

**LEGISLATIVE COUNCIL****Thursday, 24 July 2014**

The **PRESIDENT (Hon. R.P. Wortley)** took the chair at 14:16 and read prayers.

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

*Bills***SUPPLY BILL 2014***Assent*

His Excellency the Administrator assented to the bill.

**CRIMINAL LAW (SENTENCING) (CHARACTER EVIDENCE) AMENDMENT BILL***Assent*

His Excellency the Administrator assented to the bill.

**CHILD SEX OFFENDERS REGISTRATION (CONTROL ORDERS AND OTHER MEASURES)  
AMENDMENT BILL***Assent*

His Excellency the Administrator assented to the bill.

*Parliamentary Procedure***PAPERS**

The following papers were laid on the table:

By the Minister for Employment, Higher Education and Skills (Hon. G.E. Gago)—

Stony Point Environmental Consultative Group, Report 2012-13

Regulations under the following Acts—

Development Act 1993—Public Notice Categories

Evidence Act 1929—Identity Parades

Petroleum and Geothermal Energy Act 2000—Variation of Schedule 1—Fees

Deed between the State of South Australia, the Minister for Mineral Resources and Energy and BHP Billiton Olympic Dam Corporation Pty Ltd and Stuart

Shelf Indenture

Report and Determination of the Remuneration Tribunal No. 5 of 2014: Travelling and Accommodation Allowances—Judicial Officers, Court Officers and Statutory Officers

By the Minister for Business Services and Consumers (Hon. G.E. Gago)—

Regulation under the following Act—

Prices Act 1948—Prohibitions—Unsold Bread

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

Department for Education and Child Development, Report 2013

Regulation under the following Act—

Tobacco Products Regulation Act 1997—Smoking Ban—Royal Adelaide Show

Adelaide Entertainments Corporation Performance Statement 2013-14

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

South Eastern Water Conservation and Drainage Board 2012-13

By the Minister for Aboriginal Affairs and Reconciliation (Hon. I.K. Hunter)—

Regulations under the following Act—

Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981—

Revocation of Regulations

Variation of Regulation 4—By-laws

### ANSWERS TABLED

**The PRESIDENT:** I direct that the written answer to a question be distributed and printed in *Hansard*.

### SITTINGS AND BUSINESS

**The PRESIDENT:** I remind the camera operators that they may not film members who are seated; they may film only those who are on their feet.

### STANDING ORDERS SUSPENSION

**The Hon. J.M.A. LENSINK (14:22):** I move:

That standing orders be so far suspended as to enable me to move a motion without notice in lieu of question time.

**The PRESIDENT:** You need an absolute majority for this motion, so we need a division.

*Members interjecting:*

**The PRESIDENT:** I call it lost, but there has to be a division if there is any dissent. Read your standing orders, please. No matter what happens, if there is dissent, there will be a division. Ring the bells.

The council divided on the motion:

Ayes ..... 13

Noes ..... 6

Majority ..... 7

#### AYES

Brokenshire, R.L.

Hood, D.G.E.

Lucas, R.I.

Ridgway, D.W.

Wade, S.G.

Darley, J.A.

Lee, J.S.

McLachlan, A.L.

Stephens, T.J.

Franks, T.A.

Lensink, J.M.A. (teller)

Parnell, M.C.

Vincent, K.L.

#### NOES

Gago, G.E. (teller)

Kandelaars, G.A.

Gazzola, J.M.

Maher, K.J.

Hunter, I.K.

Ngo, T.T.

Motion thus carried.

*No-confidence Motion*

### MINISTER FOR SUSTAINABILITY, ENVIRONMENT AND CONSERVATION

**The Hon. J.M.A. LENSINK (14:27):** I move:

That this council has no confidence in the Minister for Sustainability, Environment and Conservation in light of his incompetent management of the investigation into the chemical contamination and threats to residents' health in the environs of Clovelly Park and Mitchell Park.

This issue relates to the government's handling of information in relation to contamination in Clovelly Park and Mitchell Park, and in particular whether this minister has handled this matter in the public interest and the best interests of residents or whether he and his colleagues have taken a deliberate strategy to manage it in their own interests.

Trichloroethylene, or TCE, was first detected at the Mitsubishi Motors site in 2008 and vapour testing has been taking place since that time. Residents were last relocated in this suburb in 2009 from the former Reckitt & Colman property at 22 Ash Avenue, which had been converted into units as transition housing under the auspices of the non-government organisation, Unity Housing. The reasoning that led to that relocation was clearly of an order to raise sufficient concern. Now I am referring to the URS draft report having been through that in some detail.

In 2011 a hotspot was detected at the Reckitt & Colman site. Consultant URS Australia undertook two significant sets of sampling data in two stages, including ongoing groundwater monitoring, soil testing and indoor vapour testing over two periods, May 2012 to March 2013 and from August to November 2013. To put things into perspective, the level of TCE in vapour as a trigger for investigation is two micrograms per square metre. Less than two micrograms is considered an acceptable risk; over 20 micrograms is deemed 'action level risk mitigation'.

Environmental health officials are less concerned with TCE vapour in open air because it tends to evaporate. They are concerned about it entering indoor areas with poor ventilation. It is usually tested for in the parts of a house which will provide pathways from ground to rooms where it is captured such as laundry closets where plumbing pipes may allow vapour to travel upwards.

A reading of 84 micrograms per square metre was found in three bedrooms at 10 Chestnut Court, an old Housing Trust property which had been vacant for eight months. It is not near the Reckitt & Colman hotspot where the other high readings have taken place. Four sources of groundwater contamination are now under question in this suburb, with concern that underground plumes have spread beneath nearby housing and is being transmitted through soil as vapour.

The suspected industrial pollution points for groundwater pollution are on the former Monroe and Mitsubishi sites. The EPA and consultants suspect that TCE may have been poured directly onto the ground at the old Reckitt & Colman property. The old railway site to the south-west also contains contamination.

My understanding is that the reading in the report received on 16 May which set off alarm bells with departmental officers was 84 micrograms per square metre. My interpretation of why the authorities are so worried is that they cannot model a pattern of vapour readings for the residences at Chestnut Court, Ash Avenue and Mimosa Crescent. There could be very similar high readings but they just do not know.

So, the sequence of events based on *Hansard* and our three briefings since then are: 16 May, Monroe's report is received by the EPA, which is then provided to Health within a day or so; 30 May, the EPA experts, namely Mr Peter Dolan, recommend a task force; 6 June, the EPA advised Housing SA of the public health risk; there is a meeting between SA Health, the EPA, Housing SA and Renewal SA; 11 June, the Minister for Social Housing is made aware; 16 June, the Minister for Social Housing receives a briefing; either 19 or 20 June, health risk assessors and the auditor report back to the EPA; 23 June, there is notification of the State Emergency Management Committee, which meets on 25 June, proposes the relocation and a task force with the EPA as the lead agency; 30 June, cabinet considers and decides to relocate residents, the Minister for Housing receives advice on implementation; 1 July, the interagency task force meets some six weeks later.

The following day this issue was raised in parliament and 10 full sitting days had elapsed, giving the minister ample time to provide a statement. I asked the minister that day whether the EPA had received information about a significantly increased risk to residents in Clovelly Park and Flinders Park six weeks previously, to which he said yes. I then asked whether residents had been informed that they would be asked to vacate their properties. What was his response? We knew they had not been told yet.

Under the government strategy, rather than tell people as soon as the decision was made at cabinet on Monday, residents were going to be doorknocked on Thursday afternoon, with no prospect of parliamentary scrutiny. The minister's response is typical of the weasel words we had been enduring. He says:

The EPA has been working with a number of stakeholders in this area over a period of time. Recently it has been brought to my attention that the ongoing low-level risk has risen and the EPA will be conducting some community consultation in the very near future, primarily getting in touch with residents and other effective—

at which point the Hon. Rob Lucas interjects—

Well they haven't been told.

Then the minister says:

The honourable members opposite are again making claims which have no substantiation or basis in truth.

Who is telling the truth in that exchange? So, I tried another way and asked the minister whether he could guarantee that residents would not be asked to vacate their properties. This is the response:

The government will be taking all appropriate actions in this regard.

Well, no-one agrees with that statement. He continues:

First of all, we will be communicating with the residents.

He should have added 'at a time of convenience to the government'. Then the Hon. Mr Wade asks a similar question, that if the contamination is only low level why will the minister not rule out relocation? The minister claims in response that words were being put in his mouth, a term he often uses in here—verballing. He repeats that communication will take place with residents first and that he will get back to the parliament in due course. Yes, thank you. The Hon. David Ridgway then cites from the EPA's own website:

Residents can expect urgent information to be communicated face to face, with follow-up letters from the EPA.

The minister then says that this has been an ongoing concern, which is partly true—contamination has been known, but it is the first time the government has been made aware of an indoor air sample of that magnitude. The minister then refuses to advise whether the local MP has been advised.

The next question from me is to ask the minister when he first knew about contamination and what action he took. He did not answer that question, but for the first time in question time in the preceding period he provided some details to the council about the matter and told us he would not be answering any more questions.

In the meantime, my colleagues in the other place were asking the Premier and ministers about the same issue. The Premier's response is to refer to the need for 'a very extensive communication strategy' to be implemented in favour of answering our questions. Legitimate questions about whether the State Emergency Management Committee met, when Health was first advised, and whether the Minister for Local Government, the Minister for Manufacturing, and the Minister for Social Housing knew were all met with stonewalling, one sentence replies indicating that not one of them would be answering this issue—ministers ducking for cover!

This minister, having shown contempt for this institution in his most belligerent fashion by refusing to answer questions about where the residents would be relocated, 3½ hours later was doorknocking them to give that very advice. In an interview that evening, on 2 July, with Jeremy Cordeaux, the minister said a few things that are quite interesting. He says:

We've discovered a level that we think we need to talk to the community about, but this is a level, I am advised by Health, about 1,000 times less than what's acceptable for occupational exposure.

He later says is 27,000 times less—1,000 times versus 27,000 times less—a slight difference! It was actually a reading of 84 micrograms per square metre in one of the vacated properties that sent up a red flag, which was so inconsistent with previous vapour readings, which were in the order of two, five or six, and in an unexpected location. The minister then goes on to talk about when he was alerted. He says:

A report came to me just last week. I have decided that we will actually communicate to the residents.

