any amendment; disagreed to amendment No. 3 and made an alternative amendment as indicated in the following schedule in lieu thereof; and disagreed to amendment No. 4 and made the consequential amendments as indicated in the following schedule:

No. 3. Clause 4, page 3, after line 14 [clause 4(3)]—After inserted subsection (2a) insert:

(2b) If—

(a) worker suffers an injury of a kind referred to in the first column of Schedule 2A; and

(b) the injury occurred on or after 1 July 2013; and

(c) before the injury occurred, the worker was presumptively employed by the Crown as a firefighter for the qualifying period referred to in the second column of Schedule 2A; and

(d) the worker was exposed to the hazards of a fire scene (including exposure to a hazard that occurred away from the scene) at least 175 times in any 5 year period during that employment,

the worker's injury is presumed, in the absence of proof to the contrary, to have arisen from his or her presumptive employment by the Crown.

No. 4. Clause 4, page 3—

Line 20 [clause 4(4), inserted subsection (3)(b)]—Delete 'subsection (2a)' and substitute:

subsections (2a) and (2b)

After line 32 [clause 4(5)]—After inserted subclause (4a) insert:

(4b) For the purposes of subsection (2b)

(a) a worker is taken to have been presumptively employed by the Crown as a firefighter if the Crown was his or her presumptive employer under section 103A because he or she was a member of the South Australian Country Fire Service and voluntarily performed firefighting work in connection with that membership; and

(b) a person performs firefighting work if he or she engages in activity directed towards preventing, controlling or extinguishing a fire; and

(c) all of the attendances as a firefighter by a worker at any 1 fire scene on a particular day are to be taken to comprise 1 exposure to the hazards of a fire scene; and

(d) a worker who was employed for 2 or more periods that add up to or exceed the qualifying period is taken to have been employed for the qualifying period; and

(e) the qualifying period may include a period or periods that commenced or occurred before 1 July 2013.

Consideration in committee.

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

That the Legislative Council do not insist on its amendment No.3 and agrees to the alternative amendment made by the House of Assembly.

This amendment provides for the application of the presumption to volunteer firefighters who are exposed to the hazards of a fire scene in accordance with the provision. This amendment is an extension of the presumption to volunteer firefighters who are exposed to the hazards of a fire scene which includes being exposed to a hazard away from the scene at least 175 times over any five-year period.

While this does not include all volunteers, it is consistent with the circumstances described by the member of parliament in another place who advised that, whilst remaining a registered volunteer firefighter, he had not been exposed to a fire scene for the duration of his time in parliament, which I believe he stated was around 16 years. So the government provision strikes a balance between those in the position not dissimilar to the member of parliament who never faced a fire scene, and those volunteers who are regularly exposed. I am sure that those members of parliament would not expect to be beneficiaries of the proposed legislative presumption provided by the government in this bill.

Basically, the government's original position was to extend protections to country firefighters but only under some limited criteria. The amendment that was passed in this place removed that and provided protections to all volunteer country firefighters without any criteria being applied in the cap that the government had considered. Basically, I am saying that the position here today is that the lower house has rejected this house's amendment to remove the cap, so to speak.

The Hon. T.A. FRANKS: It will come as no surprise to members that I rise to oppose the government's proposal that this council not insist upon its amendments. It is no surprise, also, that in the dying hours of this debate in both the House of Assembly and the Legislative Council the protestations against the CFS inclusion on a parity with the MFS have moved from the science, which was the original stumbling block, to the cost.

I note that, when this bill was debated in the House of Assembly a few months ago, that argument was not raised in the opening stages of the debate but it was in the dying minutes of the debate that the cost was raised. I refer members to the Deputy Premier in the other place, who at that time, in terms of the documentation, stated:

The annual cost for career firefighters, including the retained, who have a certain number of callouts—not just for periods but a certain number of callouts—is $2.58 million. That is the effect of the bill [overall]...if [the CFS] were conservatively included, according to the material I have here, on one particular set of assumptions we are talking about $24.95 million additional.

I note there that he says if the CFS was 'conservatively included'. In the media overnight, that $25 million was bandied about and in this place yesterday minister Gago indicated that the cost of the inclusion of the Greens amendments would total $25 million. It is interesting that in the original

debate that was seen as the conservative estimate and somehow it has become the Greens estimate that would cost $25 million. I also note that in media reports this morning the Deputy Premier has said that this will cost $90 million. Obviously, he must be calculating for more than an annual cost with those—

The Hon. R.I. Lucas: Four years, possibly.

The Hon. T.A. FRANKS: Possibly over four years and, clearly, there must be a year in which accumulated cases kick in. Again, we do not have that detail. The Deputy Premier in the House of Assembly debate when this bill first passed in that place, then went on to quote this passage. He said:

> We have estimated the maximum annual cost of cancer claims for the CFS to be $36.2 million with—

At that point, he was interrupted by the member for Bragg with the question, 'Who's "we"?' to which he replied, 'The actuaries.' The member for Bragg then asked for a point of order and she asked the Speaker, 'If the Attorney is referring to a report or material I ask him to table the report.' The Deputy Premier replied, 'I am happy to give you the material,' to which the member for Bragg, quite rightly, said, 'Good.'

I was listening to that debate that evening and I was excited because it was going to be the first time that the Greens had seen the government's actuarials. These figures seem to jump up and down and change from day to day. To go back to the House of Assembly debate, the Deputy Premier then said:

> —but can I finish explaining it? I told you I would give you that before, for goodness sake. I will start the quote again:
>
> 'We have estimated the maximum annual cost of cancer claims for the CFS to be $36.2 million with qualifying periods and $84.8 million without qualifying periods. The above estimate can be seen as a maximum cost as it assumes that—'

and he breaks away from the document—

> and then it goes on. What I am saying to members here is this: my colleague the Minister for Emergency Services has attempted to find a situation whereby, in effect, the CFS would accept that they could be brought within this umbrella on the same basic set of criteria as the retained firefighters and there has not been an agreement to that proposal. They have said, 'That is not good enough.'

I note some salient points there. The figures keep moving around, and they were promised to be provided in the House of Assembly in the concluding third reading stage of the bill's debate there some two months ago. Indeed, we had a repeat of that yesterday, as members are well aware. I asked in the committee stage of debate on this bill, and by minister Gago I was told that overall the bill would cost, for the MFS, $1.8 million and, for volunteer firefighters—with the government's model, they have certainly put extra barriers on the ability of the CFS firefighters to fall within the protections—they believed it would cost $2.6 million.

I just ask members to reflect on that and then to note that I went on to ask the minister what she based those figures on and to provide that report. She undertook to this council that she would ask the minister if she was able to provide the actuarial report to this council. Certainly, we proceeded the debate in good faith on the assurance that the minister would seek that document. I would have hoped that it would be not only tabled for the House of Assembly members who asked for it two months ago but tabled here for those members who were told that the minister would be approached and should, hopefully, be amenable to us having those figures before us to facilitate debate.

