LEGISLATIVE COUNCIL

Wednesday, 6 August 2014

The PRESIDENT (Hon. R.P. Wortley) took the chair at 11:02 and read prayers.

Parliamentary Procedure

SITTINGS AND BUSINESS

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) (11:02): I move:

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

Motion carried.

Bills

APPROPRIATION BILL 2014

Second Reading

Adjourned debate on second reading.

(Continued from 5 August 2014.)

The Hon. R.I. LUCAS (11:03): I rise on behalf of my Liberal colleagues to support the second reading of the Appropriation Bill. In doing so, however, as the member for Dunstan has done very comprehensively in the House of Assembly, I will endeavour to outline some of the significant economic and budget problems confronting the state of South Australia after 12 years of financial mismanagement by the Jay Weatherill Labor government and the other Labor governments that precede this particular one, and some of the alternatives that did exist for the Weatherill Labor government but which it clearly has chosen not to include as part of its economic and budget policy as summarised by the budget documents before us.

In looking at the context for the budget debate, I want to look at the state's economic position and the various perspectives that we can place on it in terms of independent commentary, not just commentary from the government and the alternative government and those of us elected to parliament. One only has to look at the critical issue for South Australians in terms of jobs performance to see the significant problems that now confront our once great state, in terms of job performance anyway. The most recent unemployment figures show that our unemployment rate was at 7.4 per cent, and that particular figure was the highest rate of unemployment for any state in Australia, indeed even higher than Tasmania.

I am the first to acknowledge that the monthly figures go up and down. That particular figure is as bad as it can be and as it has been for some period of time, but even with the inevitable ups and downs of the monthly unemployment figures, the brutal reality is that we are generally the worst or second worst of all the jurisdictions in Australia when one looks at the monthly figures.

The critical issue for us in terms of looking at jobs, and the reason for looking at jobs, is that at the 2010 election the Labor government in South Australia boldly promised 100,000 additional jobs in the six years leading up to February 2016. We are more than two-thirds of the way towards that particular target date of February 2016 and, whilst the figures go up and down on a monthly basis, as I referred to earlier, we have virtually no new jobs created in the four years between 2010 and now, the middle of 2014. As I said, the monthly figures sometimes show in fact a net loss. In one month it was of 800 jobs, in some months it shows we might have created as a state 2,000, 3,000 or 4,000 jobs towards that 100,000 target.

Putting aside the vagaries of the monthly figures, the brutal reality is that, instead of being a good way down the path of creating these 100,000 jobs that were promised in 2010 by 2016, we have virtually stood still on the 2010 figures. The reason why the jobs figures are important is that this government has as a budget policy goal and an economic policy goal clearly stated that it chose, for example, to sacrifice the AAA credit rating for the state. The explanation for, in essence, borrowing billions, spending billions, not worrying about the deficits that were being accumulated, not worrying about the debts that were being accumulated, not worrying about whether or not we lost the AAA credit rating, was that the Jay Weatherill Labor government and ministers said, 'We chose to go down the path of not worrying about that because we were going to concentrate on creating jobs for South Australians.'

Their mantra was that this was a deliberate budget and economic policy. Their mantra was that we had the option; we could have gone down two forks in the road. One fork in the road was fiscal responsibility, managing your annual spending, managing your deficits, managing your debt and doing the best you can to preserve the best possible credit rating for the state of South Australia. That was one fork in the road. Supposedly the other fork in the road, according to the Jay Weatherill Labor government, was the nirvana of creating 100,000 jobs over a six-year period.

Sadly for South Australia, sadly for South Australians and, in particular, sadly for young South Australians, we have ended up with neither of the options, and that is, we have a massive debt, we have a massive deficit, we have lost the AAA credit rating, we have the worst credit rating of all the states in Australia, and we have not created the jobs that had been promised by the Jay Weatherill Labor government. We now have the highest unemployment rate in the nation, on the most recent figures.

My challenge to Labor members who are game enough to stand up in this debate to defend their own budget—I suspect that there will be very little of that if any of them do speak—is to tell us what happened to their commitment for the 100,000 new jobs, what happened to their commitment to say, 'We chose to create jobs in South Australia rather than being responsible financial managers, rather than managing debt deficit and credit rating issues.' I would be very surprised if any Labor member in the chamber takes up that challenge, and I would be even more surprised if any of them who are prepared to take up the challenge can provide a cogent, rational explanation as to what has happened in terms of their economic and budget policy.

The other independent economic commentator, in terms of looking at the parlous state of our state's economy as the backdrop to the budget, Deloitte Access Economics, in their most recent business outlook report for the June quarter, sadly painted a very grim picture of the South Australian economy. They noted that Tasmania's economic growth is forecast to outperform South Australia's in each of the next five years. The ignominy of it all that respected economic commentators are now forecasting that Tasmania is going to outperform, in terms of economic growth, South Australia's performance over the next five years.

Deloittes also said that South Australia had the worst jobs performance of all the states in the whole of the financial year 2013-14. Deloittes also said that South Australia's unemployment rate is expected to be above the national unemployment rate in each of the next five years. We are the worst in the nation at the moment, and Deloittes is saying that our economic growth is going to be terrible over each of the next five years and that our unemployment rate is expected to be above the national unemployment rate in each of the next five years.

South Australia's economic growth is forecast to be the worst of all the states in 2015-16. Why I select that year is that that is the year Labor is again promising that the state budget is going to return to surplus. Deloittes has also included economic growth forecasts. If you compare those to the economic growth forecasts that the Jay Weatherill Labor government has included in its state budget, the state budget economic growth forecasts are, as one would have expected, much more optimistic than the independent forecasts of Deloitte Access Economics in every year of the forward estimates; that is, the state government and the Treasury forecasts are much more bullish than Deloittes' for each year in the forward estimates.

At the same time as Deloitte's business outlook report was released, the CommSec State of the States July 2014 report was released and, again, without going into all the detail, all the states were ranked and, generally, South Australia was ranked between six to eight of all of the states and

territories on all of the key indicators. CommSec also noted that South Australia had a weak job market and the weakest result on retail spending and now South Australia had a jobless rate up almost 29 per cent on the decade average level in terms of its job performance.

The South Australian Centre for Economic Studies in their June 2014 report noted that our economic conditions had deteriorated since late 2013. The state final demand fell by 0.2 per cent in the December quarter and 0.4 per cent in the March quarter—the technical definition of a recession, as state final demand, on a quarterly basis anyway, is the best estimate we have of economic growth in the states, given that GSP figures are only released on an annual basis. The South Australian Centre for Economic Studies noted that business investment had fallen in three consecutive quarters. The South Australian Centre for Economic Studies' economic growth forecasts were also more pessimistic than those in the state budget over each of the three years from 2013-14 to 2015-16.

There are many other independent economic forecasters from whom we could draw facts to put on the record. What are others saying about us? The government say they are the best thing since sliced bread and everything is fine. They criticise the alternative government for always being negative and being in the political environment, but it would be illustrative for some members of the Labor Party caucus who are prepared to look rationally or attempt to look rationally at the state's budget and economic performance, if there are any, to actually look at what the independent commentators are saying.

As I have sought to outline, when one looks at Deloittes, when one looks at the South Australian Centre for Economic Studies and the CommSec reports, and when one looks at the Australian Bureau of Statistics reports, they are there as independent either analysis or statement of fact. My challenge to the Labor members who might speak in this debate is: put on the record the independent assessments like those from Deloittes, CommSec and South Australian Centre for Economic Studies in terms of a justification of this state's economic performance over recent years, as we look at this particular budget year and the forward estimates budget years as well.

I have followed with considerable interest over the years the KPMG Competitive Alternatives report, and this report has been released on a regular basis every two years since 2004. In June 2006, the predecessor to the Jay Weatherill Labor government at the time released on 15 June a headline:

> World top 3 for business cost-competitiveness. Adelaide is now rated as one of the three most cost-competitive cities in the world according to a survey of 95 overseas and four Australian cities. Only Singapore and the Canadian city of Sherbrooke had marginally better results. Premier Mike Rann—

of blessed memory—

> says the results, conducted by Canadian consulting firm MMK for the highly-respected financial firm KPMG, reaffirm Adelaide's number one position as Australia's, and one of the world's, most cost-competitive capital cities for business.

It is useful to go back to that particular press release of 2006 based on this KPMG study of 2006. Again, without going through all the details, this year, interestingly, there was no press release from the Jay Weatherill Labor government in relation to the KPMG cost-competitiveness study, and I wondered why.

The reality is that instead of now being the third lowest-cost city as per that 2006 release, the 2014 study shows that we are now the 110th lowest-cost city on that particular measure. We have plummeted in the space of eight relatively short years from supposedly being the third lowest or third best in terms of the KPMG cost competitiveness study to the 110th lowest. If you look at the history, in 2008 we became the 33rd lowest, in 2010 the 45th lowest, in 2012 the 104th lowest, and in 2014 the 110th lowest in terms of that cost competitive study.

We are no longer the cheapest city in Australia—Melbourne at least is evidently cheaper for doing business than is Adelaide. Evidently Adelaide was ranked as the eighth most expensive city in the world for manufacturing cost competitiveness. Without going through all the details, it is a long history of very unpleasant reading for an independent commentary on the Jay Weatherill Labor government.

There is another independent measure. I am not surprised that, having boldly released press statements in 2006, based on the 2006 study, in 2014, when clearly the results have worsened in

terms of a commentary on the Labor government's performance, there are no press releases from the Labor government at the time the report was released. This is the point the Liberal Party and many other commentators have been making and have been endeavouring to make, that this Jay Weatherill government has its whole budget and economic policy wrong. Its whole budget policy is structured on increasing taxes and increasing costs for doing business.

In this budget we see increases in the car park tax, increases in the emergency services levy, increases in what is colloquially referred to as the fun tax or the transport development levy. Right across the board, mining royalty increases; right across the board this government, rather than concentrating on reducing financial mismanagement and cutting waste in expenditure, just goes for the levers which say, 'Stuff business, stuff the community; we'll just ratchet up a few extra taxes right across the board.'

We have the Treasurer boldly saying, 'This emergency services levy increase is a terrific increase because it is a progressive tax increase.' It is one of the few levers that he has where he can increase the progressive nature of the tax base in South Australia right across the board. Mark my words, in November-ish, when the ESL (emergency services levy) notices go out, a lot of elderly South Australians and others, who may well be asset rich and cash poor, who have bought or inherited homes at a relatively cheap price in suburbs that have now become more expensive over the decades, the ones who are endeavouring to live off their superannuation savings, or whatever it is, will be smashed by the Jay Weatherill Labor government and its members as the impact of those increases are felt by hardworking South Australians and South Australian families.

That is the approach that this Labor government has taken, and is quite unashamedly happy to do so. From the Treasurer down they are delighted to see massive increases in taxes and charges on South Australians. They take a perverse pleasure in leveraging pain out of South Australian workers and their families. They would much rather do that than make the hard decisions involved in managing a budget, managing the number of staff within their departments and cutting out the waste within their departments in a professional and businesslike capacity.

That is the problem that confronts South Australia at the moment: a government, a Premier, a Treasurer, ministers and, sadly, sycophantic backbenchers, wholly-owned subsidiaries of the factions, unable or unwilling to think for themselves, unwilling to question premiers or ministers on anything other than asking, 'What's in it for me? Will I get to be the President? Will I get to be a minister? Will I get to be a parliamentary secretary? Will I get to be on a parliamentary committee? What's in it for me?' Sadly, that is all that seems to interest members of the Labor Party caucus. No wonder the majority of South Australians feel unrepresented by the Jay Weatherill Labor government and the members who supposedly represent them.

I now turn to some of the structural issues in relation to the budget, the budget assumptions and the budget predictions. It is interesting to see that there has been a lot of criticism of the accuracy of the Labor government. The point the member for Dunstan, the Leader of the Opposition, has made often is that this government is always predicting that a financial or budget Nirvana is just around the corner; that is, we will always turn a surplus in two years' time or three years' time.

We have had seven predicted surpluses in the recent past and in the forward estimates period, and we are going to see six deficits in those seven years. So, rather than the seven surpluses that have been predicted, only in one year—the year when we received the largesse from the federal government after the GFC, unexpectedly—was there a budget surplus as had been predicted.

What is the reason for that? When you trace back the accuracy and the history of some of the assumptions that underpin the budget forecasts, in the last financial year, 2013-14 it is interesting to look at the jobs growth forecast, for example, which obviously impacts on payroll tax, collections and others. For 2013-14, the most recent budget document shows that jobs growth was actually a reduction of minus 1.25 per cent.

When you go back to when the jobs growth estimate for 2013-14 first appeared in the budget papers (which was back in the 2012-13 budget), they were predicting a 1.75 per cent jobs growth increase. However, as you go along each year, in the 2012-13 budget there was a 1.75 per cent increase predicted for the 2013-14 financial year; the next year, 2013-14, they predicted a 1 per cent

jobs growth increase for that year; and when the 2013-14 Mid-Year Budget Review came out halfway through the year, in December, it had dropped down to 0.25 per cent.

When the update came out in January 2014, it declined to minus 0.75 per cent and, as I said, this budget document now says that it was actually minus 1.25 per cent. It has gone from being a prediction, just two years ago, of 1.75 per cent jobs growth positive, to what was actually delivered, that is, negative 1.25 per cent.

In all the assumptions that are made that underpin these budget documents in recent years, you see similar figures right across the board in relation to the performance—for example, what you see in relation to the budget deficits and surpluses. If you look at the initial promise that was first in the budget papers for this financial year 2014-15, the government was predicting that we would have an $840 million surplus this year. This budget document is now predicting a $479 million deficit.

What I am saying is that this budget is predicting that in two years' time we are going to return to surplus, but we have been hearing this for seven years. As I said, if you just look at this year's (2014-15) estimate of a $479 million deficit, originally we were told that was going to be an $840 million surplus. So, you are talking about a $1.3 billion discrepancy in terms of the predictions. Let us have a look at last year's performance (2013-14). Originally, we were told there would be a surplus of $480 million in 2013-14; we ended up with the biggest deficit in the state's history, $1.2 billion. Their error factor there was $1.7 billion, in terms of their financial performance, going from a surplus of $480 million to a deficit of $1.2 billion.

Whilst I cannot incorporate into *Hansard* a graph, if you track the history of the 2014-15 surplus, which as I said is now a $479 million deficit, you can see that each year, or budget update in the Mid-Year Budget Review, produces a new figure and the surplus gradually declines to the most recent estimate of a $479 million deficit. What is the reason for that? If you track back over the 12 sorry years of financial performance of this government to the 2002-03 budget, there has actually been $3.9 billion of unbudgeted spending. By that, all you need to do is compare each year what the total spending was predicted in the budget document and then the next year have a look and see what was actually spent—just have a comparison as to what was actually spent.

If you add that up over the 12 years, there has been $3.9 billion of unbudgeted spending, if you use that particular comparison. Last year, for example, what was budgeted and then what was spent, if you compare that there is a $311 million difference. That is the issue, Mr President. As a former treasurer, I acknowledge that new spending problems are raised through a particular financial year, but as with any business if new spending issues arise through a year a business would have to cut its costs somewhere else to try to still come in on budget. This state government is unwilling to do that, all it does is continue to rack up deficit after deficit and then, each year, go to the levers of further tax and charge increases right across the board as its partial solution to try to solve the budget problem that it confronts.

The other issue which I am sure will be required reading out for all of the wholly owned subsidiaries on the Labor backbench for their contribution to the Appropriation Bill debate will be to, in essence, say, 'Look, none of the problems that we face at the moment are our fault. It's all the fault of that terrible Tony Abbott and that terrible Mr Hockey and the federal Liberal government.' The first point to make, of course, is that the federal budget was only introduced this year. So, let us look at where we actually are now. Even the Labor members would have to concede, one would hope, that the current financial performance of a $1.2 billion deficit (the biggest deficit in this state's history), and heading towards a $14 billion debt (the biggest debt in the state's history)—so it is a pretty good daily double that the Jay Weatherill Labor government has pulled off, the biggest debt and the biggest deficit in the state's history—has all been achieved prior to any federal government budget impact on this year or the forward estimates years.

No-one can honestly attribute any responsibility for the current budget problem or budget performance that we have until this particular year to any impact of a federal budget decision. There has been, and there will be, no response from the Labor members to that because that is unarguable. The biggest deficit is as a result of their own incompetence, their financial mismanagement, their negligence in terms of managing the state's finances.

In relation to the impacts of the federal budget, the member for Dunstan, indeed all other state Liberals, and I have been indicating publicly and privately that we do not support the federal cuts to education, we do not support the federal cuts to health, and we do not support the federal cuts to supplementary road funding with the impact on local government. It gives, evidently, a particularly perverse pleasure to some Labor members and ministers to claim otherwise and what pleases them is up to them, what they do in the privacy of their own homes or offices is a matter for them to decide for themselves, but the reality is that the Leader of the Opposition, others and I are clearly on the record in relation to our position on the budget impact.

It is important to place it in perspective because what the Jay Weatherill Labor government is seeking to do is to say that all of the state's financial problems are as a result of the federal budget. The first point to make is that it is now on the public record after the estimates committees and after the recent Budget and Finance Committee meeting that the government has claimed the impact of federal budget cuts on the forward estimates for the next four years is approximately $900 million; that is $900 million over a four-year period. What is now on the public record is that the state budget cuts are actually $3.2 billion, so the state budget cuts over the same period are over $3 billion and the federal budget cuts are $900 million.

The total cuts that have to be absorbed by the budget for the forward estimates period are estimated to be just over $4 billion, so about three-quarters of the budget cuts that our agencies face are as a result of the Jay Weatherill Labor government's financial mismanagement and about one-quarter are the responsibility of the federal government. As I have put on the record on a number of occasions, three-quarters of the cuts are the state's responsibility—that is the major part of the cuts that confront our budget agencies—and the minor part of the cuts, the one-quarter, are the federal budget cuts.

That is unarguable and, again, I challenge any Labor member to stand up and to disagree with the figures that the Treasurer, the Under Treasurer, the budget papers and others have placed on the public record which indicate that, in broad terms over this forward estimates period, three-quarters of the cuts are actually their responsibility and approximately one-quarter of the cuts are the responsibility of the federal government.

I seek leave to have incorporated into *Hansard* without my reading it budget table 3.13.

Leave granted.

Table 3.13: Grant revenue ($million)

	2013-14 Budget	2013-14 Estimated Result	2014-15 Budget	2015-16 Estimate	2016-17 Estimate	2017-18 Estimate
Current grant revenue						
Current grants from the Commonwealth GST revenue grants	4,595.0	4,618.2	4,956.3	5,315.2	5,813.6	6,062.9
National Partnership grants	438.8	450.1	346.0	312.7	320.3	212.0
National Partnership grants for on-passing	115.2	113.4	155.6	154.0	153.2	158.9
Specific purpose grants	1,476.0	1,485.7	1,636.4	1,752.6	1,875.2	1,965.1
Specific purpose grants for on-passing	717.7	729.6	764.3	811.1	861.2	901.3
Total current grants from the Commonwealth	7,342.8	7,397.0	7,858:6	8,345.6	9,023.5	9,300.2
Other contributions and grants	247.3	245.1	141.7	140.9	141.7	142.0
Total current grant revenue	7,590.1	7,642.1	8,000.3	8,486.5	9,165.2	9,442.2
Capital grant revenue						
Capital grants from the Commonwealth National Partnership grants	133.3	68.8	154.9	462.5	341.5	310.8
Specific purpose grants	116.6	103.6	91.6	92.4	93.3	94.3
Specific purpose grants for on-passing	13.8	11.4				
Other Commonwealth grants	4.8	4.2	4.9	3.1	3.1	3.1

Total capital grants from the Commonwealth	268.4	188.0	251.4	558.0	438.0	408.2
Other capital contributions and grants	24.6	24.5	18.0	19.0	17.0	17.0
Total capital grant revenue	293.0	212.5	269.4	577.0	455.0	425.2
Total grant revenue	7,883.0	7,854.6	8,269.7	9,063.5	9,620.2	9,867.4
						+2.0b
% change on previous year						
GST revenue grants						
Nominal growth (%)		2.8	7.3	7.2	9.4	4.3
Real growth (%)		0.1	4.7	4.6	6.7	1.7
Current revenue grants (excl GST) from the Commonwealth						
Nominal growth (%)		1.7	4.4	4.4	5.9	0.9
Real growth (%)		-1.1	1.9	1.9	3.3	-1.6
Capital revenue grants from the Commonwealth						
Nominal growth (%)		-39.9	33.7	122.0	-21.5	-6.8
Real growth (%)		-41.5	30.4	116.6	-23.4	-9.1

The Hon. R.I. LUCAS: Budget table 3.13 clearly indicates that even after the commonwealth cuts—and these are the Jay Weatherill Labor government's own figures; these are not figures constructed by the alternative government—in the 2013-14 year the estimated result is that the total funds from the commonwealth government to the state of South Australia, the total grant revenue, is $7.8 billion. What the Jay Weatherill Labor government says in its budget papers is that, if you look to the 2017-18 financial year, the total grant revenue, or the total federal funding, is $9.8 billion.

The Jay Weatherill Labor government in its own budget papers has indicated that the commonwealth government will be giving in the financial year 2017-18 an extra $2 billion to the state of South Australia. There has been no indication or recognition of that, of course, from the Jay Weatherill Labor government. As I said, what I have incorporated is their own budget table, which indicates that even after you take into account the claimed cuts, there is still $2 billion.

The government's position will be, 'Well, look instead of being an extra $2 billion, we were expecting to get an extra $2.3 billion or $2.4 billion.' That is what we had in our forward estimates and that is the reason why they have indicated or claimed that there have been budget cuts over the four years. One can understand that particular argument. It is not the argument, of course, that the Minister for Health, Jack Snelling, and others used during the period leading up to the election, because when we indicated that the state Labor government was going to cut health spending by $1 billion over the next four years, he said that was untrue because if we look at the number of dollars being spent in 2017-18 compared to 2013-14 it will actually be higher.

That is again an example of the Jay Weatherill Labor government trying to have its cake and eat it too. In the state case they say, 'Look, the actual dollars going to the state health agency in 2017-18 will be higher than 2013-14.' Even though they are less than had originally been promised and they have to make budget cuts, minister Snelling argued publicly on ABC radio and elsewhere that it was untrue to say that there had been any cuts because the actual dollars going to health were going to increase.

The Minister for Health and the Jay Weatherill Labor government cannot have its cake and eat it too. They cannot argue that there are no state health cuts because actually the state health budget goes up even though it might be less than it was promised to have gone up previously. They cannot argue the same way, 'Well, the federal government is cutting us. Even though there is an extra $2 billion, they promised us an extra $2.4 billion in 2017-18,' if that is their argument.

In the same way, the health agency can argue in terms of state cuts that state funding might be going up a couple of hundred million, or whatever it happens to be, but originally Mr Weatherill and Mr Koutsantonis promised that the budget would go up by $500 million or $600 million. Instead of an increase of $500 million or $600 million, in 2017-18, we are only going to get $200 million from the state because they are cutting the funds that they have provided to state health.

The reality is that the Jay Weatherill Labor government is arguing against itself. It argues one case in relation to state health cuts or state budget cuts. As some of my colleagues have highlighted, the Jay Weatherill Labor government's position is clearly that if there are any federal cuts they are bad, but if there are state cuts they are good. If they are federal reductions in spending, they are cuts; if they are state reductions in spending, they are not cuts, they are reprioritisation of spending priorities, in terms of the sophistry and the spin that this government seeks to use.

The challenge for state Labor members when they address this is to respond to some of these issues. We know that we will continue to get the mantra of 'None of this is our problem, it is all the federal government's problem.' That, as I have demonstrated, is clearly a nonsense. My challenge to the members is that, if they believe that is incorrect, they demonstrate by fact rather than just claim some defence of their position.

There are many other issues in the budget documents that, either during the committee stage of this debate or when we debate the associated Budget Measures Bill some time later, we will be able to prosecute some issues—issues, for example, such as this government's having no idea, in terms of the evidence we took in the Budget and Finance Committee last week, about how the new forced redundancy arrangements will operate from 1 July this year, in terms of how workers in the public sector are to be treated, what will their payout be, when can the Jay Weatherill Labor government sack them. None of those questions has been answered yet in terms of the detail.

In terms of examples of the massive waste that exist in our system, I am sure that my colleague the Hon. Mr Wade will highlight some of the waste that occurs in the health system and, in particular, the financial scandal and disaster of the EPAS IT project, a project which has blown out significantly. The last official estimate was $422 million, but we know from internal documents the latest estimate was well over $500 million and that it is now being canned or semi-canned in terms of its rollout to the 12 hospitals. There are many examples of the waste and financial mismanagement within this system that any responsible government would tackle.

My invitation to Labor members is to accept some responsibility for the mess they have created, rather than endeavouring to point the figure of blame elsewhere, and set about the task of, hopefully, trying to fix some of the economic problems that, sadly, the state of South Australia now confronts.

The Hon. G.A. KANDELAARS (11:47): I rise to make a second reading contribution to the Appropriation Bill for the 2014-15 fiscal year and, in doing so, I want to concentrate my remarks on the Labor government's commitment to health and education. Framing the 2014-15 budget provided the government with significant challenges, given the recent Abbott federal government budget, which sees a significant reduction in federal government funds available to the state government over the forward estimates, in the order of $898 million. That is a massive hit, which, unfortunately, will have significant impacts on services provided by the state government, particularly in the area of health and, in the longer term, education for ordinary South Australians, unless reversed.

Public health and education are two major expenditure items in the state, with health accounting for over 30 per cent of expenditure and education accounting for over 25 per cent. Across Australia, $50 billion of federal funding has been cut from hospitals over the next decade and a further $30 billion from schools. This will have an impact on two of the most vital services the government provides to the community. This is of critical relevance to the state budget, as it sets a very difficult framework in which the Treasurer has had to work. In the 2014-15 budget, $5.084 billion will be spent by the state government on health services and functions, which is an increase of around 114 per cent since 2002.

So, what has the state government being doing in respect of public health? Across South Australia's metropolitan acute hospitals, there was an average of 2,758 overnight beds in 2012-13. This is 157 more beds than in 2001-02. South Australia has the highest number of public hospital beds per capita in the country in 2011-12 at 3.2 beds per 1,000 of population—23.1 per cent above the national average.

In terms of capital, since 2002, the state government has spent over $3 billion on capital expenditure in major healthcare facilities. This is in addition to the $1.85.billion committed to the new Royal Adelaide Hospital. Over $286 million has been committed to improving major regional health

facilities, including $36 million at both Berri and Ceduna hospitals, $26.7 million at Mount Gambier hospital, $39.2 million at Port Pirie hospital and $68.3 million at Whyalla hospital. Over $753 million has been committed to medical equipment, biomedical equipment and minor works programs since 2002.

In terms of doctors and nurses, since 2002, there has been a 52 per cent increase in the number of full-time equivalent doctors, nurses, midwives and allied health services and scientific professionals employed in SA Health. In terms of emergency departments, the median wait time to be seen by a doctor or nurse in South Australia was 16 minutes in 2012-13, an improvement of 41 per cent compared to the result of 27 minutes in 2004-05, the first year of reliable reporting.

This year's federal budget has a significant implication for South Australia's budget and SA Health. Again, these cruel cuts framed the environment in which the Treasurer has had to craft the state budget. The federal budget announced significant reductions in commonwealth funding contributions for the health sector in South Australia over the forward estimates of over a massive $655 million. According to the budget papers, South Australia will receive $440 million less funding for public hospital services across the forward estimates.

The Abbott government has reneged on several funding commitments under the current National Health Reform Agreement with the states. Federal budget papers detail that the commonwealth will:

> …achieve savings of $1.8 billion over four years from 2014-15 by ceasing the funding guarantees under the National Health Reform Agreement 2011 and revising Commonwealth public health funding arrangements from 1 January 2017.

The federal budget has also announced that the commonwealth will achieve savings by reducing commonwealth funding across a range of COAG national partnership agreements.

The discontinuation of the National Partnership Agreement on Improving Public Hospital Services will result in funding reductions of around $120 million over four years which will particularly impact on subacute care services established with this funding. No further funding will be provided by the National Partnership Agreement on Financial Assistance for Long Stay Older Patients.

This agreement provided for $42 million to South Australia over four years and recognised the commonwealth's responsibility for aged-care services and the delay experienced by patients in waiting for commonwealth aged-care beds. Some $50 million worth of other reductions to health services including early termination of the National Partnership Agreement on Preventative Health, will have a significant impact on important programs such as the highly successful Obesity Prevention and Lifestyle program in South Australia.

The federal budget also contains significant changes to Medicare, such as the introduction of the $7 co-payment for standard general practice consultations, and out-of-pocket hospital pathology and diagnostic imagining services. There are also changes in the pharmaceutical benefits scheme, including increases to co-payments of $5 and, for concessional patients, of 80¢. The changes to Medicare co-payments will put further pressure on the South Australian public hospitals.

South Australian health modelling shows that average emergency department wait times in South Australia are likely to increase to at least 66 minutes—up from the current average of 20 minutes waiting time. Such an increase in the volume of patients in emergency departments is likely to compromise the ability to treat more acute patients. Let us look at elective surgery. Since 2002 the state government has provided significant additional elective surgery funding to facilitate the continual reduction in waiting times, enabling patients to be treated within their assigned clinical urgency category recommended time frames.

Unfortunately, elective surgery wait times are forecast to double due to the cuts in funding by the Abbott government. It is estimated that the Abbott government cuts in general hospitals in South Australia total $217 million over the next four years. Unfortunately, the only real option is to apply the cuts to elective surgery, as the health department must continue to provide and meet the needs of emergency care patients.

Under this assumption it is forecast that waiting times for elective surgery will approximately double in four years' time. For example, the median waiting time for ear, nose and throat surgery is

estimated to increase from 54 days in 2013-14 to 116 days in 2017-18, total hip replacements from 99 days to 213 days, total knee replacements from 152 days to 327 days, lens extraction 75 days to 161 days, gall bladder removal 33 days to 71 days, and hysterectomies from 44 days to 95 days. A total of 46,925 procedures were performed in public metropolitan hospitals in 2012-13, an increase of 23 per cent compared with 2001-02.

Let us look at public dental health services. Changes in federal funding and the dental health services will result in the loss of $14.6 million in funding for South Australia in 2014-15, losing the opportunity to build on the improvements gained through the national partnership agreement for treating more public health dental patients. The funding, which has been deferred 12 months, would have enabled the provision of additional care to many thousands of South Australians who have the most difficulty in accessing services and who have the greatest dental needs. This will reverse the significant waiting list improvements gained through the existing national partnership agreement in treating more public dental patients and, as a result, most public dental waiting lists deteriorating by six to 12 months, during 2014-15, at a time when demand for care is more than 50 per cent greater per month compared with the pre-national partnership agreement demand.

The dental Flexible Grants Program, designed to provide $18 million to South Australia for dental infrastructure projects in outer metropolitan, rural and regional areas, has been totally cut. The state government's continued and significant investment in improving our health services over the past 12 years has seen national recognition through South Australia's high-ranking results in key service and time line indicators.

The government wishes to continue to provide quality public health care to South Australians—care which people in South Australia expect but which has been made so much more difficult given the recent decisions of the federal government. The federal budget has immediately wiped out more than $650 million from the South Australian health budget over the next four years. In the first year, we are faced with $55.6 million of cuts, or the equivalent of 123 beds, which is almost the equivalent of closing the entire Hampstead Rehabilitation Centre.

In the second year, we are faced with $112.6 million of cuts, or the equivalent of 250 beds, which is almost the equivalent of closing the entire Repatriation Hospital or the Women's and Children's Hospital. In the third year, we are faced with $168.4 million of cuts, or the equivalent of 374 beds, which is the equivalent of closing The Queen Elizabeth Hospital or the Noarlunga Hospital. In the fourth year alone (2017-18) the state will be $296 million worse off. That is the equivalent of closing a nearly 600-bed hospital, the size of the Flinders Medical Centre or nearly half of all beds in regional hospitals. As the health minister, Jack Snelling, said:

> Tony Abbott and Joe Hockey have ripped the heart out of our health system. They have reneged on the National Health Reform Agreement and reduced their fair share of funding to state hospitals. They have ceased national partnership agreements and expect us to pick up their slack.

This is an absolute disgrace. The people of South Australia have the right to expect those opposite to stand up for South Australia against their federal counterparts who appear to want to savage the services available to regional South Australia.

The Abbott government's GP tax will also lead to a negative impact in preventative health care. A likelihood is that some people will be reluctant to see their GP because of the cost and only present to EDs when their chronic conditions are out of control. Failures in preventive health will lead to even greater pressures on our health system in the future. We have a strong public health system here in South Australia and that will be put under enormous strain as a result of the Abbott government federal budget.

I will now move on to education. In terms of education, this budget delivers on our government's election commitments. It delivers for South Australian children and families a new high school in the Adelaide CBD, more support for parents and their families, and a new specialisation that will cater for emerging industries.

Of course, no discussion on education can overlook what is happening with the Gonski Better Schools reform package. This package was modelled on ensuring that funding for education was determined on needs criteria. South Australian students stand to lose, thanks to Prime Minister Tony Abbott and the federal Minister for Education, Christopher Pyne—$335 million of cuts from the

agreement in 2018-19. This is $335 million of cuts, which equates to $1,280 per student or nearly 3,000 teachers. This is despite Tony Abbott saying before the federal election that, 'As far as school funding is concerned, Kevin Rudd and I are on a unity ticket.'

The federal Treasurer, Joe Hockey, has described the Gonski funding as a 'bonus'. Let us be very clear, there is nothing bonus about a well-funded education system—nothing. The state government is honouring its commitment to the Gonski school funding agreement, despite the Prime Minister and federal education minister withdrawing that $335 million in funding from South Australian government, Catholic and independent schools. The budget delivers the state government's commitment under the Gonski agreement of $72.3 million over the forward estimates for all South Australian schools. This increases to $229.9 million over the full six years of the agreement. The South Australian government is committed to continue to campaign for the federal government to honour the Gonski agreement in full.

We want South Australian children to have every chance to be their best, starting from birth and continuing throughout their education. This budget continues that investment in our future, in our kids, not only through the state government's commitment to the Gonski reforms, but also through a number of other important election commitments. As I said earlier, the state government will build a new $85 million city high school for 1,000 students. A further $2.5 million will help establish a centre for advanced manufacturing at Seaview High School, more than $600,000 will support The Heights high school become a specialist school for defence studies and $200,000 will support the Hamilton high school develop its specialist STEM program.

