LEGISLATIVE COUNCIL

Tuesday, 16 September 2014

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

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

Bills

APPROPRIATION BILL 2014

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Report of the Auditor-General on the Adelaide Oval Redevelopment pursuant to section 9 of the Adelaide Oval Redevelopment and Management Act 2011, for 1 January to 30 June 2014
Registrar's Statement—Register of Members' Interests, June 2014
Ordered—That the statement be printed. (Paper No. 134A)
Members of the Legislative Council Travel Expenditure 2013-14
Report on the Administration of the Joint Parliamentary Service, 2013-14

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

Boundary Adjustment Facilitation Panel—Report, 2013-14
Report and Determination of the Remuneration Tribunal No. 6 of 2014—Allowances for Members of Adelaide City Council
Report and Determination of the Remuneration Tribunal No. 7 of 2014—Allowances for Members of Local Government Councils
Report and Determination of the Remuneration Tribunal No. 8 of 2014—Travelling and Accommodation Allowances for Ministers of the Crown and Officers and Members of Parliament
Report pursuant to the Development Act 1993—Proposal for a Land Division to Create an Allotment to Accommodate an Electricity Sub Station at Middleton on the Fleurieu Peninsula
Regulations under the following Acts—
- Child Sex Offenders Registration Act 2006—Disclosure of Personal Information without authorisation
- Commonwealth Places (Mirror Taxes Administration) Act 1999—Prescribed Modification of State Taxing Laws
- Development Act 1993—Assessment of Significant Developments
- Electricity Corporations (Restructuring and Disposal) Act 1999—Mining at Leigh Creek
- Firearms Act 1977—Variation of Regulation 4A—Prohibited Firearm Accessories
- Mining Act 1971—Variation—Prescribed Costs—Records and Samples
- Police Act 1998—Command and Structure of SA Police
- Private Parking Areas Act 1986—Parking Spaces

Southern State Superannuation Act 2009—Payment of Division 293 Tax
Subordinate Legislation Act 1978—Postponement of Expiry
Worker's Liens Act 1893—Notice of Lien Fees and Forms
Work Health and Safety Act 2012—Evidence of Licence
Rules of Court—
Magistrates Court—Magistrates Court Act 1991—
Amendment No. 50
South Australian Civil and Administrative Tribunal—South Australian Civil and Administrative Tribunal Act 2013—Organisation of Tribunal Business into Streams
Supreme Court—
Juries Act 1927—Amendment No. 2
Supreme Court Act 1935—
Civil—
Amendment No. 26
Supplementary
Criminal
Criminal Supplementary
Fast Track Adoption (Amendment No. 1)
Fast Track Supplementary Adoption (Amendment No. 1)
Special Applications
Special Applications Supplementary
Corporation By-Laws—
Charles Sturt—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Roads
No. 5—Dogs and Cats
No. 6—Domestic Livestock Management
Marion—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Dogs
No. 5—Roads
No. 6—Cats

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

Regulations under the following Acts—
Liquor Licensing Act 1997—
Definition of Regulated Premises
Dry Areas—Various Councils—New Year's Eve—Australia Day
Notices under Acts—Gaming Machines Act 1992—Variation—Social Effect Inquiry Process

By the Minister for Sustainability, Environment and Conservation (Hon. I.K. Hunter)—
Reports, 2013-14—
Schedule of Removal of Track Infrastructure
Schedule of Leases Granted for Properties held by the Commissioner of Highways
Regulations under the following Acts—
Air Transport (Route Licensing—Passenger Services) Act 2002—Service of Notice on Person operating a Scheduled Air Service
Controlled Substances Act 1984—Controlled Drugs, Precursors and Plants
Health Practitioner Regulation National Law (South Australia) Act 2010—Insertion of Regulation 11A
Historic Shipwrecks Act 1981—Prohibition of Certain Acts in Protected Zone

Metropolitan Adelaide Road Widening Plan Act 1972—Application for Consent of the Commissioner of Highways for Building Work
Natural Resources Management Act 2004—Eastern Mount Lofty Ranges—Longer-Term Water Conservation Measures
Primary Industry Funding Schemes Act 1998—South Australian Sheep Industry Fund
Road Traffic Act 1961—Variation—Apparatus Approved as Photographic Detection Devices
South Australian Motor Sport—Provision relating to Declared Areas
South Australian Public Health—Notifiable and Controlled Notifiable Conditions
Teachers Registration and Standards—Variation—Registration and Assessment Fees
Tobacco Products Regulation—Smoking Bans in Public Areas—Longer Term
Environment Protection (Movement of Controlled Waste) Notice and Policy 2014

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

Regulations under National Schemes—
Water Act 2007 (Water Amendment (Murray-Darling Basin Agreement) Regulation 2014.)

Ministerial Statement

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) (14:24): I table a copy of a ministerial statement relating to emergency services reform made in another place by my colleague the Minister for Emergency Services.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

MARINE PARKS

The Hon. J.M.A. LENSINK (14:26): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question on the marine parks campaign.

Leave granted.

The Hon. J.M.A. LENSINK: On Friday 12 September, last Friday, the Liberal Party launched a website entitled Save Regional Jobs, which is www.saveregionaljobs.com. Within hours of the launch of this website, a rival website called Create Regional Jobs had been set up in opposition, with payments made to Google AdWords to divert internet traffic from the Save Regional Jobs website. My questions to the minister are:

1. Will he advise how this rival website was funded?

2. Can he guarantee that no taxpayer funds were used on this website and its extra costs?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:27): I thank the honourable member for her most important question. I am not really sure what she is referring to; I will have to take her question on notice. As much as it sounds like an excellent

website that the honourable member is asking a question about, I have no knowledge of it personally. In fact, I have very little knowledge about websites in general, but I have people who do that for me now.

There is very little I can do to enlighten the honourable member. I will take your direction on this, Mr President. There is very little I can say about issues dealing with marine parks while there is a bill in the other place at present, a bill that is setting out to destroy marine parks and sanctuary zones, a bill that was brought into parliament without any public consultation whatsoever, unlike the government's position.

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

The Hon. I.K. HUNTER: Well, there might have been public consultation, according to the Hon. Ms Lensink, but the people consulted with were only a very narrow few people and not the wider community, the overwhelming community numbers, who support sanctuary zones and marine parks, but they did not want to hear about it, nor did they talk to anybody with any scientific understanding about marine parks, about biodiversity, about the need to have marine parks, just like we have terrestrial parks. The Liberal Party in South Australia now, as well as federally, has no use for science. A scientist comes knocking on their door and they say, 'Nobody at home.'

They have no science minister—they got rid of that and got rid of the Climate Council. In fact, anybody with a scientific background who dares to tell the federal government, and indeed now the South Australian Liberal Party, that there are some facts they need to take into consideration when they construct their policy, the Liberal Party closes the door on them. They do not want to hear inconvenient truths. But this government, on the other hand, takes advice from eminent scientists, and we will continue to do so.

MARINE PARKS

The Hon. S.G. WADE (14:29): I ask the Minister for Sustainability, Environment and Conservation questions on the government's marine parks program.

1. Is the minister aware that over the weekend a private market research company was engaged in push polling telephone calls in support of the government's marine parks program?

2. Can the minister advise the council how this campaign was funded?

3. Can the minister assure the council that no taxpayer funds were used?

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. In some ways the Hon. Mr Wade is a great loss to the legal practitioners in this state. He is excellent at verballing witnesses. He is excellent at verballing me and trying to—

The Hon. J.M.A. Lensink: He's so intimidating, isn't he?

The Hon. I.K. HUNTER: I am very intimidated by him. I am much more intimidated, of course—

Members interjecting:

The PRESIDENT: Order! Order! Let's listen to the minister.

The Hon. I.K. HUNTER: See, Mr President, he is trying one of these tricksy lawyer tricks. He is using his tricksy lawyer tricks again, sir, with his interjection, hoping they will not be incorporated into *Hansard*. This is what the Hon. Mr Wade does continuously in this place, but I will not be drawn into his tricky sneaky web, Mr President and, in fact, I should say, of course, I am much more intimidated by the Hon. Michelle Lensink in this place who is routinely very rough on me.

The Hon. J.M.A. Lensink: Now you're telling tales out of school.

The Hon. I.K. HUNTER: I am trying to help you, Michelle. I am afraid I cannot answer his question, Mr President.

MOUNT LOFTY SUMMIT OBELISK

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:30): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation some questions about the Mount Lofty Summit obelisk.

Leave granted.

The Hon. D.W. RIDGWAY: I have recently received some correspondence expressing concerns about the condition of the Mount Lofty Summit obelisk. It has been a few years since I have been there, but certainly after viewing the photos of the summit it is clear that its present condition is unsatisfactory, to say the least. In particular, the obelisk has paint flaking off it showing the black undercoat, both the base and the tower are dirty and are in need of restoration and painting, all the flowerboxes are broken, and the trees have grown over to the point where they obscure the view of the metropolitan Adelaide area from the summit.

All these factors contribute to the Mount Lofty Summit looking rundown and dilapidated. As of 2012 the Adelaide Hills regions average some 876,000 day visits per year. Given the Mount Lofty Summit is a major tourist attraction and frequented by thousands of local and interstate and international visitors every day, there is no doubt the summit is in need of restoration.

Initially this matter was brought to the attention of the Minister for Tourism, but in true Labor government style he indicated that maintenance was not his responsibility and that it was the responsibility of the Minister for Sustainability, Environment and Conservation. I have since confirmed this to be the case. My questions to the minister are:

1. What action is currently being undertaken to restore the Mount Lofty Summit, given its current unacceptable condition and its prominence as a major tourism attraction?

2. Can the minister provide, if there is any restoration work, the cost of restoring the summit to a satisfactory condition?

3. Is there an asset management plan in place to ensure the upkeep of infrastructure like this particular obelisk in our national parks that are under the department's management?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:32): At last we get a sensible question from the opposition. I am very pleased and I thank the honourable member, the leader, for his incredibly sensible question. He may not be open to sensible answers as Liberals often aren't when they are provided with factual advice, but I will try to help him out today.

I am astounded the honourable member has understood that trees do grow, and sometimes they do, after starting out from a small seedling, grow up and obscure views. That is unfortunately what trees do. You do not plant a tree and have no expectation, unless it is from a dwarf rootstock, Mr Ridgway, that it will not grow up. A grown up tree, as I would have thought even you would agree—

The Hon. D.W. Ridgway: That is a minor part. What about the dilapidation?

The Hon. I.K. HUNTER: It was a major part of your question. I think that, even you would agree, trees that are planted and grow on the Mount Lofty site are actually a good thing. I am sure you could move around to have a look at the view. I am very pleased that he understands that the undercoat is still there and survives and we need a slap of paint on it, but I can advise him that my department is currently looking at putting into place some capital works programs to actually bring that site up to spec and I can happily confirm to him that, once that is done, I will invite him to climb Waterfall Gully trail up to the summit of Mount Lofty—

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

The Hon. I.K. HUNTER: I will meet him in the car at the top, Michelle, and take him down. I might have to take him down to hospital but, nonetheless, I will provide him with water and trail mix to get up there and invite him to come up and look—

The Hon. D.W. Ridgway: If you were waiting for me, there is no incentive to climb to the top, that's for sure.

The Hon. I.K. HUNTER: David, that is cruel. That is very cruel and cutting. I will endeavour to invite him to climb the trail and look at the growing trees on the way up and look at the lovely view and the refurbished infrastructure we have there once we have implemented the plan.

MOUNT LOFTY SUMMIT OBELISK

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:34): Supplementary question: when does the minister expect that restoration to be completed? Following on from the third part of my question, is there a plan in place to maintain all of the national parks' assets such as this obelisk?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:34): As I said, the department is currently looking at the capital works forward plan to incorporate this refurbishment; therefore, I cannot give him a definite time until they give it to me. Of course, we look at all of our infrastructure, and we stage this refurbishment as it is needed and we set priorities.

Ministerial Statement

ROYAL ADELAIDE SHOW INCIDENT

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) (14:35): I table a copy of a ministerial statement made by the Deputy Premier, John Rau, on the issue of the Royal Adelaide Show fatality.

CHILD PROTECTION

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:35): I also table a copy of a ministerial statement made by the Deputy Premier on the Independent Education Inquiry Final Report.

Question Time

EQUAL PAY DAY

The Hon. J.M. GAZZOLA (14:35): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about gender equity.

Leave granted.

The Hon. J.M. GAZZOLA: Equal Pay Day recognises how much longer women have to work to earn the same as men in one year. For every 12 months that men work, women have to work approximately an extra 60 days, and that is Equal Pay Day. Can the minister inform the chamber about the Chiefs for Gender Equity Equal Pay Day event?

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) (14:35): I thank the honourable member for his most important question. In 2011 the Commissioner for Equal Opportunity convened a group of key South Australian business leaders to help tackle equity challenges. The Chiefs for Gender Equity recruits male CEOs and managing directors of prominent South Australian companies across key industry sectors to actively advance gender equity across those sectors.