I am sure they would be pleased about that. That was interesting because the following day he flatly refused to advise the parliament when he first knew about the report and when he first knew about the relocation. Things did not improve the next day in question time. The minister provided a ministerial statement, which I find fault with on the following points:

1. It focuses at length on letters and communications between the EPA and authorities with residents, which are already on the public record and effectively not new information.
2. It avoids the key question, which everybody is asking at this stage: if this threat is not particularly serious or urgent, why relocate residents?
3. The statement also refers to an interagency task force being established, which met on 25 June and made recommendations to relocate residents.

In our briefings, we were advised that it was actually the State Emergency Management Committee that met on 25 June and that an interagency task force first met on 1 July, the day after the cabinet had agreed to the relocation.

In his responses to questions, the minister tried to shift the blame from government for its failure to advise, having sat on this information for six weeks, to blaming the opposition for having the temerity to raise the issue. Residents who were interviewed by the media took a different view from the government: they would like to have known sooner rather than later. It was an exercise in ducking and weaving.

One of the many answers in question time that he flatly refused to provide was when he first knew about the URS report. Even when prompted with a date on which the housing minister first knew about increased risks to residents, he further refused to answer on what date he was advised about the relocation, and the Leader of the Government then wasted the rest of question time with a Dorothy Dixier about olive oil.

In the House of Assembly, housing minister Zoe Bettison said that she was first made aware of the air vapour levels on 11 June by her Housing SA executive director. She further said that, on 16 June, 'I received a verbal briefing on this matter by the department,' noting that the lead agency on this matter was the EPA. She says she then received a briefing on 30 June on how Housing SA was implementing the advice received from the EPA.

Minister Bettison is first made aware that indoor air vapour is a threat to Housing SA residents on 11 June, one month after the EPA receives the report. She receives a briefing five days later. How can it be that minister Hunter only knew about the report in the week beginning 23 June? When did he know? That still remains unanswered. This minister certainly looked like someone who did not want to come clean to the parliament. If he was telling Jeremy Cordeaux the truth, that just beggars belief.

Let's put this into perspective: the EPA is the lead agency and minister Hunter has confirmed that he took the communication strategy to cabinet. The decision made at the cabinet meeting on Monday 30 June was to advise residents at 6pm on Thursday 3 July.

**The Hon. D.W. Ridgway:** Why 6pm on Thursday?

**The Hon. J.M.A. LENSINK:** Why? You may well ask.

**The Hon. D.W. Ridgway:** Six pm—sneaky 6pm.

**The Hon. J.M.A. LENSINK:** Indeed—avoiding the scrutiny of parliament. On FIVEaa, on Leon Byner's program on 3 July, minister Hunter lamented that the issue was raised in parliament and changed the government's communication strategy. He said:

Senior members of the government formed a view last week and communicated that to ministers. I took that to cabinet on Monday. We decided to communicate this to residents on Thursday. Today we had to bring it forward to last night because of the irresponsible behaviour in parliament.

Leon Byner then said to him:

Is it irresponsible to bring up something that is public health where the residents find out from the media?

Minister Hunter said:

That's the irresponsibility. We wanted to tell people directly ourselves. Instead, the Liberal opposition wanted to play politics with this and bring it up in parliament.

Leon Byner then said:

Why did there have to be a delay from Monday? Why couldn't it have been done Monday night?

Minister Hunter said:

We needed to bring together our health doorknocking teams, we needed to print documents, type up letters.

To which I say: utter bollocks. The language used by minister Hunter on talkback at the time was (and there are a few choice quotes here) that it was 'thousands of times less than occupational exposure' and that 'out of an abundance of caution, we are relocating residents', to which I say: how would you feel if someone came knocking on your door at 6 o'clock at night saying, 'We're from the government; you need to leave your house'? He refers to:

...chronic health risk where we know that some people have lived in these areas for decades. This is not news to them. We've known about this for years.

He is downplaying it all. He said, 'It is important to get it into perspective,' so, 'Take a cold a shower,' I think is the message there. He also said, 'The risk to residents is long-term exposure to elevated levels of TCE.' The government does not know what levels they might be. Those high levels cannot be ruled out because there have not been enough tests done to rule them out.

When challenged by journalists and talkback radio hosts about whether it looked like the government was putting media management ahead of residents' interests, the minister told them that was a silly suggestion. He was asked on ABC's breakfast program, and when he fronted the TV cameras in Clovelly Park on the evening of 2 July, whether he had apologised, he said yes, but when David Bevan asked whether he had anything to apologise for, he said, 'No, I don't.'

In that interview, the minister started to show his characteristic sloppiness for details. When he was asked about readings in the houses, the minister said, 'My last advice is it had just ticked above that amount,' which is the two. Indoor air testing in December 2012 was actually five to six.

The Liberal opposition was given a briefing from the EPA on Saturday 5 July at which we were able to clarify some points that had been omitted or fudged by ministers. We had some silly game playing about those events. On 7 July, the government finally took our advice and extended the testing area, the so-called blue zone, and we believe that if an abundance of caution, as they like to call it, had been applied, the location of the source sites and plumes would have led to testing being done in these areas before now.

On 9 July, the EPA appeared at the Marion council, but residents were not allowed to ask questions and they were clearly seeking answers. This was one week after the story had broken, and some level of intensive communication, in my view, should have been provided. One lady who was interviewed by Sonya Feldhoff on the breakfast program said, 'The information is still very unclear.'

On 12 July, the government said it had pledged to hold community meetings—still waiting. The following day, Mr Justin Pearce, who has become one of the spokespeople (he is one of the two private homeowners in the area), is quoted in the *Sunday Mail* as saying that no-one had contacted him since the doorknocking on 2 July. He said:

I don't know what the hell is going on; I am paying off my home and don't know what to do. If my home is full of toxic fumes, I guess I have to get out, but I have not been contacted by anyone to tell me what is going on.

On 14 July the minister was quoted as saying, 'A public meeting for residents will be likely in a week,' several weeks afterwards, 'once the scope of further testing has been finalised.' To which I say: why wait? On that same day, 12 days after the issue had been first raised and nine days after the critical reading of 84 had been provided to the opposition, when you would hope that the minister would have made sure that he was abreast of all the facts, getting testy on the breakfast program he was specifically asked about the reading in vacant Housing SA properties and stated that it was up to about eight or 10, when it was 84.

He then dismisses whether any of the residents in the area might be particularly vulnerable, for instance, newborn babies. There is more characteristic sloppiness: he has also asked about whether any of the properties have been sold and refers to what I think he means is the old Reckitt & Colman site which became Unity Housing and is now the James Brown Memorial Trust units—which he described as 'an admin building not suitable for housing', when it had actually been converted into flats.

On 16 July the radio interview train wreck continued when he tried to split hairs with David Penberthy and whether he is feeling the pressure or he has just decided that the best form of defence is to attack—the government, now having written to 1,400 people in Mitchell Park, the minister continues to refuse people free health checks, repeating the line that there is no evidence of a threat to their health from TCE. At which point I say there is no evidence that there is not a threat to their health because the evidence has not been collected.

Again, we have feedback from people in the area who were being vox-popped on radio. One of the business owners in Mitchell Park said:

They are not being honest with people. They're first telling them that there is a scare then that the scare isn't as big as what they think. We finally got an apology from the Premier on the 19<sup>th</sup> and we had a public meeting organised by the Xenophon group, the Hon. John Darley and Justin Pearce.

I think at this point the government tried to say, 'We are changing our strategy, mea culpa,' but then puts it back to the residents to ask them how they would like to be communicated with. As one of the residents so succinctly said, 'Please do not treat us as if you need us to tell you how to communicate with us.'

It was obvious that those people wanted information, facts. Sending letters to people, a single doorknock event and inviting people to come into the EPA just does not cut it. By this stage the government, having reversed its decision to provide free health checks, has probably confused people even more because they were told at the meeting that tests are not available anyway.

On 21 July a new piece of information came to light via an interview with the CEO of the EPA, Mr Tony Circelli. Again, this question was put to him: why are people being relocated? He says:

There is sufficient concern for us in terms of not so much what we have measured in the house but what we have measured in the soils; that there are very high levels of vapour in the soil.

Ian Hentschke then asks him, 'So they are higher than two micrograms in the soil.' Mr Circelli says:

Oh much higher, much higher. They range from quite low to 50,000 or even higher than that, depending on where you are in the site.

Where has that been in the government's message question? When were they going to tell people that one?

Estimates—we are all familiar with that; wasting time for a toilet break and filling it up with a ministerial statement. They were in the mea culpa mode at that stage. But then we had that beautiful expression: 'co-design a new engagement paradigm'. I think the minister might be taking advice from Gwyneth Paltrow's people at this stage.

Today is to be the first public meeting organised by the government and Marion council—hooray! My view is that lack of resources to conduct testing outside this additional area is partly to blame, or a large part to blame. If an abundance of caution had been applied then testing in that area where residents are now being relocated from and in those extra areas would have been undertaken.

I would just like to quote from *Remediation Australia*, which is a publication put out by the Cooperative Research Centre for Remediation (CRC CARE) based at Mawson Lakes. In reference to the 2009 relocation of residents, they have a case study and it talks about why the residents were relocated. It talks about clear dichotomy of results, which I think is what we are talking about in this latest episode, but they make this interesting statement, as follows:

In the case described here regulatory and financial constraints led to an expedited indoor air investigation.

That says to me 'bit short of money'—even though the EPA is a profit centre these days, raising money for the government to the tune of \$8 million a year.

My last quote, you will be pleased to know, is from the Statutory Authorities Review Committee. You may remember that the EPA was referred to SARC to look at the Edwardstown issue, which was similarly poorly handled. One of the members of that committee was one Hon. I.K. Hunter. Mr Peter Dolan from the EPA is giving evidence, and he is explaining how testing is done for contamination on industrial sites. The Hon. I.K. Hunter then says:

Hypothetically, then, there could be further contamination of groundwater around metropolitan Adelaide that you are not aware of and which you won't find out about until someone decides to sell a property and do that due diligence?