We are also supporting schools to develop new specialisations that reflect the aspirations and needs of their community by providing a $50,000 grant to local partnerships. Every public school student will have access to a school counsellor. There is also $1.8 million for a new parent portal to allow parents to easily communicate with their child's school throughout their education. We are investing $13.7 million to provide additional allied health services through our children's centres network. We are expanding the fantastic Strong Start program, which supports expecting first-time mums to learn how to best cope and protect their babies.

This budget recognises that investment in children and families is the best investment that we can make in the future of our state. Not only does this budget continue our support for families and children, it also shows that the Labor government takes its election commitments seriously. During the recent state election, Jay Weatherill, the Premier, committed to stand up to the Abbott federal government and to fight for a better deal for all South Australians. He was attacked for doing so, attacked by Tony Abbott and attacked by the Leader of the Opposition in the other place.

This government is committed to ensuring that South Australia's health and education systems lead the nation. We are also working hard to achieve this and have been investing substantial sums of money to do so. However, rather than fighting for South Australians, those opposite would appear to be silent—their silence is deafening. At least their interstate colleagues, the premiers of Queensland, New South Wales and Victoria, have stood up for their respective states and have had the sense to criticise Tony Abbott's federal budget cuts, but what have we seen here? Not much, not much at all. As usual those opposite have been fairly silent.

We on this side will continue to fight for South Australians; there has never been anything more certain. Those opposite should be standing up with the state government and with the people of South Australia to reject Prime Minister Tony Abbott's cuts that will reduce services not only in metropolitan areas but regional areas. Those opposite should stand up with us to insist the commonwealth contributes its fair share to fund this state's public hospitals and education and other services, and especially to ensure that the federal Abbott government does not tear up national partnership agreements already entered into. Any criticism of the budget by those opposite should be replaced with criticism of their federal colleagues and the cruel and callous cuts. I commend the Appropriation Bill to the council.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (12:11): I rise to speak to the Appropriation Bill 2014. As we know, this recently arrived in this place from the House of Assembly and it was some weeks ago that the Treasurer introduced the Appropriation Bill along with all the other budget measures. While it is always our duty to support the Appropriation Bill, as it is imperative

that oppositions allow governments to do the job, this does not mean that the Liberal Party supports much of what is contained within the budget. It is unfortunate that after so long the state of South Australia finds itself in this position of debt, debt and more debt. While other states around Australia recover from the financial ineptitude of previous Labor governments, South Australia is once again saddled with the lamest horse carrying the most baggage.

It is no surprise that in practically every fiscal outlook around the nation, South Australia sits dead last, even now behind Tasmania, whether it be unemployment, annual GDP growth, business activity or business confidence. Unfortunately we are falling further and further behind and our national share of GDP has been steadily shrinking under the leadership, or lack thereof, of this Labor government.

We have to also remember that we went through some of the very best economic times this nation has seen in the postwar period. I note the Hon. Gerry Kandelaars is hell-bent on not talking so much about this budget but attacking the federal Liberal government budget. I do not ever remember them congratulating John Howard and Peter Costello on the great work they did when they spent the rivers of gold and squandered the opportunities. Of course, the Hon. Gerry Kandelaars was not in this place at that time but, nonetheless, it is his team, his party, that had the very best of economic times, had revenue way above what we budgeted on, yet it was all squandered, gone and lost. We find that this Labor government has now accrued a staggering $14.3 billion of debt come the 2015-16 budget year and we will have a deficit of $1.2 billion, yet if this government is to be believed, we will see it returned to a surplus in just a few short years.

When I mentioned the rivers of gold from years gone by, I am very sceptical about this budget returning to surplus when they predict because never in the 12½ years that I have been here, and this is the 13th budget that I have seen come and go, has this government ever been able to hold itself to its budget expenditure. Of course, in those days they got more revenue than they expected, but they have never ever been able to deliver in those 13 budgets on the promises they made, and I do not expect them to do it this year. In fact, in South Australia no-one expects Labor to keep any of their promises—12 years of broken promises has put rest to that—but I do not think there is anyone who is delusional enough to believe the Labor government's promise of 100,000 new jobs or their projected surplus will ever come to fruition. It will not happen. We know it, they know it, the public knows it, and saying otherwise is just insulting people's intelligence.

The government has also promised no privatisation, then it went and privatised the Motor Accident Commission, the sale of which it expects to raise almost $500 million which will go straight into paying off the enormous debt this government has accrued. We saw in the last term of this government the sale of the forests and the sale of the Lotteries Commission. The sale of the forests was born some years prior. There was a lot of speculation in the end that it was to keep the AAA credit rating. Of course, we lost the AAA credit rating. It was to pay off debt, and the debt ballooned out of control and I think the figure that we have for the forests is pretty much what the government spent on Adelaide Oval.

People say, 'Adelaide Oval is a great new addition to the city skyline.' It certainly is, but if you look back to the rivers of gold that the government had in previous years, we could easily have built a new Adelaide Oval every year if they had stuck to their budget and invested that surplus and the rivers of gold that we had in productive infrastructure. We would all argue, probably, that bringing footy to the city is productive infrastructure; it is one of the things that the Liberal opposition spoke strongly about.

All the fiscal problems that this government faces cannot be of its own making, and it continues to point the finger at the federal government at every turn instead of taking responsibility for its own actions. Gerry Kandelaars spent most of his contribution attacking the federal government rather than looking at their own problems.

I think it emphasises how delusional this government is, when they have embarked on a shameful smear campaign against the federal government which is hypocritical to say the least. The cost of that campaign was well over $1 million, with no constructive purpose for South Australia other than wasting money. At a time when we are in such a perilous and precarious financial situation, it is embarrassing for our government to be throwing money away on political scare campaigns when the money is so desperately needed to fund health, education and welfare programs.

That is all about priorities. I think about $1.2 million was spent there, and a couple of million dollars was spent to equip the office for the member for Waite when he decided to become an Independent and join the Labor government. Again, there is three and a bit million dollars that was not budgeted on and was not on the forward estimates, it was just plucked out of fresh air. That is probably an amount close to $10 million, with the $1.2 and the $8 million for the member for Waite's office. I think it just emphasises that it is all about priorities. This government has long had its priorities in the wrong place, and I do not see that, sadly, changing any time soon.

Here in South Australia we enjoy the wonderful perks of the highest electricity prices, the highest gas prices, the highest business taxes and the highest water prices. A recent report into water pricing structure in South Australia found that the majority of the price hike in water bills is entirely down to state government policy, but they tend to ignore that fact and continue to reap enormous dividends from SA Water.

Then again, why should we worry about utility charges and business confidence when we have other things to look at? I mentioned Adelaide Oval. We have a new oval there, but never mind, it was minted out of the livelihoods of the South-East forestry workers. After all, they do not need jobs, a stable income or a growing economy. As long as they have a new oval some 400 kilometres away, everything else in their lives seems chipper. The constituents in Troy Bell's electorate in Mount Gambier would think otherwise.

We heard the government say that there would be no job losses. Premier Weatherill said that measures were being put in place to secure all the jobs. I think treasurer Snelling at the time said the same. I think a number of government ministers have reiterated that, but in the end, of course, we have seen a number of job cuts. minister Bignell now says these are not forced, these are voluntary packages. At the end of the day, a job loss, whether it is a voluntary or a forced redundancy, is a job loss for that community and so I think minister Bignell is playing with words when he says, 'We're not breaking our commitment.' Their commitment was that there would be no job losses, full stop. There were no qualifying statements around whether it was voluntary or not, so I think the government has been playing with its words there.

Under this government we are told the people of South Australia will enjoy a period of sustained prosperity, job growth, city vibrancy, regional boom times and only run into debt and deficit for a few short years. We have been waiting for more than a decade for that promise to be delivered upon, and I have a suspicion that we might be waiting for another four years at least. Call me a pessimist, but when you are constantly being let down you cannot help but feel that any promise, no matter how grand, is going to fall spectacularly short.

I would like to talk a little about some of my portfolios now. Minister Gago says the opposition always talks this place down, and she did it again yesterday. She is always claiming that we are being negative and talking the state down, whether it is in question time or in the public debate, but after it has been driven into the ground for 12 long years under Labor and we are now at the bottom of the stats nationally, whether it is employment, economic growth or any of these key economic indicators, there is only one person to blame. They talk it down themselves. The facts themselves prove that they have failed as a government and that our economy is the worst in the nation.

In a pretty cheap and almost lazy way the minister will say, 'Oh, it's just the opposition,' and it is a trend that you hear from a lot of other ministers, that the opposition just talks the state down. We are just telling the truth: the state is down on its knees because of this government's mismanagement.

I want to make a few comments about some of my portfolios. PIRSA has had to bear the brunt of many budget cuts over past years, and this budget is no different. PIRSA's budget for 2014-15 stands at an abysmal $59.8 million, down $26.5 million alone in one year, and this is the food and wine component of the budget. It is the lowest budget for PIRSA in over a decade. Funding has fallen spectacularly to only 35 per cent of the level it was in 2010-11. With one hand, this government is spruiking the potential of our primary industries and, with the other hand, it is ripping away funding at drastic levels, where vital staff will need to be shed just to keep the department afloat.

I think that the minister will be speaking at the Royal Show, at the rural media breakfast, and he will be talking about his first 170 days as minister, and the title of his talk will be, 'A strategy to build rural South Australia'. You would think that, after 12 years of this government, with all of their promises and all of their rhetoric and this current passion for premium food and wine from a clean environment, that it would be built and that we would not be talking about a strategy to build it, but that the discussion he would be having would be talking about the great achievements of the Labor government and not talking about a strategy to build South Australia. I think that is a recognition that the Labor government has failed the rural community.

Of course, SARDI, despite my protests year after year, has again been in the budget firing line. The South Australian Research and Development Institute is one of the integral centres underpinning the great work undertaken at the Waite Institute, which, if members are interested, I may speak about later this evening. SARDI cannot afford to lose any more funding or staff but, unfortunately, with the formidable mismanagement of the state's finances under this government, vital programs have been cut, and SARDI is one of the many which have had to face the chop.

The Waite Institute is doing its very best to remain one of the greatest research centres around the globe, but it is very hard to do so when its own government continues to withdraw support from the industry. As a world leader, Waite needs more support to continue developing its programs but, instead of funding, it gets more cuts, which leads to the department shedding more core staff, who are desperately needed by the industry.

It is interesting to note that the Australian Centre for Plant Functional Genomics used to have a budget well in excess of $1½ million; it is now down to around about $200,000. As we all know, the Waite Research Institute (the Australian Centre for Plant Functional Genomics is located there) is in the electorate of Waite. When the member for Waite was a minister in the last few months of the Kerin government, the funding for the Australian Centre for Plant Functional Genomics was something he took through the Liberal Party room and also through the Liberal cabinet, and he provided the funding for it.

It is rather ironic that, now he has made the decision to become an Independent and to cosy up with the Labor Party in government, the amount of money that is being spent on his ministerial office—some $2 million—would more than keep the Australian Centre for Plant Functional Genomics funded and operating. I think that some of his comments, when he made that decision, related to the fact that he felt that he could better represent the people of Waite in government than in opposition and that he would make a strong contribution to that community. Yet this is one of the first examples where the government has turned its back on it, and the member for Waite has been silent on that issue.

SARDI is not the only department losing significant funding and staff. Biosecurity will lose some 13 full-time employees and its budget will drop by $5½ million. With two recent outbreaks of fruit fly, it seems almost incredibly ignorant for the government to be cutting a program that is responsible for keeping our state fruit fly free. We know how important that is, but the government obviously thinks that it knows better. I truly hope that there is a provision in place and that it is enough to stop the spread of fruit fly; if not, the industry will suffer a spectacularly unpleasant result.

Exports also have stagnated significantly, dropping by 13 per cent in 2012 alone. I know that the minister was talking in this place yesterday about the fact that state exports had gone up. I suspect that does not include agricultural exports. Agricultural exports have grown by only a measly 1 per cent, on average, over the past decade. Compared to other states, this is an embarrassment. It just reflects the priorities of this Labor government.

Livestock exports have decreased by 10 per cent over the same period, dairy exports have decreased by 10 per cent, and seafood exports have decreased by 5 per cent. For a state that relies heavily on primary production and the exports they create, these statistics are incredibly disappointing. In budget estimates a week ago, minister Bignell was unable to explain the drop in exports and how he plans to reverse this downward trend. It is interesting that at the time premier Rann came to office with the launch shortly thereafter of the State Strategic Plan, they had a plan to grow our exports to $25 billion by 2013. Of course, that was last year.

I think the minister yesterday was saying that exports are now, from my recollection, at $12.1 billion or $12.3 billion. It is not even half of the target they set more than 11 years ago that we were to have achieved yesterday. They will always say, 'Oh, it was the global financial crisis,' but the strategic planning was never in place. They plucked a figure out of the air. I think they looked back over the decade of Liberal government and saw that exports had gone from $3 billion to $9 billion and thought, 'Well, that's easy. The Liberals trebled it. We'll almost treble it from $9 billion to $25 billion.'

What they did not understand is that you actually have to have a long-term partnership with industry, agriculture and food, especially, and this is just something that this government has neglected until just very recently, when they have talked about this strategic priority of premium food and wine from a clean environment, but you have to question some of the strategies there. The government is trying to spruik some of its achievements in its relationship with China, but there is little to show for that at this stage in our export figures.

The Leader of the Government in this place was the minister for agriculture at the time that we were going to have these two fresh food centres in the province of Fujian, in Nanping and Zhuangzhou, which were promoted by the government, and minister Gago was actually very upset when I criticised it. She said I would insult the Chinese partners. In fact, she called me to an urgent briefing with her departmental head and some of the guys from the Australia-China chamber of commerce, I think it was, in her leader's office, just outside in the corridor here. She reprimanded me for being outspoken about this project and assured me that everything was on track, and her chief executive of the time said, 'No, no, these will be built and we will have South Australian produce in those centres within 18 months.'

That was about two years or maybe 2½ years ago now and, in estimates, when I had my colleagues in the House of Assembly ask the current minister, minister Bignell virtually washed his hands of it and said that it really was not the government's responsibility. The developers are yet to build the buildings that these food centres are going in and they have not actually been realised. It is quite sad, and there were some millions of dollars put towards that program. I am not quite sure where it has gone—

The Hon. G.E. Gago: Rubbish—that is absolute nonsense! There was none of our money.

The Hon. D.W. RIDGWAY: There was $4 million over the forward estimates for that project.

The Hon. G.E. Gago interjecting:

The Hon. D.W. RIDGWAY: At the end of the day, you said they would be opened within a couple of years—

The Hon. G.E. Gago interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The minister is out of order.

The Hon. D.W. RIDGWAY: —and now there is nothing, nothing, nothing.

The Hon. G.E. Gago interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! We are not having a conversation. The Leader of the Opposition has the call.

The Hon. D.W. RIDGWAY: Agriculture remains one of the biggest earners in this state and employs roughly one-fifth of the state, yet it faces its smallest operating budget in over a decade. It is a truly sad picture for our world-renowned agricultural sector. Labor has so spectacularly botched its policy, particularly on things like marine parks, deciding to pursue a political agenda rather than a sensible, logical policy that does not send our fisherman to the wall. I am hoping this government will wake up to itself and shelve that particular policy.

It is also interesting that minister Bignell and the government have committed to a moratorium on GM crops until 2019 and they always spruik how much better off our producers are and that we get a premium for all our food and wine. It is not a premium from just our grain but also our food and wine, so I assume that is our livestock, our cheese, our wine, our seafood. During budget estimates,

we asked minister Bignell to actually try to quantify that and his only answer was that he had evidence that was anecdotal.

We support our moratorium, but we also believe we need to be able to measure those benefits. You do not have a policy and say, 'Well, we have a policy and we think that it's a good policy.' You actually need to be able to measure those benefits. So, again I ask the minister to actually start doing some work around where we get premiums, and not just in grain. When they talk about our premium food and wine, in what markets do we command a higher price for our products and in what markets do we have easier access?

I know there is some interest in non-GM canola in Japan, but I am told that GM canola is brought out of other states and goes into Europe and, while it is banned in Europe, it is used for making ethanol, for industrial purposes. I am interested to know exactly what benefits we get and what market access we have been able to get over our competitors in Victoria, New South Wales, Western Australia and Queensland, because at the end of the day we will be the first ones to say that this is a great policy. That is why we supported it at the election; so we could actually do that work in government if we were fortunate enough to be elected, and measure the benefits and base those policies on fact rather than just hearsay and rumours.

Also in estimates we had the minister contradict his own policies on food branding. The budget document clearly outlines a new program for branding quality food as a new regulatory standard. In fact, it was an announcement prior to the election, but the minister then came out and said that it was not. The minister needs to clarify the purpose of this policy and explain why taxpayers are spending $2 million on more branding and regulation when we already have Brand SA. That $2 million would be much of much greater use to the industry if it were spent on research and development or biosecurity. These are areas that require more funding and not branding and regulation. It will only duplicate services we have already seen.

It is interesting to look at that particular budget measure. The branding program that the minister spoke about he said was voluntary, that it did not need legislation but that it would be introduced. I have the notes from estimates. He said that in the budget papers it was new initiative funding for a regulatory standard for premium South Australian food, an introduction of a symbol to certify top quality South Australian produce. When he was asked to explain it, the minister said that we have a range of diverse premium food and that to support this future growth South Australia needs to achieve premium prices in these key markets. He then goes on to talk about what he would do. He said that the first step will be consultation with industry and sector groups to identify how such a system could be designed and implemented to best support South Australian businesses and key markets. I guess what it will actually look like will be determined through consultation with industry.

It is interesting that the minister and the government has allocated all this extra money for new branding, but the minister does not actually know what it is. He says that they have to consult with industry and sector groups to identify how such a system could be designed and implemented. I do not understand how you can go to an election with a policy that clearly has not been thought through, nobody knows exactly what it will cost and, a few months after the election, after the budget, come into estimates and say that the first thing they are going to do is consult and then we will see how a system could work.

This was a Labor Party policy, a thought bubble. When asked how it would interact with current food safety codes and regulations, and how would it add to what was there, the minister said that all the existing stuff will remain in place, it is just another level of marketing to reinforce to our consumers what they are buying has great providence and is a quality product. South Australian, and perhaps even more broadly Australian, food already has a wonderful standing internationally for being quality, safe produce. It makes no sense whatsoever to have another level of not necessarily regulation, but it appears that it could be a little more red tape.

It is interesting to know that with the Brand SA, the doorway in South Australia, a lot of producers still have not taken up because you have to change all your packaging, and to display it it has to be printed on there, so now the minister is talking about yet another regulatory standard and he does not know how it will work. I suspect that there will have to be compliance officers and interaction. It would be interesting to know exactly what the minister was referring to.

We also have had the Buy SA campaign, and my understanding is that the website for that has been taken down. I think there were some issues around legal liability when it comes to abuses of standards and the symbol. It is interesting that that has been pulled down, although tragically the other day I saw on the way to the airport Buy SA flags on some of the light poles and they were in shreds, in tatters. They are not boldly presented, they have been there flying in the breeze and have been ripped apart by the strong winds.

That is indicative of the government's policies: they are falling apart, they are just thought bubbles with no long-term strategic plan to grow our agricultural sector. We have to remember that our state was founded on an agricultural company, the South Australian Company. It was the biggest business in town 175 years ago and it is still the biggest business in town, yet it receives a diminishing amount of financial support.

It is interesting to note some of the other issues that were brought up during estimates. Of particular interest to me was the sale of a couple of research centres: the Lenswood facility and also the Flaxley facility. Flaxley was decommissioned some time ago. I think it was in minister Gago's time that plans were made to sell it. We are yet to see any evidence of that being sold. There is $680,000 in the budget this year for asset sales but Flaxley is worth significantly more than that. Minister Bignell tells us that it will be going on the market in the next few months but I am at a bit of a loss in knowing where the financial gain from the sale of that asset will come and why we only see $680,000 in the budget from the sale of assets.

There is also the facility at Lenswood. We understand that we are part of a national research framework around the nation and we look after dryland agriculture, pork, poultry and wine. However, we have the Lenswood facility and I know there has been some community interest in taking over that facility. What I would like to know is: has the minister gone to industry?

We have facilities in which taxpayers have invested over many years. Particularly in places like Lenswood, there are trees in the ground and stuff growing in the ground. One can understand that with a dairy or livestock research facility, the stock can be sold, they can be moved on, but we have trees and plants in the ground. Clearly, you are going to have some issues there because you cannot just shift them—and so that is all lost. I would be interested in hearing from minister Bignell—but I expect I will not get a response—because he said:

> Yes, we have received a lot of feedback, and we are listening to the industry and having discussions with a whole range of people about what the future will be not just for the site but for research in the horticultural industry.

The Adelaide Hills region is, I think, being promoted to be included in the World Heritage List and I am not quite sure how that is going to impact on primary production up there. We have a research facility in the middle of it now that really could underpin agricultural development in that region. It is a bit unique from the rest of South Australia because the Hills are in a higher altitude and higher rainfall area. There are many hundreds of thousands of hectares of dryland agriculture so I think that is a little bit like cutting off our nose to spite our face.

I know some of the cool climate horticultural research is done in Victoria but we are different from Victoria. I think it would be foolish to see that facility go unless industry had an opportunity to put up some sort of proposal to take it on.

Parliamentary Procedure

VISITORS

The PRESIDENT: I would like to acknowledge students from Woodcroft College in the gallery. Good to see you in here; all the best.

The Hon. D.W. RIDGWAY: I hope the Hon. Mr Maher is looking after you as well and giving you a good tour. He will shout you lunch shortly, I'm sure!

Bills

APPROPRIATION BILL 2014

Second Reading

Debate resumed.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (12:39): In relation to a letter that the Premier has sent to all 440 statewide boards, my understanding is that they have to justify their existence. From a primary industries point of view, there are a number of boards. One that springs to mind is the South Australian Sheep Advisory Group (SA SAG) which has PIRSA departmental people on the board. It has several million dollars of assets or cash in the bank. I am a little concerned about the abolition of those boards because that is growers' money. It has been levied on the sale of livestock.

If the board is to be changed I would hope it is not abolished and that PIRSA or the state government wholly and solely administers the growers' funds. If it is to be abolished then the grower's fund should go with growers and they should be able to manage it their own way. I think minister Bignell said it would all be finalised by 30 October; I think that is the deadline announced by the Premier, but we are concerned—with some of those funds and some of those boards that actually administer growers' funds—with where those funds might end up.

I hope that one day our primary industries are treated with the respect they deserve, but I doubt very much that it will come in this budget cycle or even in the next 3½ years. In 12 years this Labor government has not changed its stripes and I do not expect it to do so any time soon.

Tourism has also faced some significant cuts in recent years. It has been hit with a significant cut to its marketing budget. We must also not forget that the government has brought forward its marketing budget from this financial year to do the Adelaide Breathe campaign, which was primarily shown in Adelaide, in South Australia, prior to the election. So, that is also very disappointing. My feedback and understanding is that the Kangaroo Island ad was a very good ad and the Barossa ad has been very good, but I am not sure that the Adelaide Breathe ad has really breathed any life into Adelaide.

I have recently been researching other states' tourism expenditure and the return on investment in relation to their budget spends. Unsurprisingly, South Australia has the lowest return on investment of all mainland states. In the 2014-15 budget, Queensland will spend almost $100 million on tourism, which will generate some $27.8 billion of economic benefit to the state. That means that for every dollar spent on tourism they get about $281 returned to the economy. In New South Wales the return on investment is about $255 and in Victoria it is about $247. In comparison, South Australia is investing $55.1 million on tourism and its return on investment is only $125.60. So, you can see that we are less than half of every other state.

Additionally, Queensland's tourism budget is twice the size of South Australia's, but it only has 50 per cent more staff. In Western Australia, their budget is 33 per cent larger than South Australia, yet their return on investment is much higher and their department is run with fewer staff. South Australia's departments are not only facing drastic cuts, but there appear to be a number of inefficiencies and it is quite concerning how low our return on investment is.

Tourism in South Australia is failing to reach its goal. The government's own tourism plan—it is interesting, minister Bignell said in estimates, on the Tuesday or Wednesday, that it would be released in the next couple of weeks; I think he was mistaken, that it was going to be released in a couple of days because it was two days after that it was released—has admitted that if current market share is maintained then visitor expenditure will grow to only $6.7 billion by 2020. This falls $1.3 billion short of the $8 billion target that Labor expects to reach by 2020.

If you look at that growth to $8 billion, their own plan says that it will not reach it, but if they were to achieve it it begs the question of why you would have ministers and governments talk about aspiration goals, it begs the question why you have an aspiration goal if it is so totally unachievable. The growth they are expecting in the next four years, from 2014-15 through to 2020, is five times the growth per annum than we had over the last five years. So, it is ridiculously ambitious, it is delusionally ambitious.

It is interesting, if you look at the tourism plan over the next five years, at current budget levels we are looking at about $250 million that will be spent on tourism over five years. I think it is an opportunity for them to take a big deep breath and look at how you would best spend the $250 million. Maybe it is time to review the whole structure of how everything operates and have a look at how we can get best value for that $250 million over the next five years.

It is also interesting, we have seen the Visitor Information Centre, when minister Rau was tourism minister, go from King William Street to Grenfell Street, and then I think when minister Gago was minister it went from Grenfell Street to North Terrace in the Service SA building, and now with minister Bignell it has gone into a volunteer shop in a side street off Rundle Mall. The other day it was shut; one of the volunteers was sick and nobody could keep the place open. In estimates, minister Bignell said, 'Oh, well, we have fixed that because if somebody is sick we will send somebody down from the SATC head office to look after it.' Now, there is a level of training and competence and I know that some very skilful people work in the SATC, but I am interested to know who is going to be called in when somebody is sick or unable to open the visitor centre.

It is interesting that if you are walking from the east down the mall and look towards James Place, there is something painted on the pavement in front of the Myer Centre, but if there are people walking there you cannot see it. There is not one sign that you can see when you are walking from the east heading west that you can look at and see that there is a visitor centre, so I think it is a bit rich for the minister to say, 'This is a great new location that is really vibrant.' He says he walks down there to get lunch some days, but I do not think the visitor centre is there for the minister or people who work in and around that particular precinct. Visitor centres are there for any visitor who comes to Adelaide and they should be able to find it easily.

I am reminded of places like Melbourne, Sydney and others. Melbourne has a large one in the Bourke Street Mall and an extremely large visitor centre in Federation Square. We do not have a Federation Square and maybe Victoria Square is not the right location, but I would hope that this is not seen as a permanent arrangement because the next step, if it is run by volunteers and the volunteers say they cannot do it, is to shut the door and not have a visitor centre.

I know there has been discussion around the digital age and everybody does things on their iPhones and their iPads and with apps and I am sure we are heading that way, but there are still a large number of people, and I often see it when I am out in the regions, and the one that springs to mind is the Whyalla Visitor Centre—

The Hon. T.J. Stephens interjecting:

The Hon. D.W. RIDGWAY: The Hon. Terry Stephens interjects. In fact, some of the ladies who work in the visitor centre still remember him when he was a young man in Whyalla and speak very highly of him as well, I might add. I was surprised at the number of four-wheel drives and caravans and, if you like, the grey nomads. They are the ones that still use those facilities. They are in that sort of space. My daughters and that generation will very quickly do everything online, so we are in a bit of a transition. What I do not want to see is us totally switching off from the generation who still requires a brochure, to talk to somebody and to have a bit of interaction. Having a visitor centre that is run by volunteers and not open full time is always a concern to me.

Finally, forestry, is another area I have some interest in and again it comes back to priorities. We saw in the forestry industry that a round table was established during the sale of the forest process which was chaired by Mr Trevor Smith, a member of the CFMEU and well known to members opposite. I am not quite sure why we had that round table because, of course, in the end, the government had made its decision to sell the forests. It was really a way of keeping all the critics in the tent quiet. Nonetheless, the sale went through and that round table was morphed into the Forestry Industry Advisory Council.

The budget papers show that some $300,000 was spent—I think minister Bignell confirmed that—on that particular committee or Forestry Industry Advisory Council annually. I cannot come up with any reason why you would spend, given our current budget situation, that sort of money on an industry council such as that. I do not have any evidence but, anecdotally, I hear that when you look at the board's remuneration, Mr Smith gets paid more than the chair of the board of ForestrySA, the body that was actually empowered to run the forests.

The Hon. T.J. Stephens: Nice job for the comrades.

The Hon. D.W. RIDGWAY: My colleague the Hon. Terry Stephens said, 'Nice job for the comrades.' It appears it is because the chair of the board of ForestrySA is paid just a fraction over $50,000 for sitting fees and Mr Smith is paid about $56,000; it shows that he gets the same amount

of pay. That board is effectively managing $0.75 billion worth of assets and they are getting paid less than the person who chairs this advisory council. I know that they are expecting to come up with a blueprint for the future of forestry in the South-East.

Through DMITRE we have had the fibre chain value study. Several million dollars have been spent on that with Mr Göran Roos and others. We have the Forestry Industry Advisory Council getting 300 grand a year to come up with a blueprint. It appears to me to be a significant waste of money, given these tough budget conditions. I think it again emphasises the lack of priorities from this government.

In closing, I want to address a couple of issues in relation to forestry and in relation to a business down there, Carter Holt Harvey's panels business. For everybody who is trying to understand, it basically makes kitchen bench tops. It puts a high-quality finish on a particle board product. Carter Holt Harvey has a business in Tumut in New South Wales that does about the same, and I think their long-term plans are to upgrade one and probably have a major focus, wherever that is, and close the other one.

I became aware a few weeks ago that Carter Holt Harvey had had some discussions with the New South Wales government and I was concerned that we have some money in a fund that was set aside to invest in forestry value adding in the South-East. I think it has about $10.5 million still waiting to be allocated, although the minister can confirm that only about $7 million of that is available. They are going to hold up $3 million; I am not quite sure why. Surely you would just leave it in the fund and try to spend it to get that investment. It has been transferred, I think it is from DMITRE to PIRSA, but not all of it has been transferred.

I raised some concerns about what the government was doing. I saw a proposal from Carter Holt Harvey before the election of what they would like to do and so I know that the government is well aware of that, and now we hear that New South Wales has been speaking to Carter Holt Harvey. Naturally, another competitive government is keen to see investment in its state.

I raised these concerns about potential investment going out of the South-East. I am trying to get the minister to focus on it. He was in Mount Gambier for four days over that period, but he did not visit Carter Holt Harvey, and then he came out in the paper and said that I am scaremongering. All I have done is raise concerns that New South Wales is speaking to Carter Holt Harvey. Our minister, the government, has a pack of money that it has said it will invest in businesses in the South-East to get more productivity and value add. It just really surprises me that when an opposition member gets some information that a company is wanting to expand in South Australia but is not getting any answers from the government and he raises concerns about that, he is accused of scaremongering.

Mr Brad Coates is of course the local CMFEU representative. I am not quite sure of Brad's actual title within the CMFEU, but the newspaper describes him as a heavyweight, so I guess he is pretty important. 'Green Triangle forestry union heavyweight Brad Coates' is how the paper describes him. Interestingly, back early in July, Mr Coates said in relation to my comments that I had demonstrated a lack of understanding of the timber industry and a contempt for workers in the industry. He said I was more interested in politicising the industry with my 'scaremongering'. Clearly, when he starts using the same words as minister Bignell, you have to ask yourself, 'Is he in bed with Mr Bignell?' I certainly know he is in relation to the left of the Labor Party. The article continues:

> Meanwhile, Mr Coates said CHH also had questions to answer as to why they refused the $27m offered by the Weatherill government in 2012.
>
> He criticised the company's decision not to support their South East operation, then turn around and throw their hat in the ring for funding from the government adjustment fund.

Mr Coates said:

> 'CHH is in no position to dictate how that money is allocated, and neither is anyone else.'

He is referring to me there. He went on:

> 'The funds should be distributed on the basis that jobs are created…'

It is interesting. This last week, another article stated that Mr Coates had said:

Mr Ridgway's comments this week reaffirmed his lack of understanding of the industry and if CHH was unsuccessful in getting funding then it could squarely blame Mr Ridgway for his 'inappropriate' and 'uninformed' public comments.

Only about a fortnight before they said Carter Holt Harvey should not be dictating and should not be getting any money, and now it appears that it is my fault if they do not get any money. It is setting up the community, I suspect, for more of a concern about Mr Coates and his friends in the Labor Party, and especially in the left with Mr Bignell. I suspect there is another agenda down there and they are now trying to massage the message so that if funding is not forthcoming for Carter Holt Harvey then it will be my fault, not his fault.

I reiterate the point I made to the local newspaper, and that is that I want nothing more than for Carter Harvey Holt to be successful in getting an allocation of some of that money to upgrade their processing mill. From day one, all I have ever done is to make sure that they hold the government to account. There is money in a fund, and they have a business down there that employs a lot of people, and that it will underpin them for another 30 or 40 years. Now we see both the minister and the union heavyweight looking after themselves, almost arm-in-arm in bed together, trying to portray it that, if there was no funding, it would be my fault and not theirs.

I can tell you, Mr President, that it is this government that has managed this state budget, it is this government that has sold the forests and that, if there is any fault for any decisions or any lack of funding, it will lie fairly and squarely with minister Bignell, treasurer Koutsantonis, Premier Weatherill and his team of motley ministers. With those few words, I support the bill.

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

BUDGET MEASURES BILL 2014

Introduction and First Reading

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

Sitting suspended from 12:57 to 14:15.

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

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

University of South Australia—Report, 2013

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:18): I bring up the sixth report of the committee.

Report received.

Ministerial Statement

FIRE AND EMERGENCY SERVICES

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) (14:18): I table a copy of a ministerial statement relating to emergency services reform made yesterday, Tuesday 5 August 2014, in another place by my colleague the Minister for Emergency Services.

Question Time

The PRESIDENT: It has been brought to my attention that we are not running the clock today. We are relying on the technology of the iPhone, so I will give you a 30-second warning. The Hon. Mr Ridgway.

GOVERNMENT BOARDS AND COMMITTEES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:19): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about removal of red tape and government boards.

Leave granted.

The Hon. D.W. RIDGWAY: On 8 July this year, the Premier announced, among other things, that every government board and committee will be abolished unless, he went on to say, it can be demonstrated that it has an essential purpose that cannot be fulfilled in an alternative way. He then went on to say that a large number of boards and committees currently in existence contribute to duplication, unnecessary complexity and inefficiency within government.

He also said that whilst this process will reduce much of this duplication, it is also about giving the community more direct access to government. He then also went on to say that legislation will be introduced to remove the requirements for certain boards and committees within the current acts.