The aim is to lead attitudinal change and to increase the participation of women in senior positions as well as on boards and committees. The chiefs represent a broad range of industries, including banking, legal, engineering, property, resources, media, accounting, consulting, and the list goes on. On 16 July this year SA Chiefs for Gender Equity announced its commitment to the Women's Empowerment Principles. This is a joint initiative of the UN Women and the United Nations Global Compact, which is a framework for delivering gender equity.

I was extremely pleased to be able to attend a formal signing ceremony and witness the Chiefs for Gender Equity signing the empowerment principles. The signing had added significance, as it was held on Equal Pay Day. As the Hon. John Gazzola stated, it is a day that marks the period of extra days in the current year that women need to work to achieve the same wages that men earned during the previous financial year. The signing dovetailed well into two of the government's priority areas: improving women's economic status and increasing women's leadership and participation.

This is a government commitment to improving the interests of women. In 2004, we set ambitious targets to assist women gain board and high level management experience. We believe in setting ourselves ambitious targets. South Australia continues to be the leading jurisdiction in Australia for the inclusion of women on government boards and committees. On 1 July 2014, women held 48 per cent of positions on government boards and committees, the highest percentage of women members to date and an increase of 33 per cent from 2004, when we set this target for ourselves. Also, on 1 July this year, women held 40 per cent of chair positions on state government boards and committees, and that constitutes an increase of 23 per cent since 2004.

In 2009, our Public Sector Act embedded flexible working conditions in legislation for the very first time. As part of our 2014 election campaign, we announced that public sector chief executives would be made personally responsible for ensuring that those flexible work options are available to staff who need them and that they are actually taken up by staff. We have also publicly stated that the chief executives will have a new imperative to increase the number of women in executive positions within the public sector.

This year, I was also pleased to be able to provide the Australian Institute of Company Directors scholarships to a further 25 South Australian women. We again received an overwhelming response to this scholarship program. I am advised that 113 or so really high-level applications were received from some truly exceptional women. So, I am very pleased to advise that the scholarships have now been awarded and the training was held on 22 August 2014, in my office, providing the women with practical experience in a boardroom setting. It was great to be able to drop in on the participants on their training day and meet them and chat about their experiences and their ambitions. They were quite a remarkable group of quite amazing women.

This scholarship program is a great way to help women secure the skills and confidence that they need to boost their career prospects. It is especially important that we can continue to help women who may otherwise not have that opportunity to partake in such a program. I welcome the commitment made by the Chiefs for Gender Equity and the Commissioner for Equal Opportunity, Anne Gale, and encourage them to continue to show leadership for other South Australian businesses. I look forward to seeing how they put those women empowerment principles into practice in those South Australian workplaces.

EQUAL PAY DAY

The Hon. T.A. FRANKS (14:40): Supplementary.

The PRESIDENT: The Hon. Ms Franks.

The Hon. T.A. FRANKS: Will the government's decision to cut government boards and committees have a gender and equity target in the formation of that decision or will it not be a consideration?

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) (14:41): This government's commitment to ensure that we achieve a target of 50 per cent representation of women on boards and committees, including chairs, remains, so whatever boards and committees are retained—or there might be new boards and committees that are put in place as an amalgam of previous arrangements—but whatever arrangements are to be put in place, we are very much committed to achieving a 50 per cent target of both representations, including chair positions.

NATIONAL SCHOOL CHAPLAINCY PROGRAM

The Hon. D.G.E. HOOD (14:41): I seek leave to make a brief explanation before asking the minister representing the Minister for Education and Child Development a question in relation to the Schools Ministry Group's chaplaincy contract.

Leave granted.

The Hon. D.G.E. HOOD: It was anticipated that a decision on whether or not to accept federal funding for the School Chaplaincy Program would be announced last Friday. I am advised that, should the state government not sign up to the National School Chaplaincy Program, tens of thousands of students will be without the valued pastoral support work, programs that are being offered by the CPS workers at the moment will be cancelled, and over 300 chaplains will lose their jobs, and this is imminent I understand.

Additionally, 64 per cent of government schools have a CPS worker and I am informed that, when given a choice, 95 per cent of schools choose to have chaplains. *The Advertiser* today reported that the Schools Ministry Group, colloquially known as SMG, may lose its program and its funding pending an investigation into claims made against them by the parent group Fairness in Religions. The minister was quoted as saying to the parent group (and I assume the quote is correct):

> I agree with you that some of the actions of the Schools Ministry Group appear to be proselytising in public schools.

This allegation is denied by SMG who advise me that they follow their DECD agreement and adhere to guidelines and compliance requirements given to them. SMG advise that allegations made against them are yet to be substantiated in any way at all. I am further advised that there are 27 government schools who are assisted by student welfare workers engaged by their auspice organisation who are also funded by the same program but who are not subject to any compliance or state guideline framework in the way that SMG is. My questions for the minister are:

1. What examples or evidence have been presented to the minister in order to substantiate any claims of proselytising at all?

2. When can we expect a decision from the minister in relation to chaplaincy funding and in particular SMG's school chaplaincy contract in South Australia?

3. How does the minister propose to support the students and school communities who clearly value and have chosen of their own free will the chaplaincy program should this funding not be accepted?

4. What, if any, guidelines, policies or procedures exist for student welfare workers and their auspice organisation to ensure appropriate standards are maintained and observed within these roles in the same way that SMG have the requirements placed upon them?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:44): I thank the honourable member for his most important question and I undertake to take that to the Minister for Education and Child Development in the other place and seek a response on his behalf. It is important, however, that he understands and the chamber understands that it is not an easy proposition that has been put to us in this state.

I understand the federal government is on a bit of a hook given the High Court ruling and doubt about commonwealth ability to directly fund schools for this purpose. They are asking the states to help them out in this regard but they are also telling us they are going to cut the funding by a significant amount. They have not made that widely known. They are also telling schools that they are going to remove any element of choice; schools will have to take this money only for the purpose for which the federal government, via the state, is dishing it out. They do not and will not have the choice of having a secular worker.

I understand that the minister in the other place finds that to be somewhat puzzling, given the rhetoric we hear from the federal member for Stuart time and time again about giving schools more autonomy and more power to make choices on behalf of their school communities. In this situation you have the federal government removing that choice. They are hypocrites, Mr President.

RENEWABLE ENERGY INITIATIVES

The Hon. T.T. NGO (14:45): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister update the chamber on the innovative renewable energy initiatives being undertaken in regional South Australia?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:45): I would like to thank the honourable member for his very important question. As honourable members would know, I have spoken about the importance of state action on climate change on many occasions in this chamber, and I will continue to do so, because this government will not put its head in the sand about climate change issues like other governments around the country have been doing.

Indeed, we are very proud to be leading the nation in combating climate change and attempting to mitigate its impacts. It just makes good sense. From an environmental point of view the evidence and the science are clear: we must act now. From an economic perspective, South Australia is proof of the enormous economic potential that exists in strengthening and growing our renewable energy sector.

In August the Premier released this government's 10 economic priorities. The first priority clearly sets a target of unlocking the full potential of South Australia's resources, energy and renewable energy. This priority was chosen because we have seen the renewable industry sector grow and create jobs in our state. We have seen how this industry can flourish to the benefit of our environment as well as our economy. South Australia is rich in renewable energy resources such as wind and solar, and this government has worked hard in partnership with industry and the community to grow the renewable energy industry in this state and become a national leader in green industries.

We have set ourselves a target of 33 per cent renewable electricity by 2020, and it is very possible that we will reach this target in the coming year. I understand that some people have made extrapolations from earlier data which suggest that we have already reached the target, but we will not get the hard facts to confirm that for a few weeks yet.

Under this Labor government the installed capacity of renewable energy has grown from 0.8 per cent in 2002 to 31.7 per cent. The economic benefits are undeniable. The state's existing 15 wind farms have resulted in 842 direct jobs, I am advised, and over 2,500 jobs in total during the construction phase, many of which are in regional South Australia. In October 2013 the state government committed to an investment target of $10 billion in low carbon generation by 2025 in recognition of the economic development potential of this industry.

I recently travelled to some rural centres to visit great examples of innovative work being done in this area. On 10 September, I think, I travelled to Port Augusta and had the great pleasure of visiting Sundrop Farms, located at the top of the gulf north of Goyder's Line. This is the world's first commercial greenhouse showcasing sustainable horticulture using solar thermal technology, here in this state. It uses innovative technology to grow produce using primarily renewable resources, including sea water and sunlight.

Instead of being water and energy intensive, Sundrop Farms uses the sun's energy to desalinate sea water to produce freshwater irrigation. It produces electricity to power, heat and cool its greenhouse, and uses sea water to ventilate and sterilise the air in the greenhouse, making it possible to grow crops without chemical pesticides. The salt and nutrients won through the desalination process are reused as fertiliser or sold for other agricultural purposes.

Sundrop Farms has been funded by the state government to build a solar thermal parabolic trough array to use in its experimental greenhouse. In October 2011 Sundrop was awarded $345,000 funding by Renewables SA, and the pilot project was commissioned in February 2012. In August 2013 Sundrop Farms and the Clean Energy Finance Corporation announced an agreement for the CEFC to co-finance Sundrop Farms' 20-hectare expansion project at $40 million in contracted value.

They now have development approval to expand this greenhouse fivefold, using a solar thermal input, which will employ approximately 200 locals. It will be one of the biggest employers in Port Augusta. While I was in Port Augusta I also met with the community reps of the REpower Port

Augusta campaign. As many of you will know, this campaign is fighting to turn the old coal plant into a renewable energy plant, and they have the very strong support of the member for Stuart in this regard.

This government is proud to be partnering with the Australian Renewable Energy Agency (ARENA) and Alinta Energy to co-fund a $2.3 million feasibility study on the viability of this plan. I was quite impressed by the strong community support and action for the REpower Port Augusta campaign, and I look forward to the completion of the study later in 2016.

This is one of a couple of examples of the many impressive ventures in South Australia that are good for our environment and for our state's economy. Much of the success can be put down to the Australian Renewable Energy Target, the RET program. This is a scheme administered by the Clean Energy Regulator. It sets the target that by 2020 at least 20 per cent—or I think the target was 41,000 gigawatt hours—of Australia's electricity supply would come from renewable sources.

The RET consists of two main schemes, I am told: the large-scale renewable energy target, which creates a financial incentive for large renewable energy power stations, and the small-scale renewable energy scheme, which encourages owners to install small-scale renewable energy systems, for example, rooftop solar, solar water heaters, etc.

As we are seeing from our experience in South Australia, the RET has been highly successful to date. South Australia has attracted $5.5 billion of capital investment in renewable energy, with 40 per cent or around $2 billion of that being directed towards regional South Australia. The Clean Energy Council estimates that close to $3 billion of the total has been invested into wind farms in this state and, as a result, 1,473 megawatts of wind power has been generated, which represents about 41 per cent of the nation's wind farm capacity.

This could all be put in jeopardy because of what is happening at the federal level. In keeping with its anti-environmental and anti-science stance, which has included decisions such as cutting funding to the CSIRO, slashing the Climate Council and abolishing the science ministry, the Abbott-led federal government has also undertaken a review of the RET. The resulting report was compiled by a panel led by Mr Dick Warburton. It modelled five options but conveniently recommends just two, and those two are to either abolish the RET scheme or significantly reduce it.

Following either of these two recommendations would jeopardise thousands of jobs and billions in investment in this state. It would also open us up to ridicule on the world stage at a time when countries such as the United States and China are ramping up their activity to combat climate change. Leaving aside the fact that this represents another broken promise in the long list of promises broken by the Abbott government in its first 12 months in office, this panel is clearly a political setup job.

The panel, which was hand-picked by the Prime Minister's office, I understand, and as I said, chaired by Mr Warburton, a well-known and outspoken climate change sceptic, was set up to provide cover to the Abbott government to reduce or abolish the RET. It seems that they made up their mind about what they wanted to do before they even had the report in their hands. They appear to conveniently overlook their own findings that consumers will be better off under the current scheme from about 2020, and this government strongly opposes any move by the federal government to scale back the RET. I call on my colleagues in this chamber across the aisle, and certainly my colleagues in the state Liberal Party, to do the same and stand up for our state and stand up for what is clearly in the best interests of our economy and our regions.

We in the state government see renewable energy as an avenue for ensuring the economic stability and environmental prosperity of this state, and the RET is an important measure not only in reducing greenhouse gas emissions within the electricity-generating sector but also for establishing significant investment in our state. Any reduction to the RET will jeopardise the $13 billion of investments in the renewable energy sector, greatly affecting South Australia's economic and investment opportunities. I am not sure that the state members of the Liberal Party will do that, but I ask them not just to take my word for it that this is important to the state. It is very clear that the situation is creating an enormous amount of anxiety—

The Hon. J.S.L. DAWKINS: Point of order. Mr President, given that the minister has been on his feet answering this question for over eight minutes, I ask you to direct him to bring his answer to a conclusion.

The PRESIDENT: The honourable minister, do you want to complete your question?