Mr Dolan says several things, including:

Because you don't have site contamination unless you have source, pathway and sensitive receiver—which is a very unfortunate term for human beings. He then says:

You may have chemicals in soil which you would rather wasn't there, but there is not actually contamination under the legislation until there is some chance of somebody being exposed. The chance occurs when you rezone and change to residential, and you want to start building things—houses, schools, whatever—on a site that might be contaminated. But before that, there is not actually technically site contamination present.

The Hon. I.K. Hunter then asked:

I understand the definition of 'technically' as proven under the act, but nonetheless, it is still in situ. Given everything we have learned through the Edwardstown situation, and given that you have just said you could possibly predict where there may be contamination, wouldn't it be prudent for the EPA to actually go out and do some investigation just to make itself aware of where it is prevalent, and where it isn't?

**The Hon. R.I. Lucas:** Who said that?

**The Hon. J.M.A. LENSINK:** The Hon. I.K. Hunter, as a backbencher. As a minister, he has a completely different view. This minister, in particular, has demonstrated no concern for the public and no concern for the residents. When the Liberal Party called for a public meeting, the government said no. They have finally called one today. Yes, you get a tick, but this late? When we called for further testing, the government said no, and now has. When we called for free public health checks, the government said no and now it has said yes. They have delayed everything in this process to suit their own terms and not out of any abundance of concern for local residents, and that is why we have no confidence in the minister.

**The Hon. M.C. PARNELL (14:52):** The Greens are supporting this motion because we believe that the government has failed to take the environment seriously and it has failed to take public health seriously. The motion refers specifically to the minister's handling of contaminated land issues at Clovelly Park and Mitchell Park, but the problem goes much wider. This motion is also about the priority the government has shown towards public health and the environment over many years, in its legislative program, its administrative decisions and, most importantly, in its budgetary decisions, but I will start with the recent contamination issues in the southern suburbs.

Firstly, nobody is suggesting that it was the government itself that polluted the local environment and groundwater with TCE; nevertheless, the government is responsible for reacting appropriately and in a timely manner when pollution is detected that may impact public health. Reacting in an appropriate and timely manner requires consultation and coordination between a range of government agencies, and it also requires the government to use properly the tools that parliament has made available to it in order to make sure that the best decisions are made in a timely manner. When it comes to site contamination, those tools include the ability of the EPA to issue a site contamination assessment order to force companies to undertake appropriate testing. If that seems too heavy-handed in the circumstances, the EPA also has the ability to approve and enforce a voluntary site contamination assessment proposal, under section 103I of the Environment Protection Act.

At first glance, it looks as if that is what has happened here, but it also looks as if it was not done properly and, as a result, the testing took years longer than it should have, and the question as to whether it was a safe environment to live in was unnecessarily and, I believe, unreasonably delayed. It is hard to understand why information that was available in 2009, and actions that were, in fact, taken back then to move out residents or to leave properties vacant, did not trigger a more urgent and comprehensive response than the one we have seen in the last few weeks. Whether



those delays and inaction are the personal responsibility of the minister or the fault of other government officers, the bottom line is that the buck stops with the minister.

From what I can tell, this matter would have been resolved much faster if either the EPA had done some of the testing itself or if it had followed the process set out in section 103I of the Environment Protection Act and forced Monroe, Mitsubishi or whatever other companies were potentially responsible for the pollution to sign an enforceable voluntary site contamination assessment proposal. From what I can tell this never happened. If it had, the EPA could have insisted on appropriate time lines, methodology and reporting. If the proposal were in writing and approved by the EPA, then if the private companies that commissioned the testing, or their consultants, dragged their feet, the EPA could have used the compulsory avenue to get the testing back on track.

I also note that under section 109 of the Environment Protection Act (that is the public register provisions), the EPA is obliged to publish any voluntary site contamination assessment proposals it has agreed to. I cannot see that this has happened, so it is difficult for us to know whether the EPA accepted a handshake agreement that was reneged upon, whether it failed to put appropriate time lines in any written agreement, or whether it did not ever put its mind to an appropriate time frame for testing. These are questions the state government is yet to answer, and they go to the heart of confidence.

It may be that with the wisdom of hindsight the EPA would have gone down a more prescriptive path, but it seems they did not. The minister, or perhaps even his predecessor, was not paying attention and, as result, we are having this debate today.

Of course, testing is expensive, and that raises the question of where the money might come from. This parliament has previously agreed that the 'polluter pays' principle should apply, but there are instances where the state itself can and should step in to undertake testing. Is there money available? We need only look at the Waste to Resources Fund, to look at where the solid waste levy money goes, to see that there are tens of millions of dollars sitting, unspent and unallocated; ostensibly for the protection and good of the environment, but not yet spent. That money is burning a hole in the Treasurer's pocket. It needs to be allocated to the environment.

So why has the state government abandoned the environment and public health sectors? I refer to an interview that the minister gave on 25 June with Ian Henschke on 891 ABC, where he attempted to justify savage budget cuts to his own portfolio. In that interview he effectively blamed the environment movement for not protesting enough, and that that is why the environment gets a smaller share of the state budget.

However, I will not verbal the minister; I will refer to the extracts from media monitoring. The presenter, Ian Henschke, played an extract from an interview he had conducted previously with Professor David Paton who, members would know, has also been vocal in his opposition to environmental budget cuts. Having played that interview, Mr Henschke asked the minister:

And that was Professor David Paton...he's putting it pretty plainly...the priorities have moved on and the environment really doesn't matter as much it used to...and you support that view?

The minister replied:

Well, there's no question about that. We don't see 20,000 people out on the streets marching against national governments who want to log the Tasmanian forests like we did when I was a young person.

The only message that people took from that was that the environment movement, the conservation movement, and people who care about public health have only themselves to blame for not protesting enough. A remarkable thing to say. We know that it is often the squeaky hinge that gets the oil; I should say that more often than not in this state it is often well-placed political donations that help remove the squeaks as well and get projects approved. However, to say that public funding of important environmental projects is somehow connected to the level of protest in the community does not fill us with any confidence.

The assessment of the Conservation Council was that the cuts to the environment budget were close to 40 per cent in just one year, and the council described it as 'not just an efficiency gain but a full-on gutting'. The result of course is job losses, and important environmental programs abandoned.

I raised that very matter in question time in this place with the minister, in relation to cuts to the native vegetation branch, and his response was, 'This Labor government is the best friend the environment ever had,' to which the response is a predictable one: with friends like that, who needs enemies. The cuts to the environment budget and cuts to environment agencies are a reflection of government priorities, and the Greens believe the government has those priorities all wrong.

Finally, what I would say is that, in supporting this motion, we are seeking to send a message to the state government that it does have its priorities wrong in relation to the environment but—I have to say this—nothing in this support should imply that we have confidence in the alternative government either. We know from debates on environmental issues that we have had so far that there is a strong anti-environment mood within the Liberals as well, and one need look no further than the debate on marine parks. I would say that if the opposition were to come into government, if they were even a shadow of their federal counterparts, it would reflect an absolute disaster for our state, but that is not to take away from the fact that the Greens' response to this motion before us now is that we do not have confidence in this government in relation to these matters.

**The Hon. J.A. DARLEY (15:00):** I rise to support the motion. In addition to the sentiments expressed by others in this place, I am concerned at the lack of response and support private homeowners in these areas have been given. Focus seems to be primarily on public housing tenants; however, little consideration seems to have been given to private homeowners. If consideration has been given, this has not been communicated to the owners.

Effective communication has also been lacking to those who have been contacted. Information provided to residents in the area has been extremely technical and therefore nearly impossible to understand. It seems that assumptions about the residents' abilities to comprehend this information were incorrectly made. Further to this, it seems that assumptions have been made regarding residents' access to computers and technological ability. I understand information has been made available on the EPA's website. However, not everyone has access to a computer, or if they do, they may not know how to access the EPA's website in order to gain the information they need.

I am concerned that there seems to be a lack of a comprehensive plan for Clovelly Park and Mitchell Park. The EPA has identified an area which encompasses some 1,400 residents; however, no details have been provided as to which properties are most at risk, which properties will be tested, and the effects if contamination is found at certain locations. If there is a plan, again, this has not been communicated with the public.

I acknowledge that the minister is now trying to make amends by asking those affected or potentially affected as to how they can improve on their communication; however, for many it is too little, too late. It should not be up to the public to inform a minister how matters should be handled. It is the minister's responsibility, and indeed the government's responsibility, to look out for the interests of the public and inform them accordingly.

**The Hon. R.L. BROKENSHERE (15:03):** I rise to advise the house that Family First supports this motion regarding no confidence in the minister. At the outset, we would say that the government needs to come back to reality and realise and accept that the parliament is above the government, and the parliament is here to serve and represent the community of South Australia and to keep the pressure on the government. The minister may not believe that, and I am not surprised by that, because the fact is that this government for 12 years now has shown nothing but contempt for the Parliament of South Australia. However, for the people of South Australia, more than ever before, as we face another four years of a very arrogant government, we need to represent those people.

Family First were very surprised when we saw what we thought were legitimate and bona fide questions being raised in this house by, in this case, the shadow minister for environment, that the government seemed to be in denial, did not want to be open and transparent, and in fact castigated the shadow minister very unfairly, I believe, when all that member was doing, on behalf of people who had raised this matter with her, was to make some inquiries—inquiries because the government were not prepared to go out and actually do the job.

I believe, and what is very evident since this government has come back in for another four years of what will be 16 years in office, that particularly in the Legislative Council we have seen filibustering, we have seen out of order comments thrown by ministers back to members of parliament who are asking legitimate questions, and we have seen Dorothy Dixers that are beyond even ministerial statements and just take up so much of question time. Unfortunately and sadly, we have not seen answers—proper answers, detailed answers—to our questions.

When it comes to the confidence of all ministers, you would expect them to be on top of their brief. But what we see day in day out in this house during question time is copious notes, indexed, and when a question is asked they go from A to Z to try to find one that looks to be around the mark of what has been asked as a detailed question, and then they filibuster for another five, 10, 15, or in some cases 20 minutes. That is not democracy for the people of this state, and that is not what the Westminster system is about.

When listening to the answers, I thought three things. Maybe I was initially sorry for the minister because even now I do not know whether the minister is simply doing a job under instruction from a government, and that worries me. At best, there was ineptitude by the government in this matter; at worst, it is a cover-up. It brought connotations into my mind when I listened to those questions—and I have deliberated over this at some length for some period of time—but when did the government really start to realise that this was getting to the serious and pointy end? Was it before the election? Was this deliberately held back because of the marginal seat of Ashford? If that were the case, I would suggest that these people need to be absolutely outraged and furious.