I also note that minister Hunter, the Minister for Sustainability, Environment and Conservation, has some 105 boards and committees under his watchful eye. I was also reminded of minister Bignell's comments in estimates, when asked about the Tourism Commission Board, and he said that he wondered whether we need to spend a quarter of a million dollars on a board in the Tourism Commission and that perhaps we could get a group from the tourism industry to come along every couple of months and he could have talk to them about issues. He referred to them getting along to the Tourism Commission with the commission's chief executive every three or four months.

He also went on to say that Mr Warren McCann was undertaking the review. Further on in questioning the Minister for Tourism said that if the Minister for Infrastructure, for example, does not have a board to go through and work things out—where they are going to be built and where things are going to be spent—if a portfolio as big as infrastructure and transport does not need a board, he did not see the need for a Tourism Commission Board. My question to the minister is:

1. How will these boards demonstrate the need for their existence to remain? As part of the review process Mr McCann is doing, will the boards report to Mr McCann, with Mr McCann then providing a report to the minister or government? In the letter sent by the Premier, will it then come back to the minister?

2. Given minister Bignell's comments, has the government already made up its mind in relation to a number of these boards and, if so, will the boards about which this minister has made up his mind include the SA Water Board, the EPA Board, the South Australian Heritage Council, the Pastoral Board, the Dog Fence Board and the 97 other boards for which he is responsible?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:22): I thank the honourable member for his most important question about the Premier's determination on boards and committees. I can advise that I have written to presiding members of my boards and committees for which I am responsible, and also have written to my agency chiefs to bring the Premier's decision to their attention.

I have asked the presiding members and my agency chiefs to give me advice of their views on the boards and whether they have a strong reason to offer to me about why they should continue, or otherwise, or whether they can offer me advice about whether the functions of the boards and committees can be carried out in another fashion. With regard to question No. 2 asked by the Hon. Mr Ridgway about whether I have made up my mind already about certain boards and committees, the answer is no.

GOVERNMENT BOARDS AND COMMITTEES

The Hon. S.G. WADE (14:23): By way of supplementary question, could the minister advise whether the national competition guidelines require SA Water to have a board?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:23): No.

GOVERNMENT BOARDS AND COMMITTEES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:23): By way of further supplementary, you have written to the boards and your chief executives asking the boards to come back to you in relation to the role that they perform. What role is Mr McCann performing in the process if you are speaking directly to the boards?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:23): I think the honourable member understands that the process is that the Premier has made this call, and as part of that decision-making process the Premier has asked ministers to give him advice about whether or not we believe the boards should be maintained. I, of course, am seeking my own advice from boards and my agency chiefs before formulating an opinion about that to take to the Premier.

GOVERNMENT BOARDS AND COMMITTEES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24): By way of further supplementary, what criteria has the minister set as being the ones that the boards for which you are responsible must fulfil in order to maintain their existence?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:24): I have not dictated any terms to the boards or committees. I have asked them for their advice, I have not sought to constrain it. I have given some examples, however, about what sort of considerations they might take into account—for example, efficiency of service delivery, efficiency of advice to government or, alternatively, a need or otherwise for independence from a minister.

SITE CONTAMINATION, CLOVELLY PARK AND MITCHELL PARK

The Hon. J.M.A. LENSINK (14:24): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about Clovelly Park and Mitchell Park contamination.

Leave granted.

The Hon. J.M.A. LENSINK: I have recently been contacted by a constituent regarding potential contamination in the expanded testing area. This constituent phoned the EPA's hotline to find out when testing would commence, only to be told by the person on the other end of the phone that they were unsure and would have to get back to them.

My constituent is concerned that there has been no communication from the EPA since the information sessions took place on 26 July and 28 July and since the community reference group was established. He was also of the understanding that a further public meeting was scheduled for this week. My questions to the minister are:

1. For the public record, when will testing commence?

2. Why don't staff answering the EPA hotline have the relevant information to provide to residents?

3. Why hasn't the EPA's website been updated since 17 July?

4. When will the next public meeting be held for residents of Clovelly Park and Mitchell Park?

5. What other information can the minister provide for residents?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:26): I thank the honourable member for her most important question. I cannot of course speak

to what information may have been provided to her by her constituent but I can suggest that if she likes she can contact my office for those constituent's inquiries and we will make certain inquiries of the EPA in regard to the hotline inquiry that the constituent made.

In regard to further testing, I think that has been put on the record previously. The EPA is seeking an agent to conduct that testing and I think the EPA thought it would be in place in August, and the testing will be conducted over a period of the next several months, hopefully to be completed by December. In regard to the further public meeting, I understand that a date has not been set for that as yet but it is going to be in the short term.

SITE CONTAMINATION, CLOVELLY PARK AND MITCHELL PARK

The Hon. J.M.A. LENSINK (14:27): I have a supplementary question. Can the minister clarify what is the particular timing—whether it is weeks or months away?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:27): In regard to?

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

The Hon. I.K. HUNTER: As I said, a particular date has not been set yet but I understand that it will be held shortly.

SA WATER CONTRACTS

The Hon. S.G. WADE (14:27): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about the Kingscote water main upgrade.

Leave granted.

The Hon. S.G. WADE: I am advised that SA Water contracted BJ Jarrad to undertake a 3.2-kilometre pipe replacement work at Kingscote on Kangaroo Island. In its media release dated 2 April SA Water advised that it expects 12 people to be employed, including locals, and the works would be completed at the end of August. BJ Jarrad is listed as a key tier 2 provider for construction on SA Water's website, in spite of the fact that BJ Jarrad went into administration in 2011 with $14 million in debts.

Subcontractors for this project, I am advised, contacted SA Water last month with concerns about BJ Jarrad's financial position and were informed that not paying subcontractors is a breach of contract and grounds for SA Water being able to terminate that contract. I am advised that BJ Jarrad went into voluntary administration on 31 July 2014 and, as a result, several Kangaroo Island contractors who had performed work on this project are collectively owed hundreds of thousands of dollars. My questions to the minister are:

1. What due diligence steps were taken in relation to BJ Jarrad following its business closure in 2011?

2. Will SA Water guarantee Kangaroo Island subcontractors all outstanding payments for work that they have performed but have not been paid for by BJ Jarrad?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:29): I thank the honourable member for his most important question. I understand that SA Water was advised on the morning of Friday 1 August this year that BJ Jarrad had been placed into voluntary administration. BJ Jarrad is contracted by SA Water to complete 11 projects which are at various stages in their delivery.

SA Water is working closely with the administrator Ferrier Hodgson to ensure that current projects are delivered as per their contracts, with as few disruptions to stakeholders and project time frames as can be managed. The administrator has indicated that they intend to keep BJ Jarrad trading, I am advised, whilst a buyer is sought for the business. Any subcontractors of BJ Jarrad should make the administrator their first port of call for resolving financial matters that are outstanding. Having said that, I understand completely that this is a distressing time for contractors

who may still be owed money by this company. My priorities are to ensure that those contractors engaged by BJ Jarrad are paid for any work that they have done and that the work they are currently doing continues with minimal disruption.

SA Water will continue to work closely with the administrator to ensure the best outcome for all parties. All due payments have been made by SA Water, I am advised, to the contractor, including a recent payment made direct to the administrator. SA Water is willing to consider expediting payments to hasten the cash flow for the administrator, generating revenue to meet the current obligations of BJ Jarrad so that they can continue to trade while they look for a purchaser for that business.

Whilst SA Water and, indeed, the government cannot impose conditions as to who the administrator pays and on what basis—this would have to be determined by agreements between BJ Jarrad or now the administrator and those subcontractors—it would not be normal practice, and I think the honourable member would appreciate this, for SA Water to pay subcontractors directly because SA Water has no commercial or legal relationship with subcontractors. As SA Water has no agreement or status with the subcontractors, SA Water cannot directly pay those subcontractors but, as I said, we will continue to work very closely with the administrator. We will do our very best to make sure the projects are delivered in line with the contracts and our expectation will be that the contractors shall receive due payments.

MEDICAL RESEARCH COMMERCIALISATION FUND

The Hon. K.J. MAHER (14:31): My question is to the Minister for Science and Information Economy.

The Hon. R.L. Brokenshire: My Dorothy Dixer is to—

The Hon. K.J. MAHER: No, it is a very good question. With the recently opened SAHMRI building rapidly becoming a landmark on North Terrace, can the minister inform the house about what steps the government is taking to develop South Australia's innovative health and medical research into tangible economic benefits for the state?

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) (14:31): I thank the honourable member for his most important question. The new SAHMRI building on North Terrace may be a high-profile symbol of the emphasis which we place on scientific research in this state, but it is also just the tip of South Australia's burgeoning bioscience sector. South Australia has a rich history of biomedical research that deserves a chance to grow, to garner widespread attention, and to develop innovative and groundbreaking medical therapies and technologies. Despite these successes, there has been a lack of early-stage funding in South Australia to commercialise new therapies and technologies.

On Wednesday 30 July I was able to fulfil a commitment made before the last state election that will help South Australian researchers attract national and international investment and marketing opportunities. By joining an established venture capital fund, the Medical Research Commercialisation Fund, an exciting new chapter for medical research in this state opens up. South Australia now joins other Australian states and well-established Australian superannuation funds in the Medical Research Commercialisation Fund which will deliver dedicated investment for the commercialisation of research carried out by its member medical institutes.

The state government, through the Department of State Development and SA Health, has agreed to invest $600,000 over four years to help establish the fund in South Australia. The South Australian Health and Medical Research Institute, with its more than 600 leading scientists and researchers, has signed on to the fund and will provide in-kind support of $30,000.

While SAHMRI will be South Australia's first institute to join the fund, we are obviously very much looking forward and encouraging other South Australian research organisations to join up as well. Access to this multimillion dollar venture capital fund gives medical research institutions and hospitals access to early-stage funding to commercialise their research into new therapies, diagnostics and medicines that can help not only improve the health of people but also clearly have economic benefits as well.

Further, the partnership will better link businesses and researchers to form new ventures and investment opportunities in South Australia, potentially creating new jobs for local industry. The fund will provide SAHMRI and future members with the opportunity to tap into a global network of industry experts, to guide early-stage investments and development, and then attract follow-on venture capital funding and also potentially other partnering opportunities.

It is indeed timely that we announce this investment on the eve of National Science Week from 16 to 24 August. Australia's record of biomedical innovation, as I said, is impressive. I need only point out the significance of one of South Australia's Nobel Prize winners, Lord Howard Florey, for his contribution to the development of penicillin. The complete list of the nation's achievements is extraordinary: the cochlear implant or bionic ear, the Relenza flu vaccine, the first vaccine to prevent cervical cancer, and many other achievements. Now the challenge is to bring such innovation into the commercial sphere to the benefit of all Australians.

Should members opposite consider that we are talking about a marginal industry, I would refer them to the federal government's 2013 McKeon review, the Strategic Review of Health and Medical Research, which acknowledged the biotechnology and pharmaceutical sector as now being our largest manufacturing exporter, worth $4 billion per annum. In the past we have done some great science here in South Australia, and through participation in the national Medical Research Commercialisation Fund we will take the next step forward and make sure that ideas from our best and brightest people are not abandoned and left to be exploited internationally by others elsewhere.

DOG AND CAT MANAGEMENT

The Hon. R.L. BROKENSHIRE (14:36): I seek leave to make an explanation before asking the Minister for Sustainability, Environment and Conservation a question regarding the Dog and Cat Management Board.

Leave granted.

The Hon. R.L. BROKENSHIRE: I have been contacted by a concerned constituent in regard to several dog attacks and other breaches of the Dog and Cat Management Act. The *Guardian Messenger* published an article on 30 July 2014 in which a dog attack victim called for the destruction of two Staffordshire terrier dogs which attacked her at Somerton Park last month. The victim suffered a sprained ankle, badly bruised legs, injured elbows and sleepless nights resulting from the traumatic attack. Her two dogs were uninjured during the attack. The situation could have been significantly worse were it not for the heroic efforts of an onlooker, who beat the attacking dogs over the head with a lump of wood.

I have been informed by the constituent who witnessed this attack that there were several onlookers who did not intervene for fear of personal attack by the dogs. The situation was serious enough to warrant ambulance and police attendance. I am advised that the two dogs responsible for this attack were also responsible for previous attacks some 18 months prior. The Holdfast Bay council has placed a nuisance dog control order on the staffies, requiring them to undergo training, be kept in a secure enclosure and be on a lead at all other times. The owners have also been fined $580.

The victim of this attack stated that this was too lenient. One can only imagine how this situation would have turned out if these dogs had attacked a child, elderly person or indeed a pregnant woman. The Dog and Cat Management Board recently reviewed the Dog and Cat Management Act and has provided the minister with a report containing specific recommendations for improvement. I am told that the recommendations aim to improve the ability of local government to manage dogs in SA and to reduce the incidence of dog-related injury in the community.

Clearly, the Dog and Cat Management Act is failing to adequately protect users of the beaches, and councils are unable to adequately enforce provisions. My questions therefore are:

1. What recommendations were made to the minister regarding potential improvements to the act?

2. What undertaking, if any, will the minister give in relation to actioning these recommendations?

3. What time frame will the government give for making the changes?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:39): On 28 November, the House of Assembly appointed a select committee on dogs and cats as companion animals. The select committee's final report was tabled in parliament on 3 July 2013. The final report suggests possible future regulatory and legislative measures to improve the training of companion dogs and cats. It also contributes to an ongoing dialogue on animal rights and animal welfare.

The report provides 11 recommendations, which the committee believes will contribute to the overall goals of eliminating cruelty to dogs and cats and reducing the numbers of unwanted animals. I have now tabled the government's response to the committee's recommendations. I believe that I did that recently, in June.

When it comes to welfare standards for breeding companion animals, we know that the majority of registered breeders in South Australia raise their animals in appropriate conditions. In relation to the report, South Australians—the committee has agreed—have a very clear view that they want the operation of puppy farms in this state to be more closely controlled if not stamped out. They do not want the price of buying an animal to come at the expense of animal welfare and, as the report points out, it is currently not possible to be assured that a puppy does not come from a puppy farm unless the puppy has been purchased from a reputable breeder.

In the lead-up to the recent state election, the Labor government outlined a very clear vision for the next four years of government. Our 'Let's Keep Building South Australia' election platform included a number of commitments to help protect our animals, including our domestic companion animals (dogs and cats). The government, unlike the federal Liberal government, is true to its word, and we will deliver our election commitments and our vision to keep building South Australia.

As part of our plan to protect animals, the government will introduce a new code of practice to ensure that the pets have come from a healthy and humane breeder. This code of practice will be developed in consultation with the community and industry and will selectively target puppy farms and individuals who put profits before the welfare of the animals they breed.

The state government has enjoyed a strong working relationship with the RSPCA, which does a fantastic job in protecting and advocating for the welfare and protection of animals. To strengthen the invaluable role the RSPCA performs in this state, the government has increased its annual funding to $1 million per year, and it will be indexed.

It is important that the community is provided with clear and accurate information regarding responsible pet ownership and animal welfare. I will continue to seek advice from the Dog and Cat Management Board on whether existing material can be updated to reflect industry standard information on pet ownership. They do a great job in educating communities, particularly at schools, about how to behave and be responsible pet owners, how to behave around our domestic companion animals. This material can be provided also to potential owners before they make a decision on purchase.

There are also many benefits to desexing companion animals, and it is because of these benefits the government has long promoted it as a practice to pet owners. Desexing improves a dog's behaviour, in particular, through decreasing its potential to bite. It markedly reduces both cats' and dogs' wandering behaviour, I am told. The government, through the Dog and Cat Management Board, will continue to promote desexing to pet owners as a responsible measure in addressing pet behaviour and reducing the incidence of unwanted animals.

One of the key findings of the committee's report is that the traceability of dogs and cats is critical to reducing impoundment and, ultimately, euthanasia rates of our companion animals. Microchipping, I think, is the easiest way of reuniting a lost cat or dog with their owner. In recognition of this, the government will introduce mechanisms to ensure that all cats and dogs sold through the commercial pet trade will be microchipped before being sold. A 12-month education campaign will accompany these changes to ensure that pet shops, breeders and prospective owners understand the changes.

In addition, the government has committed $200,000 to fund a business case to establish a single publicly-accessible database for all microchipped animals, which will include details of an animal's breeder and the pet trader. Not only will this mean that animals can be reunited with their owners faster but a publicly-accessible database will also enable cases of aggressive behaviour or, indeed, health issues to be traced back to the breeder so that measures can be put in place to check that the puppies or kittens are not from a puppy farm and that that breeding stock will not be used again.

I thank the committee for its final report on dogs and cats as companion animals and for its very important body of work. It is, of course, a complicated policy area, which does invoke emotional responses from the community. Our objective, however, remains to eliminate cruelty to dogs and cats, to reduce the number of unwanted animals being euthanased and to make sure, the best we can, that pets that are introduced into our homes are bred from proper sources, do not have congenital diseases and are not bred from aggressive breeding stock.

Many issues highlighted in the report will require thorough and ongoing consultation with the community to ensure that state legislation and regulation effectively contributes to this objective. We will work closely with the Local Government Association in this regard. I am very pleased that the state government will soon be implementing a series of measures to address the key directions outlined in this report, but again I reiterate that we will be doing this in consultation with affected stakeholders and keeping the community involved in this discussion as we move forward.

RESIDENTIAL TENANCIES TRIBUNAL

The Hon. R.I. LUCAS (14:45): I seek leave to make a brief explanation before asking the minister representing the Minister for Business Services and Consumers questions on the subject of an appointment to the Residential Tenancies Tribunal.

Leave granted.

The Hon. R.I. LUCAS: More than three years ago I asked the former minister questions in relation to the appointment of former Labor candidate in the federal seat of Adelaide in 1998, Ms Karen Hannon, to the very lucrative position of presiding member of the Residential Tenancies Tribunal, which at that stage had a salary of $257,000 a year plus a car. At that stage, I asked a series of questions based on information that had been provided to me which indicated that Ms Hannon had applied and been interviewed to be just a member of the panel and the panel had determined that she was not suitable even to be a member of the tribunal; and that a member of the panel was actually a member of the former attorney-general's own staff in his office.

I also indicated and, indeed, asked a series of questions in relation to whether minister Gago had intervened in ensuring that not only did Ms Hannon become a member of the tribunal but also became the presiding member of the tribunal. I also asked a series of questions in relation to the work output of the preceding presiding member, Pat Patrick, and the work output of the new presiding member between the period October 2010 and May 2011. Other than personal abuse, which the minister resorts to when she is in difficulty, more than three years later I have still not received answers to the questions that I put to the minister. So, my questions are now directed to the new minister. Can the new minister indicate:

1. Is it correct that prior to 2010 Ms Hannon applied to be a member of the Residential Tenancies Tribunal, was interviewed by a properly constituted panel and was not successful in her application to be a member of the Residential Tenancies Tribunal?

2. Did former minister Gago personally intervene in any way in relation to the appointment of Ms Hannon to be a member of the tribunal and ultimately to be the presiding member of the Residential Tenancies Tribunal?

3. Will the minister now indicate, in answer to questions, as to the number of hearings the previous presiding member, Pat Patrick, participated in in each of the financial years 2007-08, 2008-09 and 2009-10?

4. How many hearings did Ms Hannon preside in in the period between October 2010 and May 2011, when I first asked this question?

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) (14:48): I will refer those questions to the appropriate minister in another place and bring back a response.

SOUTH AUSTRALIAN WASTE STRATEGY

The Hon. G.A. KANDELAARS (14:48): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister inform the chamber about the review of the South Australian Waste Strategy 2011-2015?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:48): I thank the honourable member for his most important question. We have, in South Australia, every reason to be proud of our track record in terms of waste management and reduction in waste. South Australia has reduced the amount of waste to landfill by nearly 20 per cent in 2002 to 2013. We have also achieved a resource recovery rate of more than 77 per cent.

This state is recognised as a leader in recycling and resource management. We were the first place in Australia to ban plastic shopping bags from supermarket checkouts in 2009, thanks to the heroic efforts of my leader, minister Gago. As a result, around 30 million bags per month are diverted from ending up in landfill and in our waterways.

We have less litter by number of items and overall volume than the national average. Thanks to our innovative container deposit scheme, 594 million containers—that's 594 million—representing approximately 43,200 tonnes, were returned for recycling and diverted from landfill in 2013.

One of the reasons for our success is that we have tackled the issue of waste reduction from many different angles. Zero Waste SA has played an important role in this strategy and has established a reputation for delivering innovative, effective and well-targeted programs. Since 2003, Zero Waste has invested more than $80 million into programs and projects that have stimulated councils, businesses and the community to reduce and recover waste and to recycle. The Zero Waste Act 2004 requires the government to develop a waste strategy every five years, and Zero Waste SA has collaborated with key stakeholders, including business, state government agencies and local government, to develop our current strategy that covers the period 2011-15.

It is important that we regularly assess and review the appropriateness of our strategy and our priorities that flow from those. That is why in 2013 Zero Waste commissioned an independent mid-term review of the current strategy. The aim of the review was to assess targets, programs and activities, and provide direction for the next waste strategy for 2016-21. A consortium of international and local experts independently and critically carried out the review of the current strategy. The review was completed in February 2014.

I am pleased to say that the review concluded that the state has a healthy mix of well-targeted and effective programs and regulation. The review conducted an economic evaluation of selected Zero Waste SA programs and showed that government investment has yielded positive returns. It also found that the waste management and resources recovery sector is a growing sector in our economy that contributes significantly to the South Australian economy. It has annual turnover of $1 billion and employs approximately 4,800 people. In addition, the sector contributes over $500 million to gross state product, both directly and indirectly.

We know that the sector has great potential, and this review confirms that. Continuing to invest in the recycling industry will contribute to the growth of the South Australian economy. For example, there are great net benefits to be gained from kerbside recycling into the future, particularly if food waste is optimally recycled. There is the possibility of creating more jobs by developing the circular economy, and this can be achieved by opening up opportunities for product development, remanufacturing and refurbishment.

This approach has already proved successful in South Australia's compost processing industry. It is clear that we need to maintain this momentum, and we need to remain innovative. This is why the government has been exploring alternative models for delivering Zero Waste SA's

activities. From July 2015, parliament consenting, a new body will replace Zero Waste SA to advance to the next stage of the state's development in waste management.

The new authority, called Green Industries SA, will assist South Australia to continue leading the nation in waste management and keeping South Australia at the forefront of green innovation; encourage innovation and economic growth through the green economy, help businesses to find new overseas markets for their waste management, knowledge and skills; help businesses to reduce their costs through the more efficient use of raw materials, water and energy; administer grants to local government and industries to explore new technologies; and report against waste to landfill targets.

The new body will be established as a statutory corporation governed by its own legislation and a board. A budget of $4 million per annum has been allocated for three years, from the 2015-16 financial year, for Green Industries SA. By creating a new body to advance the next stage of the state's development in waste management, we are entering a new and exciting phase in our waste strategy.

Interestingly, our partners also suggested a similar strategy during the waste strategy review process. For example the Local Government Association of South Australia and the SA branch of the Waste Management Association of Australia met to discuss issues facing the industry. Their conclusions are set out in the document entitled, 'The future of sustainable high performance waste management in South Australia'. One of their recommendations was that a new entity be established to deliver leadership, strategic planning, policy development, coordination and research functions at the state level.

We lead the nation in waste management and recycling outcomes, and we have been able to do this through active and wide-reaching policies and by constantly identifying innovative and new ways to manage the sector. The state government is committed to building on Zero Waste SA's successful foundation in designing the roles and responsibilities of the proposed new statutory organisation. I look forward very much to continuing to see this sector grow and evolve and employ more South Australians into the future.

HILLSIDE MINE

The Hon. M.C. PARNELL (14:54): I seek leave to make a brief explanation before asking a question of the Minister for Water and the River Murray about the proposed Hillside mine on Yorke Peninsula.

Leave granted.

The Hon. M.C. PARNELL: Last week, the government announced it had offered a mining lease and associated infrastructure leases to Rex Minerals for its proposed Hillside mine on Yorke Peninsula near Ardrossan. The government's offer is said to be subject to the acceptance of 99 secret conditions. The mine proposal also includes a new water pipeline to carry some two gigalitres of River Murray water each year to the mine for the purpose of washing the ore and attempting to suppress some of the dust, including from the proposed rock stockpiles. My questions of the minister are:

1. As Minister for Water and the River Murray, were you consulted about this proposal?

2. Do any of the 99 secret conditions relate to the use of River Murray water?

3. In the inevitable eventuality of future drought and water restrictions for agriculture, will water to the mine also be restricted?

4. Does the minister believe that this proposal will be a good use of River Murray water, and what alternative uses for this water were considered?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:56): I thank the honourable member for his important question. Some of that question relates to another minister in another place, and I will refer those questions to him, but I can say that Rex Minerals made an application pursuant to the Mining Act 1971 for two leases and two licences to

develop a copper, gold and magnetite mine near Ardrossan and export ore concentrate via the existing port of Ardrossan.

The Hillside mine proposes the extraction of copper, gold and magnetite initially through an open-cut pit with later mining occurring underground, I am advised. I understand that an open-cut pit approximately 2.4 kilometres long and one kilometre wide and 450 metres deep would be created under the current planning. Unwanted rock overlying the ore bodies is proposed to be stored on site with tailings being stored in a facility within the largest waste rock stockpile. Initial processing of the ores would occur on site, producing a slurry that will be transferred through a 12-kilometre long pipe to Ardrossan for de-watering and transfer onto ships at the existing port.

Rex Minerals submitted a mining lease proposal and management plan to the state government in support of its application. I am advised that the EPA assessed the mining lease proposal and management plan in November 2013 and submitted a response that examined potential impacts under the Environment Protection Act 1993 and Radiation Protection and Control Act 1982. The Department of State Development (formerly the department for manufacturing innovation, trade, resources and energy) has prepared an assessment report for the proposal with input and advice from the EPA.

On 28 July 2014, the government offered Rex Minerals a mining lease tenement that imposes, as the honourable member said, a number of conditions to manage any potential impacts. Rex Minerals has, as I understand it, 21 days to consider and respond to the offer and the conditions on which it is made. If Rex Minerals agrees to the conditions imposed by the government and a mining lease is granted, Rex Minerals will be required under the Mining Act to prepare a program for environmental protection and rehabilitation (PEPR) to outline how it will adhere to the conditions included in the offer. The EPA will work with the DSD and Rex Minerals to ensure that the PEPR adequately addresses any issues of environmental concern.

In relation to water impacts, I can say that mine de-watering is required for safe working conditions. Groundwater will be extracted, I am advised, from a fractured rock aquifer during the life of the operation. The fractured rock aquifer at the project site is saline, ranging from 10,000 to 50,000 milligrams per litre and, due to elevated salinity, its groundwater use is restricted to industrial use and is unsuitable for agricultural or horticultural purposes in any case. Rex Minerals proposes to use a combination of water sources for all processing.

Water sources include approximately three gigalitres per year from groundwater and approximately half a gigalitre per year from the SA Water pipeline. The groundwater component will be sourced from de-watering bores and in-pit sumps at the mine site, is my advice. Groundwater modelling reports indicate that, during the de-watering phase, groundwatering drawdown would be recorded up to about a kilometre away from the site and impacts to third-party groundwater users are not anticipated, I guess, because of the quality of the water and its salinity, as I alluded to earlier.

I will take those other questions that the honourable member asked that relate to another minister's portfolio to the minister in the other place and seek a response on his behalf.

VOCATIONAL EDUCATION AND TRAINING

The Hon. A.L. McLACHLAN (14:59): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about vocational education and training.

Leave granted.

The Hon. A.L. McLACHLAN: It was reported on page 10 of the *Australian Financial Review* on Friday 20 June 2014 that Jennifer Westacott, the Chief Executive of the Business Council of Australia, stated that the vocational education and training system is failing students, leaving them ill-equipped to be productive in the workforce. In particular, she highlighted that there were fewer graduates than needed to fill a growing skills mismatch between employers and industry, with the bigger shortages now in traditional trades. She further commented that more students seemed to continue to enrol in subjects focused on hospitality, retail and tourism. Will the minister advise the chamber what measures the government is currently taking to ensure adequate enrolments, specifically in traditional trade courses?

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) (15:04): I thank the honourable member for his important question. I read with interest Jennifer Westacott's comments the other day. There are many challenges facing our VET sector at the moment, and one is the shifting needs of our industry and the changing of the balance of our economy and the different industry sectors' contributions to that economy.

We have seen, for instance, a move away from more traditional manufacturing sectors into more advanced manufacturing, food technologies, medical technologies, etc. So, it is quite critical that we are able to anticipate not only our current industry needs but also to be communicating with all industry sectors to understand what their future needs might be as well. We have worked very hard to do that on a number of fronts. For instance, in our regions we have our industry leaders groups. They are representatives from key industries from that region. Most are business people, but not necessarily so, and they have very good contacts and networks with that local region and various industries associated with it.

We have established these industry leaders groups that help us understand regional needs so that we can plan VET placements in accordance with that. We also obviously survey industries as well, and we are just about to release a new survey that we will pilot in a couple of regions, so we have worked with industry groups to streamline that survey. It is really tough. We see that industries are wanting less and less red tape; they don't want to be filling out forms. Many of our industry sectors are characterised by very small to medium-sized businesses, they are often family businesses, and they just do not have the capacity to spend lots of time filling out surveys and putting labour force modelling into their workplace so they understand what their current and future needs might be.

We are obviously working to assist particularly small and medium-sized businesses to do that. This is information we have to get firsthand from the industry. It is important that we can develop with them tools that enable them to communicate to us in a timely and accurate way so that we can reflect those needs within our training profiles.

NATIONAL SCIENCE WEEK

The Hon. J.M. GAZZOLA (15:04): I seek leave to make a brief explanation before asking the Minister for Science and Information Economy a question about National Science Week.

Leave granted.

The Hon. J.M. GAZZOLA: National Science Week, Australia's annual celebration of science and technology, acknowledges the contribution of Australian scientists to the world in which we live. A particular focus of National Science Week is on encouraging younger people to consider science as both a fascinating way of understanding the world and as a potential future career. Will the minister inform the council about what South Australia is doing for National Science Week?

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) (15:04): I thank the honourable member for his most important question. Indeed, National Science Week is a nationwide annual celebration of science and technology, comprising events delivered by schools, tertiary institutions, museums, science organisations and many others. It is now into its 16th year and attracts over a million people across the nation.

National Science Week provides an opportunity for all South Australians to take part in activities that bring to life science, technology, engineering and mathematics, and provides different ways to experience the world of science. This year, National Science Week will run from 16 to 24 August. There are 84 events in South Australia, most in Adelaide and surrounding suburbs. I could not possibly list them all but, to give those present a taste of the fantastic events that are on offer, there is the Science Alive Expo at the Wayville showgrounds. There will be over 50 organisations offering and including chemistry, wildlife and magic shows. These same organisations will hold a special career day for high school students and their teachers at Wayville.

Also on offer will be the Science Parade in Rundle Mall, a tour of Adelaide Oval looking at the engineering involved, a demonstration of 3-D printing at the Fab Lab, and even an event where kids can dig for fossils. Of course, there are also many fascinating events at the Botanic Gardens, the SA Museum, and the Maritime Museum at Port Adelaide. Each of our universities is offering one or more events and many local libraries are staging events, as well.

National Science Week also provides an opportunity to acknowledge the contributions of our brilliant and dedicated scientists and innovators, as well as our hardworking teachers and lecturers. At the SA Science Excellence Awards gala dinner, amongst other awards, the leading category—the SA Power Networks Scientist of the Year for 2014—will be announced. The Science Excellence Awards is South Australia's premier event to recognise and reward outstanding scientific endeavour, including its application in industry and the advancement of science and mathematics education. Four categories are included in the 2014 awards with a total of nine awards.

As members can see, National Science Week events can be enjoyed by South Australians of all ages and are by no means limited to educators and students. In particular, I hope that parents and pre school-aged children will be able to participate in as many of these events that are on offer. Many of these events are likely to provide a great deal of fascination and intrigue for younger children. By inspiring and engaging children with the world of science from an early age we are much more likely to see their interest in science grow during their formative years.

Indeed, science communication remains an important part of the state government strategy to raise participation in science, technology, engineering and mathematics, particularly in relation to educational opportunities and careers. This is recognised in the Investing in Science action plan, where a key innovation is to increase the communication and promotion of STEM activities to the community, students and industry.

This year's National Science Week theme is Food for our Future: Science Feeding the World. This message is as vital at the local level as it is globally. The South Australian government is committed to building, growing and securing our food and wine industries, particularly through harnessing new ideas through science and research. Agricultural production is pivotal to our future prosperity and this is reflected in the government's strategic priority of premium food and wine from a clean environment. I congratulate all those who will make National Science Week such a success. Without their dedication, enthusiasm and genuine passion for science, this week would not be possible.

NUMBERPLATE RECOGNITION CAMERAS

The Hon. J.A. DARLEY (15:09): My question is to the Minister for Employment, Higher Education and Skills, representing the Minister for Police. Can the minister advise:

1. How many people have been caught driving unregistered vehicles since the introduction of numberplate recognition cameras, and the increase as a percentage from the year before?

2. How many people have been caught driving uninsured vehicles since the introduction of numberplate recognition cameras, and the increase as a percentage from the year before?

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) (15:10): I thank the honourable member for his question and will refer that to the appropriate minister in another place and I would be pleased to bring back a response.

LAKE BONNEY

The Hon. J.S.L. DAWKINS (15:10): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question regarding the proposed dual naming of Barmera's Lake Bonney.

Leave granted.

The Hon. J.S.L. DAWKINS: The First Peoples of the River Murray and Mallee Region native title group recently requested that Lake Bonney in the Riverland be given the dual Indigenous name of Barmerara. The Berri Barmera Council was asked by the state government for input on this request, and during its public deliberations on the matter a number of councillors stated that constituents had advised them that the lake was also traditionally known as Nookamka. Since there were conflicting views on the subject, the council eventually resolved to ask for consultation with the wider community on the potential dual naming. However, an article in *The Murray Pioneer* on 25 July this year entitled 'Bye Bye Barmerara' stated that the title originally chosen as a potential dual name for the lake had been abandoned in favour of Lake Bonney Riverland/Barmera as locals disagreed on the most accurate traditional Indigenous name for the lake.