The Hon. I.K. HUNTER: Yes, I am in the throes of doing so, Mr President. We just see an example from the Liberals that they get embarrassed when we talk about the Renewable Energy Target. They are embarrassed because they have said absolutely nothing—nothing—to stand up to the Abbott government. They will not stand up for this state. We have seen it before with the River Murray; we are seeing again with renewable energy targets.

Renewable energy programs are out in the regions in Liberal electorates, and what do we hear? What do we hear from the Liberals, Mr President? Nothing; absolutely nothing. This mob is inveterately scared of standing up for our state. They won't stand up for South Australia; they will not even stand up for the regions in this state. If I am invited, by a supplementary, I have another 10 minutes to talk about this scheme and the disgraceful state Liberal Party who will not stand up for the citizens of this state, or our economy.

REX MINERALS

The Hon. M.C. PARNELL (14:55): I seek leave to make a brief explanation before asking a question of the Minister for Water and the River Murray on the subject of mining wastewater on Yorke Peninsula.

Leave granted.

The Hon. M.C. PARNELL: Yesterday, Rex Minerals announced to the stock exchange that they would be accepting the 99 conditions imposed by the government for their Hillside mine project near Ardrossan on Yorke Peninsula. This is despite the fact that Rex has previously announced that they will not be proceeding with the original proposal on which the 99 conditions and the public consultation were based. Up until this point, the government has kept the 99 conditions secret, but I understand they will be released by close of business today.

In the open-cut mining process, there will be a considerable quantity of dewatering required. In the original proposal, Rex Minerals planned to reinject contaminated waste mine water back into the ground. Apparently, one option is to blend this water with clean River Murray water before reinjection. It was also proposed to use River Murray water to deliver ore to port via a slurry pipeline.

Hundreds of South Australians have been in contact with my office in recent months concerned that the government has not got the balance right between mining, farming and environmental protection. Many of these people also write to the water minister, and from the responses that I have seen, the water minister washes his hands of the matter and handpasses all water-related issues to the Minister for Mineral Resources and Energy. My questions to the minister are as follows:

1. What input, if any, does the water minister have in relation to water impacts of mining proposals?

2. Does the minister believe that it is a good use of precious River Murray water to use it to transport mining products in slurry pipelines, or to dilute contaminated mining wastewater before discharge to the environment?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:57): I thank the honourable member for his most important question, of course. On 28 July 2014, the government offered Rex Minerals a mining lease that imposes 99 conditions to manage any potential impacts from the proposal to develop a copper/gold/magnetite mine near Ardrossan and export ore concentrate via the existing port at Ardrossan.

Rex Minerals was given 21 days to consider and respond to the offer and the conditions on which it was made. The company has been granted an extension of time, I understand, to consider

the offer. It is my advice that Rex Minerals has stated that it is committed to the full project, but is now considering options for lower cost start-up options.

The Hillside mine proposes the extraction of copper, gold and magnetite, initially through an open-cut pit, with later mining occurring underground. I understand that an open-cut pit approximately 2.5 kilometres long, one kilometre wide and 450 metres deep would be created through this process, if indeed that is the plan that they will adhere to. Unwanted rock overlying the ore body is proposed to be stored on site, with tailings to be stored in a facility within the largest waste rock stockpile. Initial processing of the ores would occur on site, producing a slurry that would be transferred through a pipeline to Ardrossan for dewatering and transfer onto ships through the existing port.

Rex Minerals submitted the mining lease proposal and management plan to the state government in support of its application. The EPA, I understand, assessed the mining lease proposal and management plan, and in November of last year provided the response that examined potential impacts under the Environment Protection Act. The Department of State Development prepared an assessment report for the proposal, with input and advice from the EPA.

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 to outline how it would adhere to the conditions included in the offer. The EPA will of course work with DSD, Rex Minerals and my agency of DEWNR to ensure that the Program for Environmental Protection and Rehabilitation (PEPR) adequately addresses any issues of environmental concern that we may have.

In terms of dewatering through the impact of the mine, mine dewatering is required, I understand, for safe working conditions. Groundwater would be extracted from a fractured rock aquifer during the life of the operation. The fractured rock aquifer at the project site is saline, ranging from about 10,000 to 50,000 milligrams per litre. Due to these elevated salinities, groundwater use is restricted to industrial use and is unsuitable for any other purpose. The nearest known user is the Arrium quarry nine kilometres to the north of the deposit.

Rex Minerals proposes to use a combination of water sources for ore processing. Water sources include 3.2 gigalitres per year from groundwater and 0.4 gigalitres per year from the SA Water pipeline. The groundwater component would be sourced from dewatering bores and in-pit sumps at the mine site. Groundwater modelling reports indicate that, during the dewatering phase, groundwater drawdown will be recorded up to a kilometre from around the mine site. Impacts to third party groundwater users are not anticipated due to this limited impact.

I understand the concerns of the honourable member. I understand his reluctance to accept this evidence that we have so far before us about the impacts or the potential impacts of this mine, should it proceed, but I ask him to understand also that we will need to see, if Rex decides to go ahead, a program for environmental protection and rehabilitation which will address all the concerns the government has put to the mining company.

MARINE PARKS

The Hon. T.J. STEPHENS (15:01): I seek leave to make a brief explanation before asking a question of the Minister for Environment regarding the marine parks campaign.

Leave granted.

The Hon. T.J. STEPHENS: I refer to an article in today's *Advertiser* newspaper about marine parks monitoring, which states:

> As jobs disappear from the fishing sector, the Government is providing funding to the [Conservation Council of South Australia's environmental lobby] to create new jobs to monitor the Marine Parks and fish species.

How much does the Conservation Council of South Australia receive in annual funding currently, how much does the Conservation Council of South Australia receive in annual funding going into the future, and how much of that will be related to marine parks?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:01): I thank the honourable member for his question. I would give him some tentative advice not

to believe everything he sees printed in *The Advertiser*, of course, but I undertake to take those questions back to my agency and seek a response for him and to get those details as soon as I can.

EMPLOYMENT OPPORTUNITIES

The Hon. G.A. KANDELAARS (15:02): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about employment.

Leave granted.

The Hon. G.A. KANDELAARS: Mature-age workers have built up knowledge and skill during their lifetime in work. Using these skills in workplace mentoring programs can reduce staff turnover, train other staff and increase staff morale. Can the minister please advise the chamber what is being done to support mature-age workers?

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) (15:02): I thank the honourable member for his most important question. We had a very productive time during our recent Country Cabinet meeting held in the Adelaide Hills, which was particularly stunning at this time of the year. We spent a couple of days there. One of the many productive activities was that we were able to fulfil yet another of our election commitments. During the two days, I was able to announce a boost to the highly valued older workforce with a provision of $600,000 over four years to the not-for-profit organisation DOME (Don't Overlook Mature Expertise).

This government recognises that it is important to keep the experience and expertise of older workers in the workforce and that this funding is to support around 1,200 people to help increase their skills and to assist them to find satisfying jobs. The funding will assist DOME to expand their statewide program that supports older workers and job seekers with training and employment programs. Through the program, DOME expects to support around 600 people into jobs and provide assistance to people who are underemployed and want to work more and to help them find those additional hours.

DOME services include helping people to understand often simple things like how to search for a job, how to prepare a résumé or CV and physically just how to look for and apply for jobs. People can also volunteer at DOME to help improve or learn new skills, like office skills. Also, volunteering is often an important first step back into the workforce and can often help immensely improve people's self confidence. DOME also holds referrals for job vacancies from mature age friendly employers across South Australia.

An example of a recent successful pairing of an older worker and a job vacancy in the Hills area was the story of a 62 year old, Mr Rafferty Flynn, and the Barker Boys food processing firm. Rafferty had previously worked in areas like truck driving in the mining industry in WA and also had jobs in the tourism sector and also as a seasonal worker. Barker Boys is a vegetable processing business operating at Mount Barker. It has been operating there for 28 years. Barker Boys is one of South Australia's largest quality processors, and they supply a wide range of processed fruit and vegetables to a diverse range of businesses from SunFresh Salads, Balfours, McCain through to hospitality industries and local businesses, such as Millies Café, which is notorious for its wonderful meat pies.

Barker Boys identified a need to employ someone who could drive a truck and who was also capable of doing maintenance work. I also had the pleasure of meeting with Greg Goudie, the executive director of DOME, who was able to give me an overview of their operation and the issues they are faced with. I was very pleased to be able to visit that particular work site where DOME was able to connect with Barker Boys and connect them with Rafferty, who started work with Barker Boys this month. Rafferty and Barker Boys both really praised DOME for the assistance it had provided in linking them together. Rafferty said that the DOME website and staff had really assisted him in helping to find a job and making it a relatively easy task.

Barker Boys, owned by Ken Borg, told me of the many benefits of hiring mature-aged workers, including that most are trained and have appropriate licences and often bring with them a wealth and breadth of knowledge and life experience that they can share with other staff. Mr Borg

also mentioned that there are a large number of very young employees in his workplace, and having an older, mature person there provided an excellent role model, particularly for those young men. It was wonderful to hear of such a success story, and it has been wonderful to be able to support DOME in its very valuable work.

EMPLOYMENT OPPORTUNITIES

The Hon. K.L. VINCENT (15:08): By way of supplementary question, does the government intend to undertake a program to promote the benefits of employing people with disabilities in the workforce, particularly those who may already have qualifications but are unable to be employed due to the inaccessibility of the workforce?

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) (15:08): I thank the honourable member for her question. Yes, we have an active program to promote to employers particularly a government focus, with the objective of making sure we do not overlook people with disabilities. It is not just people with disabilities but also older workers, people of Aboriginal descent and other groups that often can be overlooked with employment opportunities.

TEACHERS REGISTRATION BOARD

The Hon. K.L. VINCENT (15:09): I seek leave to make a brief explanation before asking questions of the minister representing the Minister for Education and Children's Services and Child Development regarding conduct investigations by the Teachers Registration Board of South Australia.

Leave granted.

The Hon. K.L. VINCENT: Content within the *Registration Matters* publication of the Teachers Registration Board for the year ending December 2013 has recently been brought to my attention. One table in this newsletter refers to the total number of teachers registered in this state for the year ending 2013. We had 36,834 teachers with 26,722, or about 73 per cent, being female, while about 27 per cent were male.

In this document the results of matters determined by the board were also outlined for the financial year 1 July 2012 to 30 June 2013. These include conduct inquiries under part 7, section 35 of the Teachers Registration and Standards Act 2004. Of the 36,834 registered teachers, the nine cases of teachers found guilty of unprofessional conduct, including disgraceful and improper conduct, were all male teachers. My questions to the minister are:

1. Does the minister agree that male teachers found guilty of unprofessional conduct under part 7, section 35 of the act are overrepresented given that they represent 100 per cent of cases and only 27 per cent of the profession?

2. If the minister agrees with this proposition, and given the current issues within her department, what action does she intend to take to address this matter?

3. What programs are in place to support men, in particular, considering entering the teaching profession?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:11): I thank the honourable member for her most important questions. I undertake to take the questions about conduct inquiries conducted by the Teachers Registration Board to the Minister for Education and Child Development in the other place and seek a response on her behalf.

WORRALL, MR LANCE

The Hon. R.I. LUCAS (15:11): I seek leave to make an explanation prior to directing a question to the leader in relation to the employment of a former senior public servant.

Leave granted.

The Hon. R.I. LUCAS: I have previously raised both in this chamber and in the Budget and Finance Committee the employment position of the former firstly Labor government ministerial staffer and then chief executive, Mr Lance Worrall. In brief, Mr Worrall, having been appointed to the chief executive of an industry and trade department on a salary of more than $300,000 per year, was then eventually deemed to be unsuitable to continue to be employed as a chief executive and was demoted. He became deputy chief executive officer of the department. Subsequently he was deemed to be unsuitable to be the deputy chief executive officer of the department and was further demoted, all the time continuing to retain his $300,000 a year chief executive officer salary.

We were informed last year that Mr Worrall was then seconded to do project officer work for the University of Adelaide in relation to a funding bid for the Cooperative Research Centre (CRC) at the university, and whilst he was doing that project officer work he continued to be paid more than $300,000 a year under his chief executive officer salary.

On 7 May this year in this chamber I asked the minister questions about Mr Worrall's position. My questions, in summary, were: would he continue to be employed? We had been told that his secondment down to the university expired in May of this year. His contract as a senior chief executive officer salary continued until June 2015. What were to be the ongoing employment arrangements?

The minister has not brought a reply back to the chamber but, as happenstance might provide, we have now been provided with a copy of the confidential briefing provided to the minister in relation to this issue. The answer provided to the minister the day afterwards, on 8 May, prepared by Mr Jeremy Phillips, the manager of executive and ministerial services in the minister's department, and endorsed by the then chief executive of the department, Ray Garrand, was prepared on 8 May.

It indicated that the minister was advised that Mr Worrall's initial 12-month secondment to the university was to expire on 9 May, but that had been extended until 30 May to allow time for the bid to be finalised and submitted for consideration by Minister Macfarlane. Mr Worrall continued to receive his contracted remuneration from DMITRE, etc.