I would like evidence and openness from the government, and I would ask that that evidence be tabled in the house so that we can see the paper trail. We know that when you go right back to when Premier Weatherill was the minister for environment he was personally aware of this. We know that communication is not always full and frank in that office from another select committee we have been involved in. You have to become a little cynical when you are not getting cooperation from the government of the day.

These people deserve to be totally involved in what is happening in their area. They have life savings, and they have loved homes, whether they are public or private. Sometimes these people have been in these homes for 20 or 30 years, and the disruption to them now is just unbelievable. There are also issues around their health. Hopefully, there is no health degradation for that community, but we do not know.

What I am concerned and surprised about was what I saw in the media, where the EPA absolutely stonewalled when questions were asked about what was going to happen with the health checks for these people. We saw Dr Buckett stonewalling as well, but on the same television news that night, we saw the Premier under pressure, saying there will be health check-ups, they will be available and they will provide money.

Where is the detailed cooperation and communication between the EPA, the health department, the environment and natural resources areas and the government and cabinet? We have agencies saying, 'No, we're not going to pay for or provide health checks,' for these innocent people—some of whom have been encouraged to move in there with new subdivision developments in recent years—and then the Premier is saying, 'Well, they will have health checks paid for.' At this point in time, I do not know whether they are going to get health checks paid for or not; there is no clear communication.

I do not believe that the government have worked properly when it comes to notification because if they knew about this several days to weeks before, as has been highlighted by the shadow minister, why did it take them almost a week from when they put it through to cabinet before the communication went out? How come when the terrible shadow minister raised this in the parliament they were able to get the teams together and have material printed and out there that night?

They set all that up within a six-hour period. You do lose faith and trust in a government when they are saying, 'Well, cabinet is now advised, but we will wait several days before we advise the people.' Again, when it is a confidence issue for the people and members of this house, when a government has supposedly been monitoring this for several years—I would suggest at least

six years, if not longer—why were there not good management practices to keep those people in the loop right through that period of time? What was happening? Where was the communication?

Property values are at stake, and there also seems to be some secrecy around the matter. It has been expressed to us that residents have no confidence in this government and the person representing the government as the lead minister, that is, the minister, and people have been expressing that in the media over several weeks. This has been a terribly poorly handled matter. It has been in the media for at least 21 successive days, and when an issue is in the media for that long it says that there is a problem with the management of the issue and that perhaps the government have put their self-interest before the interests of the people they are supposed to represent.

Therefore, Family First says that any member of parliament who raises any issue with the government and, indeed, any minister of the government, deserves respect and proper thorough and detailed answers so that we can go about our democratic business of representing the people of South Australia—because that is our role, that is the primary role, that is the number one role. This government has not realised that.

There has been cover-up after cover-up after cover-up. We have inquiries into Gillman and the like. Why do we have those inquiries? Because secret business is occurring. It has to stop, and if it means that there has to be a vote of no confidence in a minister to get a message through to a Premier who said that he was going to be different from the previous premier and that he was going to consult, consider and announce, so be it. They have to start doing that and working with the people of South Australia.

There is no demonstration of any change by this government whatsoever. Whether it is ineptitude or cover-up in this case, the minister has a vote of no confidence against him, and based on what I have had to say—more so in terms of the government than the actual individual minister—we will be supporting this motion.

**The Hon. S.G. WADE (15:12):** I rise to support the motion of no confidence. The minister has shown disregard for the residents of Clovelly Park and Mitchell Park and the broader community, and the motion is well justified. Ministers of the government are called to uphold a higher standard in the interests of all South Australians. When they accept the office, they accept the responsibility to put the interests of South Australians first.

Minister Hunter has not put the interests of South Australians first. He put his party's political interests first when he sat on information that showed that the health of Clovelly Park residents could be at risk. He showed disregard for their health and for their right to know about risks affecting them when he repeatedly stonewalled on providing them information and repeatedly refused to engage the community.

Regrettably, it took the questions of the opposition here and in the other place to force this minister to front-up to his responsibility, yet he did not do so willingly. Even after repeated questioning, the information was not forthcoming. When the issue was raised in parliament, when did the minister say he was planning to act? 'Tomorrow,' as though it was an item on a perpetual list, a 'things to do tomorrow' list.

The minister has repeatedly asserted that he will wait for scientific advice before acting, yet the scientific advice he had already received showed a significant potential risk. Did he want to know that residents were most certainly at risk before informing them? Surely, if your health were potentially at risk you would want to know right away, not just when the government had prepared a PR plan.

Rather than provide residents with the information to make an informed decision about the risk to them, the minister clearly substituted the residents' judgement with his own. It was as if he was saying, 'Just trust me. I am from the government. I have all the facts. I know what is best for you.' People could not even be trusted to look after their own health. It is the view of the opposition in moving this motion that it is the minister who cannot be trusted, and his conduct in these matters cannot be trusted.

Minister Hunter is not unusual in not suffering fools. What makes him unusual is that he thinks everyone is a fool except himself. It is breathtaking that the government expects the community to unquestionably trust that the government will make important decisions on behalf of residents without their knowledge. Tragically this pattern of arrogant paternalism is reminiscent of the government's handling of child protection matters. The exposure of the Clovelly Park contamination in parliament was almost one year to the day that the Debelle report was released. It was yet another example of this government's lack of transparency, the suppression of information that the public needed and deserved to know, and the arrogance with which this government assumes the personal decision-making capacity for people who are entitled to make their own informed choices.

The minister owed it to the residents of Clovelly Park and Mitchell Park to tell them the moment his government was aware that a significant risk was present, not when it was convenient for the government to do so. Those residents can take no comfort from the minister's new project of co-designing a new engagement paradigm when he cannot even tell them plainly what risks are facing them. What hope does a community have of getting understandable information from the government when even the terminology used to improve communication is 'co-designing a new engagement paradigm'?

This is not a PR problem that has simply come about because of miscommunication. It has certainly been made worse by the government's failure to communicate. This is a public health problem. It does not take a scientist, a spin doctor or a bureaucrat to identify that; it should not be hard for the minister to identify that. Representing the interests of the residents of this state takes more than just relaying readings from testing reports. It involves the minister making sure that South Australians are fully and frankly provided with information that they need to make a decision in their best interests and at the earliest opportunity.

The interests of those residents have been betrayed by this government and by the minister, and I ask: why should this house have any confidence in the minister when he has so dramatically betrayed the confidence of the residents of Clovelly Park and Mitchell Park? Why should we uphold confidence in a minister when there is clearly none left in the community? This council, as representatives of those residents, can do nothing less than express the same lack of confidence in this minister.

**The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:17):** I rise to oppose this outrageous motion.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. G.E. GAGO:** It is obviously a meaningless political stunt by the opposition and crossbenchers. This motion is nothing more than a disgraceful attempt, particularly by the opposition, to distract from the fact that they are the ones who have acted in a highly irresponsible way. The opposition has done nothing more than use this opportunity to whip up a frenzy—

*Members interjecting:*

**The PRESIDENT:** Order! The honourable minister, could you sit down please? We have just gone through a number of contributions in silence. I think the honourable minister, the Leader of the Government in the upper house, has the right to be heard in silence, as has anyone else who speaks. I will not tolerate people abusing that right. Just listen. The honourable minister.

**The Hon. G.E. GAGO:** Thank you, Mr President. The opposition has done nothing more than use this opportunity to whip up a frenzy and scare residents. From the day they used this place to launch their scare campaign, the opposition have not had a single moment of regard for the residents of Clovelly Park and Mitchell Park. They all knew that the government had planned to communicate with residents the very next day. They knew, and they did not accept the Premier's invitation to wait so that residents were able to be properly informed. They took the irresponsible decision to simply announce this matter in parliament and let the residents be informed through the media.

What we have seen from those opposite is typical of Liberal Party politics. They use fear to divide the community for their own self-interests. How incredibly disrespectful of those residents! We know that when people hear things from other sources and are not given an opportunity to be given full information, and not from the government, this starts a process that robs people of confidence and trust. This is in direct contrast with the behaviour of the Hon. Ian Hunter, who has held the residents' interests in highest regard, attempting to notify residents first. His attempt was to notify residents first and inform them, not grandstand here in parliament.

We note that since then the Premier and the minister have acknowledged that in this case the government's communication with residents could have been better.

**The Hon. D.W. Ridgway:** Could have been a lot better.

**The Hon. G.E. GAGO:** He has indicated that the government has not done—

*The Hon. D.W. Ridgway interjecting:*

**The PRESIDENT:** Minister, could you sit down, please. You moved a no-confidence motion in the minister. You have stated your case, and we are now listening to those people who oppose that. I think they have every right to say it in peace and quiet. Have respect. The minister can continue.

**The Hon. D.W. Ridgway:** Sensible, intelligent contributions we will listen to in silence.

**The PRESIDENT:** Have you had your lunch today? Have you had your lunch, because you are behaving in a very unusual manner. You are the Leader of the Opposition. You should set the example. It is unusual during a no-confidence motion not to allow the case against to be prosecuted.

**The Hon. D.W. Ridgway:** We have only had one in the last 20 years, and it was about you. We won it, you lost!

**The PRESIDENT:** I do not want you turning this into a circus. You would think it was a serious matter to have a no-confidence motion. You cheapen the whole aspect of this by carrying on the way you are doing. I want to hear the minister and other people want to hear the minister on their position.

**The Hon. G.E. GAGO:** He has indicated that the government has not done a good enough job to satisfy the community. He and the Premier have recognised that publicly. What is more, both the Premier and the minister have apologised for this. The minister has outlined that a residents' group will work with the EPA to decide how best to determine communication into the future. He has worked with residents to do that. The government has been focused on making sure residents have the information they need.

What we have not wanted to do was put out information that is not complete, and information that causes unnecessary anxiety to residents. What we are now having to do, because of the reckless irresponsibility of the opposition, is to try to now restore community confidence. It really just shows that they have nothing positive to talk about, and that they like to operate in a highly destructive way.