When your only argument is that it costs too much, you really need to tell us how much it costs and stop changing the figures; if you are going to expect us to trust you that it costs too much, you really need to table that actuarial report. The fact that you introduced a scheme in the first place without consulting the CFS, only working with the United Firefighters Union and doing a cosy deal between the Labor Party and a Labor union that has shut out 13,500 current CFS volunteers, leads me to be very suspicious of anything you say on this issue. With that, I strongly oppose the government's message.

The Hon. R.L. BROKENSHIRE: I was hoping I would be able to relieve my colleagues of having to listen to me any further in this session, until this disgraceful act by the government to come back to this house and say that it is going to look after one part of the firefighters and not another part. I have no choice but to come in on behalf of Family First and support colleagues in this debate who are not going to support the government's message from the House of Assembly.

Further to what the Hon. Tammy Franks has said, I did make reference to this yesterday. I have some other questions and matters regarding the deliberations on this in a little while, but my first question to the minister (and I will ask them one at a time) is: can the minister actually confirm that there was an agreement done between the government and the UFU regarding this legislation for paid MFS firefighters? My sources advise me that there absolutely categorically was. For the public record, can I have confirmation that the government did involve and engage the union (the UFU), which provides a ticket in this house—at least one—for the government? Can we have the truth on this? My very strong sources say that a deal was done.

The Hon. G.E. GAGO: I have been advised no.

The Hon. R.L. BROKENSHIRE: I guess we can only take that at face value, but I have a lot of sources in emergency services, and that is certainly not the advice I have been given.

My next question relates to the debate yesterday or the day before, or whenever we did debate this in this house, when the absolute majority of the house—that is, the Legislative Council—said all or none. That is not a reflection upon the MFS firefighters themselves, but it is about fairness and equity to the thousands of CFS volunteers.

The minister said in response to me that she would see from the lead minister—because I know this minister is only the messenger on this one—whether or not we could actually see the figures, and the fact is that these figures have bounced around. Can the minister advise whether we will be able to see the actuarial figures before we vote in a little while?

The Hon. G.E. GAGO: The officer here today believes he can table that report. He has just gone to get a copy of it now, and we are happy to table it today.

The Hon. R.I. LUCAS: I rise to indicate the Liberal Party's position on the leader's motion. The Liberal Party's position until this stage has been very clear. We have fought long and we have fought hard to try to provide the broadest position in relation to CFS firefighters, and that has been the position the party, through its various spokespersons I am advised, has adopted throughout.

The position that now confronts the parliament and the Liberal Party is clear. We have been advised, and I think crossbench members I have just spoken to have indicated that it is their understanding as well, that if the Legislative Council insists on its position the government is, in essence, going to lay the bill aside or jettison the bill. That is, as we lead into this period, the position will be that MFS firefighters will not be covered and the much more limited and restricted number of CFS firefighters under the government's proposal will also not be covered. So, that what confronts the Liberal Party in this chamber at the dying embers of this particular parliamentary session, because whilst the opposition has indicated that it is prepared to sit for another week it is quite clear that the government is not going to sit for another week—

The Hon. R.L. Brokenshire: Why not?

The Hon. R.I. LUCAS: Well, you put that question to the Hon. Mr Weatherill in terms of—

Members interjecting:

The Hon. R.I. LUCAS: So, in the dying embers of the parliament this afternoon, this chamber and the Liberal Party is confronted with the position of either supporting the proposition, which is that a limited number of CFS firefighters get covered by the scheme and the MFS gets covered, or nothing; not the Liberal Party's preferred position, and the majority in this Legislative Council chamber, which is for MFS and all CFS firefighters to be covered. That is the stark choice that confronts us at the moment.

I accept that there are some in this chamber who are going to take the position, or will take the position, that it is all or nothing; that is, they are not prepared to accept the position that the MFS is covered and a limited or restricted number of CFS firefighters are covered. I accept that their position is going to be all or nothing; that is, unless all of the CFS are covered then no-one will be covered at all, and given that the earliest the parliament, after the election, is likely to convene is in May something of next year.

So, that is the stark position that has been confronted. Whilst I do not normally refer to the position of the Liberal Party party room, we discussed all of the details of the propositions on Monday and these particular circumstances were canvassed and considered. The shadow minister for this area—we have two people who handle this, two people with the broad responsibility, the member for Davenport was the former shadow minister but now the member for MacKillop has the carriage of it (working with the member for Davenport), and they have instructed me and made it

quite clear that the decision of the Liberal Party in the circumstances that we are confronting at the moment is that we are not prepared to see nobody covered as a result of the parliament's consideration of the bill.

So, there are the two unpalatable options; that is, no-one gets covered, with the government laying the bill aside, or reluctantly agreeing to the government's position of the MFS firefighters being covered and a small number of CFS firefighters being covered. Of those two options the party room's position, I am advised by the shadow minister responsible, the member for MacKillop, is that we would choose the option of providing some coverage to firefighters. So, for those reasons, Liberal members in this chamber will adopt that position, albeit reluctantly.

The Hon. R.L. BROKENSHIRE: Could the minister, just for the record, clarify this situation? Initially, there was the debate about the fact that SAMFS firefighters are subjected to more risk than the CFS because the CFS goes and puts out a grass fire on the road verge. That was the debate; where the government started. Now we have established that the debate is actually about money, notwithstanding, I might add, the tens of millions of dollars—in fact, the hundreds of millions of dollars—a year that the CFS volunteers provide for free to the government and the community of this state. Notwithstanding that, we are now in a debate that is all about dollars.

Given that we are waiting for the actuarial documentation and transparency, because this is a consult, consider and announce government, does the minister admit, on behalf of the government, that the government concedes—because we have some figures, we just do not know which figures are true—that CFS firefighters, sadly, are as much at risk of contracting cancer when engaged in firefighting as SAMFS firefighters? If your actuarial is done on the numbers, as I understand it is, it must have been done on the base that there was significant risk to volunteers. Can the minister answer that, please?

The Hon. G.E. GAGO: We are debating the bill again. All of this information that is available to the government was put on the record yesterday, and we are really wasting the time of this chamber in wanting to repeat it all. I outlined the government's arguments clearly yesterday. There were monetary considerations and there were also risk considerations, and I am not going to repeat those because they are clearly on the record.

We said that country volunteer firefighters are at less risk of exposure to contaminants or carcinogens than are full-time career firefighters. All of that is already on the record, and I made it clear that it was a combination of factors. So, we are just repeating ourselves. The report is still not available and, as I said in this place yesterday, I do not believe that that makes any difference. The figures that we had available to us in terms of the estimates and the formula that they were based on we have put on the record. They are already on the record and part of *Hansard*, so I will not repeat those.