According to a spokesperson from the Department of Planning, Transport and Infrastructure, discussions between the local council, that is, the Berri Barmera Council, and the First Peoples of the River Murray and Mallee native title group resulted in an agreement to drop the 'ra' suffix. With this agreement the department advised that a notice of intent will be published shortly inviting further public consultation for a 28-day period. My questions are:

1. Given some local disagreement over the most accurate Indigenous name for the lake, will the minister advise why the name Nookamka was not considered as part of the original public consultation process?

2. Will the minister confirm when the decision was taken to drop the 'ra' suffix from the name and who took that decision?

3. Will the minister advise the council what form the further public consultation will take, when this further consultation with the local community will commence, and what role his agency will play in that, if any?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:12): I was prepared to answer that question, but the level of detail the honourable member seeks is beyond my capabilities at the present time, so I will undertake to get a fuller response to him and take that question on notice.

LAKE BONNEY

The Hon. J.S.L. DAWKINS (15:12): A supplementary, sir. I think the minister has given me enough to ask that now that the dual name put forward for the lake for further public consultation is essentially that of the surrounding town and region, will the minister concede the original goal to give the lake a dual Indigenous name is now lost and perhaps the overall process has been pointless?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:13): I will not concede such a thing. Dual naming is an exercise where the community, particularly in relation to native title determinations, for example, pays respect to the heritage of the First Peoples of this country and this state. Dual naming is a very important part of this covenant we enter into particularly, again, around native title determinations and native title claimants. Aboriginal communities take great comfort from the fact that local communities, particularly in rural and regional areas, want to embrace the heritage and the history of their local area by including native names for local landmarks as a dual naming prospect. It is also, I understand, a particularly good way of targeting international tourists as well but, putting that aside, I think it shows great respect.

Whilst the process might have been drawn out on this particular occasion and has obviously drawn different points of view on the title (Barmerara might get some people a little bit upset), that is not something for us to determine, it is not something for parliament to determine, it is for the local communities to determine, and I never think it is a waste of time to take local communities into our confidence and have adequate and responsible consultation with them. That is what the process was all about; that is what the process will be into the future.

LAKE BONNEY

The Hon. J.S.L. DAWKINS (15:15): I have a further supplementary question. Will the minister agree that the title 'Lake Bonney Riverland/Barmera' has no significance at all to the Indigenous people?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:15): I will not presume to speak on behalf of the local Indigenous people. That advice is for them to give the rest of the community.

CLELAND WILDLIFE PARK

The Hon. T.A. FRANKS (15:15): I wish to address a question to the Minister for Sustainability, Environment and Conservation on the topic of Cleland Wildlife Park. Can the minister assure this council that no animals in the past two years have been euthanased at the Cleland Wildlife Park for the purposes of cost efficiencies rather than health? Can the minister assure us that the Cleland Wildlife Park is not in any way being wound down, diminished in its funding or set up to be sold off?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:16): I am at a loss to understand the basis of the question the honourable member asks me. Is there some information that she has to the contrary, or is she trying to lead me into a trap? I do not know, but this government is very proud of the Cleland Wildlife Park and the work that it does. I understand recent studies have shown that we have in fact had more visitors to Cleland Wildlife Park in the last financial year, I think it was—it might have been last calendar year; I will need to check—than they have had to Kakadu. It is a very important part of our parks program, and it is a very important part of our tourism industry as well. I do not understand the question she is asking. Why would she think that would be part of our business practice? If she has information to the contrary, I would love her to pass it up to me.

CLELAND WILDLIFE PARK

The Hon. T.A. FRANKS (15:16): I am in no way trying to set the minister up. It has been drawn to my attention that, for example, dingoes have been euthanased. I seek an assurance from the minister that this has only been done for the sake of the animals and not for the sake of cost cutting. If he needs to take that away and get an answer, I am happy to wait for that.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:17): Of course, that is information that I would need to seek. It might have been more helpful had the honourable member approached me about this and I could have got information for her, as other honourable members do when they have questions of this nature where I would have to go and get departmental advice. I will do that in this case and bring back a response.

APY LANDS, RENAL DIALYSIS UNITS

The Hon. T.J. STEPHENS (15:17): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation questions about renal dialysis on the APY lands.

Leave granted.

The Hon. T.J. STEPHENS: I refer the minister to his answer to my question on 2 July, when he misrepresented the Leader of the Opposition in another place by stating that funding would be redirected from other programs. What the leader actually said, which was quoted by *The Australian* in an article entitled 'SA Libs pledge APY lands dialysis unit on 24 January 2014', was 'The Liberals would redirect the NT payments to Western Desert Dialysis,' meaning that only those receiving payments in Alice Springs would be affected.

The minister also referred to the mobile nature of Anangu. However, it is clear that those needing dialysis are mobile because they are forced to be for health reasons. On ABC radio's PM program, in a story entitled 'Permanent dialysis pledge for APY lands', host Caroline Winter

interviewed Anangu elder Yanyi Bandicha, who likened patients leaving the lands for dialysis to going to gaol in terms of the effects on the families. Jonathan Nicholls of the Anangu *Paper Tracker* confirmed that the current system of forcing families to major centres such as Alice Springs, Port Augusta and Adelaide is devastating for families and that communities have been calling for permanent beds on the lands for years. Finally, Sarah Brown from Western Desert dialysis had this to say:

> People who are away from home do a whole lot worse, they require accommodation and social workers and help to get income and we know that they're in hospital a whole lot more, which has enormous costs.

My questions to the minister are:

1. Will minister correct the record for deliberately misrepresenting the Leader of the Opposition in this place?

2. Does the minister continue to believe that his policy is in the best interests of patients and the wider Anangu communities?

3. Why does the minister continue to reject the Liberal Party's policy, when it is the most efficient in terms of funding and service delivery, it is preferred by patients and communities and it is endorsed by experts on the ground?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:19): I thank the honourable member for his most important questions. I also note that he was selectively quoting; I think that he referred to comments in *The Australian*. I don't recall those comments whatsoever. In my previous answer, I was actually referring to comments made by the Leader of the Opposition in the other place on ABC radio, where he made those suggestions that I relayed to the house. So, the honourable member is completely misleading the chamber by suggesting that I need to correct the record on this occasion.

I also reject the premises that form part of the other parts of his question. Again, he is, of course, using quotations from people who support his argument. But, once again, he completely ignores counterviews from health officials, counterviews about the fact that the populations are mobile and that they need to be treated where they are found, not where it is most convenient for government but where it is most convenient for Anangu, and that is the basis on which we apply our medical—

The Hon. R.I. Lucas: Where else do you think it would be?

The Hon. I.K. HUNTER: Indeed. The Hon. Mr Lucas betrays his lack of knowledge about this. Anangu do not live on the lands every month of the year. They are a mobile population and, if they do need to seek medical intervention, they want that intervention where they happen to be at that particular point in time. That is why we have a mobile bus to apply renal dialysis around the lands. That is why we fund renal dialysis in Port Augusta, that is why we fund renal dialysis in Alice Springs, and that is why we fund renal dialysis in Adelaide.

Personal Explanation

CLELAND WILDLIFE PARK

The Hon. T.A. FRANKS (15:21): I seek leave to make a personal explanation.

Leave granted.

The Hon. T.A. FRANKS: In question time, I addressed a question to the Minister for Sustainability, Environment and Conservation on the topic of the Cleland Wildlife Park. He indicated that I should have taken that issue to him previously. I wrote to the minister asking the very same question on 10 July, and I am still waiting for an answer.

Matters of Interest

The PRESIDENT: Each member has five minutes to speak. As you are aware, the clocks are not working, so I will give a 30 second warning before your time has expired.

PENALTY RATES

The Hon. K.J. MAHER (15:22): Earlier this year, the Hon. John Darley made a contribution that characterised criticism of the Xenophon team's industrial relations policy as 'deplorable, desperate tactics'. A more accurate comment might have been, 'We are not accustomed to our views being held up to any level of scrutiny and we don't like it at all.'

These are the facts. On the X-Team's website for the 2014 state election was the 'employment and workplace relations policy', which stated a desire to remove penalty rates for certain workers. Nick Xenophon has previously introduced legislation in federal parliament to reduce such penalty rates and, just in case there was any doubt, in a radio interview on 4 March, Nick Xenophon stated that 'penalty rates have just gone out of kilter'. In relation to his state candidates, he said, 'They agree with me on this; we've discussed this at length.'

As a result of modern awards and a reduction of weekend penalty rates, a 47-year-old single mum who has a job on weekends as a casual waitress in a restaurant has already faced a wage cut of $5,000 to $7,000 a year. The Xenophon proposal would now make her loss more than $10,000 a year. On a tight budget, she could lose her home. This is not some theoretical debate about even lower paid jobs for university students: this policy could literally ruin people's life.

The X-Team policy would have further crippling social effects by taking working people away from their families to work antisocial hours. On FIVEaa earlier this year, the owner of Rigoni's restaurant stated:

> We sat down last week and ran the numbers ourselves. If we actually opened on a Saturday we'd walk away with $300 in our pockets. I'm not prepared to give up my Saturday with my family when it's actually not viable for me.

Even the employers on behalf of whom the X-team is purporting to advocate recognise that weekends are an important family time that should not be given up lightly without proper compensation.

It is hardly surprising that those unions who represent some of the lowest paid workers in South Australia, such as United Voice, did not take particularly kindly to this Xenophon-led attack on low-paid wages. When the labour movement highlighted this draconian policy position, the X-Team complained bitterly that they were being held to account and that this was unfair. They even went as far as to complain to the Electoral Commissioner that the union campaign was misleading, a complaint that was rightly very quickly dismissed.

Perhaps most bizarrely of all, the X-Team complained to the Electoral Commissioner that they ought not be held to account for this policy because, in their own view, they could not implement it. Nick Xenophon complained that the state X-Team, and I quote, 'could have no impact upon the legislation dealing with penalty rates as this is federal legislation.' Not only was that a ridiculous try-on, but it is factually wrong. South Australia's Fair Work Act covers some 110,000 employees and this legislation allows the SA Industrial Relations Commission to make awards and certify agreements including weekend penalty rates. The declaring of additional public holidays for the payment of penalty rates rests entirely within the jurisdiction of the South Australian parliament.

The Electoral Commissioner again took very little time in dismissing this particular complaint. The irony of these frivolous complaints is that there were many complaints about the misleading nature of the X-Team's material. The most visible part of that campaign was the tens of thousands of Nick Xenophon posters all over South Australia. Most prominently these posters had: Nick Xenophon's face, no-one else's; and the name 'Nick Xenophon', and no-one else's. Nowhere on this poster did it give any indication whatsoever that anyone other than the person being advertised was in fact their candidate. It is hard to envisage that this was not a deliberate attempt to deceive voters. After all, any time Nick's face has appeared on a poster he has been the candidate.

The deception was very well crafted, and it worked initially. There were many Labor and Liberal voters who reported being convinced that Nick Xenophon himself was running and were quite angry when informed that was not the case. However, it seems this sneaky tactic may have backfired and resulted in significant reputational damage. No doubt many in the Labor movement would welcome the state contingent of the X-Team repudiating Nick's extreme IR views. Unionists I know,

like those from United Voice, the SDA and SA Unions, are passionate about standing up for their members and I am sure will continue to campaign to protect pay and conditions.

I congratulate the Hon. John Darley for standing up to Senator Xenophon on other matters. Many people around this place have heard that Nick attempted to get all successful X-Team candidates to agree to contribute a portion of their salary to some sort of Xenophon fund. The Hon. John Darley has proudly explained to many people that he courageously stood up to this attempt to effectively commercially franchise the Xenophon brand. The Hon. John Darley pointed out in his contribution earlier this year that he has advocated for workers' rights in a number of areas and I acknowledge and congratulate him on this stance, but simply doing the right thing in one aspect of IR does not provide immunity from criticism, when warranted, on other aspects.

I, like many in this place, enjoy working alongside the Hon. John Darley and respect the commitment he made before the election to serve the whole eight years, but on the topic of penalty rates I reckon the X-Team's policy to reduce the wages of some of our lowest paid workers is just plain wrong. When low-paid workers' wages are under attack like this, I will stand by those in the union movement in defending them.

MINISTERIAL STAFF

The Hon. R.I. LUCAS (15:27): I rise to talk about two things. One, the most secretive government in this state's history, the Jay Weatherill Labor government, and in particular I refer to the most recent example of their refusal to publicise, as they normally do, in the *Government Gazette* in the first week of July the list of a considerable number of ministerial staffers and spin doctors in ministers' offices. That list of all staffers under ministerial contract, with their salaries, is generally provided in the *Gazette* in the first week of July. We are now into August and there is still no sign of it.

I am advised that Mr Weatherill has made the decision to put it off until after the parliament gets up tomorrow. One can only assume that he is either embarrassed at what is going to be revealed in that list, either by the people who have been appointed or indeed the salary increases that have been given to some staffers under the guise of restructured job titles within some ministers' offices, in particular his own.

The second point in relation to that is that, again, I have been seeking a list, under freedom of information, of all staff within ministerial offices, just not those under ministerial contract. I keep getting refusals from ministers' offices on the basis that it has been referred to the Premier's office. The Premier's office, of course, is not responding and no list has been provided in relation to the staff who have been appointed in ministers' offices after the state election.

I also asked questions, as you would be well aware, last year in relation to the mysterious disappearance of Mr Peter Hoppo from minister O'Brien's office as chief of staff and the unusual circumstances which we understand relate to his removal from that office and transfer to another ministerial office. Again, that question was put in May of last year and there is still no answer from Mr Weatherill or, indeed, any other minister in relation to the explanation of the circumstances in relation to Mr Hoppo's dismissal from that chief of staff position.

The second issue I want to raise relates to Speaker Atkinson and a story at the weekend about the actions he has taken against various constituents who say unkind things about him on Facebook and other social media. Can I say the outset that anyone who makes false or defamatory statements on social media obviously leaves themselves open to action from Speaker Atkinson or, indeed, anyone else.

I must say that the examples that have been given in the article that Speaker Atkinson has described as 'gratuitous personal insults' may well be personal insults but, whilst I am not a lawyer, they seem to me far short of what would normally be deemed to be defamation in a court of law. They are certainly unsavoury, where someone has said, 'You'll be dead soon and there will be a big party.' I am not sure whether that is defamation; it may well be that it could be deemed a threat under some other legal action that could be taken. Someone called him a douche bag and a variety of other unpleasant descriptions.

It would appear that Speaker Atkinson is using these 'cause notices', as he has describes them, as a form of intimidation to stop criticism or personal abuse of him. Most of us, Mr President, you included, I suspect, have had your fair share of personal abuse. We accept that as part of the toing and froing of politics. Certainly, I have also had my fair share.

However, I guess the advantage Speaker Atkinson has, as we have seen in previous legal actions, is that, if required, he has the capacity to bring in the big guns, such as now Chief Justice Kourakis and others, who have in the past been able to support him pro bono in some legal actions he may have taken. Of course, that is not available to many of us—Mr President, perhaps yourself included—in relation to actions we may be able to take on issues of defamation. I have not had my 30-second wrap-up yet; is that about to come soon?

The PRESIDENT: I will give you 30 seconds.

The Hon. R.I. LUCAS: Thank you, Mr President; I was waiting for it. I need to make a conclusion. I indicate that at some future time I will raise a range of issues in relation to defamation actions that have been taken against Speaker Atkinson and place those on the record in terms of what the total cost to taxpayers has been.

FAMILIES SA

The Hon. R.L. BROKENSHIRE (15:32): I rise to put on the public record, at the request of one of my constituents, a matter of concern they have about Families SA. I will read in this letter sent to me:

Dear Robert

The Child Protection Act defines bullying as 'the repeated verbal, physical or social behaviour that is harmful and involves the misuse of power by an individual or group towards one or more persons'.

During the past 12 months since my foster childrens case has been transferred from the Riverland Families SA office to the Murraylands Families SA office I have had to endure micromanagement, criticism and bullying including the following statements:

- 'You do nothing for these children'
- 'Well I have raised 3 children'
- 'You only do this for the money'

And:

- 'These are our children and we can come here and take them anytime we like'…
- 'You don't support family contact'

The letter continues:

Prior to the transfer of my file I was told by the previous caseworker, manager and States Paediatrician that I was providing an outstanding standard of care to the children and that 'Families SA supports this placement'.

The following provisions (including and not limited to) have been changed, removed or denied since transferring from Riverland to Murraylands office:

- School holiday weekly respite provisions removed
- School fees and out of pocket incidentals revoked
- Refusal to supply findings/report into 2mth psychological assessment
- Denial of a one-off request to change fortnightly respite
- When I last dropped the children for the fortnightly respite the carrier said to me she had been phoned by the office and told:
- 'It must be a massive hassle Rachel dropping children off after dinner'
- 'Did you know that Rachel gets paid whilst the children are in respite care—I suppose it doesn't matter because it's only a small amount'.

She then goes on to say:

I have learned through my discussions with [another informant] that [Families SA's] latest 'concern' is as follows: 'Families SA has real concerns regarding the provision of care for the children at the centre of this matter and has taken appropriate steps in what has been a highly challenging process of negotiation.'

I have not received any information about these 'real concerns' and can only assume that this is another bullying tactic from Families SA…I...have a scheduled home visit with the girls allocated caseworker and NGO support service this Thursday where I look forward to discussing the girls needs and strengths including:

- The great physical, emotional and mental health and wellbeing of the girls during the school holidays and since resuming the school term…
- The new skills the girls have mastered including;…bike riding, knitting…netball…chalk drawings and…painted canvases…
- Annual dentist appointment…
- Excellence Award presented at assembly for good behaviour, helpfulness and [excellence]…
- Improvements in social skills and life skills and increase in peer relationships and recent attendance at multiple birthday parties.

When can I expect to receive an outline of the alleged 'real concerns' about my 'provision of care'???

My legal representation continues to advise me that Im entitled to a copy of the psychological report and that this request, (and my expectation for due process and my rights under freedom of information) don't entitle the department to label me 'highly challenging'. As I have stated multiple times in multiple emails: Im happy to discuss the contents of the report after I have received a copy of it and had reasonable time to consider its contents.

I have not received [an] apology from Families SA for the above allegations, treatment and bullying; neither has an apology been offered for the departmental email I was (mistakenly) linked into on July 15th 2014.

…I have no criminal history, substance abuse issues, mental health issues…or…emotional/physical/financial issues of significance.

I have attached a copy of the childrens weekly timetable and a copy of the 'Charter of Rights for Children and Young People in Care from the Office of the Guardians website. I think you will discover, as you 'cross-reference' one document against the other, that the 'provision of care' for the girls is outstanding.

I request you read and distribute the contents of this letter in Parliament.

Yours faithfully

Rachel Titley.

I finish with this: I have personally met with this constituent and I have discussed the matters with her time and time again. I believe she is an absolutely dedicated and well-respected person and foster carer, as well as having her own children. I think this is another classic example of Families SA taking offence to someone with capacity to challenge them about the wellbeing of these children, and again this demonstrates the problems we are now facing with Families SA in South Australia.

POKER MACHINES

The Hon. J.A. DARLEY (15:37): Before I commence my matter of interest, I would like to suggest that some of the remarks made by the Hon. Kyam Maher about me and the Xenophon team were factually incorrect and deserve a retraction from the honourable member.

Having said that, I rise today to speak about the 20th anniversary of pokies in South Australia. Friday 25 July was a very sad day for South Australia, as it marked 20 years of pokies in the state. The story of pokies in South Australia started in 1992 when the Gaming Machines Bill was introduced as a private member's bill by treasurer Frank Blevins. After intensive lobbying from the gaming machine manufacturers and the AHA, the bill was passed and then on 25 July 1994, the bells of the first pokies in South Australia started ringing, and they have been constantly ringing and flashing ever since.

In 20 years, $12.2 billion has been poured into these machines by the punters, which peaked at a whopping $916 million in gaming revenue in 2004. Advocates for pokies argued that their introduction would lead to job creation and help finance entertainment and community projects. However, if the money that was spent on pokies—

The PRESIDENT: The Hon. Mr Darley, if I could just have one second. The cameramen up there, I have been watching you and you have had your cameras in all sorts of directions. You know

the rules are that you only put the camera on someone who is standing, so I would hate to see tonight on the news film of someone who is sitting in their chair. I thought you were just testing and getting ready for some sort of speech, so bear that in mind, thanks. The Hon. Mr Darley.

The Hon. J.A. DARLEY: Advocates for pokies argued that their introduction would lead to job creation and help finance entertainment and community projects. However, if the money spent on pokies was directed to other sectors, which have a better employment multiplier, the jobs growth would be far greater. It is estimated that, for every extra $1 million, pokies create two jobs, whereas other sectors, such as retail, would create over 20 new jobs.

The effect of pokies was seen almost immediately. Many retailers reported an almost immediate downturn in business, with welfare agencies reporting an increase in people requiring assistance. The number of problem gamblers increased tenfold in five years from 2,000 in 1996 to 20,000 in 2001. Of these, it is estimated that 80 per cent of problem gambling addictions are directly related to pokies.

Women especially have paid a big price for pokies. Prior to 1994 the number of female problem gamblers was significantly lower than males. These numbers soon changed, with a marked increase in female problem gamblers. It is estimated that, of female inmates, approximately one-third are in prison due to a relationship with problem gambling. It is unfortunate that most victims of problem gambling are also vulnerable, low-income earners, who are often targeted by strategic gaming machine placement.

Over the past 20 years the government has reaped $4.7 billion in taxes from pokies. Ten years ago the state government pledged to reduce the number of poker machines by 3,000 and double the taxpayer contributions to the Gamblers Rehabilitation Fund. However, it has been unable to fulfil its commitments on both these targets. The government has been quite happy to accept money from this revenue stream, often at a cost to problem gamblers, and although the Premier himself says that he recognises that the introduction of poker machines has materially contributed to the rise of problem gambling over the years, the measures taken to mitigate the damage caused by pokies have been negligible, especially when compared with the returns.

The AHA boasts about the $2 million contribution it made to the Gamblers Rehabilitation Fund last year. However, this represents less than half a per cent of pokies profits in 2013-14—not even half of 1 per cent. It is worthwhile remembering that, whilst $731 million was spent on the pokies last year, the cost is much more. This figure does not include the financial cost of rehabilitation, incarceration or incredible social costs of problem gambling. It does not account for the fact that, for every problem gambler, the lives of at least seven others are also adversely affected. The cost of families losing their homes or loved ones to gambling addiction is impossible to calculate.

On 25 July my colleague, Senator Xenophon, announced that he would be introducing a bill into federal parliament for a plebiscite so that voters could indicate whether they would like $1 maximum bets on pokies. In conjunction with this I will be pushing to have pokies phased out of pubs in the next few years.

Time expired.

OPERATION FLINDERS

The Hon. T.J. STEPHENS (15:43): I rise to talk about Operation Flinders, which is an outstanding organisation that works with young people at risk. For a brief overview of what they do, I will read out this extract from their website:

> The foundation offers a unique program that presents its participants with a new direction in life. Teams trek 100km through the spectacular Flinders Ranges with the aim to develop personal attitudes of self-esteem, leadership, motivation, team work and responsibility. They learn basic bush survival skills, are taught to abseil, discover Indigenous culture, and learn of the rich history of the Flinders Ranges. Unlike other aspects of their lives, there is not an opportunity for the participants to 'opt out'.

Each team of between eight and 10 is led by a team leader skilled in navigation and bushcraft. The young participants live out and sleep on the ground, prepare their own food, navigate through the Flinders Ranges and learn the values of teamwork and respect.

An independent evaluation in 2001 reported that the program at the time was leading the world in its outcomes, and found that young people at high risk underwent a significant positive change as a result. Operation Flinders fields teams from both metropolitan and regional communities throughout South Australia. In the years 2008 and 2009 a record number of over 320 young people participated in an Operation Flinders Foundation exercise.

The organisation was established by Pam Murray-White in 1991. Pam was a former teacher and Army officer, obtaining the rank of captain. Upon returning to teaching after four years of service, she realised that there were elements of Army life that could assist her students. She started the program with assistance from defence force personnel, with the Army providing equipment. By 1993 the program had 99 participants. Following this early success, Pam was convinced by South Australia Police to concentrate the program on troubled young people as part of a crime prevention strategy. She was then joined by serving police officers. Sadly, Pam passed away in 1995.

I was privileged enough to join the passionate and motivated team recently for a weekend exercise, and I want to acknowledge all those fantastic volunteers who participated in that exercise. I would like to particularly thank Ian Roberts, the great man Ron Barton, and a long-serving volunteer pilot, Brenton Hollitt. They are volunteers with Operation Flinders.

More specifically, I wish to thank the corporate sponsors and their representatives from SA Power Networks who I joined in the exercise, and to recognise their time and efforts in doing their bit for the community which I think is outstanding. I think everyone in this place would appreciate their work as good corporate citizens. Special thanks, in particular, to board chairman, Peter Tulloch, and CEO Rob Stobbe (and their wives) for representing their company with such high standards and showing the very human face of SA Power Networks. They were well received and did an outstanding job.

Furthermore, I would like to acknowledge Heather Merritt from the City of Onkaparinga, and Michael Morgan from the MFS who were also present that weekend. As I said, I joined these people for the exercise as a guest. In particular, I thank Andrew Bartlett (aka Barty), a good friend of the Hon. John Dawkins, who is an ambassador for Operation Flinders, and does a great deal of volunteering up there. I have to thank Barty because, sadly, the bullies in the parliamentary Liberal Party insisted that I participate in the abseiling part of it. I am very scared of heights. I am not scared of many things—other than my wife—but I am very scared of heights.

I was put under an enormous amount of pressure and, whilst all the kids do it and do it really well, I was probably never more terrified in my life. However, I have to say that Barty and Michael Morgan were fantastic in talking me through it. I cannot thank them enough. I will buy Barty a beer any time, any place that I see him.

Finally, I would like to thank Jonathon Robran for the outstanding job that he does and, in particular, John Shepherd who has been a shining light for this organisation. I was truly inspired by the volunteering efforts of the fantastic people who are giving up their time to really change the lives and outcomes of young people. I also met Kylie Agnew-Pointon, a terrific young person working with the organisation; she is obviously a rising star.

I acknowledge the Hon. Gerry Kandelaars who, I believe, has been up there. They would not tell me whether or not he had abseiled. I think they said that he did, just to put me under pressure. I would encourage all members, if they have the opportunity, to participate as it is an outstanding project and it fully deserves our support.

RACIAL DISCRIMINATION LEGISLATION

The Hon. G.A. KANDELAARS (15:48): What a relief it was to hear yesterday that the Abbott federal government has finally listened and has belatedly abandoned its proposal to change the Racial Discrimination Act and repeal section 18C.

Those changes would have been known as the Bolt repeal. It was contemplated following Federal Court action taken against conservative journalist and spear-carrier, Andrew Bolt, and *The Herald and Weekly Times*, for articles found to be in breach of the act. Section 18C of the act prevents acts (other than those committed in private) if it is reasonably likely to offend, insult,

humiliate or intimidate another person or group of people on the basis of race, colour or national or ethnic origin of that person or group.

Of course, section 18D provides exemptions if that act is a fair and accurate report of any event or matter of public interest or fair comment on a matter of public interest, if it is an expression of a genuinely-held view by the person making the comment. Justice Bromberg of the Federal Court, in the Bolt case, was not satisfied that Mr Bolt's conduct was exempt by section 18D and said:

> I have not been satisfied that the offensive conduct that I have found occurred is exempted from unlawfulness by section 18D. The reasons for that conclusion have to do with the manner in which the articles were written, including that they contained errors of fact, distortions of the truth and inflammatory and provocative language.

There is no compelling reason to amend this act. Until as recently as yesterday, Senator Brandis was hiding behind the shield of free speech, although it would appear that the proposed changes were the price he found acceptable to pay off a friend in the media. For some unknown reason Senator Brandis went so far as to say in parliament that people do have a right to bigotry. I would suggest that never a more disgraceful statement has been made in parliament, not the least by an Attorney-General. These comments should be a worry to all; they were certainly a worry to me.

We also saw Holocaust denier Fredrick Töben strongly back the Abbott government's plan to water down race hate laws, describing them as a welcome challenge to the Jewish supremacism in Australia. How absolutely appalling! I have visited Auschwitz. It is an eerie place beyond comprehension. There is no doubt in my mind how real and profound the Holocaust was. Why would we have given Mr Töben extended freedoms? Mr Töben and people of his ilk need no assistance from the commonwealth government to peddle their hatred and propaganda that the changes to the Racial Discrimination Act would have provided.

It was pleasing that two senior Liberal figures interstate, the Premier of Victoria and the former premier of New South Wales, opposed the repeal, with the Victorian Premier acknowledging that the proposed changes could threaten Victoria's proud multicultural history. Less pleasing is the fact that South Australian senator Cory Bernardi appeared to be in violent agreement with Senator Brandis.

Australia is the envy of the world for its multicultural society and giving rednecks the unfettered right to insult, intimidate and harass other citizens would have only weakened and diminished the strength of our generally tolerant community. Bigotry and racial hatred should have no part in our multicultural society. Yes, free speech plays an important part in our democratic society, but critically it comes with responsibilities, and contrary to the views of senators Brandis and Bernardi, bigotry and racial hatred have no place in a modern multicultural society. Australian society and culture has been truly enriched by the broad origins of its inhabitants, from its first peoples through to refugees and migrants from all over the world.

CHILD PROTECTION

The Hon. T.A. FRANKS (15:53): I rise today to speak on child protection and the current status of child protection in this state. Like many other members here, I was invited to a briefing from the Premier himself when the Debelle report was handed down. Possibly unlike most of the other members here, I had the unlucky knack of sticking my foot in it and naming the elephant in the room. I only had a scant 10 minutes to have a look at the report before I walked into the Premier and my first words were, 'Well, isn't it fantastic that we are going to see ministers pass on information to each other when they swap portfolios.' Little did I know that that was, indeed, a reflection upon the Premier, but I think I am here again today to point out one of the elephants in the room with regard to child protection in this state.

We have seen the headlines and we have seen the Department for Education and Child Development deputy chief executive, David Waterford, take the fall in the past week for an error in not providing a written briefing. All members in this place who have ever dealt with child protection matters know that getting a written briefing on a child protection matter from this government is like pulling teeth. It is almost impossible to get something in black and white. However, I do have some correspondence on a particular case that I have been following now since the end of 2010 with this government, and I know many members in the opposition and many members of the crossbench have also been following this particular case.

The case refers to three particular children, all of whom have allegations of sexual abuse about them. I will not go into personal details on this case, but what I will say is that, in correspondence to Freda Briggs that I was made privy to, it was indicated by the department that these children had received clinical psychological assessments. This was news to me. My understanding is that only one child has ever received any sort of assessment in this case. I am happy to stand corrected by the government and the minister if I am wrong about the fact that the three children have not each received assessment but indeed only one has.

However, I wrote to minister Rankine on 14 May and I alerted her to the email that I had seen, which Professor Freda Briggs had advised me of, that had been sent to the mother of these children, stating that all three children had received clinical psychological assessments. I sought clarification from the minister on what date these assessments took place and what was the outcome. I then received in response two letters, one dated 19 May and one dated 22 May. They were exactly the same letter except for the fact that they had different dates. They were indeed the same letter; I am not sure why that was, but certainly that goes to some concern with the minister's office.

The response attempted to correct me that it had not been Ms Marsden who had said that the children had been clinically assessed, but it had been her quoting from an email correspondence with the manager of the Families SA Adelaide office. I went on to point out to the minister's office that I was familiar with that email and yes, Families SA had been quoted by a staffer from the minister's office, but surely that was an indication that the minister was saying that all three children had been clinically assessed.

I asked the minister at that time, minister Rankine, for a written briefing from David Waterford. That continued to be refused. In the letter, which I received on 23 July and which was signed by the minister on 19 July, the minister goes on to say:

> You seek information regarding assessments of the children. If you are referring to past assessments, such assessments were undertaken several years ago by child protection services and the Family Court. These matters are now historical in nature and have been previously considered in reviews of this case.

I reiterate, my understanding is that only one child has ever been assessed. I also understand that this particular case has been the subject of an internal review conducted by an interstate specialist, and nowhere has it ever been recorded that all three children were assessed. I am also quite concerned that the minister considers these matters to be historical. The minister goes on:

> With regard to a meeting between you and the deputy chief executive for child safety, Mr David Waterford, I note advice that several unsuccessful attempts have been made to set up a meeting or phone call with you. I understand that Mr Waterford was advised that your office would make contact. If you still wish to speak with Mr Waterford on this matter—

and 'speak', not a written briefing—

> I would encourage your office to arrange another time to do so.

Of course, Mr Waterford did not have his job much longer, and I have never received a written briefing, despite repeated requests.

Parliamentary Committees

SOCIAL DEVELOPMENT COMMITTEE: SALE AND CONSUMPTION OF ALCOHOL

The Hon. G.A. KANDELAARS (15:59): I move:

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

The committee has completed its year-long inquiry into the sale and consumption of alcohol in South Australia. Eighty-two individuals and groups gave evidence about the adequacy and appropriateness of the Liquor Licensing Act, how it is enforced and whether changes should be introduced to deal with problem drinking and criminal behaviour. During the Second Session of the Fifty-Second Parliament, the committee tabled an interim report on its findings.

There is an ongoing debate about alcohol laws and practices in the community. As a substance that requires management beyond free market forces, evidenced-based research continually highlights the relevance of alcohol legislation and policy in managing the use and misuse of alcohol.

A key aim of the South Australian Liquor Licensing Act is to minimise the potential harm associated with alcohol, particularly from its misuse. The issue for the government, in setting and enforcing alcohol laws, is the balance between the evidence about the negative social, health and economic costs of alcohol with the consideration of the revenue it derives, the employment of a substantial workforce both directly and indirectly employed in the alcohol industry and the tourist sector, particularly given that South Australia has a number of nationally and internationally recognised wine growing regions, the interests and aspirations of people who consume alcohol responsibly with those who misuse alcohol, as well as supporting the commercial interests of the alcohol industry.

The committee heard that the act is sometimes interpreted as being complex to understand and to enforce. It is imperative, then, for licensees, their staff and the police who are charged with enforcing the law to have adequate information and training if they are to be conversant with the Liquor Licensing Act, regulations and codes, and they are in a position to deal effectively with problem patrons.

The committee heard that potentially there are difficulties applying the act and balancing competing needs, on the one hand, ensuring the responsible serving of alcohol and minimising the harm that may result from its misuse and, on the other hand, ensuring that the act fulfils the requirement to support the interests of the liquor and associated industries.