I urge members on the crossbenches to consider this vote carefully, and obviously to reject the fearmongering from those opposite. I urge them to recognise that the opposition, by deliberately raising it in parliament, prevented the affected residents from being advised of information first-hand. They disenfranchised them. This motion is just another stunt in a long line of reckless actions by those opposite since questions were asked on 2 July.

It has always been the practice to conduct ourselves in this chamber with the utmost dignity, and those opposite know they are not doing that today with this cheap political stunt. The Premier has clearly articulated:

I have confidence in my minister and I have confidence in government agencies that are doing their best to communicate.

If members opposite are truly here to represent the interests of our state, they would stop wasting our time with such petty motions and debate legislation that we are voted in to do.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.L. VINCENT (15:24):** Dignity for Disability will support the motion. Since the story of the TCE contamination in Clovelly Park and Mitchell Park broke just over three weeks ago, I have to say that the Minister for Environment has not seemed interested in genuinely answering questions about this serious potential public and environmental health issue. Whether or not you are happy about the way in which this information came to the public attention, and to the attention of local residents impacted, as the minister of the lead agency in the matter I would have thought that Mr Hunter would have the duty to take responsibility for what has occurred and what happens in the future.

It has been very disappointing to repeatedly see the minister approaching this matter in a resentful and belligerent manner. We need ministers to take responsibility for their agencies and to take seriously all the concerns that residents have. It is reasonable that people would feel scared, worried and concerned about their own health and the health of their families who live with them or have previously done so.

As of today, we certainly cannot change the fact that there is TCE contamination in Clovelly Park and Mitchell Park. I am certainly not saying it is the minister's fault that it is there, but the minister does have control over how he and his department respond to questions and queries from the residents affected by this. This entire episode has highlighted how little we know about former industrial sites around South Australia, and as other members of this chamber have pointed out, we need to do something about that urgently.

As in all matters, whether or not they are considered urgent or a potential public health risk, governments should be open, accountable and open to consultation and hearing from all of their constituents. Unfortunately, this has not been the case, so I dearly hope that if nothing else this is a learning exercise for the government.

Dignity for Disability takes this issue of industrial contamination in residential areas extremely seriously, and we also take motions of no confidence in a minister very seriously. As members will be aware, we have previously abstained from voting on a no confidence motion against a minister in this chamber, but on this occasion we think the minister has been lax in his duty to the South Australian people and for this reason we support this motion.

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:26):** From the outset, it is important to make plain that the government's priority has always been the health and safety of South Australians. We aim to provide affected residents with information in a way which is understandable. Clearly, in this case we have not been able to achieve that. We have apologised to residents and now we are working with the community to develop a better way forward.

We have asked residents to work with us, to come into the EPA to see all the information available to government and tell us the best way to communicate with them. Today, a new community reference group involving people living in the area is holding its first meeting. This group will help inform how we can better communicate with residents and ensure they have accurate, up-to-date information in a way that is easy for them to understand, because the community needs to have confidence in the government's agencies which are working to protect them and the information that has been provided. That is what this process is all about.

Our concern is for the residents—it has always been for the residents first. It is no doubt a distressing time for them, which is why they need to be armed with the facts. We have advice from experts that there is no risk from visiting a local park or eating home-grown fruits or vegetables. The fact is that there is no immediate risk to people's health. Testing has been done as relevant information has been uncovered. We know that there was a reading of 84 micrograms of TCE per cubic metre in one room in one round of testing, but what we often do not hear is that that was a test in one room in a vacant, closed-up home.

What you have to remember is that levels recorded tend to be higher in vacant homes because they are not ventilated. Other rooms in the same home recorded readings of less than 0.5 micrograms of TCE per cubic metre—in the same closed-up home. That should give you some

idea of the variability that you get when you conduct indoor tests. The fact is that two micrograms is not the trigger for an immediate health risk; it is the trigger for further investigation, and that is exactly what we are doing—further investigation.

I am no longer a working scientist, but I get advice from people who are, and they tell me that the best way forward is to go ahead with soil vapour and groundwater testing. Indoor air samples are extremely variable and do not give you an accurate indication of vapour rates on their own.

As a matter of fact on 2 July 2014 the government brought forward planned communication with the residents of Clovelly Park to provide an update on investigations into site contamination, and that was because of the way in which this matter was raised in parliament. The government is committed to providing residents with all the information they want and that they need.

On Sunday, 20 July 2014 I attended a public meeting organised by a resident from the Clovelly Park area, with officers from the EPA, SA Health and Housing SA. At this meeting, residents were invited to form a community reference group to work with us to determine the best way forward to communicate the facts. I am pleased to advise, as I said, that they will have their first meeting today. It will also be an opportunity for the members of that group to decide how we provide information into the future, especially the steps we can take to ensure that it is presented in a way that is clear. I want to ensure that the community receives all the facts they need to feel secure in the knowledge that their health and wellbeing is being protected.

The advice from scientists and health professionals has consistently been that there is no immediate risk to residents in the relocation area. In addition, there is no evidence of any health risk to residents in the further investigation area. It is important, however, to determine the full extent of site contamination and that is why the EPA will undertake further investigations to determine groundwater and soil vapour contamination in the areas further south into Clovelly Park and west into Mitchell Park.

The testing will involve drilling of about 140 bores, including roughly 37 groundwater bores, 30 soil bores and 73 soil vapour bores. This work is scheduled to start in August with the results likely to be known by the end of the year. We will provide the results to the community as soon as possible. In the meantime, we are advising residents not to use bore water and to inform the EPA if they do have a bore on their property.

We will make sure that people have access to the facts. This is why we are offering both public meetings and face-to-face meetings to ensure that people are informed every step of the way through the process. I understand that over 100 appointments have been made for the face-to-face sessions this coming Saturday and Monday. The EPA is also operating a hotline for residents who want more information.

Those are the facts of the matter. We have before us today a motion of no confidence in me. If honourable members determine that a minister agreeing that a process in place to communicate to residents was inadequate, the minister apologising for it and seeking to put in place a better one—if honourable members determine that deserves a motion of no confidence, well, so be it. But let everyone understand that if they do they will be—

*Members interjecting:*

**The PRESIDENT:** Order! Let the minister finish in peace and silence.

**The Hon. I.K. HUNTER:** Let everyone understand that if they do support the motion they will be significantly devaluing the processes of this house and the esteem in which this Legislative Council should be held. If the council agrees with the motion of the Hon. Michelle Lensink then they will be setting a very low bar indeed, and the decisions of this august chamber will be treated with disdain by the community which would be a very great shame indeed.

**The PRESIDENT:** Are there any further speakers?

*Members interjecting:*

**The PRESIDENT:** Order!



**The Hon. J.M.A. LENSINK (15:33):** I will be brief. I am amazed that, first of all, the Leader of the Government has not received the memo from the media staffers in the Premier's media unit. We are into *mea culpa* at the moment—not!—continuing to blame the opposition. However, then the minister repeated that, too: it is still our fault. When do these people take responsibility for their own behaviour? For days and days he has been grumpy and churlish—not just in this place, which we, unfortunately, have become accustomed to—to just about every media outlet known to mankind in the state.

He has got his figures wrong time and time again. I found out on 5 July about that figure and he did not know about it until several days later. He is the one with all the staff and he is the one with the agency; he should actually bother to keep himself abreast of his facts.

**An honourable member:** And a scientist as well!

**The Hon. J.M.A. LENSINK:** A scientist. I thank all honourable members for their contributions. I think I have outlined the case in my initial statement. I look forward to the vote on this motion.

Motion carried.

#### *Motions*

#### **GRESTE, MR PETER**

Adjourned debate on motion of Hon. G.E. Gago:

That this council—

1. Condemns the conviction and sentence given to Australian journalist Peter Greste and his colleagues from the Al Jazeera network; and
2. Supports the commonwealth government in its diplomatic efforts to bring about a positive outcome for Mr Greste and his family.

(Continued from 3 July 2014.)

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:35):** I rise to speak to this motion briefly on behalf of the opposition. On 23 June this year, Mr Peter Greste, along with two of his Al Jazeera colleagues, was sentenced to seven years' imprisonment. The allegations made against Mr Greste, his conviction and seemingly arbitrary sentence have been widely publicised and have justifiably received international condemnation. Mr Greste was wrongly charged with spreading false news and supporting Egypt's former prime minister Morsi's Muslim Brotherhood.

More appalling than the false allegations laid against Mr Greste was the manner in which the trial was conducted. Given the absurdity of the allegations made against Mr Greste, his trial has been heavily criticised as being politicised and has in no way been conducted in accordance with the basic principles of natural justice.

During his trial, the prosecution presented profoundly absurd and irrelevant evidence, including blatantly photoshopped images, pictures of Greste on holiday with his family in Germany, and a song played in the courtroom taken from what was incorrectly alleged to be Mr Greste's phone—and that is just to name a few of those profoundly absurd and irrelevant pieces of evidence. The prosecution was never able to illustrate how the bizarre evidence was relevant to the charges laid against Mr Greste, and it has been reported that prosecution lawyers demanded \$180,000 from Mr Greste's defence lawyers to obtain access to the evidence to be used in his own trial.

Following this incongruous trial, Mr Greste was sentenced to seven years in prison. The public outcry and condemnation Mr Greste's conviction and sentence have received have been far-reaching and overwhelming. The Australian government has appealed to Egypt's Australian Ambassador, Dr Hassan El-Laithy, saying that they are 'appalled by the severity' of the sentence, and the federal government's sentiments have been echoed by the US Secretary of State.

The United Nations High Commissioner for Human Rights, Ms Navi Pillay, is also part of the international chorus condemning the conviction and sentence. Ms Pillay highlighted the legitimacy of Mr Greste's actions and Egypt's violation of the International Covenant on Civil and Political Rights,

which Egypt has ratified. Mr Greste's conviction and sentence have also received condemnation across the board, from media and journalism industry groups. Unfortunately, Mr Greste has been charged, convicted and imprisoned for exercising his right to hold opinions and report on the events which unfolded in Egypt.

Recently, the Egyptian President conceded that he wished Mr Greste and his colleagues had been 'deported after their arrest instead of being put on trial'. In light of these comments, and having faith in the Australian government's diplomatic efforts throughout this incredibly sensitive issue, I hope that a sensible outcome can be achieved and that Mr Greste and his colleagues will be freed. I can only imagine the sense of injustice and the feeling of helplessness and anguish Mr Greste and his family must be going through. I extend my deepest condolences to Mr Greste and his family during this very difficult time.