I agree with the Hon. Robert Lucas that it is a matter of principle. We disagree on this, so we just need to move on. You have the numbers, so I am not too sure why we are protracting this. It is a principle. There are people in this chamber who believe that the same rights should be afforded to all firefighters—career firefighters and country volunteers. The government has a different point of view, and we have outlined our reasons for that. We have a difference. The report, as I referred to, is not going to make any difference to that basic principle because your view is that the same entitlements should be afforded to all firefighters. We disagree and you have the numbers. We need to just vote on this and move on.

The Hon. T.A. FRANKS: The entire point of this is that the government says that the costings will show that this an unaffordable measure. We have asked for the actuarial report the government is referring to, and the government has said that they would table it, they said they would table it in the House of Assembly, they said that they would table it yesterday in this place. I move:

That we report progress until we have that actuarial report before us.

The Hon. G.E. GAGO: Can I just respond—you have not moved it yet, though, have you? You have just indicated an intention?

The CHAIR: Order! There is no debate on that.

The Hon. G.E. GAGO: Did you move or did you just indicate an intention? It is a point of clarification.

The CHAIR: I heard that you moved to report progress. We do not need a seconder in committee.

The committee divided on the motion:

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 (6)

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

PAIRS (2)

Bressington, A.	Zollo, C.

Majority of 7 for the ayes.

Progress thus reported; committee to sit again.

ADJOURNMENT DEBATE

VALEDICTORIES

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (16:41): We are almost at the close of another extremely busy, and what has been a very fruitful, parliamentary year. I would like to, once again, pay tribute to the hard work and diligence of all parliamentary members and staff. Debate, as we know, can be passionate and extremely energetic and the hours can be extremely long. However, as always, members and staff continue to make great contributions.

This year has seen a very full schedule and many accomplishments. You have good reason to feel very tired not only because of the hour we sat until this morning but I am pleased to say that 81 government bills have been passed during this year, plus five private members' bills and many more—I could not calculate how many—have been debated, considered and rejected. Although many were rejected, rejecting a bill is just as important as accepting one. All those debates were extremely constructive and important as well. We have agreed to 47 government and private members' motions and, of course, hundreds of questions, many of which have been answered—and the rest are on their way.

As representatives of the public of South Australia we are obviously charged with managing legislation and amendments and ensuring that many voices and opinions—in fact, all voices and opinions—are heard, discussed, considered and debated. Members on the floor of the chamber owe a great deal to the very hard work and excellent parliamentary team efforts.

The good humour and clear guidance through the labyrinth of standing orders from yourself, Mr President, the Clerk and the Black Rod have provided enormous assistance to members and made our job much easier, not to mention constitutional. The whips, the table staff, the messengers, and Hansard staff all undertake their roles with great efficiency and diligence and have provided us with tremendous support in our role as legislators. They always correct my grammar, which I am very pleased about, so thank you Hansard. The good humoured and very prompt service from our chamber attendants is always greatly appreciated. They are always there to assist us, even with the occasional spill, like Terry Stephens had today, and the mopping up of water accidents. They are always extremely helpful and attentive to all our needs, and we appreciate that very much.

Parliamentary counsel have played their usual very important and vital role supporting our work here in the Legislative Council. Their technical expertise is phenomenal, as is their efficiency—the demands are always enormous on them—their impartiality, their professionalism: work that is invaluable to us in our role as legislators. They are great people, a delight to work with, and are always able to see the humorous side of things, even under duress.

We could not mark the end of the year without special mention of the catering staff, who manage to provide us with remarkably nutritional and wonderful food, of which we avail ourselves in the Blue Room, at parliamentary events and functions and, of course, in the dining room as well. To the office staff, library staff, building staff and everyone who works in this place, a big thank you for your support and all your efforts.

On behalf of all ministers, I acknowledge and thank their hardworking staff and their advisers, who spend extraordinary long hours here by our sides, sometimes sitting and waiting for events to unfold, mostly without complaint, but their unrelenting support and assistance is extremely invaluable. We benefit daily from their good work, along with that of agency officers and other ministerial staffers.

This year we farewell the Hon. Carmel Zollo, who will be retiring. I thank you, Carmel, for your valuable contribution and service to the people of this state. I have very much enjoyed working with you and have appreciated all your support and all your efforts over the years. I do not know whether many of you know, but Carmel has a fabulous palate, so I enjoy her view on wines as well.

Thank you to my own staff, whose persistent hard work, commitment and humour—although they have a crazy sense of humour—certainly sees me through good times and bad times. They are like a little ray of sunshine: even on my worst day they give an enormous amount of effort and assistance to the work that I do, and are a great pleasure to work with. They are like a little ray of sunshine. They rise to the challenge of supporting me every day without complaint—well, almost without complaint—nothing that a chocolate cake doesn't fix.

Finally, thank you and congratulations to my parliamentary colleagues for another year of discussion, debate and consideration, and sometimes discord, but we are always able to move on. Although we do not always see agreement on everything, what we do all have in common is a desire to serve the South Australian community.

Our fate now rests with the people of South Australia, and I am certainly hoping to see myself and my colleagues who are not retiring back sitting on this side of the chamber next year. I very much hope to see the opposition sitting across from us as well. I will be very pleased to see them back on their side of the chamber.

Although we all have an extremely busy time between now and the early part of next year—we will all be very busy, and there is not going to be much rest for us—I hope that members will be able to enjoy some rest time, some down time, and enjoy their family and friends over the Christmas and new year period. So, on behalf of all the honourable members in the government, I wish everyone all the best for a safe and enjoyable festive season.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:50): I rise to make some remarks and endorse the comments made by the minister in this, our final motion—apart from the bill that we will come back to shortly.

I would like to put on record some thanks to all members of the Legislative Council: the Liberal team, the crossbenchers and the Labor team. We all work together, and we have our differences as the minister has said, but by and large we try to put them to one side and legislate in the best interests of South Australia. I know that sometimes it is a bit trying and that we frustrate each other, but I think in the end it is a pretty good spirit that we all work in here.

I would also like to thank and congratulate Carmel Zollo and wish her all the best for the next phase of her life post parliament with her husband, Lou, and their family and grandchildren. I was thinking back today, and I think that, apart from one select committee and a brief period on Budget and Finance Committee—

The Hon. Carmel Zollo: And wind farms.

The Hon. D.W. RIDGWAY: —that's right, and wind farms for a brief period—during the 11¾ years I have been here we really have not worked together over a long period of time on any committees. However, a number of my colleagues have spoken fondly of the work you have done

and how you have always been a stickler for the rules, and they have respected that. On behalf of the party, we wish you all the very best in the next phase of your life.