The Attorney-General announced a review of the act in 2009 to find measures to promote the responsible serving of alcohol and to address alcohol-related crime and antisocial behaviour. As a result, a number of sections of the act were amended. A new offence was created for offensive and disorderly behaviour, including offensive language; police powers were increased; and a range of penalties were increased and, in many cases, doubled. Selling liquor to an intoxicated person or a minor now attracts a maximum penalty of $20,000 and $40,000 for a second or subsequent offence.

The committee heard that a general code of practice was introduced in January 2013 to assist licensed venues to minimise risks, such as ensuring that minors are not served alcohol and managing intoxicated and disorderly behaviour. It has increased accountability as licensees now need to have a management plan in place to address risks.

The committee was informed that the late night trading code of practice was introduced in October 2013 to restrict alcohol-related incidences of serious violence and antisocial behaviour. It applies to 20 to 25 licensed premises that remain open after 3am. The new measures include the use of metal detectors, high-definition CCTV, drink marshals, as well as an early morning ban on glassware and happy hours. The committee was told that, by April 2014, SA Police had reported a 25 per cent drop in crime and a 30 per cent drop in alcohol-related hospital admissions.

Whilst the committee heard evidence of the harms caused when people misuse alcohol and how it presents a continued challenge for government, the police, the alcohol industry and the wider South Australian community, the issue for government is whether measures to counteract the negative effects of alcohol should be introduced across the general population or primarily be targeted at those persons who misuse it. The committee heard that there is a lack of consensus in the community about this issue. What it did hear is that the preventative approach and effective community education strategies are the key to changing behaviours.

Building consensus on a complex and, at times, contentious public health issue is predicated on building a robust evidence base and governments working in partnership with key agencies, individuals and the community in general. In recent times, we have seen positive results of this in action in Australia in the areas of tobacco use, HIV/AIDS, road injuries and childhood immunisation, as examples.

The committee heard evidence about the effects of alcohol on fetal alcohol syndrome and was interested to hear that the only safe amount of alcohol during pregnancy is no alcohol. Drinking alcohol during pregnancy has been associated with a range of adverse outcomes, including: miscarriage, premature birth, stillbirth and low birth weights. An unborn child exposed to alcohol in utero is at risk of developing a range of abnormalities. The more a woman drinks during pregnancy, the higher the risk to the unborn child. However, it does not appear to be a linear relationship, as not all children exposed to high levels of alcohol in utero will be affected, or affected to the same degree.

The committee was interested to hear that the precautionary approach is to recommend that women abstain from alcohol when planning a pregnancy and during pregnancy.

Whilst the committee heard that alcohol does not cause domestic violence, it was told that it is a risk factor. Alcohol and illicit drug use contributes to the unpredictability in perpetrator behaviour and can increase the risk of violence. Information provided to the committee showed that alcohol is a factor in 50 per cent of all partner violence and 73 per cent of physical partner assaults. Two-thirds of domestic violence incidents involving alcohol resulted in the victim sustaining injuries that were more serious and numerous, in comparison to victims of non-alcohol related domestic violence.

Of course, not everybody who drinks becomes violent towards their partner. Men who are violent and controlling to their partners when drinking have been shown to be violent when they are sober. Alcohol is more commonly seen as a causal factor, rather than a cause of abusive behaviour. The committee heard that there is a need for more research to investigate and understand the association between alcohol misuse and domestic violence.

The committee heard about the effects of alcohol and binge drinking and was informed that binge drinking is the practice of drinking too much alcohol on a single occasion, with the primary intention of becoming intoxicated. A binge drinking episode can occur over a number of hours, several days or even weeks. The committee heard from numerous witnesses that this practice is now considered to be a major public health issue and a behaviour of concern that can, potentially, affect all age groups.

Committee members were pleased to hear that the rate of binge drinking among young people, between the ages of 14 and 19 years, has decreased from approximately 46 per cent in 1998 to 39 per cent in 2007, albeit still far too high.

Currently, most education campaigns focus on the short-term consequences, such as drink-driving, violence or the embarrassing effects of excessive alcohol. Education campaigns that inform the community about the short and long-term harm of excessive alcohol consumption and safe drinking practices need to be promoted on an ongoing basis.

The committee heard evidence about the minimum drinking age and heard the overwhelming view that it should be left at 18 years of age. The committee heard evidence that young people should be encouraged to limit their drinking and provided with the fullest possible information about the impact of alcohol can have on their brain, body and life.

Committee members endorsed evidence they heard that showed that it is critical for adults, especially parents and caregivers, to be aware of their own drinking behaviour and to present the best possible role models for the young people in their lives. The committee heard varying evidence about studies conducted at the national level into the economic cost of alcohol, depending on the methodology employed.

The committee was told that the misuse of alcohol represents a substantial economic burden to the South Australian community. In addition to the harmful impacts on individuals, families and the community through injury, illness, disease and death, substantial costs are incurred as a result of reduced work productivity and cost to the criminal justice system. The committee has now completed its substantial inquiry and put forward 23 recommendations for consideration on the matter.

In conclusion, I take this opportunity to thank you, Mr President, for your valuable input into the inquiry. From this chamber, I also thank the Hon. Kelly Vincent and the Hon. Jing Lee, as well as the Hon. Dennis Hood, as a former member of the committee. From the other place, I thank Ms Dana Wortley, Ms Katrine Hildyard and Mr Adrian Pederick, as well as former members Ms Frances Bedford, Mr Alan Sibbons, Mr David Pisoni and the Hon. Bob Such. I also take this opportunity to thank the committee secretariat: the secretary, Ms Robyn Schutte, and the committee researcher, Ms Carmel O'Connell.

The Hon. J.S. LEE (16:12): Today, I rise, as the Liberal member on the Social Development Committee, to support the motion to note the report of the committee on its inquiry into the sale and consumption of alcohol. It was the intention of the Social Development Committee to investigate and seek advice on the effectiveness of laws and practices that govern the sale and consumption of

alcohol and, in doing so, reflect a body of evidence-based knowledge with a view to making positive changes to deliver better outcomes for South Australia.

I believe that most of us recognise that alcohol occupies a significant place in Australian society. It is consumed by more than 80 per cent of adult Australians and in a variety of public outlets, as well as in private social settings. For many of us who attend community events throughout the year, it is obvious that alcohol consumption at social events is an integral part of Australian culture. Many people in our society see alcohol consumption as a means of socialisation, enjoyment, hospitality and celebration. It is commonly acknowledged that alcohol, when consumed in a safe and responsible manner, is a lawful as well as socially acceptable activity that can provide many community benefits.

The alcohol industry is a significant contributor to the Australian economy in terms of being major exporters and as a substantial employer, also providing revenue and supporting jobs in hospitality, tourism and regional economic activity. While we recognise that in general alcohol is consumed at a responsible level, there are instances where some people in our society have formed a bad habit of misuse, including drinking at an excessive level, where they cannot see the risk of alcohol-related injury and self-harm.

In the worst-case scenario, some of these people develop health problems over the course of their lifetime. Some of the alcohol-related harms include dysfunctional drinking, depression, serious illness and disease such as cancer, injury including car accidents, violence, crime and antisocial behaviour. The misuse of alcohol has considerable consequences that compromise the social health and wellbeing of individuals, families and communities. These problems can cost the community in economic and social terms.

The committee commenced hearing evidence on 20 May 2013 and finished hearing evidence on 4 November 2013. It has been a comprehensive inquiry period. We received 34 written submissions, heard testimony from 48 witnesses and the committee came up with a total of 23 recommendations. These 23 recommendations were placed under nine broad headings. By way of a summary, there are five recommendations under liquor licensing laws, two recommendations under availability and density of liquor outlets, one recommendation relating to advertising and alcohol promotion and one recommendation relating to the minimum age for alcohol consumption, with the minimum age to be retained at 18 years old, for those who are interested.

There are six recommendations under the heading of 'Indigenous specific'. It was certainly a very insightful trip for me when I joined most of the committee members in Coober Pedy and Ceduna to hear evidence from key individuals, including representatives from Indigenous organisations, Aboriginal elders and community members, local government, the police and concerned residents about the experiences of alcohol consumption and misuse in their local community. I found these site trips to be highly beneficial in understanding the issues and formulating recommendations for this category of the report. I know you were on the trip with us, Mr President, when we nearly did not make it back home. We had a little incident on the small plane. We dropped by about 10,000 feet and we were a bit scared but we made it safely home to be able to deliver this report.

There were two recommendations relating to public education strategies, one recommendation relating to binge drinking—and I think some of the notes were covered by the Hon. Gerry Kandelaars earlier—and one recommendation relating to foetal alcohol spectrum disorders. While it appeared to be one single line of recommendation in this particular area, I would just like to highlight that this recommendation actually calls on the South Australian government to endorse the 19 recommendations contained in another inquiry report by the federal government entitled 'FASD: the Hidden Harm—Inquiry into the prevention, diagnosis and management of Foetal Alcohol Spectrum Disorders'. Substantial work and evidence has been done by the House of Representatives' social policy and legal affairs standing committee.

The last category heading is domestic violence. There are four recommendations in this area. The committee believes that the South Australian government needs to provide continuous support and resources to address alcohol misuse with prevention strategies that target violent attitudes and behaviours towards victims, especially for children, young people and women.

In making the recommendations to this very complex inquiry, we realise that there is a need to take a balanced approach—the need to manage the negative impact of alcohol misuse and abuse in the social, health and economic context with consideration of the income derived from the sale and consumption of alcohol together with a range of benefits, including the employment of a substantial workforce and the interests of the tourism and regional development economy, given that South Australia has some of the major wine-producing regions in Australia that have international recognition.

The evidence we have heard as a committee shows that the majority of people consume alcohol in socially acceptable and moderate levels. Therefore, policies and legislation to control the negative impacts of the misuse of alcohol should not negatively impact on the responsible consumers in the community or sectors of the economy. Policy reform should be targeted at those people who misuse alcohol. Alcohol is a regulated commodity.

The inquiry by the Social Development Committee highlighted the relevance of the alcohol legislation policy to managing the use and misuse of alcohol. The Liquor Licensing Act 1997 is the major piece of legislation that regulates the sale and consumption of alcohol in South Australia. The committee recognises the difficulties associated with the application of the provisions of the act. How do we balance the responsible serving of alcohol and harm minimisation with the requirements of support and further the interests of liquor and associated industries?

It is crucial that the act is constantly being reviewed to ensure that it is responsive to the needs and aspirations of the community. The comprehensive evidence we collected demonstrated that the management and legislation in relation to the sale and consumption of alcohol will continue to present a multitude of challenges for policymakers. Therefore, it is important for all stakeholders and government to consider this evidence closely, and adopt the recommendations in this report with an open mind in the interests of the whole community, with different needs and aspirations.

Before closing my remarks, I take this opportunity to thank all the people and organisations who have made submissions and assisted the committee in the course of our deliberations. I acknowledge the Hon. Dennis Hood, who first put forward the motion for this inquiry back in April 2008. It took a few attempts to proceed with the inquiry, but we finally got there. In thanking the current presiding member, the Hon. Gerry Kandelaars, for moving the motion and making a speech today, I also acknowledge the good working relationship of the former Social Development Committee members of the 52nd parliament, namely, the Hon. Russell Wortley (the then presiding member), the Hon. Dennis Hood, the Hon. Kelly Vincent, Ms Francis Bedford, Mr David Pisoni, Mr Alan Sibbons and the Hon. Dr Bob Such in the other place.

While I know that some of the members I have named are no longer on the Social Development Committee, I place on the record that it has been a solid working committee, and I acknowledge their valuable contributions to the inquiry. The other important people I must also acknowledge are Hansard, one of whom was on the plane with us, and of course the hardworking Robyn Schutte, secretary, and Carmel O'Connell, research officer. Their tireless work and commitment to managing meetings, coordinating witness submissions and preparation of a report have been outstanding. Thank you all, and with those few remarks I commend the motion.

Debate adjourned on motion of Hon. S.G. Wade.

Bills

LISTENING AND SURVEILLANCE DEVICES (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. S.G. WADE (16:23): Obtained leave and introduced a bill for an act to amend the Listening and Surveillance Devices Act 1972. Read a first time.

Second Reading

The Hon. S.G. WADE (16:24): I move:

That this bill be now read a second time.

The Liberal Party supports cross-border recognition of police surveillance operations and the enhancement of processes for police to use surveillance equipment. These enhancements are embedded in the government's Surveillance Devices Bill. In moving the second reading of the government's Surveillance Devices Bill, the minister referred to the history of the bill over the past two years in the following terms:

> Ideological warriors took up absolute positions. Animal rights activists wanted to record what they thought were breaches of animal rights; farmers wanted to ban them. Insurance companies, investigation agents and their lawyers wanted to record and conduct surveillance of people, in particular those making surveillance claims. Media interests wanted no change to anything. People wanted to be able to secretly record telephone calls with their ex-spouses. Privacy interests wanted to restrict invasions of privacy by covert recording generally. These positions, strongly held, were not and are not reconcilable…

Later in the same speech the minister said:

> It really is a disgrace that reform of a law about surveillance devices, long needed in this state, seems impossible to achieve in the face of opposite views being very adamant and opposite views being held by vested interests.

Clearly, even in tabling the Surveillance Devices Bill, the government was fatalistically resigned to the defeat of that bill. It was hardly surprising because the government had brought back basically the same bill that the Legislative Council rejected at the end of last year. The opposition to the bill was so well known that the government did not even bring it to the floor of the council for a vote.

There is a broad consensus that surveillance laws do need to be updated. Technology has moved on and the scope of the law has become too narrow. There is significant concern about the use of the proposed constraints in relation to the wider range of devices. The shadow attorney-general, the member for Bragg in the other place, has consulted widely and particularly with crossbenchers in this place. The consensus that has emerged is that, while the consumer-related aspects of the bill should not be supported, the police-related elements should proceed. The member for Bragg has prepared the bill which I tabled this afternoon.

The bill seeks to deliver the police-related elements of the government's bill. It is the opposition's view that police should not have to wait to have their powers updated due to the intransigence of the government. Given that these provisions were originally proposed by the government, we look forward to the government's support, and I commend the bill to the council.

Debate adjourned on motion of Hon. J.M. Gazzola.

Motions

MEDICAL CANNABIS

The Hon. T.A. FRANKS (16:27): I move:

That this council notes–

1. The advances in technology and the growing support for medical cannabis in the Australian community;

2. The range of applications for medical cannabis to alleviate pain and suffering and improve quality of life; and

3. That a round table of medical and legal professionals and people with lived experience who could benefit from medical cannabis will be convened by the Hon. Tammy Franks MLC and is open to all members across the political spectrum to attend.

An honourable member interjecting:

The Hon. T.A. FRANKS: I will refrain from responding to the interjections. The medical use of cannabis (also commonly referred to as medical marijuana) is legal in a number of countries across the world, including Austria, Canada, the Czech Republic, Finland, Germany, Israel, Italy, the Netherlands, Portugal and Spain, as well as in an ever-increasing number of states across the United States of America.

I move this motion today because it is time that South Australian parliamentarians came to the table and started having serious discussions about the possibilities for medical cannabis to be

legally and literally available in this state. I note at this point the position statement that I think is quite pertinent of the Cancer Council of New South Wales. It states:

> Cancer Council NSW acknowledges that cannabis may be of medical benefit to cancer patients where conventional treatments are unsuccessful in the following circumstances: in relieving nausea and vomiting in patients undergoing chemotherapy; as an adjunctive analgesic in patients with moderate to severe pain; and/or as an appetite stimulant for cancer patients experiencing weight loss and muscle wasting.

They go on to point out that smoking is a particularly harmful route of cannabis or marijuana administration, largely because carcinogenic substances are inhaled into the lungs through that format. They also note that synthetic cannabis products, particularly nabiximols delivered via an oral spray, offer advantages in providing symptom relief without unwanted psychological or THC related effects, as well as being a preferable route of administration for anti-emetic therapy.

Natural and synthetic forms of cannabis are currently illegal in Australia, the position statement goes on say, but Cancer Council New South Wales supports limited exemptions from criminal prosecution such as those provided by the Cannabis Cautioning Scheme for cancer patients who have been certified by an approved medical practitioner as having particular conditions and who have been counselled by a practitioner about the risks of smoking cannabis.

Cancer Council New South Wales supports the current clinical trial of the synthetic cannabis product via oral spray for relieving uncontrolled persistent pain in patients with advanced cancer, part of which is being conducted in Australia.

Cannabis is not a single drug that induces one single effect; rather it consists of over 400 chemical substances. Over 60 of these are cannabinoid which when ingested activate the cannabinoid receptors in the body. The successful medicinal use of cannabis has been documented in many published studies. Medical cannabis can be used to treat a range of issues including, of course, chemotherapy-induced nausea and vomiting, appetite loss and chronic pain, but I also draw members' attention to a study that was conducted in 1999 by the Institute of Medicine run by the United States' National Academy of Sciences which provided a comprehensive assessment of the potential health benefits of cannabis and its constituent cannabinoids. That study concluded that nausea, appetite loss, pain and anxiety can all be mitigated by cannabis products.

In 2006, a study run by the University of Montreal found that cannabinoids can serve as antispasmodics to suppress muscle spasms and relieve pain. Medical cannabis has been used to treat multiple sclerosis, giving subjective relief of spasticity. A 2013 University of Colorado study found that medical cannabis is effective in chemotherapy-induced nausea and vomiting. Comparative studies have found cannabinoids to be more effective than some conventional antinausea drugs.

Studies show that cannabinoids produce anti-emetic effects that reduce nausea and vomiting experienced by cancer patients undergoing chemotherapy, as I said. While these studies do not recommend cannabinoids are used as the first-line treatment for these conditions, cannabinoids might be of use for patients where they have either failed to respond or cannot tolerate the side effects of standard treatments. Where current options are failing, we should be looking further.

Cannabis is also effective in treating chronic pain, including pain caused by neuropathy, fibromyalgia or rheumatoid arthritis. The evidence suggests that, when used in conjunction, cannabinoids and opioids could potentially produce a total analgesic effect that is greater than the sum of the individual drug effects.

There are many South Australians who will keenly watch this debate, one of whom wrote to me quite recently, stating:

> I am so happy that we now have someone in South Australia that is willing to look into the therapeutic properties of medical cannabis. I thank you for standing up to help the people; the many who are suffering. I myself am restricted to a wheelchair now after nearly 15 years of chronic pain, fibromyalgia and multiple health conditions that cannot be helped by doctors or pharmaceutical drugs.

She goes on to say:

> I have the whole of my life ahead of me with complete intolerances to all prescription medications, with no form of pain relief whatsoever. Am I not worthy of a better quality of life? I wish to be a contributing member of society, not a burden on a struggling health system. I would be perfectly able to self-medicate and therefore have a healthier life. There are many thousands just like me, you only need to look around on the relevant pages of the internet.

I would suggest to members interested in this debate to have a look at the responses on the internet today to my call for this round table, and to groups who have the particular health conditions that would benefit from medical cannabis. She goes on to say:

> I do not currently use cannabis in any form, but I would like the human right to be able to access the natural plant for my own therapeutic relief. I have studied its uses in fresh raw juicing of leaves and the making of cannabis oils and tinctures, also vaporising, which are having great results for many people in my situation. To do this, I would need to be able to grow my own fresh plants exactly as I grow fresh herbs and vegetables in my garden.

Or indeed, I would say to her, she would need to be able to legally buy cannabis oil or tinctures, or cannabis spray.

> I really hope that Australia can look to the future benefits of this wonderful plant to give many suffering patients the ability to help themselves in a most natural way that would not incur any further health side effects and problems and least of all to be a burden on our health system and reliant on pharmaceuticals.

Of course, members would be aware, if they follow current affairs programs, that the debate is not confined to South Australia alone. On an anecdotal note, medical cannabis is already illegally providing effective treatment for a number of Australians with a wide range of ailments. For those in this place and many in the community who have been following this issue through the current affairs programs, particularly the Sunday night programs on various stations, you will be familiar with the situation of the Victorian mother Cassie Batten, who has been using cannabis oil in a spray format to treat her three-old-son Cooper.

She has said to the media that she has turned to the oil because Cooper's seizures were occurring almost every minute, making him unable to walk, talk or see. She said that within 15 minutes of his first dose, Cooper began tracking objects for the first time in his young life. He laughed, he smiled and he could say mum and dad. These are simple things that all parents should be able to take for granted from their children.

Last month Ms Batten had her house raided by the police. She and her partner were released without charge, but still their lives hang in limbo. They could still face charges of possessing a drug of dependence and of introducing a drug of dependence into the body of another. For those who were watching the program update this Sunday night just gone, we have seen that they have had a new addition to their family. They were put in the most difficult of circumstances with the choice that they have to make for the young three-year-old Cooper in terms of his health or their liberty.

Last month also, a Victorian man, Marc Selan, narrowly avoided conviction for growing marijuana in his backyard to treat his ulcerative colitis, a debilitating disease that causes inflammation in the large intestine. Mr Selan is unable to use traditional medications due to their side effects. Mr Selan's doctor unsuccessfully applied under the Therapeutic Goods Administration for an exemption to use marijuana for medical purposes. Mr Selan now plans to emigrate later this year to Spain.

Again recently, Abby, a 2½-year-old girl from Sydney, suffers serious seizures and developmental delays as a result of her disorder CDKL5. CDKL5 leads to seizures, low muscle tone and audio and visual impairment. There is no cure for this condition. Abby's doctor, Dr Michael Freelander, who has treated Abby since she was born, said Abby was not expected to live longer than a few months, but the treatment has seen her improve enough to go home from hospital, and that is the treatment of medical marijuana.

Abby's so-called supplier has been raided by federal police after he wrote to the ACT Chief Minister, Katy Gallagher. That chief minister, of course, indicated that she had no option but to report that to child protection authorities. Abby's mother, Cherie, says the raid has left the family without a continuing supply of the oil, creating a situation of life or death for her daughter within weeks.

I ask: where does child abuse in this case truly lie? I know that I am not alone in a view that the child abuse lies with the denial of the medication that the child needs. I also know that the general public gets this issue. A recent ReachTEL poll shows that almost two-thirds of Australians support the legalisation of cannabis for medicinal purposes. That survey polled more than 3,000 Australians. Members might be surprised to learn that the support is highest in those aged between 51 and 65. They should also be interested to learn that nearly 70 per cent of Labor voters and over 55 per cent of Coalition voters support the legalisation of medicinal cannabis.

The president of the Victorian branch of the AMA, Dr Tony Bartone, has recently stated that there is growing evidence for medicinal cannabis and that it is an effective treatment for a range of symptoms. He has indicated that those symptoms include controlling muscle spasticity, some types of chronic pain, some types of nausea and as an appetite stimulant in patients with weight loss due to cancer or HIV. Dr Bartone says that, if deemed safe and effective, medicinal cannabis should be made available to patients for whom existing medications are not effective.

In December 2013, the *Medical Journal of Australia* published a paper calling for legal reforms to permit the medical prescribing of cannabis for certain patients. The authors wrote:

> A civilised and compassionate country that supports evidence-based medicine and policy should acknowledge that medicinal cannabis is acceptably effective and safe, and cost-effective.

Also, the recently re-established federal parliamentary group for drug policy and law reform and private members' bills to allow medicinal cannabis have now been announced in New South Wales and the ACT, with a parliamentary inquiry scheduled in Tasmania and, indeed, the Leader of the Opposition in Western Australia declaring support.

In 2013, the New South Wales cross-party parliamentary committee recommended that the medical use of marihuana be legalised for people with cancer, AIDS or other terminal illnesses and urged the federal government to approve the use of cannabis-based pharmaceuticals. That report found that cannabis is considered as having low toxicity. It has a higher margin of safety (that is, the margin between the therapeutic dose and the toxic dose of a drug) than most other potent drugs. Its side effects are milder than most opioid analgesics or antidepressants.

The medical use of cannabis is legal in so many other countries and in a growing number of places across the world. I think that it is time that South Australians opened not only our minds to this debate but also our hearts to those families and to those who are suffering when they need not. I seek leave to table the final report of the New South Wales parliamentary committee on the use of cannabis for medical purposes and also the executive summary and recommendations of that report.

Leave granted.

The Hon. T.A. FRANKS: I table this material in order to inform members of this place more easily. I look forward to continued discussions on this matter. I know that this is a difficult issue, and it will cross state and federal jurisdictions in terms of the various measures that will be undertaken, which is why I think that a round table is a good start.

A committee of this parliament on this matter may be a way forward, and certainly I am open to that suggestion by members. But I would also point to the number of committees that have taken place around Australia and say that our starting point should be to ensure that we do not seek to reinvent the wheel on this issue and that we move forward in the most expedient way possible to serve the people of South Australia. I commend the motion to the council.

Debate adjourned on motion of Hon. A.L. McLachlan.

AUSTRALIAN RED CROSS

The Hon. J.S.L. DAWKINS (16:44): I move:

That this council—

1. Notes that—

   (a) 2014 is the centenary year of the Red Cross in Australia, a substantial milestone in the social history of the nation and commemorates 100 years of humanitarian service to the people of Australia;

   (b) many Australians have shared a personal connection with the Red Cross, from its humanitarian role during two world wars, to preparing for, responding to and recovering from natural disasters, or helping vulnerable people and communities overcome disadvantage, and through its world-class national blood service;

   (c) for 100 years the Australian Red Cross has enjoyed a unique auxiliary status to the public authorities in the humanitarian field, working in partnership with governments of diverse political persuasions, in Australia and internationally, to alleviate suffering in a voluntary

aid capacity whilst adhering to its principles of independence, neutrality and impartiality; and

(d) the Australian Red Cross is part of the world's largest humanitarian movement, with millions of volunteers working in over 100 countries, united by the fundamental principle of preventing and alleviating human suffering, without discrimination, wherever it may be found in times of war, conflict, disaster or personal crisis.

2. Calls on all honourable members of this council to join the Australian Red Cross in celebrating the 100th anniversary of its founding on 13 August 1914, nine days after the outbreak of World War I.

On 13 August 1914, nine days after the outbreak of World War I, the Australian Red Cross was founded. Its independent, neutral and impartial humanitarian mission was to work with and assist the most vulnerable people in need, not only in Australia but across the world, a mission which the Red Cross has continued for over 100 years.

I would initially like to take the opportunity to acknowledge the initiative of the hardworking new member for Hartley, Mr Vincent Tarzia, who was responsible for bringing this milestone to the attention of the parliament and in doing the work to prepare a similar motion which he will be moving in another place. The member for Hartley has only recently been elected to the House of Assembly but it is pleasing to see that he has already made valuable connections within the community. When he was asked to bring this matter to our party and to the parliament, he agreed to that. Like many in this chamber, including myself, he is highly supportive of the Red Cross's strong commitment to those in need, regardless of circumstances, race, gender, religion or any other matter that might be a cause of some discrimination.

In many ways, the motion is a lengthy one but it actually does, I think, describe the manner in which the Red Cross is regarded not only in this country but around the world. At the time of its establishment the positive reaction was so great that hundreds of thousands of volunteers signed up to help further the good work that the Red Cross is now renowned worldwide for. The establishment of the Australian Red Cross and the subsequent groundswell of volunteers who carry out its good work has demonstrated to the Australian community the power of humanity to deliver often lifesaving outcomes to those in need.

I know that other members in this parliament have indicated their strong knowledge of the role of Red Cross in the community, whether it be in country communities or in metropolitan areas or working overseas. I know the Hon. Mr Ridgway has expressed his strong support for the motion.

By the time World War II began in 1939, the Red Cross was Australia's largest charitable organisation. Today, it is stronger than ever, with more than one million volunteers, donors, members and staff making a difference for those in need right across Australia. In fact, the organisation now cares for tens of millions of individuals in need across the country and the Asia-Pacific region.

My involvement with the Red Cross has particularly related to my 15 years of donating blood and, more recently, plasma with the Red Cross Blood Service. Not to say that I had not been aware of the efforts of Red Cross branches around South Australia and the money they have raised for excellent causes that help people around the world in poorer circumstances, but my greater involvement has been as a blood donor. While other members of my family, and particularly my wife, had given blood in the past, I had not done so until I came to this place. I remember the Hon. Mr Gilfillan had a bit of a recruiting drive in this place. Along with the member for Croydon, he went to the blood service, but neither of them actually gave any blood that day: they laid on the bed and looked at me while I gave blood.

I have certainly been giving blood since then, and a few years ago my previous staff member, Mr Todd Hacking, and I ran a bit of a recruiting campaign in the parliament; we have not been overrun with donors, but I know that a number of people who work in this building do quietly give blood and blood products. I encourage more to do so.

The Red Cross runs a number of events, and it is involved in many not only to raise awareness of its work but also to raise funds. I understand that upcoming events include the Colour Run, on Sunday 14 September, and the Adelaide City to Bay, on Sunday 21 September.

There are a number of ways to celebrate the centenary of the Australian Red Cross, and I encourage interested members to visit the Red Cross website to find information on how to be

involved and especially on how they can volunteer. I congratulate the Australian Red Cross on a century of people helping people, and I hope that this continues for at least a century more.

To the volunteers of Red Cross, not only here in South Australia but across the world, I congratulate you on your contribution and efforts to the Red Cross' mission to help those who are not as well off as many of us—those who are in great need at a particular time because of a natural disaster or because of other world events that mean there is a real need for a well-regarded independent body that has worked with governments of diverse backgrounds right across the world to deliver those services. With those few words, I commend the motion to the council.

Debate adjourned on motion of Hon. J.M. Gazzola.

Bills

CRIMINAL LAW CONSOLIDATION (ASSAULTS CAUSING DEATH) AMENDMENT BILL

Introduction and First Reading

The Hon. R.L. BROKENSHIRE (16:53): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935 and to make related amendments to the Criminal Law (Sentencing) Act 1988. Read a first time.

Second Reading

The Hon. R.L. BROKENSHIRE (16:55): I move:

That this bill be now read a second time.

This bill could be summarised as a 'one punch' bill. There is a push to change the national culture which at the moment encourages excessive drinking. There are essentially two problems. One is binge drinking and intoxication by drugs that appears to be a cultural phenomenon in our society and the second is an increase in violence on the streets. We need laws that will send a strong message to the community, and to young people in particular, that alcohol and substance abuse are no excuse for violence. We must put an end to violence on our streets, particularly that which is fuelled by rampant alcohol abuse. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

Motions

STATUTORY OFFICERS COMMITTEE

Adjourned debate on motion of Hon. D.W. Ridgway:

1. That this council—

   (a) notes Message No. 9 from the House of Assembly of 6 May 2014 advising of the appointments to the Statutory Officers Committee of the Hon. M.J. Atkinson, Hon. J.R. Rau and Mr Wingard;

   (b) notes section 21(2)(e) of the Parliamentary Committees Act 1991 which states 'A person ceases to be a member of a committee if the person…becomes a Minister of the Crown'; and

   (c) invites the House of Assembly to reconsider the appointment of the Hon. J.R. Rau, Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development and Minister for Industrial Relations.

2. That a message be forwarded to the House of Assembly conveying this resolution.

(Continued from 2 July 2014.)

The Hon. G.A. KANDELAARS (16:57): On 2 July 2014, the Hon. David Ridgway moved a motion regarding the Deputy Premier's membership of the Statutory Officers Committee, inviting the House of Assembly to reconsider the Deputy Premier's appointment—a somewhat disingenuous motion, indeed. I can advise the house that crown law has advised that the Parliamentary Committees Act 1991 does not prohibit the Deputy Premier from being a member of the Statutory Officers Committee on the basis of his being a minister.

It is worth looking at the act. As an example, if we go to part 2—Economic and Finance Committee, concerning membership of the committee, members will note that section 5(2) says that a minister of the Crown is not eligible for appointment to the committee. That provision exists in all the committees but three, and those three committees are the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation, the Statutory Officers Committee and the Natural Resources Committee. In fact, in terms of the Natural Resources Committee, there is an extra provision that specifically allows a minister to be a member of the committee. It provides:

> A Minister of the Crown is eligible to be a member of the Committee, and section 21(2)(e) does not apply in relation to the members of the Committee.

It is interesting to note, looking at the parliamentary intranet, that the Hon. Trevor Griffin MLC, who was the attorney-general at the time, from 1997 to 2002 was a member of the committee (and quite possibly was the presiding member—I have not been able to confirm that particular fact). The Hon. Paul Holloway and the Hon. Michael Atkinson were longstanding members of the committee. In fact, the Hon. Paul Holloway was the presiding member of the committee, I think from 2002 to 2010.

In 2011 the honourable minister Gail Gago was a member of the committee in the 52nd parliament. What is intriguing about this is that we in this house are asking to say to the other house that a minister of the Crown cannot be a member of the Statutory Officers Committee, yet for 16 or more years this house appointed a minister to that committee. What nonsense! What absolute nonsense! We are suggesting that it was okay for this house to appoint a minister, but that the House of Assembly—

Members interjecting:

The Hon. G.A. KANDELAARS: I would say that it is absolutely outrageous. If the intention here is to change the act, then do it in the appropriate way: do not try to do it by this spurious mechanism, and it is spurious. One of your people on the other side was a minister at the time of being a member of the Statutory Officers Committee, and, mind you, probably the very same minister who introduced the bill in question. He was the attorney-general, I think, in 1993, which was when the act passed through this place.

This is absolute arrant nonsense. If the real question is that people on the other side believe that ministers should not be members of parliamentary committees, then say that and do it in the appropriate way—go and get an amendment to the act, but do not to try to use this spurious mechanism. If I were a House of Assembly member I would be absolutely insulted by this nonsense, because I point out that for at least 15 or 16 years this place had a minister it had appointed to that very same committee. This is nonsense, and it does not deserve the support of this house.

The Hon. M.C. PARNELL (17:02): When the Hon. David Ridgway asked me what the Greens' position would be on this motion, my response was, 'Well, it seems to make sense, it looks like what we call, technically, a gotcha moment,' but I suggested that we would wait to hear what the government's response was, and that if the government had a detailed legal opinion that the words of the motion are incorrect, or that the motion's reference to section 21(2)(e) of the Parliamentary Committees Act 1991 is somehow misguided or misplaced, then we might side with the government. But, all I really heard from the Hon. Gerry Kandelaars was not that they were legally wrong to point out what the Parliamentary Committees Act said; his only response seemed to be, 'Well, you lot did it too.'

I was not around, and unfortunately I have not had the opportunity of appointing Greens' ministers to any committees—I would love to perhaps do that in the future, but we have not had the opportunity yet. Effectively, the government's response is that, regardless of the law, we do not like this motion because you lot did it too when you were in government years ago. That is no response! If the question of whether ministers should or should not be on committees arises in a substantive way as an amendment to a bill, then let us deal with it, but for now, if the law says that ministers should not be on committees, let us comply with the law.