In closing, I echo the statements made by Australia's foreign minister, Julie Bishop, the UN's High Commissioner for Human Rights and the Hon. Gail Gago, and, as such, I commend the motion to the house.

**The Hon. T.A. FRANKS (15:38):** I rise today on behalf of the Greens to support this motion the government has brought to this council. I certainly believe that we as a council should be addressing the unjust situation in which Mr Peter Greste, noted journalist and Australian citizen, finds himself.

As outlined by minister Gago when she introduced this motion, Mr Greste has been found guilty and has been convicted of reporting false news by an Egyptian court. This is just one more in a series of disturbing developments that have plagued Mr Greste's case. While Egypt is struggling its way through a period of political turmoil to achieve democratic government, the unfair conviction of Mr Greste and his fellow journalists is taking a step in the opposite direction.

In a democratic society, freedom of the press is of the utmost importance. Mr Greste has been accused and convicted of reporting false news and of conspiring with the Muslim Brotherhood. The evidence against Mr Greste and his colleagues has been flimsy at best and, now, for him to receive a seven-year gaol sentence is unjust to say the least. The lack of justice in Mr Greste's trial is simply shocking, with obviously doctored photos being presented as evidence as well as technical advisers giving the same statements, despite having been meant to have prepared their statements separately. Furthermore, audio recordings supposedly from Mr Greste's phone were in Arabic, yet he does not speak that language. The integrity of this so-called evidence has been corrupted, and our government needs to call for Egypt to address what is clearly procedural abuse in its courts.

The deterioration of democracy in Egypt is deeply disturbing. The same judicial system that has imprisoned Mr Greste and his fellow journalists merely for the doing their jobs has, in a mass trial, sentenced 529 people to death in March, with a further 683 in April. Furthermore, more than 16,000 protesters have been arrested since the military coup of July 2013. This is the unjust system within which Mr Greste finds himself. It is little wonder that those close to him, and the international community at large, are concerned for his wellbeing and, of course, that of his colleagues.

We need to ask ourselves: are these the actions of a democratic nation? The suppression of a free press and the ongoing imprisonment of journalists is utterly unacceptable, and our government should be laying down all diplomatic options, including sanctions, on the table. Yet our Prime Minister has still not engaged on any level, particularly compared with other governments—indeed, the United States is intervening for us. Is our own government really so unwilling to protect one of its own citizens?

I would like to highlight to this chamber the double standard our Prime Minister is displaying here in not engaging in attempts to free Mr Greste. Last year he personally visited the Middle East to campaign for the release of two Australian businessmen, yet he did not intervene on behalf of an Australian citizen participating in a non-violent environmental protest and he is not intervening here now on behalf of Mr Greste.

I would like to recognise the outstanding work of consular officials who have done everything in their power to support Mr Greste and his family, but we must acknowledge that this case is now beyond consular assistance. The Prime Minister needs to act on his responsibilities and speak out against injustice done to Australian citizens. How our government can stand silent and inactive in the

face of such injustice beggars belief. It is to our national shame that we will not stand up for our own citizens, and, indeed, seem to rely on other nations and organisations to do so on our behalf. Reporting the news is not a crime. Mr Greste is innocent and an Australian citizen, and should therefore have the support of his government, the federal government.

Where our government has sat idle the community has not, and there are simple things everyday Australians can do and are doing to show Egypt that we do not support its blatant abuse of the judicial system. Australians can stop visiting Egypt and can boycott Egyptian products. Indeed, I have sent the consulate that message, that I am doing so myself. This sends a strong financial message. There has also been a very popular petition started by Amnesty International that people can sign, which just recently had over 83,000 signatures.

Australia as a country should also stop funding through the European Bank for Reconstruction and Development, as Egypt clearly does not meet the bank's criteria for democracy. The people can call on the government to do this. As Peter Reith said in his article entitled 'Australians must stop visiting Egypt to support Peter Greste', Australians should not hesitate to vent their views on Egypt's denial of basic human rights, and our citizens can do so by contacting the Egyptian Embassy.

To conclude my remarks, I reiterate: reporting the news is not a crime. What Mr Greste has experienced is a gross miscarriage of justice, and the Australian government should be doing everything in its power to bring him home and set him free. I commend the motion to the council.

**The Hon. T.T. NGO (15:43):** I also rise to add my voice to those raised in protest against the imprisonment of Peter Greste and his Al Jazeera colleagues in Egypt. Peter Greste, a London-based journalist, has worked in numerous war zones for Reuters, the BBC, CNN, and, in recent times, Al Jazeera, which we know is an English language news service broadcasting from Qatar.

It was on 23 June that Peter Greste, his Cairo bureau chief Mohamed Fahmy, and producer Baher Mohamed—all highly respected media practitioners—were convicted on charges that reportedly included joining a terrorist organisation (namely the Muslim Brotherhood), publishing false news harming national security, terrorising people, and harming the people's general benefit. Peter Greste and Mohamed Fahmy were sentenced each to seven years' gaol. Baher Mohamed was sentenced to 10 years in gaol. All three have been detained since December 2013. The brief footage we saw of Mr Greste and his colleagues behind the bars of a cage inside the courtroom was shocking, but what brought them to that plight?

The backstory starts with the 2011 demonstration which resulted in the removal from office of the dictatorial Hosni Mubarak, who had held a brutal sway over Egypt for some 30 years. Mohamed Morsi, leader of the Freedom and Justice Party, the political wing of the Muslim Brotherhood, was democratically elected president in 2012. In 2013, Dr Morsi was ousted in a military coup. The new military government pronounced the Muslim Brotherhood to be a terrorist organisation and in 2014 Abdel Fattah al-Sisi, a former army general, was elected president. This story is important to our understanding of how Mr Greste and his colleagues found themselves in that courtroom cage in June this year.

Despite Al Jazeera's claim of editorial independence, I understand that Egyptian authorities are of the view that the broadcaster supports the Muslim Brotherhood. After the military coup, Al Jazeera's office was attacked and workers were arrested. All, Peter Greste among them, have vehemently denied association with the Muslim Brotherhood. They maintain that they were just doing their jobs: gathering and disseminating the news. It is widely acknowledged that the evidence adduced in the journalists' trial was less than compelling. Even so, and despite enormous international interest in the operation of the Egyptian judiciary in this and similar matters, guilty verdicts and lengthy sentences were passed down.

A number of commentators have referred to this as a sham or a show trial. Many analysts contend that the purpose of the trial was to intimidate reporters and silence criticism of the current regime, and many leaders have made their views clear. The UN's High Commissioner for Human Rights has said that 'It is not a crime to criticise the authorities, or to interview people who hold unpopular views.' John Kerry, US Secretary of State, has called the decision chilling and draconian. Geoffrey Robertson QC, human rights lawyer, has said that Egypt should be tried in the International

Court of Justice. The foreign minister, Hon. Julie Bishop, has said that the government is appalled by the severity of the sentence.

I wholeheartedly support all democratic efforts by our government to secure Mr Grete's release and return him to his family and friends. I understand that all avenues of appeal must be exhausted before a presidential pardon can be contemplated, but can only hope that the matter can be resolved in the near future, rather than at some nebulous time years from now.

I want to broaden my remarks briefly and point out that the arrest, detention and imprisonment of Mr Grete and his coworkers is symptomatic of what is happening with regard to press freedom in Egypt and in many other parts of the world today, including the country I was born in.

In Egypt, which is acknowledged to be one of the most dangerous countries for journalists, people working in the media are being raided, rounded up and put on trial for disseminating the news. In the past 12 months, six journalists have been murdered in crossfire and in targeted attacks. Reporters have been assaulted and shot at while covering events in Cairo; their equipment confiscated and their ability to carry out jobs compromised, sometimes fatally. This is wrong in every conceivable way.

Our journalists—all journalists—have the right, freely and without personal jeopardy, to hold governments and other entities that act in our names to account, to illuminate the truth and to expose injustice. Peter Grete has written from prison in exactly these terms. He wrote:

...this is not just about three al-Jazeera journalists. Our arrest and continued detention [and imprisonment] sends a clear and unequivocal message to all journalists covering Egypt, both foreign and local.

The state will not tolerate hearing from the [Muslim Brotherhood] or any other critical voices. The prisons are overflowing with anyone who opposes or challenges the government.

He continued:

...our arrest is not a mistake, and as a journalist this IS my battle...I have no particular fight with the Egyptian government, just as I have no interest in supporting the [Muslim Brotherhood] or any other group here. But as a journalist I am committed to defending a fundamental freedom of the press that no one in my profession can credibly work without. One that is deemed vital to the proper functioning of any open democracy, including Egypt's with its new constitution.

Of course we will continue to fight this from inside prison and through the judicial system here. But our freedom, and more importantly the freedom of the press here, will not come without loud sustained pressure from human rights and civil society groups, individuals and governments who understand that Egypt's stability depends as much as on its ability to hold open honest conversations among its people and the world as it does on its ability to crush violence.

We know it is already happening, and all of us are both moved and strengthened by the extraordinary support we have already had, but it needs to continue.

I can only endorse these eloquent remarks by Mr Grete and those of the numerous governments, human rights organisations and individuals around the globe who have protested this cruel and unjust conviction—a conviction arrived at on the basis of what would seem to be far from credible evidence.

Recently, we have heard of the terrible events around the world, from the shooting down of MH17 over Ukraine to the continued bloodshed between the Israelis and the Palestinians. This news has been brought to us by committed and courageous journalists operating under enormously difficult conditions, just like Peter Grete and his coworkers.

I urge the federal government not to lose sight of Peter Grete and his fellow journalists. I urge the federal government to redouble its diplomatic representations to secure his release and to support the release of his colleagues. I look forward to Mr Grete's return to his family and friends here in Australia—a country where that precious freedom of the press must continue to be supported, nurtured and defended by our governments and our people. I commend the motion.

**The Hon. J.A. DARLEY (15:54):** I rise in support of this motion. Unfortunately, the world is now familiar with the name Peter Grete, for all the wrong reasons. Peter and his two colleagues, Mohamed Fahmy and Baher Mohamed, were arrested on 29 December 2013 by Egyptian authorities, accused of reporting news which was damaging to national security. Soon after images

of Peter Grete and his colleagues being wheeled into the Egyptian courts like caged animals were shared across the globe. Those images speak volumes about the way Peter and his colleagues have been treated throughout this entire ordeal.