The Hon. Ann Bressington is ill at the moment, but I would like to place the Liberal Party's thanks on the record. Ann has always been a fighter for what she believes in, and we never took her vote for granted. We were grateful to have her support when she saw fit to support us, and I do wish her all the best for whatever the next phase of her life holds, too.

I would like to thank you, Mr President, for the way in which you have discharged your duties. I think that by and large most of us have seen it to be a pretty fair and reasonable discharge of those duties. I also add that I think that most of us are a little disappointed that this year we will not be having a President's Dinner. However, I have spoken to the Clerk, and I thought it might be appropriate to say at this time that I canvassed a few people last night, and the Clerk may well send around an email and we might have a Christmas lunch for all the members and staff.

At some point, the Clerk will advise everyone about that and, if you can make it, I think that would be good; if you can't, you can't. I just think it is appropriate. The President's Dinner is enjoyed by those of us who attend, and I think it is a wonderful way of having some social interaction and fellowship with the staff and our other members. We are not having it this year, but there will probably be a lunch sometime between now and Christmas. There is no requirement for people to come, but it might just be a way to finish the year.

I would also like to thank the Clerk and her team, the Black Rod and the rest of the team for their work and service to us all. They do a great job. The secretaries of committees and the other support here when we are trying to deal with the legislation are a very important part of the team. I thank parliamentary counsel; in fact, right now they are still briefing the minister—they never stop. I do appreciate the work they do for us, especially in opposition. Of course, the government has all their ministerial staff and departmental staff, but in opposition the parliamentary counsel are a great help to us. They come and brief us and explain the legislation and the amendments that have been drafted. So, I do thank Richard and his team for their support.

Of course, to the Hansard staff sitting up there today doing the great work that they do, we certainly appreciate that. I think they turn bumbling words from me and some of my colleagues into what makes good reading, and they make it look like it is a sensible speech when maybe it was not delivered as well as it could have been. The catering staff do a great job. Without the food, the catering and the support, this place would not run as efficiently.

An honourable member: You wouldn't run.

The Hon. D.W. RIDGWAY: And maybe I do enjoy the catering here. They do a great job. The minister commented on the quality of the food and the varied menus, and they do a great job, so I really do support them.

The parliamentary network support people: for some of us they are an invaluable resource to sort out issues with iPhones, iPads and the like that will not sync and our calendars are not up to date. I certainly thank them. The building attendants: I come in here quite often late at night and early in the morning, and the guys come and fix the blinking lights and the things that do not work. We do really appreciate them.

All of our own staff, certainly from the Liberal perspective, the team in the Legislative Council; and my own staff of Hendrik, Cecilia, Hannah and Rowan do a great job to support me.

I would also like to thank the other members—the Greens, the crossbenchers, Hon. John Darley's staff, the Hon. Kelly Vincent's staff, Family First and the Labor staff. Again, I think the staff adopt a similar view to ours; that is, while we might have different political views, when it comes to working together, whether on legislation or providing information and supporting each other, they do that very well. I would like to thank them for that as well. Of course I thank the House of Assembly members. I thank them for their—

The Hon. I.K. Hunter: Don't go too far.

The Hon. D.W. RIDGWAY: Minister Hunter does not want me to go too far but, reluctantly, I do want to thank them for their support, Of course, as members would know, we occupy the top floor, and they were a great support to us. All their staff and the leader's staff who work on the top floor for us certainly are worthy of some recognition at this time, so I put on the record my thanks on behalf of the team here for their support.

As the minister said, our fate is somewhat in the hands of the people. I think the election is 107 days away today. We are not quite sure what is going to happen. We all have a view of what we would like to see happen, but some of us will be happy and some of us will not be happy at the end of it all. Some of us here today, who knows, might not be here next year if things do not go the way we plan.

With those few words, I would like to wish all members a merry Christmas on behalf of the Liberal Party, Carmel Zollo all the best for the next phase of her life and, of course, Ann Bressington for whatever her—

The Hon. T.J. Stephens: Point of order: the Hon. Carmel Zollo.

The Hon. D.W. RIDGWAY: The Hon. Carmel Zollo and, of course, the Hon. Ann Bressington, for what the future may hold for her. I hope that members have a happy and enjoyable Christmas and a prosperous new year, and I look forward to seeing all of those who come back next year—maybe from a different perspective. I will be looking east rather than west. Anyway, have a merry Christmas.

The Hon. M. PARNELL (16:58): On behalf of the Greens, I echo the sentiments of both the Leader of the Government and the Leader of the Opposition, and I would like to add my thanks and best wishes to all those who have made our life here easier and enabled us to be productive in our work.

I would like to wish seasons greetings to and thank the table and chamber staff, the administrative staff of the Legislative Council, and the various committees on which we serve. The people at the parliamentary research library: I am sure that if any of us at some unearthly hour decided we wanted to know how many feathers there were on a quail the answer would be provided very quickly. That is the level of service they have provided.

I thank the catering staff who feed and water us, and the building attendants and the security guards who help keep us safe. Thank you to the people at Hansard, who make us sound sensible even when we are not; parliamentary counsel, who do such a great job drafting our bills and our amendments; and the people at the Parliamentary Network Support Group (PNSG), who make sure that when our staff add appointments to our diaries they appear on our mobile telephones, which is a service we would not have imagined 10 years ago. I also thank all the other honourable members, their staff and their families.

I would particularly like to put on the record my thanks to the Green team up on the second floor of Parliament House—my staff and the staff of the Hon. Tammy Franks. Cate Mussared has been with me from day one and there is also my newest staff member, Sam Taylor, and trainee Jemma Silvester. In Tammy's office, we have Jamnes Danenberg, Yesha Joshi and Sam Miles. They are the people who help Tammy and I do our work.

I would also like to give a special cheerio to Craig Wilkins, who worked with me for 7½ years of my eight-year term. He has moved on to greener pastures. I thought there were no greener pastures than working for me, but apparently there are. I know he will do great things in the conservation sector, where he is now placed.

As the Hon. David Ridgway said, many of us are having our first job interviews in eight years. An election panel is being compiled—1.1 million South Australians—and we are at their mercy. All things going well, I look forward to coming back. My expectation is that I will be in the same seat. I do have aspirations for some of the more parallel rows of chairs, but the curvy benches will do for now.

I also pass my best wishes on to the Hon. Carmel Zollo. It has been a pleasure working with you over the last eight years. I also wish the Hon. Ann Bressington the best for what her future holds. With those brief words, the Greens are looking forward to the summer break. We do not expect to have any break. We will be working hard, talking to South Australians, finding out what they care about and as I say, there is that job interview on 15 March that we are all looking forward to.