An honourable member interjecting:

The Hon. M.C. PARNELL: It states:

A person ceases to be a member of a committee if the person…becomes a Minister of the Crown.

Unless the Hon. David Ridgway has misquoted the section in the wording of the motion, it looks pretty straightforward to me. I guess the other thing is that, of all the pressing issues facing this state, this motion has two notes and an invitation. No great harm, it seems to me, is done by supporting this motion, noting the two matters in paragraphs (a) and (b) of the motion inviting the House of Assembly to reconsider their appointment and, therefore, unless any other government member has a really pressing legal case as to why this is a nonsensical submission, the Greens will be supporting it.

The Hon. A.L. McLACHLAN (17:05): I rise to speak in support of the motion of the Hon. David Ridgway—or I should say the polite motion of this chamber for the other place to reflect on their appointment. The motion before the chamber invites the members of the other place to reconsider the appointment of the Attorney-General to the parliamentary standing committee which goes by the name of the Statutory Officers Committee. It is my view that it is good parliamentary practice that ministers are not members of committees unless there is a very strong reason for such membership. To date, in my view, that has not been expressed. I find no such reason why an exception should be claimed or sought in this instance.

One of the key purposes of a committee is for members of parliament to scrutinise government activity. They may also examine community and policy issues as well as other matters of importance to the people of South Australia. It is incumbent upon us to ensure that everything is done to maintain and enhance the public confidence in the institutions of this state.

Critical to this endeavour is ensuring that our committees are able to not only function effectively but also to appear to the people of South Australia to be constituted to properly and transparently examine issues and make recommendations, thereby enhancing the authority of the parliament. As a backbencher I note that they provide an important opportunity for members such as myself to utilise their talents and contribute to the life of the parliament.

In developing my thoughts on the matter, I have been guided by the words uttered in the other place by the former Labor member the Hon. Greg Crafter, when delivering his second reading speech on the Parliamentary Committees Act, then in bill form. In that speech he emphasised the need for opportunities to allow members of parliament to scrutinise government. In my view the appointment of a minister to a committee, especially in this instance, cuts across these noble and important considerations.

One of the key roles of the parliament is to hold ministers and their government to account. The Statutory Officers Committee has the function to consider the appointment of individuals to statutory positions. These include appointments that are under acts which are within the Attorney's portfolio and where he is responsible for the act's administration. These include such positions as the Ombudsman and the Independent Commissioner against Corruption. Therefore, the membership of the Attorney on the Statutory Officers Committee potentially diminishes or restrains the committee's ability to perform its function or be perceived to have performed its function.

A good example of my proposition for the benefit of the chamber can be readily identified by a casual glance at the Independent Commissioner against Corruption Act 2012. Section 8(5) sets out the means by which a commissioner is appointed. The appointment follows a referral by the Attorney to the Statutory Officers Committee—the same committee upon which he now sits. One could certainly argue that this somewhat circular arrangement is convenient but it is not good governance and undermines the ability of the committee to provide scrutiny of the appointment.

Further considerations for this chamber that potentially support the motion are the terms of section 21(2)(e) of the Parliamentary Committees Act 1991, which states that a person ceases to be a member of a committee upon becoming a minister of the Crown. I acknowledge the comments of the Hon. Mr Kandelaars in that there may well be crown advice saying that the Attorney-General can be appointed, but it seems strange that, if a person was not a minister and then became a minister, they would then have to leave the committee.

In my mind the intent of the legislation is clear; that is, ministers should not be members of committees, although I acknowledge that there may be wiser minds applied to this and some technical exemption. If this was not the situation, I query why there would be a reason to have a

specific exemption to this rule in section 15K which allows the same minister to become a member of the Natural Resources Committee. Similar drafting also appears in the Parliamentary Committees (Electoral Laws and Practices Committee) Amendment Bill 2014 currently adjourned in the other place. Mr President, my comments on this bill, which is not yet before us, will be discrete and within standing order 188, as they are relevant to the matter which I am discussing.

This bill contains a specific provision, clause 15Q(2), that allows a minister to sit on an electoral laws and practices committee and further provides that section 21(2)(e) is not applicable. In other words, the Attorney's own bill implies that a minister cannot sit on a committee without specific legislative exemption. In any event, even if there is legislative authority for a minister to be a committee member, it is my view that the appointment of a minister to a parliamentary committee is not good practice and diminishes the institution that is the parliament. The people of South Australia need to have confidence in their institutions. I remind the chamber that community confidence derives from practices that ensure governments are held to account for their decisions and actions. I support the motion.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:10): I will not take long to sum up. I thank members for their comments. I thank the Hon. Gerry Kandelaars, the Hon. Mark Parnell and, of course, the gallant and honourable Andrew McLachlan. I will make a couple of quick points. Notwithstanding when the committee was appointed, my recollection is that in the time that I have been here, I think the committee might have sat or met formally for the first time in 2005, so while some people may have been on it, it actually did not meet.

The Hon. Andrew McLachlan made the comment about the ICAC and the appointment of the commissioner and the Attorney-General being the person to nominate. I refer people also to the Governor's speech at the opening of this session of parliament. Towards the end he says:

> My Government will act so that any perception of impropriety is not hidden in the shadows—and we will deal decisively with those who have sought to benefit personally…

He then goes on to say:

> To strengthen our democracy, all political parties must act to ensure that internal processes are transparent and democratic.

I think the spirit of what we are talking about with this motion is about being more transparent. We have adequate members to deal with these committee appointments without having ministers and particularly the minister in this situation and especially with ICAC where it may well be the Attorney-General who is, if you like, the nominating minister, who is then sitting on the same committee.

I would say today, as the Hon. Mark Parnell said, it is a relatively minor motion, but I think we do have the Parliamentary Committees Act coming to this chamber from the House of Assembly at some time after the winter break and it may well be an opportunity to have a closer look at it and to amend that act. With those few words, I thank the members for their comments and urge you all to support the motion.

Motion carried.

Parliamentary Committees

SELECT COMMITTEE ON SALE OF STATE GOVERNMENT OWNED LAND AT GILLMAN

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

That a message be sent to the House of Assembly requesting that the Premier (Hon. J.W. Weatherill) and the Treasurer (Hon. T. Koutsantonis), members of the House of Assembly, be permitted to attend and give evidence before the Legislative Council Select Committee on Sale of State Government Owned Land at Gillman.

(Continued from 18 June 2014.)

The Hon. M.C. PARNELL (17:15): The Greens support this motion. We believe that part of the accountability mechanism of select committees is that ministers should be invited to participate, and that is what this motion does.

The Hon. G.A. KANDELAARS (17:15): I rise to place on the record the government's opposition to this motion, which seeks nothing more than the government's cooperation in a political

witch-hunt, posing a risk to this state. My comments here today largely reflect the government's comments in opposition to the establishment of the select committee generally. The Select Committee into Sale of State Government Owned Land at Gillman is a risk to private investment in our state.

Let's remember that the Select Committee into Sale of State Government Owned Land at Gillman motion potentially places at risk 6,000 jobs. It also risks the development of a global logistics hub to support exploration and development of South Australia's oil and gas reserves. It is a risk to the provision of industrial allotments catering for other large-scale transport logistics uses. It is a risk forfeiting a long-term strategic advantage to South Australia in a key growth industry.

The Renewal SA board provided advice to the then minister for housing and urban renewal that the proposed sale of the land at Gillman to ACP represented good value, had been managed in accordance with Renewal SA's existing policies regarding off-market transactions, had been guided by independent probity advice and was ultimately a matter for cabinet. The government is comfortable with the advice received from the Renewal SA board and welcomes scrutiny as to the sale process.

Let's be clear, though. Any witch-hunt threatens the viability of the transaction and threatens private sector investment in South Australia. As has previously been mentioned in this place, a select committee probing the transaction before it has been completed has a real potential to jeopardise an important transaction critical to the future of South Australia. ACP continues to negotiate with investors prior to deciding whether to exercise its option to purchase. A politically motivated witch-hunt threatens to undermine the transaction with ACP and more generally the private sector's confidence to invest in South Australia.

The government does not consider that the attendance of the Premier or the Treasurer before the select committee will benefit this state in the slightest. As such, the government opposes the motion and urges other members to do the same.

The Hon. R.I. LUCAS (17:18): Thank you for the invitation to close the debate. I will only speak briefly, given the hour. Much of what the Hon. Mr Kandelaars has said can be described in two words: palpable nonsense.

The Hon. T.J. Stephens: Rubbish and piffle.

The Hon. R.I. LUCAS: 'Rubbish and piffle', as my colleague the Hon. Mr Stephens has portrayed. It is a nonsense to suggest that in any way the work of a chamber of this parliament, a properly constituted select committee of the Legislative Council, following due process and the procedures of the council, could do any of the dastardly things that the Hon. Mr Kandelaars is suggesting. Indeed, one can only think that the reason for the defence that Hon. Mr Kandelaars has sought to erect in relation to this particular issue, that is, opposing the establishment of the committee and opposing evidence being given by the Premier and the now Treasurer, is that he and his ministerial colleagues clearly have something to hide. Clearly, they do not want the truth to be outed.

The nonsense that the Hon. Mr Kandelaars indicated in relation to the position of the board has already been made clear by four of the six board members in the evidence they have given before the committee. There is the question of any correlation between what he has just said, which, of course, to be fair to him is only what the Hon. Mr Koutsantonis and the Premier have claimed in relation to this issue, and what the three of the four members have said thus far. The committee will be taking evidence on this issue from another two board members in the next week, and we will wait to see what their evidence will be. There has been striking evidence from some of those board members indicating quite clearly that they in no way supported the position that the government and the Hon. Mr Kandelaars have been supporting.

As I said, I am not going to enter the debate. This is a simple motion to say that the committee believes that, if the Premier and the Treasurer have nothing to hide, there is no reason they should not appear before the committee and put all the arguments, if they so wish, to the members of the committee.

As I highlighted in moving the motion, a number of ministers in the past, Labor and Liberal, have appeared before Legislative Council select committees. They have had the guts to turn up to

answer questions and to argue their case. They have not cowered underneath their ministerial desk in their ministerial office, afraid to come out to answer questions from members of the Legislative Council. But, clearly, the Treasurer and the Premier are too fearful of being able to answer the questions that members of the select committee may well have put to them. They have already put their position publicly.

The Hon. Mr Kandelaars is obviously seeking to defend the indefensible by indicating that they will not appear before the committee, as is indeed the honourable member's right to do so in this chamber. I urge members to support the motion.

Motion carried.

Motions

WAITE, MR PETER

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:22): I move:

That this council—

1. Notes the centenary of Peter Waite's donation of the Urrbrae estate to the University of Adelaide for the study of agriculture;

2. Acknowledges the significant outcomes delivered by the University of Adelaide and, in particular, the Waite campus, as a result of this philanthropic gift; and

3. Recognises the position of the Waite Agricultural Research Institute to contribute positively to ensuring global food security and providing Australia's agricultural, wine and food industries with innovative research-led developments.

Mr Peter Waite was a truly remarkable man. He was someone who has had a profound impact on South Australia, particularly in the agricultural sector, where he made his fortune as a pastoralist or squatter in the late 19th and early 20th centuries. He was an innovator, an entrepreneur and a philanthropist, as well as being a prominent pioneer of agricultural research. It has now been a century since Waite's original gift of the Urrbrae estate, and I feel that it is vitally important that we recognise the magnitude of Peter Waite's gift and the enormous impact it has had on South Australia in the years since the foundation of the Waite Institute.

Peter Waite came to South Australia from Scotland in 1859 aboard the vessel *The British Trident*. Aged just 25 years, Peter arrived in Australia having left his widowed mother and fiancé of two years to explore the significant opportunities the new South Australian colony presented. Unaccustomed to the harsh weather of the Australian outback, the summer of 1859 no doubt presented a rude initiation to Australian life but, as became his legacy, Peter Waite adapted quickly and soon established himself as one of the state's leading pastoralists, businessmen and entrepreneurs.

Born in Kirkcaldy, Scotland, in 1834, Peter Waite was the youngest of three sons in the Waite family, his brothers being James and David. Peter was only a baby when his father, James Waite Senior, was tragically killed in a riding accident, leaving Peter's mother, Elizabeth Waite, to raise the children by herself whilst also running the family farm. Armed with a sound upbringing, a respectable education and an apprenticeship in ironmongery, Peter and his brothers were inspired to emigrate to South Australia due to the exploits of a certain family by the name of Elder. The two families would soon be synonymous with South Australia and their names forever part of the state's history.

In the mid-1830s, George Elder Senior encouraged his 24-year-old son to start a business in the newly established colony of South Australia. Alexander arrived in Port Adelaide, or Port Misery as it was then called, in 1839, only three years after the arrival of the first settlers. The iconic South Australian company Elders was soon founded on Rundle Street and began to flourish in the new colony. After a number of years, three of the Elder sons returned to their homeland where word spread of the significant opportunities in the South Australian colony for enterprising and able individuals.

Inspired by the exploits of the Elder family, Peter made the arduous journey to South Australia where he joined his eldest brother, James Waite, at the Pandappa Station near Terowie. In the semi-arid north of South Australia, in conjunction with Elder, Stirling and Co., Peter and his

brother James managed a 2,000 sheep property. Such was Waite's ability and intuition that barely three years after his arrival he took over the adjoining station, Paratoo, which carried 5,000 sheep. Not long after, Peter also took over the Pandappa Station, which brought his local holdings to some 1,975 square kilometres, or 488,000 acres, or 197,000 hectares, which is a staggering parcel of land, as any landowner or farmer will tell you.

In 1864, Peter's fiancé arrived from Scotland. They were married that same year and they had eight children, presumably not in the same year. The Urrbrae property that was to be the everlasting gift of Peter Waite was purchased by Thomas Elder in 1875. Thomas had already made private arrangements with Waite regarding the future ownership and Peter became the official owner of the property seven years later in 1882.

With the tragic disappearance of the son and heir to that property, David, on 24 May 1913, Peter Waite made the decision to pen his now famous letter to the Hon. A.H. Peake, premier of South Australia, confirming his decision to hand over his Urrbrae estate of 134 acres to the University of Adelaide. Additionally, Waite left a parcel of land to the state government for the creation of an agricultural high school, which would become Urrbrae Agricultural High School in 1932. To this date, the donation of the Urrbrae estate remains one of the largest public benefactions in South Australian history. When Waite bequeathed his property to the University of Adelaide he specified that he wanted it to be used for two things: the establishment of a research and education institution to promote agricultural science and a public park or garden—both still flourish today.

There is no doubt that Peter Waite was an incredibly generous man. Throughout his life he participated in various philanthropic ventures, but his everlasting legacy was that of his drive and commitment to innovation and the ability to develop new ideas with vigour and intelligence. He regularly embraced and fostered new technologies and advancements and was one of the first to recognise the benefits of fencing, as opposed to open runs, which led him to spend hundreds of thousands of pounds developing vast tracts of fenced-off areas. His ability to adapt, innovate and thrive in testing conditions made him one of the most successful businessmen in South Australia at the time and he was a true pioneer of the state.

It was not just in agriculture that Waite was ahead of his time. Waite's Urrbrae property was the first private house built to be lit by electricity, it was the first to have a tiled roof and the first to contain a refrigeration plant. He was also the second individual in South Australia to register a car. In every facet of his life Peter Waite was testing the limits, looking beyond the horizon to seek out technological advancements and embrace new and innovative ways of living and working.

Peter Waite was described as an innovative and enterprising pastoralist as well as a remarkably successful businessman. He was a generous benefactor and a person of vision, who saw the value and importance of science and agriculture working together to face the food production challenges of the future. Waite stated in his letter to the premier:

> We have now reached a point when it behoves us all to call science to our aid to a greater extent than hitherto has been done, otherwise we cannot hope to keep in the forefront.

In my mind, this passage truly exemplifies how far ahead of his time Waite was in recognising the vital importance of research and development to agricultural advancements.

Since Waite's gift, the institute has also benefited from an number of other philanthropic gifts, and in 1927 the pastoralist, John Melrose, donated £10,000 to establish the first group of permanent laboratories. In 1930, Harold Darling gifted £10,000 for the establishment of another laboratory, and in 1926 Andrew Tennant Mortlock gifted £2,000 and then, with his mother, gifted a further £25,000 in 1936 to establish the Ranson Mortlock Trust to support research into soil erosion and pasture regeneration.

Many more gifts followed in the years to come, and the Waite steadily grew, gaining a number of new laboratories, research centres and educational buildings. Not only was Peter Waite's original gift from the Urrbrae estate a huge boost for agricultural research around the globe but it also served as a catalyst for an outpouring of collective industry support for research excellence.

In recent years, the institute has grown considerably, with hundreds of millions of dollars of laboratories, equipment and research now being located at the site. From the mid-1990s to 2010,

more than $100 million have been invested or committed to new buildings and advanced research at the Waite. The Plant Research Centre was constructed by SARDI in the mid-1990s, the Wine Innovation Cluster Building in 2009, and the Plant Accelerator Node of the Australian Plant Phenomics Facility in 2010. Of course, in 2003 the Australian Centre for Plant Genomics was set up, and in 2011 the Australian Council's Centre for Excellence in Plant Cell Walls was established.

The Waite Campus is now home to the University of Adelaide School of Agriculture, Food and Wine; the CSIRO divisions of plant, industry, ecosystem, sciences, land, water and computational infomatics; the South Australian Research and Development Institute; the Wine Research Institute; the Australian Genome Research Facility; Arris Pty Ltd; the Urrbrae House Historic Precinct and Waite Arboretum; the Australian Centre for Plant Genomics and Australian Plant Phenomics facility; the ARC Centre of Excellence in Plant Energy Biology, the FOODplus Research Centre and the Wine Innovation Cluster.

This means that the Waite Institute now is the largest agricultural research and teaching precinct in the Southern Hemisphere, with 12 world-class research organisations and centres, over 1,000 research and postgraduate staff, over $100 million in research and income expenditure per annum and $265 million of research and teaching infrastructure. The term 'the Waite' is a globally recognised research brand that has presented excellence in research and teaching for more than 90 years.

Over those 90 years, the Waite has delivered an unquantifiable amount to global agricultural and food security. The Waite's researchers were significant contributors to the establishment of South Australia's durum wheat industry. In 1990, Waite researchers, Mr Jim Lewis and Mr Tony Rathjen, who, sadly, recently passed away, brought the first durum wheat into South Australia and began adapting it to thrive in South Australian conditions. By the year 2004-05, South Australia's annual durum crop was estimated to be worth some $200 million.

In 1999, Yitpi (a variety of wheat), was released, which had better stripe rust resistance and yielded much higher than other varieties. Over the years, the Waite has released dozens of new varieties for the agricultural industry, many of them named with the WARI tag, indicating its Waite origins.

Barley breeding was also transformed by the work carried out at the Waite. In the mid-1960s, David Sparrow and Keith Finlay developed Clipper, a variety of barley. Released commercially in 1968, Clipper would go on to dominate the barley growing areas in all mainland states in the 1970s and was soon to be used by growers in Greece, South Africa and India, such was its strength and adaptability. A number of new varieties with different characteristics followed, including Ketch in 1970, Corvette in 1976, and Cutter in 1979.

In 1981, Galleon was released, which had the unique trait of being the first barley with resistance to cereal cyst nematode. Galleon also had a yield potential 15 per cent higher than Clipper. Schooner and Chebec, with their premium malting qualities, soon followed, along with the high-yielding Skiff. These varieties became the crop of choice for farmers across the nation. Nowadays, more than half of Australia's barley varieties have been bred at the Waite Campus, such has been its importance.

In 2005, the achievements of the South Australian Cereal Breeding Team, led by the members from the Waite Institute, received the inaugural South Australian Premier's Science Excellence Award for Excellence in Research for Commercial Outcomes. The four scientists honoured had been responsible for breeding 40 new crop varieties, which at the time made up 80 per cent of the state's cereal crop. Today the Waite's greatest strength lies in grains, soil and wine, as reflected by the strengths in our state's primary industries.

I could go on about the impact that the Waite Institute has had on the commercialisation of agriculture, but unfortunately I do not have the time tonight to list every achievement. The Waite has delivered so much to global food security that it is impossible to fully quantify and understand its true value. What I have listed is just a tiny amount of the work the institute has done and, without its work, we would not be where we are today.

Today, I received a copy of the recently released book *The Waite: a social and scientific history of the Waite Agricultural Research Institute* by Lynette D. Zeitz. It is a fine piece of work, documenting the extraordinary achievements of the Waite as well as the people and the personalities behind the institute. I encourage everyone here today to get themselves a copy and read of the remarkable history of the Waite Institute.

Yet none of what is contained within that book could have happened without Peter Waite. To say he was before his time is underselling the intuitiveness of the man. He was not just before his time: he was a visionary who had a unique ability to recognise the importance of scientific research in agriculture before anyone had ever posed the question. Peter Waite's dedication to scientific excellence in agricultural advancement is responsible for placing South Australia at the forefront of global agricultural research.

When he left his Urrbrae estate to the University of Adelaide, Peter Waite most likely had no idea that his gift would blossom into the world-class centre that it is today. I am sure, however, that Peter Waite would be immensely proud of what the Waite has become and that he would have been humbled by the magnitude of its achievements. When Waite bequeathed his property to the state, agriculture and pastoralists were the backbone of the economy, and I believe that agriculture, while its status may have slipped in the public eye, is still as important to the economy as it ever was.

Even today, the entire food industry employs one-fifth of the state's workforce. South Australia remains the largest producer of wine in the nation and it is the second largest producer of citrus. We still produce millions of tons of grain every year, and exports remain an integral part of our economy. All these industries are underpinned by the critical work that has been done at the Waite. It is vital that we recognise the value of the Waite Institute and the benefits that can be gained from science and agriculture working together.

I am fearful that our Minister for Agriculture is against any form of technological advancement and blind to the benefits it offers. What he fails to realise is that our ability to produce what we do today is entirely down to science. A new variety that increases yield by 15 per cent could be just around the corner; it could be our next Clipper, Galleon or Yitpi, but we will never know if we withdraw funding from this area, which, sadly, has been the government's position of late. If our agriculture industry were suddenly able to produce 15 per cent more food, then it would be a huge boost to our economy.

If we do not invest in this industry, then we will stop seeing the increases in production, in yields and in tolerances to pests and diseases. Without investment, our ability to produce food and contribute to global food security will be severely compromised. Agriculture around the world faces a great challenge to feed the ever-growing population, but without Peter Waite there is no doubt that we would not be as close as we are today to finding a solution.

Peter Waite is the grandfather of research and development and his enormous generosity has allowed our agriculture industry to take leaps and bounds over the past century. Thanks to his vision and the work undertaken at the Waite Institute, global agriculture has benefited immensely and will continue to benefit in the future, provided we continue Waite's legacy and invest in this important sector. On behalf of us all, I express my gratitude to Mr Peter Waite and the Waite Institute for all they have done for South Australia.

I would just add also, on a personal note, that my uncle, whom members on my side know quite well and who is still with us and well into his late 80s, worked at the Waite from about 1960 to the late seventies. He harvested some seeds from a tree called a bulloak (*Casuarina luehmannii*) on his property in the north of Wolseley, and they grow today in the Waite Arboretum, which I mentioned in my major contribution, with a little plaque saying that they were grown from seeds collected from Mr Ian Ridgway's property at Wolseley, so there is a long-time family connection. With those few words, I commend the motion to the chamber.

Debate adjourned on motion of Hon. J.M. Gazzola.

Bills

COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE BILL

Second Reading

Adjourned debate on second reading.

(Continued from 21 May 2014.)

The Hon. J.M. GAZZOLA (17:39): I rise to indicate the government's opposition to this private member's bill. The government introduced the Child Development and Wellbeing Bill to establish a commissioner for children and young people on 19 June this year in the House of Assembly. In the second reading explanation, at pages 925 and 926 of *Hansard*, I note that:

> The bill will amend the Children's Protection Act 1993 to remove the provisions in that act that established the Council for the Care of Children.
>
> We have consulted the Council for the Care of Children, and that body is supportive of being replaced by a commissioner with a broad mandate to advocate for the rights and interests of children and young people in South Australia.

But it seems that the honourable member has decided to reinvent the wheel and introduce his own bill. Adapted, it appears, from an exposure draft for the Child Development and Wellbeing Bill 2013, this current iteration fails to take into consideration the extensive consultations carried out on that draft, especially those related to the proposed role and function of a commissioner.

Essentially, the private member's bill ignores a wealth of consultation from stakeholders, families and children and young people themselves on what the role of a commissioner should be. Furthermore, it disregards the very strong message that emerged from those extensive consultations—the message that the government bill's focus should be on a proactive, whole-of-community approach to child development, wellbeing and rights, that it should support prevention as well as intervention.

What we have before us today represents a heavy focus on intervention and punitive measures. This bill fails to recognise that child safety and protection do not operate in one dimension. It fails to address the whole picture of a child's life, the educational, social, economic and environmental factors, among others, that impact on children's development and wellbeing. In contrast, guided by community views, the government bill focuses on all aspects of children's development. I emphasise the fact that safety is recognised as being of paramount importance. This imperative is embedded in the bill, just as it is in the recent amendments to the Children's Protection Act 1993.

The government's bill establishes the child development council and an outcomes framework for the state, provisions which attracted strong support in the consultations. The council and the outcomes framework will be underpinned by the community approach to children's wellbeing and development that I have described and ensure efforts are backed up by research and data. This is an approach championed by neuroscientists, researchers and economists, including the late Dr Clyde Hertzman; Thinker in Residence, the late Professor Fraser Mustard; and Nobel Laureate Professor James Heckman.

The council and the outcomes framework will ensure that state and local government agencies are held to account by requiring them to demonstrate exactly how they are working to improve outcomes for children and young people. Surely the evaluation of programs by way of measurable goals and formal reporting protocols is a fundamental feature of all that we do in this place and all that we aspire to do. In this instance, though, and quite curiously, the honourable member has removed the requirement for both the child development council and the outcomes framework from his bill.

In essence, while the government bill I have described employs a whole-of-community approach, focusing on children's wellbeing and development, this private member's bill is manifestly both narrowly targeted and heavily weighted towards punishment and intervention in the aftermath of abuse. We can certainly do better than this for the children and young people of South Australia, and we will do so. On that basis, I urge all honourable members to oppose the bill.

The Hon. T.A. FRANKS (17:43): I rise today to voice the Greens' support for this bill, which would finally enable South Australians to have a commissioner for children and young people. The establishment of independent state bodies has been an important mechanism for providing a voice for children in decision-making before, and it is about time South Australia had a strong independent advocate for the voice and rights of children and young people.

As things currently stand, South Australia is the only state in Australia that does not have a commissioner for children and young people. We have a Council for the Care of Children, which is an independent advisory body for the Minister for Families and Communities, as well as the Guardian for Children and Young People. However, a guardian is simply not adequate. As the guardian's role is to advocate for the best interests of children and young people under the guardianship or custody of the minister, so a commissioner for children and young people is essential, as all children and young people deserve and need a voice.

The Greens recognise that children and young people have their own opinions and feelings and, as is stated in this bill, are not simply passive recipients of services and they are able to shape their own lives. We do not have to wait for young people to grow up to be meaningful; they are empowered, passionate and active in deciding their own futures now and, as such, deserve to have a voice in any decision-making process that affects them.

If there is one thing that highlights the need for a commissioner for children and young people in this state, it is the failure of this government to stand up for the rights and needs of our children. This is evidenced by the current Families SA debacle, but was also touched on by the Hon. Mr Wade in his speech, when he mentioned the case of Chloe Valentine.

The government continues not to take children's issues seriously under their legislation and their proposed commissioner for children. For a government that claims to be committed to appointing such a commissioner, it has clearly misunderstood the purpose of that commissioner and in whose interests that commissioner should be acting and, indeed, in whose interests this government should be acting.

The commissioner as proposed by the Labor government is not even independent. Their commissioner would be acting in the government's interests and would be seen and not heard, which is the exact opposite of what children and young people need in this state. Another example that clearly shows why a commissioner for children and young people is needed in South Australia is the case of the two Woodville High School students who were taken by the federal government on 26 June this year.

We now know that other young asylum seekers living in community detention have fled as a result, fearful that they might also be taken. We also remain very concerned for the wellbeing of both those children and, indeed, those in detention in Darwin now. No-one knows where these children who have fled are or if they are being looked after. I wish to emphasise that the two boys who were taken away by our federal government had done nothing wrong. They were simply told that the minister, who is also their guardian, had decided that it was in the best public interest not to have them living in our South Australian community.

However, should a guardian be acting in the children's best interests? When has acting in the best interest of children also not been acting in the public interest? I quote the Reverend Mark Riessen from the Churches of Christ South Australia and Northern Territory, who is part of the Australian Churches Refugee Taskforce. He said, 'The children's guardian cannot also be their jailer.'

I feel that this situation highlights the need for an independent commissioner for children and young people, in a different way, which has not been raised previously in this debate—a person with authority and power who would be able to speak up for these children when they have been denied the opportunity to do so themselves; to look after them when their appointed guardian has not. Further, our government should be exploring avenues through which our state could protect the rights and welfare of the refugee children who have fled their homes as a result of the federal government taking away these two boys, fearful that the same may happen to them. It is especially important that they have a strong independent protector who can speak to the government on their behalf since it is now apparently stated to be illegal for any member of the community to shelter these children.

On the topic of the commissioner communicating with the government, I also wish to draw the council's attention to the fact that under this proposed legislation the commissioner, while remaining independent, is held accountable to the government and must produce an annual report. This is, of course, absolutely essential so that everyone can know what work the commissioner has been doing and gain an insight into the issues affecting our children and young people. However, for the commissioner to truly afford our children and young people a voice in decision-making and to identify systemic issues that affect them, and for those issues to be not just seen with a figurehead of a commissioner but indeed heard, not only by the government but by the parliament, it is essential that a government minister responds to these reports.

These reports would not simply include the annual report but, as has been identified, could indeed enable the commissioner, when other avenues are not appropriate, to report on systemic issues of concern for action by this government. It is for this reason that I have circulated amendments, and I will speak to them further in the committee stage of this debate. The Greens believe and will put strongly that if these reports are produced by the commissioner for children and young people then the government should be required and compelled to respond to those reports, even if that response is a non-response. If no action is to be taken then the minister must provide reasons as to why no action is to be taken. If action is to be taken then there must be transparency about what action is and can be taken.

I implore the council to accept these amendments. Certainly the children and young people of South Australia have rights. They have a voice and they deserve a commissioner to represent them. With that, I commend the bill to the council.

The Hon. G.A. KANDELAARS (17:49): I rise to speak on the differences between the government bill and the private member's bill. I have a number of concerns with the private member's bill in addition to those raised by my colleague. As you know, when Labor came into power in 2002 one of the first things we did was establish a review of child protection, conducted by Robyn Layton QC. In recommending a commissioner, the review specifically stipulated that the functions of deciding complaints and grievances not be part of the role.

This private member's bill disregards that recommendation, charging the commissioner with investigative powers for individual cases. In doing so, it duplicates and undermines the functions and expertise of the South Australian police force and other bodies. It fails to promote continuous improvement of agencies working with children, young people and their families. By placing the burden of responsibility on the commissioner, the private member's bill fails to recognise we all have a role to play in child protection.

In contrast the government bill aims to build capacity of all agencies to respond to child protection cases. It focuses on proactive strategies to prevent child abuse and set the role of the commissioner to lead a community approach to children and young people's safety, development and wellbeing. The commissioner has an authoritative role to oversee an integrated approach by agencies and partners working with families and investigating matters affecting children.

The private member's bill also is out of step with practices in other states. New South Wales, Victoria, Queensland, WA and the Northern Territory have all reviewed their commissioner's functions over the past two years. No Australian jurisdictions include full investigative powers for their commissioners of children and young people. Queensland removed investigative powers from the commissioner's function from July this year—the last jurisdiction to do so. The cost of the Queensland commissioner was $42.5 million for the 2012-13 financial year, including a staff of 330 full-time and 165 casual employees, and 49 contractors.

At a time when the Abbott government is exerting unprecedented pressure on the South Australian budget, its state counterparts have failed to identify how they will pay for the commissioner model their private member's bill seeks to establish. In comparison, the government's bill is fully costed and funded.

The private member's bill is heavy-handed, it directs an inordinate amount of resources downstream instead of getting the right balance between punishment and prevention, and it wastes resources by duplicating roles. All in all, it is an insufficiently considered piece of legislation that fails to address the whole picture of child safety and protection.

The Hon. R.L. BROKENSHIRE (17:53): Family First will always support initiatives that establish and promote opportunities for South Australian children to fulfil their potential. We wholeheartedly agree that every child has the right to a safe loving environment and that families and government should work together to ensure our children are protected, and for this reason Family First strongly supports the intention of the bill the Hon. Stephen Wade has put before us today.

The creation of a commissioner for children and young people has long been recommended. It has been over 10 years since Robyn Layton QC handed down her report recommending a children's commissioner be established. I note with interest that every other state and territory has a children's commissioner and some even have both a children's commissioner and guardian. We now even have a commonwealth children's commissioner and yet South Australia does not. The lag in establishing such an important position is quite disturbing. The Law Society in considering the government bill presented several concerns and notably commented:

> In establishing the role of a Children's Commissioner it is imperative that the planning and operational components of the child development agendas of the Government are not confused with the clear requirement for an independent role to oversee these initiatives and ensure that they comply with our obligations under the United Nations Conventions on the Rights of the Child.

The submission further noted the need for the commissioner to have the necessary powers to carry out an effective advocacy role and to provide a greater service than to coordinate and oversee integration of various government policies and reports alone.

I note that this bill certainly goes some way to satisfying those recommendations and that the commissioner will, in short, promote the rights and interests of children and young people in the state by giving children a voice; monitoring the decisions of government and non-government agencies; conducting research and providing suggestions to government; ensuring all government agencies that deal with children are implementing and following best practice policies on child protection matters; having full investigative powers to be a truly independent statutory officer; and, promoting the United Nations Convention on the Rights of the Child in all areas of community life.

The Law Society noted, and I tend to agree, that it is difficult to see how a commissioner can achieve the necessary credibility with children unless they are able to listen and act upon individual complaints. This is paramount. The government has had 10 years to comply with the one very important recommendation of Robyn Layton QC. I note that a government spokesperson in their debate acknowledges that that was paramount to the government's platform when it first came into office, but we have now waited 10 years for the government to actually act. How can the parliament have confidence in a government bill when it has taken them 10 years to get the bill to debate?