It also notes in the confidential information section that the commentary in the reply prepared for the minister to give to the Hon. Mr Lucas in response to his question was that Mr Worrall's current duties were confirmed by Mr Worrall on 8 May 2014. The minister had a reply to my question prepared the day after it was asked. The minister, for her own reasons, possibly including embarrassment, chose not to provide those answers in this chamber until that particular answer was leaked to the opposition. My questions are:

1. Given that the answer to the question that I asked on 7 May was prepared for the minister and provided to her on 8 May, why did she choose not to provide it to the chamber?

2. Can the minister now update this chamber about whether taxpayers are still paying Mr Worrall more than $300,000 a year to do project officer work at the University of Adelaide and, if not, what work, if any, is Mr Worrall undertaking at the moment?

3. Given that Mr Worrall was deemed unsuitable to be a chief executive officer firstly, and given that he was deemed to be unsuitable to be deputy chief executive officer, how does the minister justify, on behalf of taxpayers, continuing to pay him $300,000 a year rather than terminating his services, as is possible under his contract, as a surplus employee?

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) (15:16): I thank the honourable member for his questions. I am not able to confirm the dates one way or the other. I do not have those dates in front of me. We know the Hon. Rob Lucas comes into this chamber time and time again with information that he just makes up. I am happy to take those questions on notice, to consider them, and bring back a response.

WORRALL, MR LANCE

The Hon. R.I. LUCAS (15:17): Supplementary question arising out of the answer: will the minister indicate why, given she was provided with an answer the day after I asked the last question on 8 May by her department, she chose not to provide that answer to this chamber?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:17): Mr President, I have already indicated that I am not sure about dates, and I am certainly not going to rely on the dates and time frames that the Hon. Rob Lucas has just outlined. They may be right, they may not. We know that time and time again he comes into this place with inaccurate and incorrect information. I am advised that Mr Worrall is still working under the same arrangements as previously and that he is still on secondment to the university; I can confirm that. I will take the rest of those questions on notice and bring back a response.

HOLMES, MR ALLAN

The Hon. R.L. BROKENSHIRE (15:18): I seek leave to make a brief explanation before asking the Minister for Environment and other portfolio areas a couple of questions regarding the CEO appointment and staff cuts.

Leave granted.

The Hon. R.L. BROKENSHIRE: Minister, it has been noted that Mr Holmes is no longer the CEO of your department. I ask whether or not his contract expired or whether he was pushed. If so, when was his contract due to expire and how much money have you paid out to get rid of Mr Holmes? How many of the staff have been reduced and are intended to be reduced in the department in the forward estimates of this budget period?

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 tentatively thank the honourable member for his question, but I have to say that sort of nasty commentary, which he is picking up from the Hon. Mr Lucas, is unbecoming of the Hon. Mr Brokenshire. He purports to hold himself up as a moral standard for us all, yet he comes in here and talks about getting rid of people, and is he pushed, or otherwise. It is totally unnecessary. Again, he is a man who comes in here telling us he has high standards and then tosses them into the gutter.

The PRESIDENT: Point of order.

The Hon. R.L. BROKENSHIRE: Point of order: the chamber knows I have high standards, I want to know whether the minister has any standards.

The PRESIDENT: There is no point of order.

The Hon. I.K. HUNTER: I have to challenge his premise that the chamber knows he has high standards. On the evidence of his behaviour in this place, clearly the question is alive.

The PRESIDENT: Supplementary, Hon. Ms Lensink.

HOLMES, MR ALLAN

The Hon. J.M.A. LENSINK (15:20): Can the minister confirm that, in December last year, Mr Holmes' contract was extended for three years?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:20): I cannot confirm that it was extended for three years in December but around about that time discussions took place (it might have been January; I cannot recall) to maintain Mr Holmes in the position and his contract was extended.

HOLMES, MR ALLAN

The Hon. R.L. BROKENSHIRE (15:20): Supplementary, sir. Could the minister advise the house how much money the government paid out when they got rid of Mr Holmes?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:20): Well Mr Holmes has not gone as yet, as I understand it. Again the honourable member comes in and says we got rid of Mr Holmes. Of course it is rubbish, absolute rubbish.

HOLMES, MR ALLAN

The Hon. J.M.A. LENSINK (15:20): A further supplementary: can the minister confirm whether Mr Holmes' contract is being paid out or whether he has gone voluntarily and therefore does not require to be paid out?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:21): I, of course, would not have that discussion with Mr Holmes. He would do that through the appropriate channels, but I will find out the answer to that question for the honourable member.

HOLMES, MR ALLAN

The Hon. R.L. BROKENSHIRE (15:21): A further supplementary (I will get to the bottom of this): can the minister assure the house that Mr Holmes was not pushed out of his position by the minister or cabinet?

The PRESIDENT: No, that is not a point of order.

The Hon. R.L. BROKENSHIRE: No, it is a supplementary.

The PRESIDENT: It is a supplementary question that does not arise out of the answer, whether he was pushed or not. The honourable member has answered the question.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:21): I thank you for that correction to the Hon. Mr Brokenshire but clearly he is not going to come in here and parade his high moral standards in this place. I can give him a categorical guarantee that Mr Holmes was not pushed by me or anybody else. We had a discussion about his future. He indicated to me, after 20 years of service to this state—20 years of service to the public of this state, which the Hon. Mr Brokenshire should actually show some respect for. He has served Labor and Liberal governments with great distinction and Mr Brokenshire comes in here and tries to traduce his reputation. I find that disgraceful in the extreme and if those are the sorts of tactics he wants to bring into this place then let it fall on his head. It will come.

KOKATHA NATIVE TITLE CLAIM

The Hon. K.J. MAHER (15:22): My question is to the Minister for Aboriginal Affairs. Will the minister inform the house about the recent consent determination of the Kokatha native title claim?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:23): I thank the honourable member for his most important question. On 1 September I had the enormous pleasure, not of actually being attorney-general, but of witnessing and signing the historic determination of the Kokatha native title claim as acting attorney-general. I joined elders and members of the Kokatha community and Federal Court Chief Justice, the Hon. James Allsop AO, for a specially convened Federal Court hearing held on country at Andamooka Station.

Andamooka Station is a place of great cultural significance to Kokatha people. It is a place where many Kokatha people were born and lived and have their strong connections to that land. It is a place where their loved ones are buried. It was therefore particularly fitting that the hearing was taking place on that country, that very country that so many people have an emotional connection with. I am proud that South Australia, our state, perhaps more than any other jurisdiction, has

demonstrated a great commitment to resolving native title matters through negotiation and consent rather than litigation.

This commitment is clearly evident in the way the Kokatha claim was determined and settled. The Kokatha are part of the south-easternmost sub-group of the Western Desert society. They are linked into the wider Western Desert society through a common language and a shared religious and ceremonial life. The region affected by the determination includes a number of significant sites that continue to play an important role in their traditional laws and customs. The determination will recognise the native title rights of the Kokatha people to hunt and fish, camp and gather, and undertake cultural activities such as ceremonies and meetings, and protect these places of extreme significance to their culture on country.

It is an area geographically located in the north-west pastoral district of the state. It covers approximately 30,000 square kilometres and lies to the north and north-west of Port Augusta, between Lake Torrens to the east and Lake Gairdner to the west. It includes the towns of Roxby Downs, Andamooka, Woomera and Pimba. I am told that the majority of the determination area is covered by pastoral lease and was first settled by non-Indigenous people in the late 19th century.

In addition, approximately one-third of the determination area is covered by the Woomera Prohibited Area, which was first established in 1947 as a joint British-Australian venture. It has been the site of long-range weapons testing, of course, as well as nuclear weapons testing, rocketry and multiple satellite launches. The determination area is also highly productive for minerals and includes the Olympic Dam mine. It is the site of the world's largest known uranium deposit and the world's fourth largest copper deposit and has played a significant role in the economic development of both South Australia and this country.

Throughout all the changes that this region has witnessed in its more recent history, the Kokatha people have been the one constant in the story. Given the interest in the area, negotiations and mediation have been a very important part in determining this claim. The claim involved a large number of respondent parties, including the state and the commonwealth, the BHP Billiton Olympic Dam Corporation, and various other parties with mining or pastoral interests in the area.

I am extremely pleased to note that, as part of the settlement of the claim, a significant Indigenous land-use agreement is being entered into between the state, the Kokatha and BHP Billiton. This agreement, together with the consent determination, brings certainty for people who have interests in this area. It puts in place a clear process for engagement between the native title holders and the state in relation to future state activities on native title land, and it settles, by agreement, compensation for past extinguishment of native title by the state in a manner which provides both financial and other benefits to the Kokatha people. It is anticipated that these benefits will assist the Kokatha to become key players in the economic, social and cultural development of this region into the future.

I believe that this consent determination, and others like it that have been entered into in the past and that will be entered into in the future, constitutes formal recognition of an important part of our country's history. It acknowledges that this land has provided a spiritual and physical home to its traditional owners long before white settlers ever arrived on these shores. In essence, this consent determination is recognition in Australian law of the Kokatha people's relationship, rights and interests over this land as the holders of native title of this area. In the words of Ms Joyleen Thomas, the co-applicant for the Kokatha native title claim, this determination:

> is about getting recognition for our grandparents, our ancestors, and also for our children and grandchildren. It is important for our children to have a place in the world, to have identity and belonging, and to feel connected to the country of their ancestors.

It is my sincere hope that it will bring us all closer together in the spirit of reconciliation. I recall that the Hon. Mr Justice Allsop, the presiding judge in this matter, told all of us assembled that the recognition was not a grant of rights but a recognition that native title has always been held by the Kokatha people and always will be held by them. So it is not a grant or something that the state has handed over to these people: it is merely a recognition that they have for all time, which is relevant to us today and may stretch back over many thousands of years, been the ones who held and owned the land, and we recognise that they do today.

Completing the settlement of this native title claim has taken an enormous amount of work and effort. I would like to congratulate all parties involved on the contribution towards resolving this claim, which will open up this new era for the Kokatha people and this region of South Australia.

Bills

BUDGET MEASURES BILL 2014

Second Reading

Adjourned debate on second reading.

(Continued from 7 August 2014.)

The Hon. R.I. LUCAS (15:29): I rise to continue my remarks in the second reading of the Budget Measures Bill. Prior to the break I outlined the Liberal Party's view and then a number of questions to the government in relation to some aspects of the Budget Measures Bill. To briefly summarise the Liberal Party's position, which we have already outlined in the House of Assembly and I have already outlined on behalf of my colleagues in the Legislative Council, we (the Liberal Party) strongly oppose many of the measures in this particular budget and also in the Budget Measures Bill. Certainly they would not have been part of any budget brought down by a potential Liberal government.

As we outlined at the last state election, our policy package was promoted on the basis of reducing the cost of living, reducing taxes and charges on families and on businesses and also cutting out waste and financial mismanagement within the system. Be that as it may, this government has proceeded with its policy package—some of which was known before the election, much of which was not—in relation to further increases in taxes and charges on businesses and on struggling South Australian families.

In summary, there are broadly five key areas in the bill. The key one in terms of ongoing costs to the budget is the car park tax, which has a financial impact of $26 million to $30 million a year. There is a separate provision in relation to long service leave for teachers, which has potentially a significant one-off impact on the budget and a lower impact in terms of ongoing costs, depending on whether or not the measure is passed. The remaining three parts of the bill essentially offset each other. They are smaller in nature.

A financial benefit in terms of stamp duty relief is to be provided, which will cost the budget about $7 million a year, and then there are two additional imposts: one is the fun tax, which will collect about $4 million a year, and the other one is some royalty increases, which will collect about $3 million a year, or a total increase of about $7 million a year. So there is an increase of $7 million a year in tax collections and there is various stamp duty relief of $7 million a year. As I said, they broadly offset each other.

The key financial impacts of the Budget Measures Bill are the car park tax, obviously, and our views are well known on that, and the long service leave provision for teachers, which potentially has a significant one-off impact, at least up-front.

I want to address some comments to the fun tax that the government has introduced. There has been widespread opposition to the fun tax, but I suspect that at this stage that will be minor compared to what we are likely to see when the actual impact is felt by consumers in a variety of areas.

The area I want to place on the record at the moment is the issue in relation to the impact on Adelaide Oval, for example, and on football, and in particular information provided to my colleague, the member for Mitchell (Mr Wingard), from one of the two AFL clubs, the Port Adelaide Football Club. I understand that the information provided by that club on behalf of its supporters is reflective of the views of the other football club, the Adelaide Football Club, and is also supportive of information that the Stadium Management Authority, which is the venue operator, has provided.

The information provided by the Port Adelaide Football Club indicates that the potential impact on ticket prices varies between $2 and $4 extra per ticket as a result of the Weatherill government's fun tax. The information provided by the Port Adelaide Football Club—and, as I said,

I understand it is also supported by the Stadium Management Authority and the Adelaide Football Club—indicates that the levy impact on general admission public ticket sales will be $4 each. For members' guest passes, it will be $4 each, and for members who have an11-game membership, it will be $22 extra (or $2 a game).