The Hon. K.L. VINCENT (17:01): Just briefly, or as briefly as I can put it, I would like to put on the record my thanks on behalf of Dignity for Disability for all those who have worked with us throughout the year. I start by congratulating the Hon. Mrs Zollo on her retirement. As your Labor colleague Steph Key often says, 'Happy trails!' Steph is well renowned for signing her emails with that little saying, and I always think it is a nice way to wish someone well.

I obviously begin by thanking my incredible staff. The honourable minister calls hers rays of sunshine, but I do not think there is a sun big enough to encompass the brightness that my staff give off: Anna, Dave, Cathi and Lesley (our trainee, who is a new addition to the team but who has already put in the hard yakka and I think is already quite well versed in my manifesto and my world view, which is an amazing achievement in the short time she has been with us), my previous trainee, Nicole, our casual staff, Kristi and Amy (I hope I am not forgetting anyone), for not just their amazing hard work and the long hours that they put in, but their tolerance of me in all my varying moods that we can sometimes experience in this place.

Of course, I thank all the supporters of Dignity for Disability throughout the year. It is a good time for me to reflect on this, because it has actually just occurred to me that I am halfway through my term, which is terrifying—and not just terrifying to me, if the look on the Hon. Mr Hunter's face is anything to go by. My 20s are fast slipping away, but do not feel sad, because I was just about to say that I could not actually think of a better way to be spending them.

I would like to thank all those who have supported us throughout the year and for the last four years, not just in introducing and debating legislation, but actually stopping the passing of legislation and policies that could have an adverse impact, particularly on people with disabilities. It is a hard slog, but one that I feel very privileged to be a part of. Again, I could not imagine a better place to be at this point in my life, and probably at many other points also.

Having said that, I put on the record my additional thanks to the amazing chamber staff, Todd and Mario, who are constantly picking up things that I drop and putting up with me in all of my moods; you, of course, Mr President; and Hansard. I do not know how they have not retired or gone on WorkCover yet, but it is just four more years, we are halfway there, hang in there, thank you very much. Thanks to Guy and Leslie, particularly Guy, who has the great misfortune of sitting closest to the door that I use to exit the chamber, so again, he has become my involuntary confidante as I often storm out of this place in a mood or am musing some issue that we are debating. He is often party to my thoughts on certain issues, so thank you for your patience, Guy; and, of course, our Clerk and Black Rod for their hard work.

At this point I would like to put on the record my thanks to party president, Rick Neagle, and in particular our candidates in the next election. They are an amazing bunch of people. I look forward to returning to this place next year. As honourable members have pointed out it is certainly not much of a break that we will be getting. We will certainly be consulting widely, hearing about the issues that are important to South Australians, and addressing those during the break and in the election campaign, but I do want to say that I look forward to returning to this place, and hopefully with a teammate so that we can expand the scope of our work even more.

With those brief words, I put on the record my thanks to everyone who has been involved in supporting me in any way throughout the year, whether it is feeding and watering me or generally supporting and putting up with me. I wish you all a merry Christmas and again thank you for your support and participation.

The Hon. D.G.E. HOOD (17:06): I rise very briefly on behalf of Family First to place my thanks on the record for what has been a most enjoyable eight-year term that I have enjoyed in this place. I would like to start by thanking all of the staff previous members have thanked. Rather than go through all of them—there are quite a lot—perhaps if I can give a general thank you to all of them. They know who they are. Sincerely, without your hard work this place does not function and it is greatly appreciated.

I am incredibly grateful to my staff and the staff in the Family First offices. Like the Hon. Mr Parnell, some of those staff have been with me since I was elected eight years ago and they have been truly loyal servants of our party and of me personally and I am very grateful.

I would like to single out a couple of staff members from the government side as well who have been very good to me as a member and good to our party in terms of keeping us informed. I think they do go above and beyond the call of duty at times. The ministerial advisers work incredibly hard. I think they are called ministerial liaison officers. I think that is the right title. Obviously, because of the bills I handle, I have dealt a lot, in particular, with the Attorney-General's staff and I have found them to be excellent. That is Kim, for people who know Kim. I think she might even be over there somewhere, and also Liam as well, who are outstanding. I have enjoyed working with them, in particular, from the government side as well as a number of others but, again, there is not time to go through them all.

Today marks eight years in terms of my sitting life in this parliament since I was elected. It is the absolute last sitting day of that eight years, of course, and I am not alone there obviously. For the Hon. Mr Parnell and other members in this place it is also their last sitting day for eight years as it is mine. When I first joined this place, as members know, I was in a pretty good spot career-wise and doing reasonably well and people said to me, 'Why do you want to be a politician? You are going to reduce your pay substantially and you are going to have to mix with politicians all the time and that does not sound very attractive,' so I was told. I can say quite honestly that, at the end of eight years, I do not have that view. Yes, I did take a fair whack in the pay area and that is probably not the best part of it, but I have found the members of this place, in this chamber, to be a decent lot, to be a good-humoured lot by and large, and to be a group of people who by and large I have enjoyed working with.

We do not obviously see eye to eye on everything, that is the nature of democracy and we never will on some things, but I have been heartened, I guess is the word, by the fact that we can always agree to disagree in a decent way on almost every occasion, despite the fact that obviously tempers will fray from time to time. I think that is one thing that we, as MPs, should remember. Society probably does not hold us in the highest of lights or the highest regard perhaps is the way of putting it, but I think we can be a little hard on ourselves sometimes. I think what we do in here is noble work, good work and obviously very important work, and it is easy to forget that sometimes.

It is clear that some of us will not be here after the next election. I certainly hope to be here. If I do, that will be the start of what would be a 16-year term, which seems like a long time, but the truth is that some of us will not be here after the election. We have that very big job interview, as the Hon. Mr Parnell described it, coming up soon.

I would particularly like to pay tribute to someone who definitely will not be here and that is the Hon. Carmel Zollo, who I think has been an outstanding member, during my eight years. I have thoroughly enjoyed working with her and, frankly, the place could do with more of her. On behalf of Family First, Carmel, we wish you all the very best and wish you well in the next phase of your life, your career, your journey, if you like.

Also, the Hon. Ann Bressington. I have had a lot to do with Ann over the years, obviously she was elected on the day I was elected. It was somewhat of a surprise. I do not think anyone expected the Hon. Ann Bressington to be elected. She is a passionate person who expresses her views strongly. You always know where you stand with her and I have always respected that about her. I wish her well in the next part of her journey as well.

With that, I would like to wish everyone a warm and happy Christmas. May they enjoy a blessed Christmas, if I can put it that way, and I hope to see you in March.