It appears that one of the biggest differences between the government bill, which has been dragging and lagging for all those years, and the bill of the Hon. Mr Stephen Wade is that it will have absolute independence and it will have investigative powers. I have to say that our constituents who have been talking to us for some great period of time have pleaded to have a bill come in with those investigative powers and with absolute independence.

Family First put up a bill and were pushing to go slightly further to actually have a children's and education ombudsman. It is clear that we are not going to get that through the parliament, but this is the next best thing. I appeal to the government that they are not, with their bureaucracy, the only people with wisdom in this state and that this parliament needs to be listened to from time to time. Had the parliament been listened to and had some expediency occurred with respect to this bill, we may not be now facing the horrendous situations and the structural issues that we are facing with Families SA.

We have an amendment, which I will briefly speak to now, because I understand that it is the intent of the parliament to put this bill to a debate in this council today. I will be very brief, but I want to reinforce the seriousness with which Family First has considered this. We do not apologise for one moment for keeping absolute pressure on a government that, frankly, has probably the most intense problems that I have seen in any agency in nearly 20 years of being in the parliament. We do not apologise for keeping pressure on the government; we ask the government to be bipartisan on this and support it.

We now flag to our colleagues in the Legislative Council that we have an amendment, one amendment only, and that is about the appointment process. I will speak to it now so I do not take up any more time. The intent of that amendment is that the minister, through cabinet, will not be able to just hand pick somebody whom they think is suitable for this job and appoint them. There will be a process that is proper professional practice in that appointment.

The minister, whilst I think we have given plenty of flexibility to support them in how they set up the panel, will have to set up an independent panel that will go through all the professional processes and practices that we would expect to be able to get an absolutely independent commissioner and one who is recommended to this government and ultimately the Governor of South Australia, processes that ensure we get the best possible person into that job. With that, we commend the Hon. Stephen Wade for putting the bill forward and we strongly support this bill.

The Hon. J.A. DARLEY (18:00): I rise briefly to indicate my strong support for the Hon. Stephen Wade's bill for all of the reasons indicated by the Hon. Stephen Wade and my crossbench colleagues.

The Hon. S.G. WADE (18:00): I thank all honourable members for their contribution to the second reading debate, that is, the Hon. John Gazzola, the Hon. Gerry Kandelaars, the Hon. Tammy Franks, the Hon. Robert Brokenshire and the Hon. John Darley. As I have nothing to disagree with the Hon. Robert Brokenshire, the Hon. Tammy Franks and the Hon. John Darley, you will forgive me if I focus particularly on passing comments on the contributions of the other gentlemen.

The Hon. John Gazzola suggested that I had ignored a wealth of consultation that occurred during last year. I presume that he is referring to the government discussion paper which was released in July 2013. I must admit that I was gobsmacked at that because I think that I have read every submission the government received on that bill—certainly, all of those that were available on the website—and the overwhelming tenor of those submissions was to criticise the government for not including in the discussion paper a proposal for a children's commissioner.

The government bill that was, I think, dated 3 October 2013 had a commissioner but it did not have investigative powers, and what was a recurrent theme in the submissions that were made to the government's discussion paper was, 'We want a commissioner with investigative powers.' I appreciate that the Hon. John Gazzola was probably acting on advice he received, but I do not believe that I am ignoring the wealth of consultation; I believe the government is crudely ignoring the consultation they themselves put out.

The other point which I understood the Hon. John Gazzola to make was that the private member's bill that I put before this council fails to take a whole-of-community approach. I certainly agree with the Hon. John Gazzola that it is vital that we do. It is vital that a children 's commissioner looks at the rights, wellbeing and development of children across all of the domains that will be vital for their development to fully-functioning adults.

I am gobsmacked. I cannot see how I have narrowed the scope. In fact, the objects of my bill are exactly the same as the government's bill except for one reference: I dared in mine (paragraph (j)) to add the United Nations Convention on the Rights of the Child. If that was a sin, I pray for the council's forgiveness. In my defence, I would make the point that, in the government's bill tabled on 21 May, that was the one clause of my whole bill they took on. So, if I am a sinner, so is the minister.

I cannot see how I am failing to take a whole-of-community approach. The objects are just as broad as the government's. If the Hon. John Gazzola is suggesting that I am failing to take a whole-of-person approach because I am not including an outcomes framework, I would humbly suggest that that is a bureaucratic focus on a whole-of-community approach. I certainly intend, and this bill certainly intends—and I hope that all honourable members understand—that the commissioner would take a broad view of the development of children.

The Hon. Gerry Kandelaars' comments tried to misconstrue the commissioner as a complaints body. That is definitely not the case. The commissioner, particularly with the amendments I have tabled and will be putting to the bill, has a discretion to investigate a matter. Under the amendments in particular the primary focus of the commissioner as a systems advocate is

underscored by the fact that for the commissioner to be able to investigate a matter—if I can quote from the bill—the complaint must relate to a matter that can be investigated by the commissioner and it must be a matter which is of particular significance to children and young people and it also needs to be in the public interest.

The Hon. Gerry Kandelaars' suggestion that it is going to cost $40 million to run the commissioner made me reflect on the comparison with the Coroner's jurisdiction. The Coroner's Court received, in the 2012-13 financial year, 2,200 notifications of reportable deaths. The Coroner actually has a discretion as to whether or not they will hold an inquest into a reportable death and in the 2012-13 financial year the Coroner investigated 1.7 per cent of reportable deaths. So, the Coroner has a similar discretion to the commissioner as to whether or not a particular death is investigated.

I would submit to the council that it is a very similar process to what the commissioner will have to go through. Just as the Coroner and his team say to themselves, 'Is this reportable death a death that could shine a light on processes and steps that we as a community can take to avoid a future death?', likewise the commissioner is asked, particularly with the amendments I am putting forward tonight, 'Is the matter that we are looking at a matter that we could be investigating? Will it actually shine a light on opportunities to improve the protection and development of children?'

Having looked at 2,200, they end up with 1.7 per cent of reportable deaths investigated. In that financial year it was an annual budget of $6.5 million. I suspect that the Hon. Gerry Kandelaars is using the logic: well, the Coroner has 2,200 reportable deaths, isn't he going to be busy? On the same logic, the $6.5 million budget of the Coroner should actually be $386 million. I assure the council that I do not expect the budget of the commissioner to be anywhere near $386 million; in fact, nowhere near the $42 million that the government postulates.

I made the point about the discretion: the commissioner already has the discretion to choose which are the cases that can actually shine a light, and it may well be that from year to year the commissioner may not find any cases they think can shine a light on systems issues that they as the systems advocate would believe would benefit children.

A further reason why I would argue that the government is scaremongering on the resources issue, is the capacity for the commissioner to engage other agencies.

The Hon. R.L. Brokenshire: They actually did that with ICAC for years, that's why they couldn't have an ICAC because it was going to cost a fortune.

The PRESIDENT: Order! Do not interfere when the member is on his feet.

The Hon. S.G. WADE: In clause 27, my bill specifically envisages that the commissioner may decide that a complaint is not appropriately dealt with by the commissioner so they refer the matter to the police, to a state authority or to an inquiry agency. I would remind honourable members that those inquiry agencies are incredibly broad. They are in clause 3 of the legislation and they are: the Ombudsman; the State Coroner; the Police Ombudsman; the Commissioner for Public Sector Employment; the ICAC; the Health and Community Services Complaints Commissioner; the Child Death and Serious Injury Committee. So, another reason why I do not believe that this model is inefficient or overly expensive is because of the capacity for the commissioner to engage other agencies in pursuing matters.

One of my amendments (amendment No. 9) reinforces the capacity for the commissioner, if you like, to run their inquiry parallel to another inquiry. I can imagine the commissioner developing a relationship with, for example, the Child Death and Serious Injury Review Committee, where the committee might look at the paper-based review they authorised to do, and the commissioner for children and young people might say, 'While you are doing that, I will do an investigation into this aspect.'

I believe that the bill that is before us is very responsible in terms of making sure that we have a proper, efficient integration of the range of agencies available and that the commissioner would add to that, rather than duplicate it. I wanted to provide that reassurance to the house. I want to highlight what my honourable colleagues in supporting this bill have also highlighted—that the opposition bill is preferable to any bill that has been foreshadowed by the government, although it

would be disorderly for me to refer to a bill that is not in our *Notice Paper*. It would propose a commissioner who is truly independent, who has full investigative powers and who is fully accountable to this parliament.

I would also comment that since tabling this bill I have been contacted by the family of Chloe Valentine to indicate their support for a commissioner. They appreciate that this commissioner may never investigate Chloe's situation, but they are very supportive of steps that can be taken to provide children with a systems advocate with real teeth, with a real opportunity to shine the light on how our state can do better at protecting and developing our children. With those comments, I thank all members for their contribution to the second reading debate and look forward to the committee consideration as a matter of expediency.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. S.G. WADE: I would just like to mention that on the resources issue I should have added that a number of the key stakeholders in this debate have highlighted the issue of resourcing. In that context, I would like to particularly pay tribute to the work of YACSA, the Law Society and the Australian Medical Association, all of whom have been strong advocates for an independent commissioner with investigative powers. The AMA, Law Society, and I think YACSA too, have all stressed that the commissioner does need to be adequately resourced.

The Hon. T.A. FRANKS: I just wonder if the sponsor of the bill addressed the concerns that the bill would have an enormous financial impost, given the comparison was made with the Queensland model, and indeed the difference in the treatment of community visitors between South Australia and Queensland.

The Hon. S.G. WADE: I thank the honourable member for the question. My understanding is that the comparison with Queensland is not a fair comparison because the commissioner there has responsibility for a whole range of functions that are not intended by this act. For example, I understand the commissioner there has supervision of the Community Visitors Scheme. Be that as it may, even if we were the only state in Australia to have a commissioner with investigative powers, I would put to this committee that it is doubly important that we do so. It was highlighted to me earlier this week by a matter that was about land management, and one of the members in our party room said, 'We've got to do something. People just don't trust the government.' If there is anywhere where people no longer trust this government, it is child protection.

We need to have an independent commissioner who is independent from government, who has investigative powers and who is accountable not to the government but to this parliament. The government might say that things are different in other states. I would say the reason that we need a stronger commissioner than any other state is that things are different in this state. We need a commissioner particularly because of the situation that we find ourselves in under this government.

Clause passed.

Clauses 2 to 6 passed.

Clause 7.

The Hon. R.L. BROKENSHIRE: I have a point of clarification for the record to do with paragraph (h). Basically, whilst I have indicated that we support the bill per se, I believe that it is paramount that the commissioner, when reading the second reading and the clauses, understands that it is not the intention of the parliament to allow the commissioner to assess, for example, in an independent school, whether or not it is in the children's interest that it have a Christian ethos or for that matter any other religion.

In other words, whilst the commissioner is there to look after individual issues to do with children and children's rights, it is not the intent of this clause to indicate to a commissioner that they could investigate the rights and wrongs of having a religious focus in an independent school.

The Hon. S.G. WADE: I would make a couple of comments. First of all, the investigative powers in part 5 are not limited just to government providers, but I would make the point that clause 20 provides a particular focus on policy, practices and procedures of government. In terms of respecting the role of non-government providers, clause 7(h) refers to NGOs. Let me put that in context, that is, in part 2—Declaration, objects, principles and statutory duties. The principles in clause 7 include paragraph (h), but reading it in context, clause 7 provides:

> The following principles must be taken into account in the administration and operation of this Act:

and paragraph (h) states:

> the role of non-government organisations, services and programs within the community can strengthen and improve outcomes for the development and wellbeing of children and young people;

I suspect the Hon. Robert Brokenshire's attention has been brought to this issue by correspondence from the Association of Independent Schools. The association has also written to the opposition and they have expressed concern that the bill could allow for the commissioner to interfere with the day-to-day management of independent schools. That is certainly not the intention of the opposition.

The opposition does intend that the commissioner would have regard to the principle that non-government organisations, whether they are religious or otherwise, can contribute positively to the development of the wellbeing of children and young people, and one of those distinctives is the religious element. One of the other distinctives is the different models of governance which engage parents. There is a range of foci in non-government schools that would facilitate the development of children, and clause 7(h) specifically calls on the commissioner and other state authorities to recognise the positive contribution of non-government organisations.

Clause passed.

Clauses 8 and 9 passed.

Clause 10.

The Hon. S.G. WADE: If the Chair is agreeable, could I move [Wade-1] 1 and 2 together?

The CHAIR: Yes.

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

Amendment No 1 [Wade–1]—

> Page 7, line 2 [clause 10(1)]—Delete 'Subject to this section, the' and substitute 'The'

Amendment No 2 [Wade–1]—

> Page 7, lines 4 to 15 [clause 10(2) and (3)]—Delete subclauses (2) and (3)

They are to the same point; that is, to remove any form of ministerial direction. The intention of the current provisions in relation to ministerial directions were so the minister could provide guidance in relation to, shall we say, administrative matters that do not impinge on the functions of the commissioner. YACSA, the Law Society and the AMA all expressed particular concerns about subclauses (2) and (3).

We certainly believe that the commissioner should engage cooperatively with government to make the best use of public resources, but all of those stakeholders, who are all greatly respected in this area, had concerns that that might go beyond, shall we say, cooperative resource management and undermine the independence of the commissioner. We are not willing to countenance that risk, so we propose to the council that we fully remove the capacity for the minister to direct the commissioner.

Amendments carried; clause as amended passed.

Clause 11.

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

Amendment No 1 [Broke–1]—

> Page 7, lines 17 and 18 [clause 11(1)]—Delete 'nomination of the Minister' and substitute:

recommendation of the selection panel

I spoke to the amendment earlier.

The Hon. T.A. FRANKS: I indicate the Greens will be supporting this amendment. We certainly believe that the nomination process and the selection of this person is too important to leave to the minister or the government alone. As other speakers of non-government persuasions have indicated, people just do not trust the government on child protection, so why would we trust them to be empowered to select the commissioner?

The Hon. J.A. DARLEY: I wholeheartedly support the independence of the role of the commissioner for children and young people; it is an integral feature of the proposal that we are debating. The Hon. Robert Brokenshire's amendment, which was only filed a short time ago, appears on the face of it to reinforce that independence. That said, because we have had such little time to consider it, I indicate that I am willing to support it at this stage so as to enable the bill to be passed, but reserve my right not to insist on it during further debate between the houses.

The Hon. S.G. WADE: I take the opportunity to mention that the issue that the Hon. John Darley has highlighted in relation to the Hon. Robert Brokenshire's amendment as to how the selection of the commissioner reinforces the independence of the commissioner is an issue that was raised at a round table that the Hon. John Darley, the Hon. Tammy Franks and a number of members of the chamber participated in last Thursday. This issue that was raised was that our bill—the bill that is before us today—does not try to protect the independence of the commissioner on the way in; it rather focuses on protecting the commissioner from removal, if you like, on the way out.

Coming out of that round table, and having that concern raised by both members and stakeholders who were present at that round table, we gave thought to how we could protect the independence. The way we normally do it is through the Statutory Officers Committee. We did not believe that this office was of a nature that should go to the Statutory Officers Committee, so we did not take that issue any further. The opposition is attracted to this model because, if you like, it is a way to provide some independence on the way in. I am a touch concerned about whether we are complying with Executive Council rules, because I am not sure whether a selection panel could actually send it to the Governor.

The Hon. R.L. Brokenshire: I can explain that.

The Hon. S.G. WADE: I would certainly appreciate that.

The Hon. R.L. BROKENSHIRE: For the information of the house, I checked on that during the drafting because, for all intents and purposes, that is just the way they draft. It actually means that when the panel is assessed at all, that recommendation goes to the minister. Ultimately and eventually, like other appointments, the Governor signs off on it, but that is how parliamentary counsel advised it had to be drafted rather than have the word 'minister' there, but it will actually go to the minister, and I do not have a problem with that. It is the assessment and recommendation that I want to see independent.

The Hon. S.G. WADE: The opposition supports the independence of the commissioner. I thank the honourable member for his explanation, and we will be supporting amendments Nos 1 and 2 of Mr Brokenshire's set 1.

The Hon. B.V. FINNIGAN: While I do not oppose these amendments this evening, I think that the Hon. Mr Darley has raised a point about whether this is the right way to go about what the amendments intend.

It seems that honourable members are saying that we want there to be a process by which the commissioner is appointed, rather than just by the executive, and that is a fair enough aspiration, but I am not sure that this amendment achieves that, because the minister can appoint virtually anyone on any terms to comprise the selection panel. If you are saying that you want this process whereby the minister cannot just appoint somebody without consultation—

The Hon. R.L. Brokenshire interjecting:

The Hon. B.V. FINNIGAN: Well, here you are saying that the minister can appoint a selection panel consisting of such number of persons as the minister thinks fits and who, in the minister's opinion, collectively have sufficient qualifications or experience. Essentially, the minister could appoint a selection panel entirely of their choosing, designed to recommend whoever they like.

Also there is a lack of definition about what this selection panel would do and how it would do it. I know it says what it can do or should do, but we see in a lot of modern positions, like ombudsmen or commissioners, that there is a fairly prescriptive, often legislative, framework for how they are appointed, which may include the Statutory Officers Committee or other methods of assessing applicants.

That is a worthwhile and reasonable aspiration, but the wording of this particular amendment is a bit haphazard in not being prescriptive enough about how it would go about it: how many people would be on the panel, what would happen if they are not in agreement, are there particular people from certain sectors or interest groups that have to be represented, and none of that is really explicit there, which generally would be for that kind of provision. While I do not intend to oppose it as such, I put those matters forward for consideration.

The Hon. S.G. WADE: I do not profess to speak on behalf of the Hon. Robert Brokenshire, but I note that the second amendment in clause 6 does say 'the regulations may make further provisions in relation to the selection panel'. To the extent to which the Hon. Bernard Finnigan's comments highlight an opportunity to improve the provision, that can be done either between the houses, or it might even be appropriate to leave it to the regulations.

I remind members that the bill I tabled provided for, if you like, a scheme to be published in the *Gazette*. What the Hon. Robert Brokenshire's amendment is doing, as far as I can see, is to say, 'That's fine, you can develop a scheme and promulgate it, but it has to have a selection panel in there.' It has to have an independent selection panel and we think it may well benefit from further work, and the Hon. John Darley has encouraged us in the dialogue with the other place to see if there is an opportunity to improve it. I think the Hon. Robert Brokenshire is really asking this house tonight: is this a practical way of protecting the independence of the commissioner on their way to appointment? The opposition is of the view that it is practical, it is workable, and we will be supporting it.

Amendment carried.

Sitting extended beyond 18:30 on motion of Hon. G.E. Gago.

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

Amendment No 2 [Broke–1]—

Page 7, lines 23 to 25 [clause 11(3)]—Delete subclause (3) and substitute:

(3) The Minister must, in respect of each appointment of the Commissioner (other than a reappointment), establish a panel (the *selection panel*) consisting of such number of persons as the Minister thinks fit and who, in the Minister's opinion, collectively have sufficient qualifications or experience to enable the panel to choose an suitable person to be appointed as the Commissioner.

(4) The selection panel established in respect of a particular appointment is responsible for—

(a) advertising the position of Commissioner; and

(b) assessing the applications received for the position; and

(c) recommending to the Governor 1 or more of the applicants for appointment to the position.

(5) Subject to this Act, the selection panel may determine its own procedures.

(6) The regulations may make further provisions in relation to the selection panel.

This amendment is consequential.

The Hon. S.G. WADE: We see it as consequential too.

The Hon. T.A. FRANKS: It is consequential.

Amendment carried; clause as amended passed.

Clauses 12 to14 passed.

Clause 15.

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

Amendment No 3 [Wade–1]—

Page 9, after line 15 [clause 15(3)]—After paragraph (d) insert:

(da) to develop and publish a community engagement plan in accordance with the regulations;

Amendment No 4 [Wade–1]—

Page 9, lines 19 to 21 [clause 15(4)]—Delete 'practicable, engage with children and young people in the performance of his or her functions under this Act (other than in relation to an investigation under Part 5).' and substitute:

practicable, engage with (in this order of priority)—

(a) children and young people; and

(b) the parents, families and carers of children and young people; and

(c) any relevant peak bodies and non-government organisations,

in the performance of his or her functions under this Act (other than in relation to an investigation under Part 5).

Both of them are particularly motivated by calls from the Youth Affairs Council of SA to make sure that the engagement with children and young children is maximised, and I do acknowledge that a number of other stakeholders were keen to reinforce that. How we seek to do that is through these two amendments: require the commissioner to develop a community engagement plan, require the commissioner to particularly consult with children and young people but also parents, families, carers, relevant peak bodies and the non-government organisations.

Then, in amendment No. 5 [Wade-1] we will be asking the commissioner to report against that plan. So this is all about community engagement and giving a priority voice to children and young people.

Amendments carried; clause as amended passed.

Clause 16 passed.

Clause 17.

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

Amendment No 5 [Wade–1]—

Page 10, after line 8 [clause 17(2)]—After paragraph (f) insert:

(fa) any information required by the regulations in respect of the community engagement plan referred to in section 15(3)(da);

I would suggest to the committee that it is basically consequential in the sense that it requires the commissioner to report against the communication plan that has been promulgated under section 15(3)(d).

Amendment carried; clause as amended passed.

Clauses 18 to 20 passed.

Clause 21.

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

Amendment No 1 [Franks–1]—

Page 11, after line 26—Insert:

(3a) The Minister must, on receiving a report under subsection (3), prepare a report to Parliament setting out—

(a) the Minister's response to the Commissioner's report; and

(b) if any action has been taken, or is proposed to be taken, (whether by the Minister, a State authority or any other person or body) in relation to a recommendation to which the Commissioner's report relates—details of that action or proposed action; and

(c) if no action is to be taken (whether by the Minister, a State authority or any other person or body) in relation to a recommendation to which the Commissioner's report relates—the reasons for not taking action; and

(d) any other information required by the regulations.

This amendment seeks to, where the commissioner provides a report to the parliament, ensure that the minister responds within 12 parliamentary sitting days to that report. Even if that report response is to say that no action will be taken, the minister will be compelled under the act to provide that to the parliament.

The Hon. S.G. WADE: I indicate that the opposition is attracted to these proposals. It is not dissimilar to what we require of the government in relation to coronial inquests. If there is a report on a matter that the commissioner thinks is important enough to investigate, we believe the community would think it is important enough for the government to respond to that report.

The Hon. R.L. BROKENSHIRE: Family First will be supporting the amendment.

The Hon. B.V. FINNIGAN: I support this suite of amendments.

Amendment carried.

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

Amendment No 2 [Franks–1]—

Page 11, line 28 [clause 21(4)]—Delete 'the report' and substitute:

both the report and the Minister's report under subsection (3a)

I see this amendment as consequential.

The Hon. S.G. WADE: So do we.

Amendment carried; clause as amended passed.

Clause 22.

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

Amendment No 3 [Franks–1]—

Page 11, after line 32—Insert:

(1a) The Minister must, on receiving a report under subsection (1), prepare a report to Parliament setting out—

(a) the Minister's response to the Commissioner's report; and

(b) if any action has been taken, or is proposed to be taken, (whether by the Minister, a State authority or any other person or body) in relation to the Commissioner's report—details of that action or proposed action; and

(c) if no action is to be taken (whether by the Minister, a State authority or any other person or body) in relation to the Commissioner's report—the reasons for not taking action; and

(d) any other information required by the regulations.

Amendment No 4 [Franks–1]—

Page 11, line 34 [clause 22(2)]—Delete 'the report' and substitute:

both the report and the Minister's report under subsection (1a)

All my amendments are consequential; it is simply the requirement that the minister provide a response to the report.

Amendments carried; clause as amended passed.

Clause 23.

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

Amendment No 6 [Wade–1]—

Page 12, line 4 [clause 23(1)]—After 'may' insert:

(on receipt of a complaint under this Part or on his or her own initiative)

Amendment No 7 [Wade–1]—

Page 12, lines 15 and 16 [clause 23(1)]—

Delete 'that any procedures for resolving matters of the relevant kind under a specific Act have been used appropriately but without resolution of the matter.' and substitute:

that—

(a) any procedures for resolving matters of the relevant kind under a specific Act have been used appropriately but without resolution of the matter; and

(b) the matter raises an issue of particular significance to children and young people; and

(c) it is in the public interest to conduct the investigation.

Amendment No 8 [Wade–1]—

Page 12, lines 29 to 37 [clause 23(4)]—Delete subclause (4)

All these amendments relate to the same matter. If I could express it simply and for the benefit of the house briefly, this set of amendments is responding to the concern of stakeholders that the commissioner is fundamentally a systems advocate and that investigations that the commissioner would undertake would be ones that are of particular significance to children and young people and are in the public interest. In other words, it goes to the point the Hon. Gerry Kandelaars was expressing concerns about; that this is not, shall we say, a mass complaint agency. This is a targeted systems advocate with investigative powers. I hope the committee might find these amendments enhance the bill.

Amendments carried; clause as amended passed.

Clauses 24 to 26 passed.

Clause 27.

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

Amendment No 9 [Wade–1]—

Page 14, after line 8—Insert:

(4a) Subject to this Act, the referral of a matter under this section does not, of itself, prevent the Commissioner from performing his or her functions in relation to a child to whom the matter relates.

Again, this came out of the consultation that the opposition engaged in following the tabling of the legislation. A renowned Adelaide lawyer suggested that it would be useful for the legislation to make it clear that, even when the commissioner decides to refer a matter to an inquiry agency, the police or a statutory authority, the commissioner might still continue to be engaged in that inquiry.

The legal practitioner involved, who is very well experienced in these areas, highlighted the fact that a child or a young person might need the support of the commissioner and might be reassured by the continued engagement of the commissioner. Also, it goes to the point that I mentioned earlier, which is you might have complementary jurisdictions between the commissioner and a referred agency. I move the amendment and seek the support of the council.

Amendment carried; clause as amended passed.

Clause 28 passed.

Clause 29.

The Hon. S.G. WADE: I appreciate I do not have an amendment on this clause but I wanted to put on the record that there has been some concern that when you look at the bill the powers seem very strong. My understanding is that the powers are no more substantial than they need to be. If you like, they are the basic level of powers that one would give to a person or body undertaking an investigative role.

I would refer the council to clauses 42(3) and 42(4) which reaffirm that, unlike, shall we say high level investigators, like serious and organised crime investigators or an ICAC, this bill does not override the privilege against self-incrimination, it respects legal professional privilege, it respects without prejudice privilege and public interest immunity. Basically, it is setting the limits of the commissioner at what one would generally see as the usual level for courts, so we believe that it is no more substantial than the commissioner requires to do their task.

In support of that contention, I remind the council that the government appointed Justice Debelle to undertake the independent inquiry. He came back I think on three occasions and sought further powers. The powers he received, as I understand it, were not dissimilar from this. He felt he needed them to do a proper investigation and we believe the commissioner will need them to be able to do a proper investigation.

Clause passed.

Clauses 30 and 31 passed.

Clause 32.

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

Amendment No 5 [Franks–1]—

Page 16, after line 35—Insert:

(4a) The Minister must, on receiving a report under subsection (4), prepare a report to Parliament setting out—

(a) the Minister's response to the Commissioner's report; and

(b) if any action has been taken, or is proposed to be taken, (whether by the Minister, a State authority or any other person or body) in relation to a recommendation to which the Commissioner's report relates—details of that action or proposed action; and

(c) if no action is to be taken (whether by the Minister, a State authority or any other person or body) in relation to a recommendation to which the Commissioner's report relates—the reasons for taking no action; and

(d) any other information required by the regulations.

Amendment No 6 [Franks–1]—

Page 16, line 37 [clause 32(5)]—Delete 'the report' and substitute:

both the report and the Minister's report under subsection (4a)

This is consequential.

Amendments carried; clause as amended passed.

Clause 33 passed.

Clause 34.

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

Amendment No 7 [Franks–1]—

Page 17, after line 13—Insert:

(1a) The Minister must, on receiving a report under subsection (1), prepare a report to Parliament setting out—

(a) the Minister's response to the Commissioner's report; and

(b) if any action has been taken, or is proposed to be taken, (whether by the Minister, a State authority or any other person or body) in relation to the Commissioner's report—details of that action or proposed action; and

(c) if no action is to be taken (whether by the Minister, a State authority or any other person or body) in relation to the Commissioner's report—the reasons for taking no action; and

(d) any other information required by the regulations.

Amendment No 8 [Franks–1]—

Page 17, line 15 [clause 34(2)]—Delete 'the report' and substitute:

both the report and the Minister's report under subsection (1a)

These are both consequential.

Amendments carried; clause as amended passed.

Remaining clauses (35 to 48), schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. S.G. WADE (18:45): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Motions

INNER METROPOLITAN AREA DEVELOPMENT

Adjourned debate on motion of Hon. M.C. Parnell:

That the regulations under the Development Act 1993 concerning Inner Metropolitan Area Development—Relevant Authority—Development Assessment Commission, made on 28 November 2013 and laid on the table of this council on 6 May 2014, be disallowed.

(Continued from 18 June 2014.)

The Hon. M.C. PARNELL (18:45): This is the motion to disallow regulations under the Development Act and when I spoke to this motion on 18 June I sought leave to conclude my remarks so I could gather feedback from the affected local councils and community groups. I have received over 20 submissions and I want to put these on the record and offer my thanks to those who responded. I would also like to thank the officers from the Department of Planning, Transport and Infrastructure who gave me a briefing on the operation of the inner metro prelodgement process and the work of the Government Architect and the Design Review Panel process.

When writing to councils I sought feedback on five particular questions and then offered the opportunity for them to add anything else. The questions I asked them were:

1. Whether the elected member or the council supported the disallowance motion.

2. What they thought of the consultation process leading up to these regulations.

3. Any particular difficulties these regulations posed for their council area.

4. Any statistics or other information to show councils past record on development approvals in general and larger residential buildings in particular.

5. Any alternative arrangements that would be preferable to these regulations.

I will refer to some of the answers to these questions as I go through the various submissions but, to cut right to the chase, the written responses I received from councils and elected members were unanimously in support of this parliament disallowing these regulations. To make it perfectly clear that this was not a loaded survey or a selective sample, I wrote to every single elected member, every resident group, and the CEOs or planning department heads of each of the six affected local councils. The most recent response I received was from Wendy Campana, CEO of the Local

Government Association, who wrote that the six councils unanimously committed their strong support for this disallowance motion.

What did each of these councils have to say? I will start with the City of Adelaide. Back in December last year soon after these regulations had been gazetted, Lord Mayor Stephen Yarwood wrote to me, and I expect to most other MPs, about these regulations. In particular the council was concerned about the fact that the council, having already lost its powers to assess development applications worth more than $10 million, was now not even required to be consulted about these types of developments, plus any development more than four storeys in height. So, not only is the council's Development Assessment Panel no longer the decision-maker for these larger developments, they do not even have to be consulted.

Adelaide City Council was particularly concerned that these changes were foisted on them without consultation and outside the heads of agreement between the minister and the council and also against the spirit and the objects of the City of Adelaide Act 1998. The record shows that minister John Rau wrote to the council on 22 November last year and gazetted the regulations six days later, so he clearly had no intention of listening to anything that the council might have to say about the matter.

Since requesting formal feedback from the council this year, I also received a response from Mr David Chick, general manager, City Planning and Design. He reaffirmed the council's position in support of the disallowance motion, their disgust at not being consulted, and he drew attention to the complete lack of evidence justifying the minister's decision. In fact, when the government took away the council's powers to assess developments over $10 million, the processing time actually went up; so much for improved efficiency.

I would also like to thank councillor Houssam Abiad from Adelaide City Council, who supports the motion and reminded me that the government has prior form in relation to appalling consultation, and he reminded us of the Capital City DPA. I also thank councillor David Plumridge, who participated in the council's working group which was established to look into this and who adds his support to council's formal position.

As to the Corporation of the City of Norwood Payneham and St Peters, I received correspondence from mayor Robert Bria, who supported the disallowance motion. He also provided me with a copy of the report prepared by council's planning staff which, like the Adelaide City Council analysis, queries any advantage to transferring responsibility for these development applications from council to the Development Assessment Commission. To quote the council report:

> There appears to be no sound rationale as to why the Development Assessment Commission is better placed than the Council to determine Development Applications involving the construction of buildings greater than four (4) storeys in height. Processing timeframes do not appear likely to be any shorter and the persons involved in the decision-making process have similar levels of relevant experience and qualifications.
>
> On the other hand, there is good reason why Councils are more appropriately placed to assess those Development Applications in its area. Specifically, Council has a greater knowledge and understanding of local planning matters. A detailed understanding of local planning policy, pressures, trends and conditions is imperative to a thorough planning assessment.

In relation to the question about what alternative arrangements the council thinks would be preferable, the council report reminds us:

> Prior to the recent State Government Election, the Liberal Party advised that, if elected, they would seek to reinstate the Councils' powers to decide on approvals for buildings above four storeys, but buildings above eight (8) storeys would still be dealt with by the Development Assessment Commission.
>
> It is unclear what the rationale was in relation to suggesting an increase to eight (8) storeys, however such a change would leave some development in Kent Town, where the DPA allows for development up to ten (10) storeys in height, being assessed by the DAC.
>
> Given that there appears to be no sound rationale as to why the DAC is more appropriately placed than the Council to assess complex and large scale developments, there are no alternative arrangements where the DAC remains as the relevant authority.
>
> That said, there would be some benefit in the Government Architect continuing to be a statutory referral agency for developments exceeding four (4) storeys in the relevant areas, with the Council being the relevant Planning

authority. Advice from the Government Architect, if treated appropriately in the assessment process, can provide valuable guidance towards achieving quality development outcomes in line with the Development Plan.

I also note that I received a submission from councillor John Minney and also a submission from councillor John Frogley. Councillor Frogley said:

> I totally support your motion. The majority independent Development Assessment Panels are in the best position to seamlessly assess development proposals…The regulations should be removed and planning decisions on individual proposals restored to the Council panels which are in the best position to efficiently determine conformity with Development Plans. The apparent belief that an additional bureaucratic process will result in better outcomes for developers and the community is misguided. Do not stuff up a good planning system that already has sufficient checks and balances to ensure that good planning outcomes for communities can be achieved with more than adequate flexibility and timelines to meet the needs of developers.

The City of Prospect very helpfully convened a workshop at which a large number of elected members and staff were in attendance, and I appreciated the opportunity to talk with them directly about this disallowance motion. I remember thinking at the time that those of us in state parliament should probably spend more time with our colleagues in local government because so many of the decisions we make will impact on their communities.