For those members who have access to Adelaide Oval for 22 games, the impact will be $44 (again, $2 per game). For various corporate suites, the additional impact again works out at $2 per game depending on whether it is 11 games or 22 games. The impact for the ticket category for SACA, Adelaide Football Club, Port Adelaide Football Club and the away team patrons is $4. I am not sure what that particular category exactly describes, but it is another one of the $4 per game impacts. So, that is the assessment in terms of the impact of the fun tax on football followers in South Australia.

Given the heightened degree of interest in the football finals, it is probably going to be of some interest to supporters of both the Port Adelaide Football Club and the Adelaide Football Club for next year. These imposts will not become apparent until next year. We are told the venue operator, which is the Stadium Management Authority, will be charged, we are told, a total of about $2½ million, so the vast bulk of the increased collections will come from football followers or Adelaide Oval patrons, and will impact on their ticket prices next year.

I do not know, but I assume that, given that they will run various other events such as the occasional soccer game, possibly rugby games, rock concerts and also the occasional SANFL games for finals, the venue operator, the Stadium Management Authority, will also have to allocate some element of the $2.5 million extra to those particular bodies, and they will have to ratchet up the ticket prices for the concerts, soccer games, rugby games and SANFL games by some margin as well. I have not been provided with estimates of what the impact of that might be.

Given that the general admission public ticket sale price goes up $4 a ticket, one might assume that the impact might be closer to the $4 per ticket than the $2 per ticket, which is the increased cost attributed to 11-game and 22-game memberships at Adelaide Oval for the two AFL football clubs. But, that aspect is a supposition, as opposed to information provided to the shadow minister from the Port Adelaide Football Club.

South Australian families will not see the impact of these cost imposts until next year. The interesting question, I think, for the Port Adelaide Football Club, the Adelaide Football Club and the Stadium Management Authority will be to make it known what the potential cost impacts of this extra $2½ million will be, particularly as these are additional imposts unknown at the time that the Stadium Management Authority was established and the approval for the Adelaide Oval project was provided by this parliament and by the government. These are additional imposts unknown to all involved until the announcement in this year's budget.

The minister has provided some answers to the questions that I put in my comments some five weeks ago, and I will address some of those answers now. I asked: who in the Department for Education and Child Development had prepared the modelling and assessment for the state's potential liability under the long service leave arrangements? The minister advises:

> The Office of Human Resources and Workforce Development in consultation with Finance in DECD prepared estimates…These estimates are broadly based for reasons including…the precise number of potential claimants is presently unknown.

What is the potential liability? The minister says that:

> Given the unknown number of potential claimants, and the fact that liability has potentially been accruing over 42 years…an exact figure is unknown. It is clear, however, that given the factors mentioned above, the potential liability is extremely large.
>
> In calculating potential liability DECD has assessed the entire spectrum of potential liability. It is not appropriate at this stage to publicly disclose potential liability figures given the state of the proceedings in the Supreme Court…which remain on foot.

The minister has not responded to the question which I put, and that was: what is the nature of the legal advice that indicates that it is not appropriate to publicly disclose the potential liability figure? As I said, I placed on the record my view that, given that a potential liability figure has already been quoted and the AEU have indicated that they were advised by departmental officers of potential

liability of between $100 million and $200 million, I think the number was, why, if the AEU negotiators have been provided that particular number, can the parliament not be provided with that particular number or an indication as to how that was calculated or why that particular number was just a back of the envelope number and it had been done on a particular basis and it perhaps is not relevant if that is going to be the department's argument on this?

So, I will pursue in the committee further detail as to whether they firstly concede, as the AEU have claimed, that they were told this number by departmental people and then pursue that particular issue in committee. I asked questions about details of the ex gratia scheme. The answer is:

> Cabinet has approved the establishment of an ex-gratia scheme…At this stage, the details of the Scheme have not been put to Cabinet, as this is dependent on passage of the Bill.
>
> While I cannot provide details of the Scheme prior to them being approved by Cabinet, I can tell you that:
>
> - $15 million has been approved for the Scheme and will be available for discretionary payments to eligible teachers;
> - the Scheme will not be used to pay any legal costs associated with Proceedings;
> - the fund will be controlled by DTF. It is expected that DECD will review applications and provide relevant information to me, as Attorney-General, to exercise discretion as to who will receive any payment out of the fund. Following approval, DTF would release the funds necessary to make the payments;
> - all eligible temporary teachers will be able to apply for payments out of the fund.

I do not accept that response from the minister. I do not believe that there has been no work done on the broad principles that might apply to the ex gratia scheme by the department. They would be negligent if they had not already done so. Someone must have done some work to have justified the allocation of $15 million for an ex gratia scheme. I am assuming that someone has done an estimate of the potential number of successful claimants and an average cost per claimant and has estimated $15 million to the department and to Treasury.

It is my view that during the committee stage of the debate this chamber should insist on greater detail from the minister, and if it is true that nothing has gone to cabinet yet, and I have no reason to doubt that issue, then either it needs to go to cabinet before we discuss this issue or there needs to be authority given to indicate the potential options that are being considered by the department and the government for the provision of payments under the ex gratia arrangements.

I can see no good reason why this chamber should not be provided with more detail in relation to how this particular ex gratia scheme should operate. Many of us are getting questions from people to ask who will be eligible and what will the department take into account. They are not unreasonable questions.

If the government is seeking the support of the Liberal Party to approve the retrospective changes to the long service leave arrangements for teachers, then the responsibility rests on their shoulders to provide greater detail to convince a majority of members in this chamber that this ex gratia scheme is pitched at an appropriate level and will be applied fairly and reasonably in terms of meeting reasonable claims to the department. There is a further example. I asked, 'Are there any previous examples of parliament retrospectively correcting an anomaly?' The answer was:

> In 1991 the government amended the act to reflect the practice and understanding of payment when teachers were engaged for part day. This was following a civil claim that resulted in a judgement that granted a full day's pay for any engagement of part day. This prompted the Education (Part-time Remuneration) Amendment Act 1991, which inserted a new section 101A into the act with retrospective application.

I have also been separately advised. I raised the issue that I had a recollection that, some time in the last 10 years, we had retrospectively approved some amendments as a result of a court case that might have applied in the stamp duties area. I have been advised and referred to a debate on the Stamp Duties (Trusts) Amendment Bill in 2008 in this chamber, where, as a result of a court decision, this parliament (or certainly the Labor government and the Liberal opposition—I am not sure that there was opposition from the minor parties, but I stand corrected on that if there was) approved a retrospective change in relation to the stamp duties arrangements as a result of a court decision.

So, whilst the Liberal Party's position has been not generally favourable to retrospective legislation, as I indicated before there have been occasions in the past where we have supported some elements of retrospective application of new laws. The 2008 stamp duties act is a recent example. The 1991 legislation, which was again at least partially retrospective, was supported by the parliament in 1991. My further question was, 'Where are the employment records of the relevant teachers kept?' The answer was:

> Most records are available in the DECD central office; other records are archived in boxes off site. For teachers who combine their service with lecturing in TAFE, some records are in the Department of Further Education, Employment, Science and Technology.

I note that I did ask questions about the employment of staff by schools out of funds provided in a grant to schools. Whilst this answer does not specifically refer to that question (and I will clarify it in committee), I am assuming that the answer by inference is that, even in those circumstances that I have outlined, part-time teachers, employed in the way I described, have their records available in the department's central office, but I will seek clarification in committee on that. My next question was: 'How would the government make the calculations in order to pay out all teachers?' The answer was:

> Payments from the ex gratia fund will be entirely discretionary. Applicants will be able to submit information documents in support of any application. I anticipate that DECD will also provide to me information about the service history of claimants. Calculations would be largely manual.

That response was from John Rau, Deputy Premier, dated 10 September, provided to me and copied to the Deputy Leader of the Opposition. Certainly I will pursue a number of those where I do not believe all the answers have been provided in that letter. However, I do thank the Deputy Premier for his response and answer to some of the questions that were there.

The other issue to which I had not addressed comments was the senior housing grant eligibility, which is a $7 million concession in the Budget Measures Bill. I am aware that my colleague the member for Bright wrote to the Treasurer on 7 August on behalf of his constituents, highlighting his constituent's concerns and his concerns that this particular concession will not be available to persons who downsized from their big family home and who purchase into a retirement village. I seek from the minister confirmation of that, but the member for Bright says that he has had it confirmed that that in fact will be the case.

The member for Bright, in his letter to the Treasurer, highlights that in 2013 when the Housing Construction Grant was introduced it originally excluded homes in retirement villages or residential parks. However, after lobbying, this was later deemed an oversight and ex gratia relief was granted to such homes in retirement villages and residential parks due to the underlying policy for the Housing Construction Grant being to encourage the construction of new homes. The member for Bright's argument and his constituent's argument is, given that explanation from the government he has asked the government whether it should not also be the case that ex gratia relief be provided for this particular concession for residents who move into retirement villages and residential parks. His argument is:

> For many, retirement village and residential park living is the most obvious and suitable option for elderly residents looking to find an age appropriate home due to the access to facilities and strong sense of community provided in such settings, as well as the size and manageability of properties in these establishments.

He argues:

> Given the precedent set by the amendment to the HCG, the Housing Construction Grant, to include homes in retirement villages and residential parks, I would suggest ex gratia relief should also be extended in these circumstances in order to ensure that the government legitimately delivers on their election promise to find ways to create more affordable age appropriate homes in South Australia.

I seek a response from the minister at either the committee stage or the end of the second reading stage to that submission from the member for Bright, and if the government's position is that they do not agree with that request for further ex gratia relief, can the minister, on behalf of the government, outline why they do not believe it is appropriate and why this is different to the circumstances that apply to the Housing Construction Grant?

The final comment I want to make in my second reading contribution deals with the car park tax. As you would be aware, Mr Acting President, the Liberal Party for 18 months or so has strongly

campaigned against the car park tax. We believe it will add to the costs for families and businesses, and for all those reasons and others that have been placed on the record we have and continue to strongly oppose the car park tax. We have tabled in this chamber amendments to seek, during the committee stage, removal of the car park tax from the Budget Measures Bill.

I was intrigued to see a story, one would assume sourced to Treasurer Koutsantonis, in the Adelaide *Advertiser* this morning under the heading 'Wheels in motion on car park tax', which was written by Sheradyn Holderhead and says:

> A deal to reinstate some Emergency Services Levy subsidies could help the state government save its proposed car park tax in a last-minute deal with key crossbench MPs. *The Advertiser* understands that Treasurer Tom Koutsantonis has met crossbenchers in the past week to try to convince them to support the controversial tax.

It is quite detailed in terms of what Mr Koutsantonis has done.

> Mr Koutsantonis is understood to have told crossbenchers the government would be willing to negotiate on a range of issues, including winding back the ESL increases for some property owners.

It then goes on to outline some of the propositions the Treasurer, Mr Koutsantonis, has evidently discussed with key crossbenchers in this particular chamber. The Liberal Party's position on this is resolute, we are resolute. We do not believe in imposing additional taxes and charges on South Australian families and businesses. We have tabled the removal of the car park tax, as we took to the election and subsequently have publically debated since the election, and will seek the support of key crossbench MPs.

Whilst it is not part of the Budget Measures Bill, the impost from the emergency services levy will be a hammer blow to South Australian families and businesses. The Hon. Mr Darley has been super active, as have my leader and members of the Liberal Party, publicly explaining, via the media, the horrendous impact on some families and businesses of the government's heartless increases in the emergency services levy; but they are not part of this particular Budget Measures Bill.

The Premier and the Treasurer believe that, because they have included with the emergency services levy a dodgy letter that goes out to every ESL payer in South Australia seeking to blame the federal government, this is a clever strategy and they will successfully pass the blame for the increase in the ESL from themselves to the federal government. Well, I have got news for them. Already it is quite clear that South Australian families and businesses are not buying that dodgy argument. They do not believe what the Premier and Treasurer are seeking to tell them through this dodgy political letter being sent out with the emergency services levy notice.

If the government does not back off of its own volition in relation to the emergency services levy, then this will be at political cost to itself over the coming years and leading up to the 2018 election. If it remains as it is, I can assure the Premier and Treasurer that South Australian families and businesses are not stupid. They know that this is an impost being applied as a result of 12 years of financial mismanagement and waste by the current state Labor government.

They know the responsibility rests with the state Labor government and, come 2018, if there have been no changes, they will fairly and squarely be blaming Mr Weatherill and Mr Koutsantonis, the Premier and the Treasurer, for this massive increase in their cost of living and the cost of doing business in South Australia. South Australian families and businesses in 2018 certainly will not be blaming the federal government for the increase in the emergency services levy and the other increases in taxes and charges that we have seen.

The Premier and the Treasurer have massively underestimated the political impact that this particular decision has inflicted on them and on South Australian businesses and families. There are certainly members within the Labor caucus who are only just beginning to realise that they have been sold a pup by the Premier and the Treasurer. They were told during the budget debate that this was a progressive tax, that this was a good thing in that the wealthy would pay more and the poor would pay less.