The Hon. J.A. DARLEY (17:11): I would like to express my thanks to everyone who has been involved in this 53rd parliament. As usual, the Clerk, Black Rod and their assistants have done a tremendous job at keeping this council in order and running seamlessly. I also express my thanks to the chamber staff, the messengers who look after us on long lonely sitting nights and Hansard, who make us sound far more articulate than we really are.

Thank you to the catering staff, who tolerate all the demands of my two vegetarian staff, and to the library staff for meeting our requests, usually at very short notice. Thank you also to the committee staff, who work silently but strongly in the background. I do not envy them their job in having to placate members who come together, often with different views and motives, whilst dealing with members of the public, who are often emotionally involved in the subject of inquiry.

I would also like to give a very big thank you to parliamentary counsel, who do a tremendous job of interpreting the scant and vague instructions that are often provided to them at the last minute and yet always manage to produce quality legislation. I know the last few weeks have been particularly trying, but as usual Richard Dennis's team of staff have stepped up to the plate. We would be truly lost without you.

I hope I have not forgotten anyone. Apologies to those I may have missed, but I think everyone working in this place knows how appreciative we are of all their contributions. I wish everyone a good break over the festive season, and to those who are running in the election next year I wish you the best of luck. Whilst it has been challenging at times, I can honestly say that I have enjoyed working with all honourable members on the vast array of very important issues we have covered this season.

To Carmel Zollo, I wish you a very happy retirement with husband Lou. Lou and I worked together over 20 years ago with the late Roy Abbott, as minister of lands, and we enjoyed plenty of good times and good yarns, particularly about the Coongie Lakes. To the President, I would sincerely like to thank you for all the support you have given me and my staff and I look forward to being with you next year. I, for one, am looking forward to spending a bit more time at home with my family over the Christmas break, although I do not know if the same can be said for my wife.

The Hon. R.L. Brokenshire: I'll send her a card.

The Hon. J.A. DARLEY: Thanks, Robert. In all seriousness, I look forward to re-energising and recharging my batteries in anticipation of the long few months ahead. I would like to give special thanks to my staff (one of them is still with me), Connie Bonaros and Jenny Low. They stuck with me right through the long evening last night. I must admit that, back in about 2008, when we went through to 5 o'clock in the morning they pulled the plug at about 12 o'clock. With that, I wish you all a very happy and merry Christmas.

The PRESIDENT: The Hon. Mrs Zollo.

Honourable members: Hear, hear!

The Hon. CARMEL ZOLLO (17:15): It's lovely to hear those 'Hear, hears'. It appears to me that as members in this place we have the opportunity to have some kind words spoken about us twice: when we retire and when unfortunately we die! I hope to get a decent gap between these two significant occasions in one's existence.

It is very difficult to do justice to the last 16 years, but perhaps it is best summed up by saying that it has been an interesting life. I was the last elected in 1997 and the first elected in 2006. Firstly, as a backbencher for four years, there was a lot of quick learning in relation to parliamentary, legislative and party procedure and establishing areas of interest to name a few. I will place on the record that the Hon. John Dawkins and I were the only two members elected in that year, in 1997, from memory.

I am pleased to have had the opportunity to be a whip, parliamentary secretary and a minister for four years, and then to the backbench again and a great deal of committee work—standing committees and, being in the Legislative Council, many a select committee. Being a minister brings responsibility and taking responsibility for others, as well as enormous rewards, because collectively and individually one can make a real difference. All my portfolios ultimately had a safer community outcome, and I hope my term as a minister has meant a safer society for South Australia.

In my biography, a mention is made of my ethnic heritage. Whilst my preselection was not predicated on my ethnicity, which is as it should be, given that it is some 50 years or so after the main migration story from Italy after World War II, I am nonetheless proud of my birthright and my beautiful parents, Tonino and Maria Russo, who made it all possible.

My story is not really so different from that of so many thousands of young children who accompanied their parents on their migration story or who were born post their parents' migration. Australia's and South Australia's success story is due, I believe, in large part to so many migrants it has welcomed. If I have accomplished a few firsts, my family, including my husband, Lou, have made it all possible. One, of course, makes many friends and acquaintances in 16-odd years, and I will take many happy memories with me.

I think that it is time to thank a few people. To my beautiful family, particularly my husband, Lou, and my children and their families, I thank them for all their understanding and support, my many colleagues, former and present, as well as my staff, my many thanks. My many thanks particularly to you, Mr President, and the Leader of the Government in this chamber.

Thank you also to the people in this place who assist us in the chamber and administratively: the Clerk, Jan Davis; the Deputy Clerk, the Usher of the Black Rod, Chris Schwarz; and the rest of the team—Guy Dickson, Anthony Beasley, Leslie Guy, Margaret Hodgins. Of course, we also have the Hansard team, the catering team, the attendants who are always here for us—Todd Mesecke, Mario Visentin, Antoni Rejman, Karen Vander Veeken—the library staff, the finance staff, parliamentary counsel, our building attendants, PNSG—so many that I am certain that I have probably forgotten someone.

I would like to thank everyone who has expressed their best wishes to me, both on the record and personally. To all those who are facing election, my best wishes at a personal level, even if I cannot offer you all my best wishes at the political level; that I can offer to some.

Can I end by saying that it is a privilege to serve the people of South Australia and our parliament, and I thank all of those who had faith in me by supporting my preselection and their subsequent support since. My best wishes to everybody for the Christmas season, and I wish you all a happy new year—and a very interesting election.

The Hon. J.S.L. DAWKINS (17:19): I rise to support the motion, and I particularly want to make some remarks about the Hon. Carmel Zollo. As the honourable member said, she and I were both elected on the same day, 11 October 1997. There was another newbie elected at that election, and that was one Hon. Nick Xenophon.

The Hon. Carmel Zollo: Oh my goodness; I'm going to have to get up and make a personal explanation.

The PRESIDENT: No, you won't.

The Hon. J.S.L. DAWKINS: I do not believe so, but it is probably relevant that he is mentioned, because in all the talk we have had in recent days about possible thresholds and other forms of election, the Hon. Mr Xenophon was elected to this place with a very low primary vote. That is why the Hon. Carmel Zollo was elected at the 11th spot. What the Hon. Carmel Zollo did not tell us is that she could have come to this place sometime earlier, I believe, when she was preselected in a higher spot but chose, when there was a vacancy, not to come. I think it was the Hon. Paolo Nocella who was here for a while—

The Hon. Carmel Zollo: Yes, I think so.

The Hon. J.S.L. DAWKINS: The Hon. Carmel Zollo and I shared something in common, although we had never met before we came here. We had both worked for federal members of parliament in about the same era. We shared four years on the Statutory Authorities Review Committee and, I think, about three years as whips. Carmel was the first of the four government whips I have had the pleasure of working with—

The Hon. Carmel Zollo: The best one.