I understand that the prosecution supposedly relied upon bogus evidence, such as Gotye's song *Somebody That I Used To Know* which was found on Mohamed Fahmy's mobile phone and which was presented to the court with no explanation as to how it related to the case. I also understand that the prosecution presented a picture which had clearly been photoshopped to place Mr Fahmy in the same frame as Egypt's former High Military Council. The prosecution also presented audio of an unknown person seeing video footage of horses and sheep farming to support their case.

All this was presented without any explanation as to how it supported the trio's guilt of the charges laid upon them. This is ridiculous and highlights the farcical circumstances around this whole matter. Given the strength of the prosecution's case, or rather lack thereof, it is no wonder that the whole world was shocked to learn that not only had the trio been detained on such charges but appalled to learn that they had been found guilty of the charges, and then finally disgusted at the length of the sentence imposed. I can only imagine the anguish Peter's friends, family and especially his parents feel about the outcome given the particulars preceding the verdict.

**The Hon. K.L. VINCENT (15:56):** I will briefly put on the record Dignity for Disability's support of this motion. Article 19 of the United Nations Universal Declaration of Human Rights states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

I do not doubt that all our colleagues here today would agree with me that this situation is a clear breach of that article, but in my opinion it is also a breach going against human nature. It is human nature to share information, to share ideas and yes, sometimes disagree, and this is how we grow as a society and as nations. So to see a difference of opinion resulting in the imprisonment of a journalist who was simply doing their job is outrageous and very concerning, not only for journalists in the field but for those in our community who need to be aware of world affairs to be able to be involved in their communities and grow through the sharing of information. With those few words, Dignity for Disability certainly stands with Peter Grete and his colleagues and we support the motion.

**The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:57):** I thank members for their contributions to this important motion. Without journalists like Peter Grete, our reliable and objective knowledge of public events in other countries would be severely limited. This case highlights the perils that journalists, such as Mr Grete and his colleagues, must face in order that we have a free, unfettered and frank media and how quickly that fragile right can evaporate if we do not show that we are prepared to defend it.

It is encouraging to read the comments made earlier this month by the Egyptian President, President Abdel Fattah al-Sisi, where he conceded that he wished 'they were deported after their arrest instead of being put on trial'. Despite these words, the long-term outcome for Mr Grete and his colleagues remains distinctly grim. Again, I thank the honourable members for their support and their contributions and commend the motion to the council.

Motion carried.

*Ministerial Statement*

#### **CHILD PROTECTION**

**The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:59):** I table a copy of a ministerial statement relating to Families SA employee allegations made earlier today in another place by my colleague the Hon. Jay Weatherill.

*Bills***PASTORAL LAND MANAGEMENT AND CONSERVATION (RENEWABLE ENERGY)  
AMENDMENT BILL***Committee Stage*

In committee.

(Continued from 5 June 2014.)

Clause 1.

**The Hon. R.L. BROKENSHIRE:** I want to put the position of Family First on the bill. We have considered the bill and, on this occasion, contrary to a lot of situations to do with pastoral land, opportunities for pastoralists and lack of support, we have not had any representation negatively from any of the pastoral sector. We understand that there may be an opportunity for some wind farms to be set up in those pastoral areas. We would have been keen to be briefed by the government as to what particular area they are looking at when it comes to renewable energy opportunities in the pastoral areas, but thus far I understand the government has not actually said what area it had requests from for this.

Suffice to say, given the problems with mining in prime agricultural areas like Yorke Peninsula and Eyre Peninsula, if there is mineral wealth in pastoral areas, possibly they can coexist a lot better up there than in the farming areas of South Australia and then, if they can have renewable energy to generate and drive the power sources for that mine, we believe that would be a sensible decision. With those few words, Family First will be supporting the government on the Pastoral Land Management and Conservation (Renewable Energy) Amendment Bill 2014.

Progress reported; committee to sit again.

**LADY KINTORE COTTAGES (TRUST PROPERTY) AMENDMENT BILL***Second Reading*

**The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:03):** I move:

That this bill be now read a second time.

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

Leave granted.

The *Lady Kintore Cottages Act 1920* (the Act) was enacted to enable the transfer of certain real property and moneys held by the Lady Kintore Cottages Incorporated to the Adelaide Benevolent Strangers' Friend Society Inc ('the Society').

Up until that time, Lady Kintore Cottages Inc had been the subject of a Declaration of Trust dated 20 December 1894. At the time, the trust provided for an elected committee which was empowered to determine the application of trust property for the purposes of providing accommodation to 'indigent widows and deserted wives and their families'.

For various technical reasons it became impracticable for this to continue, and so the Act was passed in 1920. The effect of the Act was to transfer all trust funds and real property to the Society. Section 3(1) of the Act provided that these were to be held by the Society upon the same charitable purposes as the terms of the original trust and for no other purposes.

The original Lady Kintore properties which vested in the Society at the commencement of the Act were sold in 1990 to the SA Housing Trust. The Society has since purchased and developed other properties with the sale proceeds. Currently, six properties are held on trust under the Lady Kintore Cottages Act. This represents a fairly small proportion of the Society's overall property portfolio, which is comprised of around 130 properties in total.

The Society is a not for profit incorporated association, whose objects and purpose are to receive gifts of cash and kind and to administer relief to the sick or disadvantaged within South Australia. A further object is to provide affordable housing and other assistance in necessitous and deserving cases to people in South Australia including new immigrants.

The objects and purpose of the Society are broader than those under the Lady Kintore Trust. The Bill aims to recognise these wider objects purposes. The Society's objects are 'to receive gifts of cash and kind and to administer relief to the sick and/or disadvantaged within South Australia'. The aim of the trust was to hold such real property and moneys on trust for the purpose of providing homes for indigent widows and deserted wives and their families in the State. The Society states that it has been determining applications for accommodation for the trust properties on the basis of the necessity in accordance with its objects, namely 'relief to the sick or disadvantaged within South Australia'. It considers that it would be more appropriate that the property and moneys held on trust under the Act be used in accordance with the broader objectives of the Society, rather than restricting this to 'indigent widows and deserted wives and their families'. This is what clause 4 of the Bill intends to do.

The Society base their policy on providing affordable accommodation to people on lower incomes. In 90 per cent of cases this means people who are receiving Centrelink benefits such as the aged pension, disability pension, family assistance or Newstart. Some applicants participate in part time work. The income limit is around \$40,000 per annum. This allows for tenants to move into one of the Society's properties on Newstart, gain employment and then start earning a wage.

The tenants are generally referred to the Society by agencies including, Adelaide Day Centre, Catherine House, Hutt St Centre, Towards Independence (Salvation Army) and the Southern and Western Domestic Violence Services.

To administer the terms of the Lady Kintore trust has given rise to practical difficulties. For example, even if prospective tenants for a house or unit were screened, so that tenancies were only offered to a woman who met the description of 'deserted wife with children', it would be difficult in practical terms for the trustee to monitor that person's ongoing relationship status.

Further, in order to monitor the relationship status, the tenant would be required to volunteer such information as circumstances changed, with the potential for a tenancy to be terminated upon the happening of a defined event, such as commencing cohabitation with another adult, or if her children left home. As well as being administratively cumbersome, the Government's view is that this would be unreasonable and oppressive. Also, in order to provide for such contingency the lease would have to contain a term which allowed the trustee to terminate the lease should such a defined event occur.

It is considered appropriate to amend the Lady Kintore Cottages Act, so as to bring its objects into line with those of the Society more generally. Further, the current situation effectively requires the Society to quarantine properties from its much larger pool, in order to give effect to a narrower purpose as currently set out in the original Act. This would appear to be difficult from an administrative perspective.

Although there may well be a number of women in society who may in a technical sense fit the description of 'indigent widow' or 'deserted wife', these are undoubtedly antiquated terms. The original objects of the trust need to be considered against the background of the social norms and stigmas as well as a paucity of Government social services available to assist such persons at that time. Notably, since the trust was founded, there have been significant developments in the area of government welfare payments, as well as a cultural shift in attitudes towards women who are without male partners.

The Bill also introduces a new clause to recognise that the Adelaide Benevolent and Strangers' Friend Society may wish to transfer its undertaking to a company limited by guarantee structure sometime in the future.

I commend the Bill to Members.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

###### 2—Commencement

###### 3—Amendment provisions

These clauses are formal.

##### Part 2—Amendment of *Lady Kintore Cottages Act 1920*

###### 4—Amendment of section 3—Trusts of property

Currently, the Act provides that the assets held by the Society on trust are to be used for the purpose of 'providing homes for indigent widows and deserted wives and their families in this State, and for no other purpose.' The amendment expands that purpose to 'administering relief and providing affordable housing and other assistance to sick or disadvantaged people in the State' (and things or activities necessary, incidental or conducive to the advancement of such a purpose).

###### 5—Insertion of section 7

This clause proposes the insertion of new section 7

## 7—Change in corporate structure of Society—references

Proposed section 7 is an interpretive provision dealing with references to the Society in the Act and subordinate instruments in the event that the Society becomes registered as a company limited by guarantee under the *Corporations Act 2001* of the Commonwealth, or transfers the whole of its assets and undertaking to such a company.

## Schedule 1—Transitional provisions

Schedule 1 validates certain acts of the Society done prior to the commencement of the *Lady Kintore Cottages (Trust Property) Amendment Act 2014* and provides for immunity from liability for the Society in relation to such acts.

**The Hon. S.G. WADE (16:04):** On 7 May the Attorney-General in the other place introduced the Lady Kintore Cottages (Trust Property) Amendment Bill 2014 to amend the Lady Kintore Cottages Act 1920. The Lady Kintore Cottages Act 1920 was enacted to enable the transfer of certain property and money held by Lady Kintore Cottages Incorporated to the Adelaide Benevolent and Strangers' Friend Society Incorporated. Prior to that act, Lady Kintore Cottages was subject to a declaration of trust that provided for an elected committee empowered to determine the application of trust property for the purpose of providing accommodation to 'indigent widows and deserted wives and their families'.