They were sold a pup, and there are one or two within the caucus already who are openly questioning in the corridors of Parliament House the advice they were given by the Premier and the Treasurer, the Treasurer in particular, because they know that there are lots of people and

organisations out there squealing at the moment—screaming at the moment—about the impact of the emergency services levy.

It is certainly my view that if the car park tax is defeated in this and the Budget Measures Bill proceeds there will still be direct pressure on the Premier and Treasurer from the community, from the Liberal Party, from the crossbenches, and from increasingly some of their own backbench members to back off to a degree from some elements of the emergency services levy.

The massive increases on schools, which will see significant increases in school fees for many struggling families, is just one example. With the massive increases in the Emergency Services Levy on some non-government organisations, we will see either a massive reduction in services that can be provided by those organisations or increased cost of the services that they provide.

None of this was thought through by the Treasurer. We saw, when the issue were first raised by the Hon. Mr Darley and others in relation to the impact on retirement villages, that the Treasurer had no idea what the impact was. It was only when it was explained to him on radio by others that he realised and then proceeded to back off with a message that went onto the Revenue SA website saying that he was going to try and protect the pensioners within the retirement villages.

That is the way to put pressure on the Treasurer and the Premier: through their backbenchers, through their members. That is the way the pressure needs to be kept on in a considered and comprehensive campaign. In my humble submission, it is not to be done by trading off one bad tax for another through a backroom deal with the Treasurer as the government just loves to do when they can. 'Have we got a deal for you. We will get rid of part of one bad tax and replace it with part of another bad tax if you just agree to do this particular deal.'

Let's defeat the car park tax and keep the pressure on, as we have already done with the retirement villages, to force the Premier and the Treasurer to realise the error of their ways and to force them to realise that they have not thought it through, and to force them to provide the sorts of concessions that they need to provide and that used to be provided under former governments both Labor and Liberal for many years under the Emergency Services Levy.

That is the way to tackle this particular issue and not through any prospective backroom deal which clearly, it would appear, the Treasurer or his supporters have provided or leaked to the morning *Advertiser*. With those comments I support the second reading.

The Hon. J.A. DARLEY (16:02): I rise very briefly to speak on the Budget Measures Bill 2014. The bill proposes five main measures, namely implementation of a transport development levy, changes to the Education Act that remove entitlements for temporary officers of the teaching services, the Seniors Housing Grant, the implementation of fees for special passenger services to commercial events and, lastly, increases to mining royalties.

I want to focus on the first three measures mentioned. I have made my position regarding the transport development levy known but, for the record, I remain strongly opposed to this measure, and I am not alone. The government cannot rely on the support of one single organisation for this measure, not the Property Council, not the Rundle Mall Management Authority, not Business SA, not the Real Estate Institute of SA, not the Urban Development Institute of Australia, not even the Local Government Association. Why? Because they all know it is a bad idea.

Not one organisation has contacted me and said, 'Please support this measure' but I have received plenty of phone calls, emails and letters asking me to oppose it. The levy will not reinvigorate the city. It will not help already struggling businesses and retail outlets. It will not make more people catch public transport and it will not help workers who are already struggling to make ends meet. What it will do is keep people as far away from the city as possible and add yet another expense to the hip pocket of those who cannot avoid coming into the city.

I have to ask, has the government advised its stakeholders that Parliament House will be exempted from the scheme altogether? How does this government think workers will respond to this? 'It is okay for you to pay but not us.' This measure is nothing more than just another slap in the face for people and for businesses who are trying to make a living. It is unfair and it is unjust.

For the record, I also reiterate my opposition to changes that will result in cuts to entitlements for temporary officers of the teaching service who have more than a three-month break in service.

The government has tried to justify this measure on the basis that it was never the intention of successive governments that contract teachers have access to an allowable break in service of up to two years for the purposes of long service accrual, and that it will bring them into line with other public servants, who are entitled to only a three-month break in service. It says that the bill is confirming what is applied and what has been understood to be the law since 1972.

On the issue of the 2012 High Court case AEU versus DECS, the government says that the case only went as far as considering whether or not temporary teaching staff fell under section 15 of the act. It did not consider the question of entitlements. As members would know, the argument put to the High Court by the union was that the appointment of teachers under subsection 9(4) of the act, which provides a three-month break in service for the purpose of long service accrual, was unauthorised.

The government also says that the letter sent to the Department of Education and Children's Services by the government's HR and Industrial Relations Services Director in 2005 goes no further than confirming that temporary relieving teachers are to be appointed under section 15 of the Education Act on a temporary basis. As I mentioned during my contribution on the Appropriation Bill, there has been no recognition of the fact that contract teachers face different conditions to other public servants.

For instance, one of my constituents has raised the point that, as a contract teacher whose contract concludes on the last day of term four, it is virtually impossible for him to get another contract position for five weeks due to school holidays. This is markedly different to other public servants, and would leave him with just over two months to find another position before his leave entitlements were affected.

The fact that the proposal to extinguish the two-year rule is retrospective, and would apply to entitlements that have accrued since 1972, is absolutely outrageous. I am advised that employees have also been told they could not access their entitlements because the matter is before the courts: again, outrageous. What measures will the government take to address this injustice? What measures will the government take to address the fact that people have forward planned their futures, thinking they have these leave entitlements, which will now, all of a sudden, be wiped away?

As I understand it, there has been very little information made available about how eligibility for the ex gratia payment scheme the government has proposed will be determined. All we appear to know is that on 19 June the government indicated $50 million for discretionary payments to some—not all—teachers whose long service leave entitlements were brought into line with other public sector employees following amendments to the Education Act. Do we even know how that figure was arrived at? Why is it that the payments will apply to some but not all teachers? Is the estimated figure accurate? As I said previously, this is an outrageous call by the government and I will not be supporting it.

Moving on to the Seniors Housing Grant, I have to say that whilst I am not opposed to this measure I fail to see how it will result in any real benefit, especially given that the scheme scales down from $400,000 and cuts out at $450,000, and excludes purchases of licences to retirement villages. Take the case of a couple living in a four-bedroom home in the suburbs which is worth about $500,000 or $600,000, for instance. Elderly people who want to downsize usually prefer to move to premises in the same locality, and they would normally want a new house like a duplex so that it is easily maintainable. That would cost them roughly $500,000, which would command stamp duty in the order of $25,000. Given that the purchase price is above the $450,000 they would not benefit from the scheme at all.

On the other hand, if we consider a person who has a property worth $500,000 who decides to move into a one-bedroom apartment in the city—if they can find one for less than $450,000—the stamp duty payable will still be in the order of $20,000 unless they purchase off-the-plan, in which case they are exempt from stamp duty. That is a lot of mucking around for a saving of $12,000, if you are lucky and if you can find a property that falls within the cap. The benefits simply do not add up.

As I understand it, since the announcement four applications have been made by seniors seeking to downsize. I am advised that, even though it is very difficult to cost, the government has

estimated that the scheme will cost around $7 million. The scheme will only run for a period of two years, so I suppose we will see what kind of take-up it results in.

I understand that we are living in tough economic times—we all understand that—but the Budget Measures Bill is not the solution. I said it before and I will say it again: when is this government going to learn that kicking those people who are already down is going to make things worse? Our state is in a very dire position. We pay the highest taxes, we pay the highest utility rates, we have the highest unemployment rates and our car industry is about to close its doors for good.

There is uncertainty over defence contracts, our submarine contracts are far from settled, we have the Courts Administration Authority saying that it is no longer viable to operate suburban and some country courthouses. There are vacant shopfronts at all of our shopping precincts. Landlords are doing it tough and tenants are doing it tough. Many are on the verge of financial disaster. Families are doing it tough. People are losing their jobs, their livelihoods, their homes. We cannot afford to be saying, 'Well, the state needs more money so we will just increase taxes or impose so-called levies.' People cannot afford it; that is the bottom line. When is the government going to realise this?

Make no mistake: these problems did not occur overnight; they have been a long time in the making, yet our government, which has failed for years to cut its coat according to its cloth, is asking us to wear the cost. Business confidence is not up in this state; it is at an all-time low. I have not had one business come to me and say, 'Business is booming,' but I have had a heck of a lot say, 'We are struggling. We are struggling under the increasing costs, increasing expenses, increasing competition and increasing taxes.'

It is a great pity that the emergency services levy could not be dealt with without the need for legislation reform, because I am sure that a reverse of that decision would go some way towards alleviating not only the financial squeeze but also the anger that our community is feeling at the moment. But I will not give up on that front. Just because the government has found a convenient way to sneak this measure through does not mean we will give up the fight. In closing, I urge the government to rethink its budget measures, rethink the reversal of the remission on the emergency services levy and give up on the notion of trying to tax ourselves into prosperity.

The Hon. T.T. NGO (16:12): I rise today to speak in favour of the Budget Measures Bill announced as part of the 2014-15 state budget. This bill follows a mandate that the government was given at the last election. This was a mandate to keep building South Australia. As part of the bill, the government is introducing a car park levy in the CBD and the money raised will be put in a fund so that we can continue to upgrade our state transport infrastructure and provide vital services for all South Australians.

In the 2012-13 Mid-Year Budget Review the government proposed a city car park levy. It took the Liberal opposition five or so months after this proposal was announced to start campaigning that the government did not have a mandate to do this and that it was not part of the Labour Party's election policy in 2010. They campaigned strongly that this proposal should not be introduced until after the election in March 2014.

Last year and leading up to this year's state election, the Liberal Party and many members opposite have campaigned very hard trying to persuade the public that this was a toxic tax, a bad tax, that a vote for Labor would be a vote for this car park levy. Both major political parties had a very clear and transparent election campaign message: the re-elected Labor government would support the levy and the Liberal government would scrap the levy. It was the central campaign message from the Liberal Party, and I assume the Liberal Party spent hundreds of thousands of dollars in advertising to promote this message. Now the Labor government has been re-elected, this debate should be finished and settled.

Let me speak more about this levy and what it intends to do. Honourable members would be aware that the levy will be set at $750 per annum per car park space in the Adelaide CBD and will be indexed annually to the Adelaide consumer price index. Unfortunately, not all our friends in other states are so lucky. The levy in Melbourne is set at $1,300 per year and has been in place since 2006. The cost gets higher the further you travel, with Sydney's central business district parking

space levy set at $2,210 per year, and they have had their levy since 1992. Even Perth, a very wealthy city flushed with funds from mining royalties, introduced a car park levy in 1999.

Adelaide has more car parks per capita than any other major Australian capital city, and every day traffic congestion is increasing on the roads leading into the city. As our state's population increases, our traffic congestion will only increase. Based on the CBRE May 2013 report—CBRE is a international real estate firm which did some work on the levy:

> There are 22,879 car parking spaces within major multistorey car parking stations in the Adelaide CBD. The Adelaide City Council have estimated that there are a further 10,400 on-street parks and 23,749 commercial car parks. Of the 10,400 on-street car parks, only 5,267 car parks are ticketed, which will attract this new levy.

An article by Michael Milnes from *The Advertiser*, dated 14 September 2011, states:

> Adelaide has 41,000 public parking spaces. Sydney has 30,000, Perth about 10,000 and Brisbane has about 20,000.

In an Adelaide City Council report called 'Smart move: the City of Adelaide's transport and movement strategy 2012-22', I noted the Lord Mayor Steven Yarwood's message:

> Adelaide is the most car-reliant city in Australia and has the greatest number of car parks of any capital city.

I am told that currently, on average, a person parking in the city all day will pay roughly $23, and that figure is nearly halved if they access early bird parking. With occupancy rates factored in and on a five-day-week basis, the government believes that the levy will only increase the cost of parking by $4 a day, or roughly about 40¢ per hour based on a parking meter operating 8am to 6pm. A simpler calculation is: $750 divided by 365 days, which is about $2 per day or 20¢ per hour. Members will note that the levy will apply to parking spaces which have a charge, fees or some other value benefit or consideration on a regular basis, including parking spaces set aside for employee-only parking and fleet vehicle parking.

Honourable members will however be happy to know that resident car park spaces, car park spaces provided by customers of businesses that have no fee or charge, short-term parking for the public at a hospital site, and spaces located at sites that do not contain more than five parking spaces where the owner does not own more than five car parking spaces in total in the CBD, will not be charged a levy. I hope this information about the levy shows members why this levy is fair to local residents and small business owners. As the mentioned CBRE report into this levy states:

> …it is unlikely to have a discernible impact on the broader value of commercial property.

One of the major benefits of the levy is that the revenue raised will be directed to a state transport fund (STF) which will be used for transport infrastructure projects. The most obvious example of these benefits is much-utilised park-and-ride stations. Four of these stations have already been built or planned around Adelaide and South Australia, and the benefits provided to motorists are remarkable. These stations facilitate the easing of congestion into the central business district by providing parking outside the CBD and easy, accessible public transport options.

The government has provided $21.1 million for additional park-and-ride facilities at Tonsley Park, Mount Barker, Paradise and Tea Tree Plaza. This will provide 1,331 additional car parking spaces and improved parking facilities. The government is also planning on installing super stops along Currie and Grenfell streets to enhance services to public transport passengers.