The Hon. J.S.L. DAWKINS: Well, the best-looking one! We also spent time on the Joint Parliamentary Service Committee together. I heard a member yesterday talking about the Occupational Health, Safety and Rehabilitation Committee being one of the few non-remunerated committees that works really hard; well, I think that Carmel and I could say that the Joint Parliamentary Service Committee is one of those.

It is sad, in a way, to see Carmel go, because I know those 16 years have gone very quickly. In that time both Carmel and I have evolved from being parents to being grandparents, and we have both enjoyed passing on those stories. I pass on my every best wish to the Hon. Carmel Zollo, to Lou and to the family, and wish a merry Christmas to everybody here.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (17:22): I join in thanking the staff of this parliament for all their hard work. I will not go through them, many people have already. I also thank you, Mr President, for your tolerance of me in this role. I would like to thank all honourable members; I appreciate their very good-humoured approach and their cooperation in helping me get legislation through this place. I also thank my leader for training me up, and allowing me to take the training wheels off and helping me to do some of the easier bills that she has handed over in the last few months. I have been very grateful for her confidence.

I also want to say a few words about the Hon. Carmel Zollo, of course, my friend and colleague. Carmel is a legend in the Labor Party. She has been an inestimable advocate for the people of South Australia since her election to this place in 1997. I believe she has served with distinction and professionalism. As Carmel said in her maiden speech, she migrated to Australia as a child, like so many other Australians, with nothing more than the clothes on their back, a few notes of currency and an invitation from the federal government. Carmel was the first Italian woman to serve in this place, and her election to this chamber was an example of the success that has been the Australian multicultural experiment.

As I said, in her maiden speech Carmel mentioned something of her background, and she spoke about this strange place she arrived in as a young child, not knowing the language, being treated differently at school, and experiencing an entirely new culture. However, I think those experiences served her well in forming her character. It has given her confidence, strength and determination, which has been very useful to her in her career, certainly in this place.

It is no secret that Carmel and I sometimes disagree on some key issues that have been played out in this place, some of the key debates over the last few years. We happily recognise those differences, but we know that those things are minor compared to the raft of policies and perspectives that we share and which unite us in the great Labor traditions.

Her commitment to social justice, her recognition of the dignity of work and the importance of trade unions to pursue the interests of working people, her commitment to the richness that multiculturalism brings to our society, the inevitability of this nation of ours becoming a republic, and a strong desire to see that every child in this state of ours, no matter where they live or how much money their parents have, will have every opportunity to improve themselves and advance—these are all things that Carmel and I, and members on this side, strongly believe in.

Throughout her years in this place, Carmel has served as an opposition MP, a government backbencher, a whip, a minister of the cabinet and, once again now, a government backbencher. In all these roles, Carmel has applied herself with the passion of her commitment to Labor values. Never once did she forget where she came from. I, for one, will miss her and her comradeship and her company in this place.

Carmel, it remains for me to sing you a little song—well, I will not be singing it, it is more speaking it:

Volare, oh, oh

Cantare, oh, oh, oh, oh

Let's fly way up to the clouds

Away from the maddening crowds

Let us leave the confusion and all disillusion behind

Just like birds of a feather, a rainbow together we'll find.

Nel blu, dipinto di blu. Felice di stare lassu.

The PRESIDENT: The Hon. Mr Stephens, you won't be singing either!

The Hon. T.J. STEPHENS (17:25): Well, how do you follow that, Mr President, I ask you? I would like to just quickly pass on my best wishes to all members and staff for the festive season, after a solid four-year term. I would like to place on the record my best wishes to the Hon. Ann Bressington who, I suspect, will not be coming back to this place. I wish her all the very best for the future.

Of course, to the Hon. Carmel Zollo—Carmel, to you and Lou, all the very best for the next stage of your life. The last time I spoke to Lou I think he was saying to me, 'Won't it be great that Carmel will finally share some of those home duties with me—some cooking, some cleaning.' He has been carrying an enormous burden.

The Hon. Carmel Zollo: I've told him he's looking forward to my retirement.

The PRESIDENT: You told him!

The Hon. T.J. STEPHENS: Mr President, some protection, please. He has been carrying an enormous burden at home, he told me, and it will be nice now that the Hon. Carmel Zollo might be able to go home just to help out a little. He has been treating her like the princess she is for so long and it would be nice for the Hon. Carmel Zollo to take time to reciprocate. I would like to wish you all the very best for the future.

The Hon. R.L. BROKENSHIRE (17:27): I will be very quick. I have to make an apology, and thank everyone for putting up with me.

The PRESIDENT: It's seconded!

The Hon. R.L. BROKENSHIRE: I want to put on the public record first of all my appreciation to all the staff—I am not going to name them. We are helped enormously by incredibly professional staff who are really dedicated to their task and I want to say thank you to them. To all

of my colleagues, I say it has been an interesting four-year period. It goes quickly in this place. A lot of the work is very serious, and we all put in a lot of time and focus on what we were doing. We also get a rare opportunity to socialise right across the political rainbow, and those things are to be cherished.

As we head into the election, to those who are up for election, I know that unless you are No. 1 or No. 2 on a ticket, or you happen to be in a blue ribbon seat, the truth is that everyone heading to the election is on edge; it is a nervous and stressful time for them and their families. I encourage those who are up. This is the first time I have ever been involved in an election, and my responsibility is to help Dennis Hood get back in. I am actually not personally involved in the specifics of having to be elected. It is a strange thing when you have spent a lot of your time in a marginal seat where it is—

The Hon. R.I. Lucas: If he doesn't come back, you'll be leader.

The Hon. R.L. BROKENSHIRE: Yes, I hope that—

The Hon. R.I. Lucas: Look at the smile on his face now.

The PRESIDENT: He's blushing again.

The Hon. R.L. BROKENSHIRE: Think of the pay rise.

The PRESIDENT: The Brokey First Party.

The Hon. R.L. BROKENSHIRE: I hope everyone gets a chance to recharge their batteries in those few weeks over Christmas and new year and to spend some time with their family. Finally, I wish you all an enjoyable Christmas and a safe and happy new year. It could be a totally different make-up in here after the next election, and we will have to learn to work with each other differently, but it may not be—who knows?

To Carmel Zollo, I have been privileged to watch Carmel throughout her career here since she came in. She has always been a refreshing, genuine and reliable person to talk to or negotiate with. She has been committed to this state, and she can go out holding her head very high, particularly in the area of emergency services. I have also had the opportunity of that huge privilege—and it is a privilege to represent emergency services. I know that Carmel was highly respected by all and sundry. In fact, I can honestly say that in the time that she was minister I never heard one bad word about her from anyone in those services, which shows how good she was at her job and her commitment. So, all the best to you and your family, Carmel. We will see you all in May.