Mr Chris Newby, the acting director of planning and economic development at Prospect council, also provided a number of insights, in particular, the fact that referral of these developments to the Government Architect is included in the regulations that I am seeking to disallow. I agree with him that that is a provision worth retaining, but it is a known problem with disallowance motions that we are obliged to throw out the good with the bad.

It is also a known problem that the government can reintroduce exactly the same regulations the day after they have been disallowed. That is why I have been more than open with the government, and I invite them to reintroduce the referral to the Government Architect that triggers the design review panel process. I also believe that that process should be made available to local councils as well as the Development Assessment Commission, with the cost incorporated into developer application fees.

The Corporation of the City of Unley responded through their general manager of economic development and planning, Mr David Litchfield. Mr Litchfield made the point that:

> The 30 Year Plan and subsequent changes to the Council Development Plan will mean significant future change to the fabric of the City. If the regulations remain in place, the local community is denied input into the decision making processes that will deliver this change.

When he was responding to the question about any particular difficulties that these regulations pose for his council, he made the point that:

> The major difficulty is the lack of formal processes for Council to have input into the decision making about developments in regard to matters such as local traffic impacts, waste management, views of local residents and building compliance issues. These are all matters where responsibility falls on Council but Council is excluded from having a role in determining the outcome. For example, Council will be legally responsible for residential waste management but has no formal say in the collection arrangements proposed by the developer. If the Inner Metropolitan DAC allows a new apartment development to propose street pickup of 120 MGB's each week, Council must pick them up, regardless of the impracticality of that outcome.
>
> Council officers will still need to undertake significant work in relation to applications, including participation in Design Review Panel meetings and the Pre-Lodgement Process meetings. Council building staff will still have to assume responsibility for building compliance issues. Yet all of the Planning Fees will be retained by the State Government and Council will receive insignificant building fees (in the order of a couple of hundred dollars only). Consequently Council will be significantly financially disadvantaged by the regulations.

Councillor Michael Hewitson, councillor for Unley ward, also responded. I thank him and note that he is the presiding officer of Unley's Development Strategy and Policy Committee. He makes the point that the Unley council has worked closely with the state government. He writes:

> As a Councillor I do not understand why the State should remove the power from ALL councils as having done so removes the political goodwill and trust of the citizens of Unley. How can they trust their Council working with the government for a good environmental and heritage solution.

Also from Unley, councillor Don Palmer of the Goodwood South ward has made a submission. In relation to the City of West Torrens, deputy CEO Declan Moore supported the motion on behalf of

his council. He provided me with a copy of their initial response to the minister last year, which expresses concerns about the regulations and disappointment that they were not consulted. West Torrens also expressed solidarity with the other inner rim councils who are opposed to these moves.

The City of Burnside mayor, David Parkin, wrote to advise that the council resolved at its meeting on 22 July to support this disallowance motion. The mayor's letter to me of 4 August states:

> It is the Council's view, that with the same tools afforded to the Development Assessment Commission such as access to the Government Architect, Council staff and Development Assessment Panel Members are in an equal position to make carefully considered and sound planning assessments of the buildings in question. In fact, to not create this opportunity for Council staff and DAP Members would be to stifle professional development opportunities and reduce to some extent the attractiveness of the industry.
>
> Council also resolved that a copy of this letter be forwarded to Stephen Griffiths MP, Member for Goyder, to inform him of the Council's position on this matter in response to his letter dated 30 June 2014.

That particular letter from Mr Griffiths includes the following sentence:

> In a meeting with planning department staff last week, the indication given to me was that within local government the position had changed somewhat and staff and elected members are now 'comfortable' with the current situation.

I know that a number of councils, whilst they respected that Mr Griffiths was putting that as a proposition to them, all rejected it and said that they cannot understand why the state government department would think that they were now comfortable with these regulations, because they are not.

Another submission from the City of Burnside came from councillor Helga Lemon, who is a councillor with the Eastwood and Glenunga ward. She says:

> My own view as ward councillor for Eastwood and Glenunga is that removing developments over 4 storeys from local Development Assessment Panels alienates the community from the evolution of their immediate neighbourhoods. People want to have a say about how their immediate neighbourhoods are developed and while this government talks a lot about community engagement, indeed they are now spruiking the merits of 'co-design', we don't see very much evidence of this in our blue ribbon liberal area.

I would also like to thank councillor Jane Davey and councillor Leni Palk from the City of Burnside for their responses.

The Local Government Association, as I mentioned before, received a letter from Wendy Campana, and I want to put on the record in some more detail some of the things that the LGA said, representing, as it does, all local councils. She said:

> I am writing to confirm local government's continued support for the motion to disallow the Development (Inner Metropolitan Area) Variation Regulations moved by the Hon. Mark Parnell on 18 June 2014. On 21 July, the LGA convened a meeting of the mayors and CEOs of the six inner-metropolitan area councils impacted by these regulations. Mr Parnell was also in attendance. At this meeting, the six councils unanimously committed their strong support for the disallowance motion.
>
> Local government is supportive of planning reform that is evidenced based; outcomes focused and delivered as a complete package of reform. The disallowance of these regulations will allow the decision making process for significant developments to be revisited in a positive and productive manner. The LGA is confident that through more collaborative discussions, there can be genuine improvement to both the efficiency of decision making and the quality of development outcomes.

I also received responses from a number of local residents groups, and I do want to thank them and put some of their thoughts on the record as well.

Elizabeth Crisp, the president of the Prospect Residents Association, basically confirmed that her committee supported the motion, and reaffirmed that there was no public consultation that they were aware of. They believe that the approvals should remain with local councils, who have a better knowledge of the area. She also comments that the number of residents who must be notified about high rise developments must be increased, as these developments will impact on a wider range of residents due to issues to do with traffic, smell, noise, overshadowing, overlooking, rubbish management, sustainability, etc. Dr Susan Sheridan, who is the secretary of the Preserve Kent Town group, says the following:

> The Preserve Kent Town Association (PKTA), which was formed in 1975, has for many years sought to preserve and enhance the amenity of the Kent Town locality, and to encourage the retention and maintenance of

buildings of historic value. To this end we have often engaged in negotiations—sometimes heated disagreements—with the local council, a process which we believe to be essential to the democratic system of government of which we are proud.

We agree with you that the Development (Inner Metropolitan Area Development) Variation Regulations 2013 should be disallowed. In reducing local councils' input to the new 'Inner Metropolitan Development Assessment Committee' to the nomination of a single (non-elected) member, these regulations cut out any significant input from local council and local bodies such as the PKTA.

I note that Andrew Dyson, the secretary of the Kensington Residents Association, also supports the submissions of both the Prospect and the Kent Town groups. In relation to St Peters, we have Evonne Moore, who is the spokesperson for the St Peters Residents Association. She says:

On behalf of both the St Peters Residents Association and Save Our Suburbs—Adelaide, we strongly support your motion. The centralization of development assessment which the state government is trying to foist on to local communities in the inner suburbs is all about shutting them out of any say in the development assessment process.

I also note that Julie Jordan, the chairperson of the South West City Residents Association—and I note from a recent media release that she is also running for the Adelaide City Council this year—supports the disallowance motion. Ros Islip, the president of FOCUS, the Friends of the City of Unley Society, supports the motion, as does Lionel Edwards, president of the Residents of Inner North-West Adelaide.

Last but by no means least of the community groups is the Community Alliance SA, which is an umbrella group that represents residents associations and other community-based groups across South Australia. Tom Matthews, the president of that association, said the following:

Dear Mark,

The Community Alliance SA supports the motion that you proposed on 18 June 2014. Community Alliance members believe that local council Development Assessment Panel (DAP) members have the necessary expertise and local knowledge and are generally well qualified to make development assessment decisions. Local decisions made by local people work better having the support of the community.

Further DAPs have elected members of council who are better able than DAC members to make a judgment on the full impact/s of a development proposal in their local council area. Elected Members and other DAP members appointed by local councils have an intimate knowledge of their communities and can assess a proposal knowing how it will affect the area. For example they know the local conditions, ambience, traffic flows, road conditions, the people, and the surrounding buildings and local businesses that might be adversely affected. Their knowledge can enable a balanced assessment of the development proposal…Community Alliance argues that, until a new and fairer planning system is in place, the decision making ability for all development assessments should remain with local council DAPs. This would restore community faith that decisions for large developments will adequately address community needs and not just be for the benefit of the proponent.

In summary, many of the submissions pointed out that these regulations are a significant change to the planning system and also that they fall within the matters being considered by Mr Brian Hayes QC and the expert panel on planning law reform. The export panel's interim report was released today and their final report is due before Christmas.

Like the curate's egg, parts of it are excellent but other parts are terrible. Local councils and local community groups will now be poring over the 172 pages of Mr Hayes's report, and they will be doing so in good faith, and they will tell the Hayes committee what they like, what they do not like, and also where the panel has got the questions wrong as well as the answers.

It has been very hard for many people to engage in the planning law review process in good faith because that good faith has not been replicated by the state government. These regulations are symptomatic of a bullying approach that pays lip service to consultation and the interests of local communities. As a result, this parliament needs to send a message to the government that we support reform but we want it done respectfully, cooperatively and, most importantly, based on evidence.

I commend the motion to the house and advise that I will be bringing this to a vote on the next Wednesday of sitting after the winter break, being around the middle of September, but I will send a note to all MPs.

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

Bills

BUDGET MEASURES BILL 2014

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) (19:07): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill introduces legislative amendments required to implement budget measures that have been announced as part of the 2014-15 Budget.

This Bill amends the *Taxation Administration Act 1996*, *Education Act 1972*, *First Home and Housing Construction Grants Act 2000*, *Mining Act 1971*, *Passenger Transport Act 1994* and establishes legislation for a Transport Development Levy (the 'Levy') in the Adelaide central business district (CBD) from 1 July 2014.

Adelaide has more car parks per capita than any other major Australian capital city, and congestion is increasing on the roads leading into the city. As South Australia's population increases, the congestion will only increase. Adelaide has far and away the cheapest CBD parking of all mainland states.

The Levy will make using public transport more attractive and will importantly provide significant resources to be reinvested into public transport. It will initially be used to pay for new park 'n' ride and passenger facilities at various locations around suburban Adelaide.

The Bill sets the Levy at $750 per annum per car park space in 2014-2015 and will be indexed annually to movements in the Adelaide Consumer Price Index. The Levy will apply to car parking spaces owned during the 2014-15 financial year, as assessed on 1 January 2015.

As the Levy is considered to be an exempt tax under subsection 81-5(2) of the *A New Tax System (Goods and Services Tax) Act 1999*, no GST will be payable when the Levy is remitted by the owner or operator of a car park to the Government.

However when the Levy is passed on to a third party, for example by a landlord to a tenant, the amount passed on will constitute a taxable supply and will be subject to the GST.

The Levy will apply to parking spaces which are subject to a fee or charge or the provision of some other value benefit or consideration on a regular basis, parking spaces that are set aside or used for the parking of a fleet vehicle on a regular basis, and parking spaces that are set aside or used for employee parking on a regular basis. The Levy will also apply to parking spaces set aside or used for the parking of a car used by a Minister or other Members of Parliament, but does not apply to any area that is part of the South Australian Parliament.

The Levy area includes car park spaces located within the Adelaide City Council area south of the River Torrens and the parkland side of Hackney Road, Dequetteville Terrace, Greenhill Road, the train line bordering the west parklands and Port Road. The Levy will not apply in North Adelaide.

The legislation details a number of exemptions to the Levy including residential car park spaces, car parking spaces provided to customers of businesses free of charge, short term parking by the general public on a hospital site and spaces located at sites that do not contain more than five car parking spaces where the owner does not own more than five car parking spaces in total in the CBD.

The Bill contains provisions which allow the owner of a car park space to pass on the cost of the Levy to third parties.

Extensive consultation has occurred in relation to the technical and administrative details of the Levy and the government is confident that the Levy can be efficiently and effectively administered under the provisions of the Bill.

This Bill also amends the *Education Act 1972*.

On 29 February 2012 the High Court of Australia found that the mechanism used by successive governments for the appointment of temporary teachers was not authorised under the *Education Act 1972*.

The practical effect of the mechanism that is available for these appointments is that some temporary teachers with service from 1972 potentially have access to an allowable break in service of up to 2 years for the purposes of long service leave accrual, compared to 3 months break in service that applies to other public sector employees.

It was not the intention of successive governments to provide a more generous entitlement for accrual of long service leave to temporary teachers than are available to other public sector employees. The potential implications

have significant financial consequences for the State and provide a benefit to temporary teachers not available to other public sector employees.

This Bill will retrospectively extinguish the 2 year rule for temporary teachers bringing long service leave accruals for temporary teachers in line with other public sector employees.

This Bill also introduces an $8,500 Senior Housing Grant for people 60 years of age and over who want to purchase a new home to live in that better suits their needs.

Under the scheme, a once-off $8,500 grant will be available for eligible homes valued up to $400,000 and will phase out for eligible homes valued up to $450,000. The grant will be available for eligible new home contracts entered into between 1 July 2014 and 30 June 2016. The scheme will be reviewed after that time.

The grant is only available to natural persons, can only be claimed once by each household and will not be available to first home buyers claiming the $15,000 First Home Owner Grant.

The new grant is estimated to cost $7 million per annum and delivers on the government's election commitment.

The Bill includes changes to the *Mining Act 1971* to increase the extractive minerals royalty rate to 55 cents per tonne, commencing on 1 July 2014. Extractive minerals include sand, rock and clay used as construction materials.

Currently the royalty payable on extractive minerals in South Australia is 35 cents per tonne, with 25 cents per tonne allocated to the Extractive Areas Rehabilitation Fund and 10 cents per tonne allocated to the Consolidated Account. The extractives royalty rate has not changed since 1 January 2006.

The increase in the extractive royalty rates will not affect the Extractive Areas Rehabilitation Fund, with all additional royalty revenues paid to the Consolidated Account.

South Australia's extractive royalty rate will still be competitive compared with other jurisdictions, with the new rate the third lowest rate charged by all states.

The *Mining Act 1971* is also being amended so that proprietors and operators of private mines will be required to pay royalties on minerals recovered from the mine upon the first change to the owner or operator of a mine from 19 June 2014. Private mines already pay royalties on extractive minerals.

Together, these measures are expected to raise around $3.2 million per annum over the forward estimates.

This Bill also amends the *Passenger Transport Act 1994*.

The Department of Planning Transport and Infrastructure is currently forecasting the need to provide special event public transport services each year to approximately 100 special events with over one million journeys made on these services.

Special events in Adelaide are categorised as either community or commercial events. Community events are not-for-profit events where there is no charge for entry, for example the Credit Union Christmas Pageant, Carols by Candlelight, Anzac Day and the City to Bay Fun Run, while Commercial events are those organised for profit and charge attendees for entry, participation or membership, for example sporting events and the Royal Show. It is anticipated that of the special events that will require special public transport services approximately 86% will be commercial and 14% will be community.

Special events often generate large numbers of participants who want to travel at the same time, and for whom there is insufficient capacity on existing public transport. Dealing with this increase in travellers may require additional transport and possible detours and disruptions to regular services.

Currently, there is no requirement to notify DPTI of an event that may require special public transport services; or where the event is a commercial activity, to discuss the cost of providing the services and how much should be borne by those profiting from the event. South Australia is the only mainland state that does not have legislation or a policy dealing with public transport services to special events which is supported by major event venues and organisers.

This measure will ensure the best public transport solution is delivered for the community and where possible, ensure the appropriate level of service by improving the planning and communication between venue managers, event organisers and DPTI.

The new measure will apply to any event in Metropolitan Adelaide attracting 5,000 or more people, where special public transport services may be needed.

It sets clear requirements for 6 months notification of an event, and for consultation about what public transport services are needed for the benefit of the public. In the case of commercial events, this Bill provides for negotiating a contribution towards the cost of the services and enables the Minister to recover the agreed fee as a debt. If there has been no notification or consultation regarding a commercial event, the Minister may still recover the cost of the services.

This will not only benefit those who travel to and from a special event, it will also benefit those travelling in the vicinity of the event regardless of their choice of transport, either by public transport or in a private car. By allowing more time to plan, a better transport solution can be developed that will be easy to use, more attractive and affordable. This in turn will reduce road congestion along with air and noise pollution and minimise disruption to everyday public transport services.

Community events requiring public transport services will continue to be supported by the Government and no fee will be charged; however notification and consultation on the public transport needs will be required, for transport planning purposes.

In the case of commercial events, this Bill provides a mechanism to recover costs for the provision of additional services or the use of existing services provided free of charge to event ticket holders.

It is estimated that there are between 12 to 20 different venue managers who currently meet the threshold of 5,000 attendees for an event. The major and most frequent venues for commercial events of this size in Metropolitan Adelaide are the Adelaide Convention Centre; Adelaide Oval; Adelaide Entertainment Centre; the Adelaide Show Grounds; Hindmarsh Stadium; AAMI Stadium; the Adelaide Park Lands and the Morphettville Racecourse.

The obligation to notify DPTI of planned events is placed on venue managers as they are in the best position to know when an event is booked to take place, however the Bill provides that an event organiser may notify the event, if the venue manager agrees. This will simplify the process and reduce administration where an event organiser is using multiple venues, for example the Tour Down Under.

Venue managers of commercial events will also be ultimately responsible for paying the negotiated fee, or if there have been no negotiations, paying what the Minister considers appropriate. The responsibility will sit with the venue manager to negotiate with the event organiser how this fee will be included in any venue hire contract established between them. It is expected that both the venue manager and event organiser will be involved in the consultation about the public transport needs for the event and this will assist in ensuring the requirements of both parties are considered.

Once proclaimed, venue managers will be required to notify DPTI of planned events. The Bill also provides the Minister capacity to waive fees for special services and this power will be used, where appropriate, to allow arrangements for events that were made prior to the commencement of the Bill to proceed.

Most venue managers and event organisers already cooperate with DPTI to ensure special public transport services are provided for their event. They also engage in discussions about how the services are to be paid. This Bill will create a framework that places this obligation on all managers and organisers equally, and provides for the Minister to recover unpaid costs as a debt. Better planned public transport for special events enables participants to get to their event efficiently, and with minimum cost and disruption to the rest of the community.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

4—Interpretation

This clause defines terms used in the measure.

5—Calculation of parking space numbers

This clause sets out the manner in which the number of parking spaces on premises is to be calculated for the purpose of the measure if the parking spaces are not individually delineated by permanently marked lines.

6—Application of Act

This clause provides the that the measure applies to parking spaces within the area specified in the clause.

7—Taxation Administration Act

This clause provides that the measure is to be read together with the *Taxation Administration Act 1996*.

Part 2—Transport development levy

8—Imposition of levy

This clause provides for the imposition of a transport development levy on 1 January in each financial year on each leviable parking space. A person who, as at 1 January in any financial year is the owner of leviable premises

is liable to pay the levy in respect of each leviable parking space situated at or constituting those premises. The clause provides that operators of a car park that includes leviable premises are jointly and severally liable with the owner or owners for the payment of the levy.

9—Amount of levy

This clause sets the amount of the levy for the 2014/2015 financial year at $750, and provides that the amount of the levy for subsequent financial years is to be the CPI adjusted levy for that financial year.

Part 3—Registration and returns

Division 1—Registration

10—Requirement for registration

This clause sets out the requirements for the registration of the owner of a leviable parking space and the operator of a car park that includes leviable premises.

11—Registration

This clause provides that the Commissioner must register a person who applies for registration under proposed Part 3 Division 1, and may, at any time remove a person from the register or make amendments to the register that the Commissioner considers appropriate.

12—Requirement to notify changes

This clause requires notice (in the approved form) of a change of owner or operator or of a person ceasing to be an owner or operator to be given to the Commissioner in accordance with the regulations.

Division 2—Returns

13—Returns

This clause provides that a person liable to pay a transport development levy in a financial year must lodge a return (in the approved form) with the Commissioner on or before 31 March in that financial year. A return may be lodged by the owner on behalf of the owner and the operator, or by the operator on behalf of the operator and the owner.

14—Levy to accompany return

This clause sets out the time frame in which transport development levy must be paid to the Commissioner, and that the Commissioner must pay the levy into the State Transport Fund established by proposed Part 4 of the measure.

15—Obligations may continue

This clause provides that a person's obligation to furnish a return and pay the levy continues despite a failure to furnish a return or pay the levy in time.

Part 4—State Transport Fund

16—State Transport Fund

This clause establishes the State Transport Fund. Subclauses (1) to (3) contain the formal requirements of the Fund. Subclause (4) provides for the matters that the Fund may be applied towards, including research, programs, grants, loans, repayments, refunds and costs outlined in the subclause. Subclause (5) permits the Minister to invest money that is not immediately required for the purposes of the Fund. Subclauses (6) and (7) provide that the Treasurer may advance money to the Fund in the form of a loan, or charge a fee in respect of such a loan. Subclause (8) provides that payments out of the Fund will be made in accordance with the directions of the Minister (after taking into account any terms or conditions that apply in relation to money paid or advanced for the purpose of the Fund).

Part 5—Miscellaneous

17—Guidelines

This clause provides that the Commissioner may establish guidelines, with the approval of the Minister, as to what does or does not constitute a parking space in particular circumstances and whether or not a parking space is or is not an exempt parking space.

18—Notice of CPI adjustment

This clause provides that the Commissioner must publish the CPI adjusted levy for a particular financial year on an appropriate website by 1 July of that financial year.

19—Levy first charge on land

This clause provides that an unpaid transport development levy is a first charge on the land on which the leviable parking space in respect of which the levy is payable is or was situated.

20—Power to sell land liable to levy

This clause outlines the process by which the Commissioner may give notice regarding transport development levy that is in arrears for 6 months or more, and the subsequent circumstances in which the Commissioner may apply to the Supreme Court for an order of sale of the land in respect of which the levy is payable to recover the amount of the levy.

21—Passing on levy

This clause outlines the circumstances in which an owner of leviable premises is entitled to recover transport development levy from an operator of a car park, an occupier of the land (including a lessee or a licensee) or a person who parks a motor vehicle on the leviable premises. It also outlines the circumstances in which an operator of a car park that includes leviable premises is entitled to recover transport development levy from a person who parks a motor vehicle on the leviable premises.

22—Anti-avoidance provision

This clause provides that the Commissioner may determine that an area or space is a leviable parking space as at 1 January in a particular financial year if the Commissioner considers that the area or space constitutes a leviable parking space on a regular basis, but that steps have been taken to change the circumstances applying in relation to the area or space in order to avoid the imposition of levy in relation to the area or space. The Commissioner's determination will have effect in accordance with its terms, and despite other provisions in this measure and the operation of the *Taxation Administration Act 1996*.

23—Regulations

This clause provides for the making of regulations by the Governor.

Schedule 1—Exempt parking spaces

1—Residential parking

This clause outlines the circumstances in which a parking space will be considered an exempt parking space for the purposes of the measure in relation to parking for residential purposes and at residential premises.

2—Parking for customers or suppliers of businesses

This clause outlines the circumstances in which a parking space used by customers or suppliers of businesses is an exempt parking space for the purposes of the measure.

3—Loading bays

This clause provides that a parking space is an exempt parking space for the purposes of the measure if it is set aside or used exclusively for the parking of a motor vehicle by a person engaged in loading or unloading passengers or goods, supplies or other items.

4—Hospitals

This clause outlines the circumstances in which a parking space located at the site of a hospital (as defined in the clause) is considered an exempt parking space for the purposes of the measure.

5—Disabled parking

This clause outlines the circumstances in which a parking space set aside or used exclusively for the parking of a motor vehicle displaying a disabled person's parking permit (as defined in the clause) will be considered an exempt parking space for the purposes of the measure.

6—Motor bike parking

This clause provides that a parking space is an exempt parking space if it is set aside or used exclusively for the parking of a motor bike, and is clearly identified as being for the parking of motor bikes.

7—Parking for emergency vehicles

This clause outlines the circumstances in which a parking space set aside or used exclusively for the parking of emergency vehicles is an exempt parking space for the purposes of the measure.

8—Parking for people attending special events

This clause outlines the circumstances in which a parking space set aside or used exclusively for the parking of a motor vehicle in conjunction with a particular special event (as defined in the clause) is considered an exempt parking space for the purposes of the measure.

9—Car sales displays and car service spaces

This clause provides that a parking space is an exempt parking space if it is set aside or used exclusively for the parking of a motor vehicle that is displayed or stored on the premises for the purpose of its being offered on the

premises for sale or hire, or for the purpose of being serviced or repaired on the premises on which the space is situated or on adjoining premises.

10—Bus layovers

This clause provides that a parking space is an exempt parking space if it is set aside or used exclusively for the parking of a passenger bus during layover periods.

11—Limited numbers of parking spaces in 1 ownership

This clause outlines the circumstances in which a parking space located on a site where there are a limited number of parking spaces is an exempt parking space for the purposes of the measure.

12—Prescribed exemptions

This clause provides that a parking space is an exempt parking space if it falls within a class prescribed by regulations for the purposes of the Schedule.

Schedule 2—Amendments—transport development levy

Part 1—Amendment of *Taxation Administration Act 1996*

1—Amendment of section 3—Interpretation

This clause makes a consequential amendment to the definition of *tax*.

2—Amendment of section 4— Meaning of taxation laws

This clause makes a consequential amendment to the definition of *taxation laws*.

Schedule 3—Other budget measures

Part 1—Amendment of *Education Act 1972*

1—Amendment of section 5—Interpretation

This clause makes a consequential amendment.

2—Amendment of section 22—Interruption of service

This clause inserts new section 22(5) into the principal Act, disapplying section 22 in respect of officers of the teaching service to whom the new section 22A applies.

3—Insertion of section 22A

This clause inserts new section 22A into the principal Act.

The new section applies to certain officers of the teaching service as defined in new section 22A(11), being officers who are temporary teachers.

The new section sets out how the long service leave, and skills and experience retention leave, entitlements of these officers are to be determined.

The new section further sets out how the question of whether or not the service of the officers is continuous service is to be determined.

The new section also makes procedural provisions in respect of its operation, and confers a regulation making power enabling the regulations to make provisions of a savings or transitional nature.

4—Amendment of section 23—Transfer of teachers to other Government employment

This clause inserts new section 23(3) into the principal Act, clarifying that, in relation to the operation of the section, the question of continuity of service of officers to whom new section 22A applies is to be determined in accordance with new section 22A.

5—Amendment of section 24—Rights of persons transferred to the teaching service

This clause inserts new section 24(6) into the principal Act, disapplying section 24 in respect of officers to whom new section 22A applies.

Part 2—Amendment of *First Home and Housing Construction Grants Act 2000*

6—Amendment of section 3—Definitions

This clause inserts a definition of *seniors housing grant*, makes a consequential amendment to the definition of *new home grant scheme* and redefines *residence requirement* to include the residence requirement for seniors housing grants.

7—Amendment of section 5—Ownership of land and homes

This clause amends section 5 so that the Commissioner can impose appropriate conditions on the payment of a seniors housing grant to ensure its recovery if prescribed criteria about future conduct or events are not satisfied.

8—Amendment of section 7—Entitlement to grants

This clause amends section 7 to provide that seniors housing grants are payable if the requirements of new section 18BAC inserted by this measure are satisfied. It also ensures that only 1 seniors housing grant is payable in relation to a particular new home, and that such a grant is not payable if any other grant is payable under this Act in relation to the construction or purchase of the home.

9—Insertion of section 12B

This clause inserts a new section that sets out the criteria that apply to seniors housing grants.

12B—Criteria—seniors housing grant

This section provides that an applicant for seniors housing grant must be a person who has contracted to buy a new home, a person for whom a new home is being built, or an owner builder who is building a new home. The applicant must be a person of 60 or more years of age, or if there are 2 or more applicants, at least 1 of them must be 60 or more years of age and all of them must be natural persons. The applicant, or if there are 2 or more, at least 1 of the applicants, being a person of 60 or more years of age must occupy the home to which the application relates as his or her principal place of residence for a continuous period of at least 6 months or a shorter period approved by the Commissioner, commencing within 12 months after completion of the eligible transaction, or within a longer period approved by the Commissioner. A person is ineligible for a grant if their spouse or domestic partner has been a party to an earlier application for a seniors housing grant and the grant was paid. But an applicant is not ineligible if the grant was repaid due to a failure to comply with the residence requirement or any conditions on which the grant was made and any penalty amount payable under section 39 in relation to repayment has been paid.

10—Amendment of section 14—Application for grant

This clause amends section 14 so that it applies to an application for a seniors housing grant.

11—Amendment of section 17—Commissioner to decide applications

This clause amends section 17 so that the Commissioner is required to authorise the payment of a seniors housing grant if satisfied that it is payable on an application, and so that the Commissioner can authorise payment of such a grant before completion of an eligible transaction if satisfied there are good reasons for doing so and the State's interests can be adequately protected by conditions requiring repayment if the transaction is not completed within a reasonable time.

12—Insertion of section 18BAC

This clause inserts a new section that sets out how a seniors housing grant is to be calculated.

18BAC—Seniors housing grant

This section almost identical to section 18BAB except that it relates to seniors housing grants for eligible transactions on or after 1 July 2014 and before 30 June 2016 and requires eligible transactions for 'off-the-plan' purchases of new homes to be completed by 31 December 2017. The maximum market value of the home is the same as for a housing construction grant under section 18BAB and the amount of the seniors housing grant is calculated according to the same formula as for housing construction grants.

13—Amendment of section 18BB—Market value of homes

This clause amends section 18BB so that the market value of homes for which seniors housing grants are payable is calculated in accordance with the section.

14—Amendment of section 18C—Amount of grants must not exceed consideration

This clause amends section 18C so that a seniors housing grant can be adjusted to be equal to the amount of consideration for a home where, by virtue of such a grant, the total amount payable for the home would, but for section 18C, exceed the consideration of the eligible transaction.

15—Amendment of section 20—Payment in anticipation of compliance with residence requirement

This clause amends section 20 so that the Commissioner can authorise payment of a seniors housing grant in anticipation of compliance with the residence requirement.

16—Amendment of section 41—Protection of confidential information

This clause amends section 41 to allow protected information to be disclosed to let a person know whether a seniors housing grant has been paid in relation to a particular home.

17—Transitional provision

This clause makes provision to enable the amount of a seniors housing grant to be adjusted to take account of any *ex gratia* payment made by the State to provide for a seniors housing grant for the period between 1 July 2014 and the day on which this measure is assented to by the Governor.

Part 3—Amendment of *Mining Act 1971*

18—Amendment of section 17—Royalty

This amendment increases the royalty payable on extractive minerals to 55 cents per tonne.

19—Amendment of section 17E—Penalty for unpaid royalty

This amendment is consequential to the amendments to section 73E.

20—Amendment of section 73E—Royalty

Currently, royalty is only payable on extractive minerals recovered from a private mine. This clause amends section 73E to provide that royalty is also payable on other minerals recovered from a private mine if a relevant event occurs in relation to the private mine (and if a relevant event occurs in relation to a private mine, such royalty is payable only on those other minerals recovered from the mine on or after the day on which the relevant event occurs).

The clause provides that a relevant event occurs if, on or after 19 June 2014, there is a change in the proprietor of a private mine or the whole or any part of the right to carry out mining operations at a private mine.

The clause sets out further interpretive provisions relating to the meaning of a relevant event for the purposes of the section.

A consequential amendment is made to subsection (5).

21—Insertion of section 73EA

This clause inserts new section 73EA:

73EA—Notification of relevant event

This new section requires a person who becomes a proprietor of a private mine or acquires a right to carry out mining operations at a private mine as a result of a relevant event to give the Minister written notification, within a specified time frame of the event, of the intention to hold the event, including information about the event.

22—Amendment of section 73F—Passing of property in minerals

This amendment is consequential to the amendments to section 73E.

23—Transitional provision

This provision provides that the increase in the royalty on extractive minerals (to 55 cents per tonne) applies in relation to extractive minerals recovered on or after 1 July 2014.

Part 4—Amendment of *Passenger Transport Act 1994*

24—Insertion of Part 5A

It is proposed to insert a new Part after section 44 of the *Passenger Transport Act 1994*.

Part 5A—Special passenger services for events

44A—Interpretation

This new section inserts definitions necessary for the purposes of the proposed Part. In particular, a *special passenger service* means an alteration of an existing regular passenger service, whether—

- by adding to, supplementing, replacing, delaying or diverting an existing regular passenger service; or
- by waiving or reducing fares (or substituting some other form of consideration) for such a service; or
- by any other means.

44B—Notification of event

If the manager of a venue in Metropolitan Adelaide at which an event is to be held expects at least 5,000 people to attend the venue during the period of the event or requires a special passenger service (or is of the opinion that a special passenger service may be required) for the purposes of the event, or there are reasonable grounds to expect that a special passenger service will be required for the purposes of the event, the manager must give the Minister written notice of the event within the required time frame.

Notification under this section may be given instead by the organiser of the event if the manager of the venue so agrees.

44C—Planning for passenger services for events

New section 44C provides that the Minister may require the venue manager and the organiser of an event of which the Minister has been given notice to consult with the Minister for the purposes of determining whether a special passenger service should be provided in relation to the event. If the Minister determines (after consideration of certain matters) that a special passenger service should be provided for an event that is a commercial event, the Minister may, after consultation with both the manager and organiser, determine a fee to be paid by the manager for the provision of the service. Any such fee may be waived or reduced by the Minister or, should it not be paid, recovered as a debt.

44D—Power of Minister to charge fee in certain circumstances

New section 44D provides that if the Minister has not been notified of a commercial event as required under this new Part, or has been so notified but the manager of the venue at which the event is to be held fails to consult with the Minister as required, and a special passenger service is provided in relation to the event, the Minister may require the manager to pay a fee determined by the Minister for the provision of the service. Any such amount may be recovered as a debt from the manager.

44E—Recovery of costs by venue managers not prevented

New section 44E provides that nothing in this new Part prevents the manager of a venue from recovering, in the ordinary course of commerce, from the organiser of an event held at the venue any costs for which the manager may be liable under the Part.

Schedule 4—Substitution of short title

This clause provides for the repeal of proposed section 1 and the substitution of the short title of the measure on the commencement of this Schedule.

Debate adjourned on motion of Hon. D.W. Ridgway.

STATUTES AMENDMENT (SACAT) BILL

Introduction and First Reading

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

PARLIAMENTARY COMMITTEES (ELECTORAL LAWS AND PRACTICES COMMITTEE) AMENDMENT BILL

Introduction and First Reading

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

At 19:12 the council adjourned until Thursday 7 August 2014 at 14:15.