We have seen that, despite an increased population, there is actually a very low number of people using public transport. The Labor government is committed to increasing the number of people using public transport. This government is in the process of upgrading public infrastructure across South Australia. This is all about the future of this state and this levy is integral to that future.

We need to focus our road transport and infrastructure away from personal motor vehicles and into public transport. The May 2013 CBRE report shows that 84 per cent of people who work in the CBD drive and only 8.2 per cent of people are catching public transport, and that trend is decreasing. In 2006, the figure was 8.4 per cent. If our modern road infrastructure and quality of life is to continue improving, the governments of today and tomorrow have to take action. This government has the foresight to take action and this levy and the fund it creates is that action.

The government is expecting the fund to collect over $100 million over the next four years, and so far we can only imagine the benefits. South Australians of today and tomorrow will enjoy the fruits of this fund. The government is not putting the money collected into general revenue. The STF will enable the government of the day to invest in long-term transport infrastructure, more park-and-rides, more trains and trams, more buses and O-bahns, and dare I say the long-desired tramline to Port Adelaide. This transport fund policy is not dissimilar to the government's future fund policy and other far-reaching visionary work by this government. The Premier expects that the future fund will raise roughly $500 million over seven to 15 years and this transport fund will raise over $100 million over the next four years, as I mentioned.

What these funds demonstrate is that the government of the day can build the capital necessary for the future development of this state. The benefits of the STF do not just extend to transport infrastructure; the STF will continue to help grow the overall vibrancy of our state. With the lessening of congestion and easing of associated costs, we can continue to see more foot traffic in the CBD as part of the government's renewal of central Adelaide. This also provides better environmental outcomes with reduced traffic and a more aesthetically pleasing city.

This government has already started its investment for the long-term. Extending and electrifying the light rail network, renewal of the bus fleet and extending the tram to the Entertainment Centre are just some examples of this government's plan for the state's future. This is just another example of forward planning by this government. The STF shows that the government is thinking and planning for the state of tomorrow, and all members of this chamber, including any potential future Liberal government, will thank this government for the work. Just say the Liberal Party gets into government in four years time: potentially it will have $100 million in the STF to play around with.

The Hon. J.M.A. Lensink: We will hold you to that.

The Hon. T.T. NGO: Potentially. However, if they prefer to be in opposition again until 2022, they will potentially have at least $200 million in the fund, on top of the $500 million the Premier has estimated will be in the Future Fund by then. I am sure the future treasurer, the Hon. Rob Lucas, will be rubbing his hands together with glee. These compelling reasons I have outlined are the reasons we need to support this bill. The government has been up-front and transparent all along. I therefore urge honourable members to support the bill.

The Hon. M.C. PARNELL (16:25): I support the second reading of the bill. The Budget Measures Bill, as other speakers have said, contains five particular measures; I want to address one of them today, and that is the question of the car park levy. As has been said just now, Adelaide has more car parking spaces and cheaper car parking than any other Australian capital city, and we also have lower penetration of public transport. Alternative forms of transport are struggling for funds, particularly cycling, which had its miniscule funding slashed to almost nothing in the last budget.

Prioritising private motor cars over other forms of transport is not a trend that can continue indefinitely if we are serious about living in a more sustainable city. One of the questions that have been posed is that the imposition of this levy will kill the city of Adelaide, drive people away and leave a wasteland behind. Whilst I was not here at the time, I certainly have read much about reports of when Rundle Mall was first proposed, and the traders in Rundle Street, as it then was, cried blue murder that their businesses would be ruined if motor vehicle traffic, and in particular motor vehicle parking directly outside their shops, were to come to an end. But the rest, as they say, is history. Rundle Mall was built, and it now has some of the most expensive retail real estate in South Australia.

The car parking levy is really a form of hypothecated levy, that is to say that the funds raised are earmarked or directed to a particular purpose. I think these types of levies are a very useful tool that reminds the public of some of the good things that governments can do with tax revenue. If the proceeds of a particular levy or tax are earmarked to a purpose the community supports, then the tax will be more palatable. An example that comes to mind is what was originally called the catchment water management levy. It became the Save the River Murray levy, and it was generally accepted, not universally (no levy or tax ever is), but generally accepted because the public could see that the money was being earmarked for useful works.

I would also say that the emergency services levy is another that fell into that category, possibly until the recent very large increases, but it has been accepted over the years because most people understood that it would be spent on things that we value, like fire services, ambulances, the SES and things like that. Governments are always judicious in their use of hypothecated levies, because so much of what governments spend money on is not necessarily valued by the community. To the extent that the government wants to receive advice from the Greens, I would suggest that a special levy to fund chauffeur-driven cars for the chairpersons of government committees would probably not be received warmly in the community. So, hypothecated levies have their place.

In terms of this car parking levy, the Greens do support it, but we want to make sure of two things. We want to make sure that it does not apply in situations where people do not have much choice or where people are actively trying to reduce their environmental impact. The second thing we want to achieve is that the money that is raised is actually spent on worthwhile projects, programs and services that actually help to mitigate the impacts of the levy.

In relation to the coverage of the levy, I understand that car parking spaces that are earmarked for people with disability permits are exempted from the levy, and I think that is a good thing. The two additions that I will propose through amendment to add to that list of exemptions are, first of all, the parking of electric vehicles. There are not a lot of dedicated electric vehicle car parking spaces in Adelaide, but there are some and there will be more as electric vehicles become more popular.

What distinguishes these car parking spaces is the location of a charge point, in other words, a power outlet which the owner of the car can use to recharge their vehicle, perhaps while they are at work or wherever the charging point is. Given that these people who own or use electric cars are already doing their bit to minimise their ecological footprint, particularly as electricity is increasingly generated in South Australia by renewable means, I think they should be exempted from the levy.

The second category of exemption that I will be moving by way of amendment is for participants in carshare schemes. These schemes, if members are not aware, basically are designed for those people who live in the city and will need a private motor vehicle on occasion, but not sufficiently to warrant owning, keeping and maintaining a private vehicle of their own. There are a number of schemes around the place which basically involve, if you like, the time-sharing of motor vehicles, which is probably a good description.

They are different to regular car hire through, say, Budget or Avis or any of those companies that we are familiar with. These schemes basically involve people using an online tool to book a car in advance, and they pay an amount per time or per kilometre, and then return the car to a dedicated car parking space.

The reason I believe these should be exempted from the car parking tax is that it is basically catering to those people who are already doing something to try and minimise their over reliance on private vehicles, whilst recognising that for some trips there is no alternative and you do need a private car. Whilst most of these spaces are currently on street spaces, I think as these schemes develop they will expand into multistorey car parks and elsewhere and they should be exempt from this tax.

I said that was the first set of amendments. The second amendment is to make sure that the money raised by the car parking levy is actually spent on worthwhile projects. The way the bill is constructed is that what is called a state transport fund is created by Part 4 of the bill. The fund will consist of a range of moneys, including moneys derived from the car parking levy, but the bill at clause 16(4) sets out a list of areas where the fund may be applied.

For example, '(4) The Fund may be applied towards—(a) research or planning relevant to the provision of transport infrastructure or transport services.' In other words, it is very broad. As long as it is to do with transport then it can be funded from the transport levy via the car parking tax, and that includes building transport infrastructure. To cut to the chase, without amendment, the state transport fund could be used exclusively for the construction of freeways. I do not think that is what the government has in mind, and I do not think that is what the legislation should allow.

When Prime Minister Tony Abbott said that if the fuel excise could be indexed again, as it once was, he made it very clear that that money would go directly into freeways. The state government, on the other hand, has said that if the car parking levy goes through they will be earmarking the money to park-and-ride stations and to public transport.

I want to make sure that the bill holds the state government to account, and that is why I will be moving that there be an overriding consideration in the allocation of money from this transport fund; that is, that any of the programs or infrastructure to be built needs to encourage or support alternative modes of transport that reduce reliance on the use of privately owned cars, particularly in urban areas. Included within that broad definition would be all of the things that the government has said that it wants to spend this money on, including the creation of park-and-ride stations.

They are the amendments, and I will speak to them in detail when we get to the committee stage of the bill. I do want to point out that a community group that I have been working with for a number of years now, Community Alliance, held a forum on transport at the Burnside ballroom just a week or so ago. A number of members of parliament attended, and I was given the opportunity to speak. One of the things that I pointed out to the gathered group there was that the idea of reallocating transport funding away from private cars and towards more sustainable forms of transport is not new. I drew their attention to the 1994 UK royal commission into the impacts of transport on the environment.

Without reading the 500 pages of that report into *Hansard* (I do not think that would be helpful), I can summarise the findings in a couple of sentences. First of all, abolish the national road program; that was their first recommendation. Secondly, stop building freeways because they do not work; traffic expands to fill the available space. Next, they said that the road building projects should be approximately halved and the priorities should be on safety, bypassing villages, but not simply creating extra lanes of traffic on wider and wider roads. So, these ideas are not new. The idea is that we can reallocate the transport budget to a more sustainable future.

I will say, finally, because I know a number of members here are very fond of the book that I wrote back in 1994, entitled *Greening Adelaide with Public Transport*, that I have been reminded on more than one occasion that in those pages I actually advocated a car parking levy in almost identical terms to the one that is now before us in this bill. Back in 1994, the Australian Conservation Foundation, the organisation I was working for, advocated a $1 per day levy on all city car parking places, with the funds raised to be used exclusively for the provision of public transport, walking and cycling. I am glad that the government has finally caught up with ideas that were already circulated back in 1994. Whilst the amount has increased from $1 per day to $2 per day, I think this is a worthwhile initiative, and the Greens will certainly be supporting it.

The Hon. R.L. BROKENSHIRE (16:38): I rise to briefly speak about the Budget Measures Bill. This is a bill, obviously, over and above appropriation. It is a bill that deals with a range of budget measures, but at the end of the day it still shows that the state is in a precarious situation when it comes to its finances, and, clearly, the government is struggling with that. I note in the budget papers that the government talks about the fact that they will return to surplus, but in returning to surplus the government is proposing a number of measures that increase the cost of living in the state of South Australia.

Family First has concerns over that given that we have seen more and more South Australians complaining about the fact that there is no flexibility left in their household budgets. We have seen businesses closing as a result of the cost of doing business here. An example of that in my own area, that I was very disappointed to see announced, was 69 jobs at McLaren Flat at Inghams, where some of the best quality turkey production in Australia is now being withdrawn from South Australia and going into New South Wales. So there is a classic example where you take 69 jobs out of a regional situation and that affects 69 families and that is clearly about rationalisation.

I got back from a private overseas trip only last week having had a look around Europe, which is an eye opener where you can see that even in difficult times with good government management quite a lot of prosperity, notwithstanding that some of those countries are still doing it hard, and still doing it tough. You go to places like Germany and you see cranes not only in the cities but also in the regional towns. You see a lot of work being done on road infrastructure, rail, buses

and the like. You go interstate and you see the same thing but you come back here and you are not seeing that spend because of the way the mismanagement has occurred.

I was advised on my way home that Arnott's are now going up to Queensland. Why can't they produce biscuits here in South Australia? What we see of concern with this Budget Measures Bill that we are trying to work through at the moment is additional taxation hikes. Call them levies if you want to, but a levy is still a form of tax and the fact is there are people now paying hundreds of percent more for the ESL as an example. For 14 years there were no complaints about the Emergency Services Levy but just in the week since I have been back there have been complaints left, right and centre as people start to get their bills.

There are a range of other measures in this bill and Family First is working through those at the moment, but the key point that I want to leave this second reading speech on is that South Australians are hurting after 12 years of this government. Let's just quickly look at the history. The previous Labor government left the state in a diabolical position, in came a Liberal government and, to be fair and give credit where it is due, everything changed and turned around. Debt was dramatically reduced. Credit ratings were improved after the State Bank debacle, the job front improved, and, within the means and capacity of the government at the time, infrastructure projects were strategically considered and built across the state including in rural and regional South Australia.

We see a situation now where we are back to enormous core debt issues. Half of that core debt is because recurrent spending went through the roof over and above income and, as a result of that, now people are hurting. When it comes to this Budget Measures Bill, Family First is having real difficulty in assessing these budget measures and we are still deliberating on that front and we look forward to further debate on this as it proceeds through the house.

The Hon. K.L. VINCENT (16:44): I do not intend to delay the chamber with a lengthy second reading to this bill today but I will speak in support of the second reading of the Budget Measures Bill 2014. I would like to start by thanking the Treasurer's acting chief of staff, Ben Tuffnell, for arranging the comprehensive briefing that my office received on this bill.

One of the controversial measures in the bill relates to the car park tax. My office has received a lot of lobbying in both directions on this particular issue and we have considered that diversity of opinion very carefully. Having done so we have reached the decision to support the car park tax.

Car parking in the central business district of any major city must be valued at a premium. We need to encourage more people to be public transport users as they come into our CBD, and support more people coming on foot as pedestrians, or indeed as cyclists, into our city centre. To do this we need to make our city car parks a premium. At present we have the most car parks, in simple volume terms, of any city in Australia, and they are not at a premium.