The Hon. G.A. KANDELAARS (17:30): First, I acknowledge the parliamentary staff for their great effort in keeping us going, and I assure you that that must be very difficult for them at times. I particularly want to thank the Hon. Carmel Zollo. Carmel, you have been a great help to me as a very new member in this place: your help, assistance and advice have been greatly appreciated. I cannot imagine doing over 16 years in this place—I certainly do not think I will get to that point—but you have been a great help to me, and sincerely I thank you for your efforts in that regard. You are a true lady, and I wish you and your husband all the best in your retirement. To all other members, I wish you a happy and safe festive season and, hopefully, we will see you all back after March.

The PRESIDENT (17:31): First, I acknowledge the work and dedication of Jan Davis, Clerk of the Legislative Council, and her team: Chris Schwarz, gentleman Usher of the Black Rod (well, it used to be that until I got this job), Leslie Guy, Guy Dickson, Anthony Beasley and Margaret Hodgins, all our attendants—Todd Mesecke, Karen Vander Veeken, Mario Visentin and Antoni Rejman—all your hard work, support and sense of humour are greatly appreciated.

I also thank the library staff, Hansard, parliamentary counsel, building attendants, PNSG, the catering staff and the security staff—you truly keep the place running and safe, and I appreciate your efforts. I also acknowledge the outstanding service of our whips, the Hon. Mr Dawkins and the Hon. Mr Maher, and their staff for helping to organise the council's business.

I thank all honourable members of the Legislative Council and their staff, especially my staff, for their support throughout the year and their hard work, and I wish you all a safe and happy festive season. I look forward to seeing you all back in good health and good spirits after the election—which means I am still in this spot. I wish the Hon. Ann Bressington all the best for the future.

Finally, to you, the Hon. Carmel Zollo, the Hon. Carmel was whip when I first came to this place, which was a truly frightening experience. I could never get a pair—still can't. Then she became a parliamentary secretary and then minister, and we were most supportive that she became the first woman minister with Italian heritage. I can tell you that, with my own Italian heritage, the Italian community was most proud of the Hon. Carmel Zollo and what she had achieved. I wish you, your family and Lou a long, happy, fun-filled, healthy and peaceful retirement.

LOCAL GOVERNMENT (RATES) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

ELECTORAL (LEGISLATIVE COUNCIL VOTING) AMENDMENT BILL

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

FIREARMS (MISCELLANEOUS) AMENDMENT BILL

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

SPENT CONVICTIONS (DECRIMINALISED OFFENCES) AMENDMENT BILL

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

WORKERS REHABILITATION AND COMPENSATION (SAMFS FIREFIGHTERS) AMENDMENT BILL

Consideration in committee of the House of Assembly's message (resumed on motion).

The CHAIR: Minister, you have already moved that the council do not insist its amendment No. 3 and agrees to the alternative amendment made by the House of Assembly.

The Hon. G.E. GAGO: I seek leave to table the Taylor Fry report dated 15 February 2013.

Leave granted.

The Hon. G.E. GAGO: The report indicates quite clearly the figures that I put on record yesterday and have been reported in the other place. I refer members in particular to page 5 of the report and I think all members have now received a copy of that report.

Table 2.2—the estimated annual cost of cancer claims—shows that if CFS firefighters are included in the scheme, that is $2.58 million per year. If the qualifier is not included, the cost is $24.95 million per year. If that is projected across the forward estimates, the career MFS figure would become $10.3 million across the forward estimates and the volunteer CFS cost would be just under $100 million in costs. The difference of that is $90 million and that is the $90 million blowout in the budget from the government's original proposal to what was earlier supported by the government. This is the figure that has been referred to during debate in both places.

If the council agrees to the proposal put forward in the amendment No. 3 being a qualifier of the 175 fought fires over five years averaging 35 fires a year, the additional cost is estimated to be $1.8 million. Basically, the Tammy Franks figure—the cost of her amendment—ends up being $24.95 million per annum additional costs and the cost of the government's amendment from this place is an additional $1.8 million per annum.

The Hon. T.A. FRANKS: I just had one more small contribution to make. I thank the minister for tabling the document. It would have been helpful to all members in this council to have had this document much earlier. Indeed, it should have been provided in the House of Assembly debate in the original second reading, particularly as cost came up as the major barrier.

We do not have the ability here and now to go through the figures and really interrogate them, but I will accept them on face value at this stage. The Greens' position remains unchanged—we continue to insist upon our version of the amendments. I simply wish to reflect upon the Liberal Party position in the House of Assembly this morning where it remained firmly in support of the coverage of all CFS and was not attracted to the government model. They voted that way in the House of Assembly just before the lunch break. The member for Bragg went out on the steps of parliament at 2pm today and stated to the media that the Liberal Party opposition would stick to their guns on this and that they would not change that position. Yet an hour later in this place there is a new sheriff in town, and the Liberal Party appears to have changed its position.

I have spoken briefly to the CFS Volunteers Association, who indicate that they are incredibly disappointed with the Liberal opposition and they feel gutted. I think it is a sorry state of affairs that we are in the dying hours of this parliament finally debating this bill with these facts on the table. It does not give justice to CFS volunteers, who I believe will find it a cold comfort that they are going to get a second-class scheme compared to the MFS.

Certainly there is no ability now to explore other possible compromises that could have been made. I know that the CFS Volunteers Association does not support the government's model. There possibly may be other models but in these last hours it is not going to be possible to come to those solutions. With disappointment, I indicate we continue to hold the line and hold out for equal treatment for CFS volunteers. We will be interested to see how the Liberal Party votes on this.

The Hon. R.L. BROKENSHIRE: I advise that Family First have not changed their position after looking at the actuarials. I thank the government for finally giving them to us, but it does not change our view at all. It should be one for all and all for one. There should not be a separation in any respect at all. I also have spoken to the CFS Volunteers Association and they are very disappointed, to say the least. That is all I have to say. I cannot understand the rationale.

The committee divided on the motion:

AYES (14)

Dawkins, J.S.L.	Finnigan, B.V.	Gago, G.E. (teller)
Hunter, I.K.	Kandelaars, G.A.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I.	Maher, K.J.
Ridgway, D.W.	Stephens, T.J.	Wade, S.G.
Wortley, R.P.	Zollo, C.	

NOES (6)

Brokenshire, R.L.	Darley, J.A.	Franks, T.A. (teller)
Hood, D.G.E.	Parnell, M.	Vincent, K.L.

Majority of 8 for the ayes.

Motion thus carried.

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

That the council do not insist on its amendment No. 4.

Motion carried.

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

That the council agrees to the consequential amendments made by the House of Assembly.

Motion carried.

At 17:55 the council adjourned until Tuesday 17 December 2013 at 14:15.