The effect of implementing the 1920 act was to transfer all trust funds and real property to the Adelaide Benevolent and Strangers' Friend Society Incorporated. The society was to hold all funds and property for the same charitable purpose as the original terms of the trust. The society now considers that it is more appropriate that property and money held on trust under the act be used in accordance with the broader objects and purpose of the society, rather than restricting use of the assets to the original purpose of the trust, namely, as I said, to assist indigent widows, deserted wives and their families.

The trust is named after Lady Kintore, the wife of South Australia's governor from 1889 to 1895. She was a well-known charitable women with a passion for providing poor but industrious women with cheap lodgings. Her scheme eventually resulted in the establishment of the Lady Kintore Cottages in Hackney. In this context I was interested to have my attention drawn to an article from *The Advertiser* of 1902 that talked about the shift of the cottages from Hackney to the city, and I quote from the article of 18 September 1902, as follows:

South Australians will long remember the name of Lady Kintore in memory of her many charitable acts. It was she who, after close attention to the problem of providing poor, but industrious women, with cheap lodgings, formulated the scheme which eventually resulted in the establishment of the Lady Kintore Cottage Homes. The committee succeeded in 1892 in raising £700, with which they purchased seven cottages in Hackney, and for the last 10 years these dwellings have provided lodgings for poor women at a few shillings rental per week. It was found, however, that Hackney was not a suitable locality for the homes on account of the distance from the city, where most of the widows obtained their work. By disposing of the property the committee was then able to purchase a piece of ground in the city, situated at the corner of Gilbert Street west and O'Brien Street, and here they are now erecting three cottages.

What struck me about that quote was that in 1902, a good 70 years after the establishment of the colony, Hackney was regarded as being too far out of the city for working women. I would be intrigued to do some more research and find out whether there was significant urbanisation in the St Peters area, or whether it was the safety and security of the women crossing the Parklands. Certainly the Parklands and other public spaces were areas where often citizens did not feel comfortable.

I found another quaint comment from Mr Bullock, who apparently was one of the foundation members of the committee. He talked about the work he did with Lady Kintore, but he reflects what I call a paternalistic attitude in the provision of charity because, at the laying of the foundation stone in 1902, he emphasised to potential donors how vigilant he and other committee members were in testing the bona fides, the worthiness, of the indigent women.

The asset which this act is dealing with is the tree that has grown from the acorn of £700 in 1892. The amendments contained in the bill will therefore enable that £700, that trust property and the assets, the resources that have accrued since, to be used for the purpose of administering relief and providing affordable housing and other assistance to sick or disadvantaged people in the state. No longer are we focused on indigent widows, deserted wives and their families. Because it is dealing with a private bill and private resources, it needed to go to a select committee in the other place, and



I thank them on behalf of the council for taking on that task because, if they did not do it, we would have to do it.

The select committee recommended unanimously that the Lady Kintore Cottages (Trust Property) Amendment Bill be passed by the House of Assembly without amendment as soon as possible and that it be sent to the Legislative Council for its consideration. As I said, the act's focus on indigent women is to be broadened to generally people who need assistance in relation to their sickness or their disadvantage.

The proposed amendments reflect the wider purpose of the society and the modern developments in community attitudes. The provision of safe and affordable housing for vulnerable members of our community is of course, just as it was in 1892, a very important part of being a civilised society. It plays a very important part in ensuring that each member of our community has the opportunity to pursue their life objectives with equity and fairness. The Liberal Party supports the bill.

**The Hon. A.L. McLACHLAN (16:11):** I rise to speak to the Lady Kintore Cottages (Trust Property) Amendment Bill 2013. The bill seeks to amend the Lady Kintore Cottages Act 1920 and bring the administrative objectives of the legislation into line with the current objectives of the Adelaide Benevolent and Strangers' Friend Society Incorporated, which holds six properties on trust under the act.

This is a hybrid or semi-public bill, and I note that it has gone to a select committee in the other place, which has reported. The select committee held its meeting on 17 June 2014 and tabled its report on 3 July 2014. Significantly, an advertisement was placed in the *Adelaide Advertiser* on 23 June 2014 seeking submissions; however, no submissions or other communications were received from interested persons.

As no submissions were received, and noting that consultation had already been undertaken with interested parties prior to the legislation being presented to parliament, the committee found that the bill was uncontroversial and appropriate to provide the Adelaide Benevolent and Strangers' Friend Society with the flexibility and authority to better utilise the assets derived from the Lady Kintore Cottages.

The select committee recommended that the Lady Kintore Cottages (Trust Property) Amendment Bill be passed by the House of Assembly without amendment as soon as possible and that it be sent to this council for its consideration. The committee has expressed a hope that the bill will have a speedy passage through this council.

When considering this bill, it is important to return to the parliamentary debate in 1920, concerning the passage of the Lady Kintore Cottages Act 1920. The principal legislation was enacted to enable the transfer of certain real property and moneys held by the Lady Kintore Cottages Trust to the Adelaide Benevolent and Strangers' Friend Society. At the time, the Attorney-General, speaking in the other place, set out the need for the 1920 act.

The property was held in trust and under the management of a committee that had the power to determine what indigent widows and deserted wives were, for the time being, to have the use of the cottages. The committee was elected annually in general meeting by the original subscribers and future subscribers. However, at the time of the passing of the 1920 act, all subscriptions had ceased. This meant that there were no members capable of electing a committee of management. Under the deed, the trustees had no power to rent the cottages without the consent of the committee, and therefore they were powerless to deal with the land in any other way.

The view was formed that it would be difficult to awaken public interest in the institution or obtain subscriptions and therefore the property should be transferred to another association having similar objects. It was decided that the Adelaide Benevolent and Strangers' Friend Society was a suitable institution to take over the cottages, as it had similar objects. Interestingly, the Attorney-General of the day referred in his second reading speech to a letter from Lady Kintore herself, indicating that she would certainly vote for the amalgamation of the cottages with a similar association.

The aim of the original 1920 act was to transfer all trust funds and real property to the society and that these funds were to be held by the society upon the same charitable purpose as the terms of the original trust and for no other purpose. However, the original properties held at the commencement of the act were sold in 1990 to the South Australian Housing Trust, and the society has since purchased and developed other properties, 130 in total. At present only six properties are held on trust under the act.

The bill before us today amends the 1920 act to provide for greater flexibility for the Adelaide Benevolent and Strangers' Friend Society when administering the assets derived from the sale of the Lady Kintore Cottages. The government submits that it is difficult for the society to undertake some of the original administrative requirements set out in the original act and that it is more appropriate that the properties and moneys held on trust under the act be used in accordance with the broader objectives of the society.

The society is a not-for-profit incorporated organisation whose objects and purpose are to receive gifts of cash and kind in order to administer relief to the sick or disadvantaged within South Australia. A further object of the society is to provide affordable housing and other assistance in necessitous and deserving cases to people in South Australia, including new immigrants.

The objects and purpose of the society are broader than those under the Lady Kintore Trust. The bill aims to recognise these wider objects and purposes. I have sympathy for this approach. The proposed amendments are intended to reflect changes both in community attitudes and terminology.

We must be mindful that the bill before us amends the terms of the original trust as envisaged by its original proponent, Lady Kintore. We should never be casual in our approach to break the terms of a trust. We should at all times endeavour to keep faith with those who have settled moneys in the past for the benefit of others in the future. This, in turn, instils confidence in benefactors today to settle trusts that will live into the future.

However, time marches on and the needs of our society are inevitably subject to change. I think we can draw some comfort from Lady Kintore's letter penned in 1920 when she wrote of being amenable to an amalgamation. In other words, she was accepting that the operation of the trust needed to change in order to remain relevant.

Further, I gained some experience in the administration of trusts of a similar nature prior to entering this chamber and, therefore, it is no surprise to me that the extant terms of the trust give rise to some administrative and practical difficulties in applying the same. I note that the trust property is such a small holding and I also draw comfort that no submissions were received resisting the approach as set out in the bill. I therefore indicate my support for the passing of the bill.

I also wish to pay tribute to Lady Kintore and her vision. My research has indicated that she was particularly concerned with keeping families together in tough and trying times. This is a worthy and noble aspiration. Although of high birth, she was a Scot and her actions demonstrate that she was inculcated with the spirit of the enlightenment which took hold in Scotland and has never left it.

Today all of us should pause to reflect that our society, whilst it has undergone much change from the days when the trust was established, unfortunately still has many disadvantaged people in need of affordable accommodation. Perhaps it could be said that we have not, in fact, journeyed that far and that we should be redoubling our efforts to fight disadvantage in this nation state. I commend the bill to the council.

**The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:18):** I thank honourable members for their second reading contributions and look forward to this being dealt with expeditiously through the committee stage.

Bill read a second time.

*Committee Stage*

Bill taken through committee without amendment.

*Third Reading*

**The Hon. G.E. GAGO (Member of the Executive Council, Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:19):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 16:20 the council adjourned until Tuesday 5 August 2014 at 14:15.

*Answers to Questions***ADELAIDE VISITOR INFORMATION CENTRE**

In reply to the **Hon. D.W. RIDGWAY (Leader of the Opposition)** (20 May 2014).

**The Hon. I.K. HUNTER (Member of the Executive Council, Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation):** The Minister for Tourism has received this advice:

1. The Adelaide Visitor Information Centre located in James Place just off Rundle Mall will offer local, interstate and international visitors information on Adelaide and South Australia.

Research conducted in 2012 showed that 83 per cent of leisure travellers and 76 per cent of business travellers plan their travel online. As such, the South Australian Tourism Commission has focused on online material.

Two public computers, regularly monitored by the Adelaide City Council's Information Technology staff, and free wi-fi, will be available for visitors to access tourism information.

To assist visitors with drive information and directions, a large state wall map will be prominently displayed. This map will feature all the Visitor Information Centres, major towns, drive routes and tracks. All South Australian Tourism Commission (SATC) regional guides will be displayed and made available together with major attraction information for each region.

The Visitor Information Centre will be open seven days a week and staffed by a minimum of two Adelaide City Council volunteers.

2. As an accredited Visitor Information Centre, it has in place a regular training program which is required under the criteria to be accredited. The focus of this is to broaden the knowledge of the South Australian product. SATC liaises with the Visitor Information Centre coordinator to have these training programs implemented using the resources of regional marketing managers and operators.