I realise that this measure, a car park levy, only encourages people out of cars, and that much work needs to be done to make our public transport more reliable and more accessible to all South Australians so that it can be used as an alternative. We also need to make the city precinct more user-friendly for those with mobility aids, bikes and prams or those travelling on foot. We need them to feel safe navigating our city streets, laneways and paths outside of cars.

We appreciate that the government has excluded accessible car parks from this tax; indeed, that was one of the ideas that Dignity for Disability took to the government. An extra impost on people with disabilities trying to park in our CBD is not what our community needs at the moment. Our buses are still only 60 per cent accessible to mobility aid users on some bus routes, so some people with disabilities have no choice but to drive to the city.

Still on the car park tax, I intend to support the amendment that the Hon. Mark Parnell is proposing regarding car parking spaces for electric cars. I believe they should also be exempt from tax to support their further adoption.

A second controversial measure in this bill relates to retrospectively removing leave entitlements for contract teachers. I am afraid that Dignity for Disability cannot and will not support the government's proposal here. In an increasingly casualised workforce it is very disappointing to

see the government further removing workers' leave entitlement rights. I will be supporting the amendment of the Hon. Tammy Franks on this issue to ensure that workers' rights are protected.

On behalf of Dignity for Disability, that is all I will say on this Budget Measures Bill at the moment. I look forward to the committee stage of the debate, to further working out the ramifications of the measures in this bill, and to some of the questions already raised being answered.

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

STATUTES AMENDMENT (SACAT) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 7 August 2014.)

The Hon. S.G. WADE (16:47): On 18 June this bill was introduced in the House of Assembly by the Attorney-General. The bill transfers the jurisdiction of the Guardianship Board and the Residential Tenancies Tribunal to the new South Australian Civil and Administrative Tribunal. In that context it is the first bill conferring jurisdiction. The original SACAT bill, if you like, put in place the structure but this is the first bill to actually confer jurisdiction on the tribunal.

We were originally told that this conferral bill would be before the parliament prior to the end of 2013. That did not happen. In that context it was interesting to note the comments made by the Attorney-General in *The Advertiser* last Friday, 12 September, trumpeting the success of these reforms. Mr Rau said that until now his reforms:

> such as early guilty pleas and the creation of the SA Civil and Administrative Tribunal, had helped remove 'unnecessary clutter' from the court list but these coming reforms would go much further.

I certainly hope that the public can see those words for what they are, which is spin. SACAT cannot have helped remove unnecessary clutter from the court list because it has no jurisdiction, it has not heard a case. This is another example of the Attorney-General misrepresenting the reality on the ground.

In terms of this particular piece of legislation, a range of concerns have been raised in relation to issues such as the tenure of the current members of the Guardianship Board. The opposition has considered the legal and other issues raised and, whilst it appreciates that some legal precedent suggests that what the government has done does not accord with good practice, we do not propose any amendments in that regard.

In terms of the issue of the transfer of the mental health review function, there were certainly a range of views put to us about whether that transfer was appropriate. On balance, the opposition is of the view that the transfer of the functions may well be positive, but one thing that has disturbed us is the lack of consultation. In that context I will read from a submission made by the Mental Health Coalition to the Mental Health Act review. By way of introduction, the Mental Health Act review was undertaken by the Chief Psychiatrist and tabled in this parliament earlier this year. Four of the recommendations specifically related to SACAT. The Mental Health Coalition, in responding to the recommendations of the review, had the following things to say:

> The feedback that the Mental Health Coalition of South Australia received highlighted a significant level of concern with the proposed transfer of mental health matters to an unknown entity in SACAT. It is not clear how the new entity will operate and there are concerns for the environment, culture, processes and expertise to be appropriate for people with mental illness.
>
> There was a sense that there could be improvements to the current Guardianship Board run processes but also a fear that some of the good things about the current approach may be lost in the proposed changes. This in part reflects the lack of adequate consultation about processes that are very important to the lives of people with mental illness and their families.

Further in the submission it reads:

> Based on our feedback, there needs to be consultation with a range of mental health stakeholders regarding the proposed changes to identify good aspects of current guardianship processes to maintain and improvements that could be made in transitioning to a new structure.

It has become clear that there has been a lack of consultation on the transfer of the function with mental health consumers, carers and stakeholders. It is the opposition's view that that is unacceptable.

I should make it clear that I do not think the government made any attempt to hide the reforms. I seem to recall from the earliest briefings that the opposition received and I think in relation to the second reading of the Attorney-General even on the original SACAT bill, that it was foreshadowed that the Guardianship Board functions would be some of the early transfers to the new SACAT. But what I do think has occurred is that there has been a lack of effective engagement. There have been a number of factors that may well have contributed to that lack of effective engagement, but for whatever reasons it has not occurred.

In that regard it is not that the Attorney-General's Department does not have expertise in this area; I would acknowledge the quality consultation work that was done in relation to the Disability Justice Plan and, in that sense, the cooperative stance that the relevant team of advisers had with the select committee on access to justice for people with disability. Of course, I acknowledge the work of the Hon. Tammy Franks and the Hon. Kelly Vincent on that piece of work.

Whilst it is not the core business of the Attorney-General's Department to, shall we say, engage in consultation on social policy matters, in the Disability Justice Plan we saw good cross-government consultation. I am sure there is the expertise in the department to ensure effective consultation on this issue as well.

Clearly, there is a need for more clear information on the way SACAT will operate. As the quote from the Mental Health Coalition highlighted, there may well be both opportunities to preserve the good aspects of the current operations of the board and opportunities to improve the way things are done going forward.

Other issues have been raised; for example, the Chief Psychiatrist, in his review of the Mental Health Act, raised the issue about whether clients should have access to legal representation at no cost to themselves for hearings to consider treatment order applications. I acknowledge that, in discussions the opposition has had with the government, there is certainly an awareness of that and interest in that.

I think there also needs to be consultation on issues such as how the new SACAT will manage the mental health caseload. Again, the Chief Psychiatrist, in his Mental Health Act review, recommended that there be a 'specific dedicated mental health list or stream supported by officers with mental health expertise,' and to require that some reviews have three members.

My understanding is that the Greens received similar feedback to the opposition in terms of the lack of consultation with the mental health community. I now understand that that was influential in the amendments that the Greens have filed. I will let the Hon. Mr Parnell address that in more detail, but suffice to say that the Greens and opposition have had constructive discussions with the government about the strengths and weaknesses of the consultation thus far and what can be achieved going forward.

Certainly, the consultation up to this point has not been adequate. What we might be able to achieve while the bill is before the house may not be ideal, but it may be worth pursuing. From the opposition's point of view, it is not an option to progress without real engagement of the people who are most affected. As the discussions with the government continue, I would stress that this consultation will aid SACAT by providing a surer foundation for the tribunal, both in terms of the understanding of its client group of the work of the tribunal, and also that client group's trust in the tribunal.

I think it would also have a significant influence by way of preparation for the consultation that will need to occur in relation to the mental health legislation review, and also related matters such as the review of the mental incapacity law which is currently being facilitated by the Sentencing Advisory Council, chaired by former justice Duggan.

With those comments, I look forward to discussions with colleagues in this place and with the government to see what we can do to make sure not only that we provide the best statute possible in terms of the bill that is before us, but also that we make sure that the community is appropriately

engaged to make sure that their voices have been heard and that their ideas have been given due consideration.

The Hon. M.C. PARNELL (16:59): I will make a brief contribution today, because I appreciate that the government has decided to not push this through to a final vote today, and hopefully not this week. I will say at the outset that the Greens supported the creation of the South Australian Civil and Administrative Tribunal, and we support most of the areas of work that the new tribunal is to undertake. We support the transfer of jurisdictions such as the Residential Tenancies Tribunal and the hearing of Freedom of Information Act disputes, and I think a recent addition to the list which we also support is that land valuation disputes that currently go to the Supreme Court will also now go to the new South Australian Civil and Administrative Tribunal. We support the framework and we support the creation of this tribunal.

The government I think made it quite clear very early on that two of the main jurisdictions that were to be transferred to the new body were the Residential Tenancies Tribunal and the Guardianship Board. I remember thinking at the time of hearing this, which is probably well over a year ago, that there would need to be a fair bit of consultation undertaken with stakeholders to see whether everybody is happy with the transfer and whether the rules, processes and procedures will in fact improve the delivery of justice and fairness to people who come to those jurisdictions. So, it did come to me as some surprise to discover that certain key stakeholders are saying that they were not consulted and that other stakeholders who were consulted are strenuously opposed to the transfer of the Guardianship Board to the new SACAT.

The newspaper *The Advertiser* a couple of weeks ago (it might have even been last week) did publish some of the concerns expressed by the Royal Australian and New Zealand College of Psychiatrists. They certainly wrote to me, they wrote to the opposition and I believe that the government now has a copy of their concerns. I will just read a couple of sentences, because I think they do go to the heart of this matter. What the Royal Australian and New Zealand College of Psychiatrists says is:

> SACAT by its nature will introduce a process driven, legalistic system, which is at odds with the well-developed client, focussed approach that the Guardianship Board has developed in recent years. As with other states in Australia, the Guardianship Board here has regarded the management of citizens who are suffering from mental illness or mental incapacity as needing to be managed sensitively and kept separate from a system run in a predominately legalistic/bureaucratic manner.

I think that sentence probably sums up the fears and concerns of many stakeholders, and these are the matters we need to address before this bill can proceed in its current form. The College of Psychiatrists has made some assumptions which the government has strenuously denied. It says say that it is conscious of the need to maintain what is referred to as a 'therapeutic jurisdiction' and that it will not allow it to become too legalistic and process-driven, but the point remains that it has not yet convinced all stakeholders and in fact it has not consulted with some stakeholders.

On the back of these concerns, the Greens have filed amendments which basically seek to remove all the jurisdiction of the Guardianship Board from the new SACAT and effectively retain the status quo. Having filed those amendments, I want to make it clear that the Greens are not saying that there can never be reform in this area, and we are not even saying that SACAT can never be the appropriate body to deal with the types of matters currently conducted by the Guardianship Board. But what we are saying, following consultation that we have had and representations that have been made to us, is that we are not prepared to let that go through now without further inquiry.

I know the Attorney, who I met with today, is frustrated because he believes that a considerable amount of consultation has been undertaken, and I am sure he is right, but there is also some consultation that has not been undertaken. One simple exercise that I went through was to just go to the webpage of the Mental Health Coalition to have a look at who the stakeholders are in this field of mental health. When I say stakeholders, I mean community stakeholders, so not professional associations and not people who even necessarily work in the bureaucracy, but people who are in civil society.

We find that members of the Mental Health Coalition include Anglicare, Baptist Care and the Uniting Communities. There are also specialist groups, such as the Barossa/Gawler/Light Mental Health Focus Forum. You have Citizens Advocacy Research and Education, also known as CARE

Inc. You have Carers SA. We have to remember that the people who fall within the jurisdiction of the Guardianship Board are people with diminished capacity and they are, in the main, reliant on carers, so carers are a key stakeholder group.

You also have another group with a wonderful acronym, COMIC (Children of Mentally Ill Consumers). They are clearly stakeholders in the legal system that deals with their parents. You have Community Support Inc., Diamond House (Clubhouse SA Inc.), Grow SA, Helping Hand Aged Care, Life Without Barriers, the Mental Illness Fellowship of SA, Mind SA, and again in the country the Murray Mallee Consumer Advisory Group, and I could go on through the list. The point is that there are some important stakeholders who are yet to be consulted in relation to these changes.

So, the Greens have tabled the amendment and our hope now is that the government, in a spirit of cooperation, will put the brakes on this process for a little while. Perhaps we can come back, maybe next month might be early enough (I hope it can be), and we will have more information available to us. We will know whether the psychiatrists have had their concerns alleviated. We can also explore some of the very recent correspondence that I have received in favour of moving the Guardianship Board to SACAT.

For example, a letter received just yesterday I think it was from the Public Advocate, John Brayley, claimed that, in supporting the Guardianship Board's move to SACAT:

> It is our view that this will provide greater fairness, higher quality of decision making and service a robust foundation for guardianship and mental health jurisdictions for years to come.

We need to tease out some of these recent submissions. In relation to 'greater fairness', we need to know what has been the unfairness in the current system such that SACAT will provide greater fairness. In relation to 'higher quality decision-making', let us explore the quality of decision-making in the Guardianship Board, because certainly from its annual report I understand that appeals against its decisions have dropped considerably. There will, of course, always be appeals against decisions made in the mental health jurisdiction because people very often do not want to have treatment or, effectively, detention forced upon them. So, we need to explore some of these submissions.

The position the Greens are taking is that we are supportive of the bill, and we are not yet convinced that the Guardianship Board should be moved across. I am hoping that the government will, in a spirit of multiparty cooperation, work with us to either fix the problems that have been identified or to bring on board those who are still unconvinced that SACAT will provide a therapeutic jurisdiction for those with mental illness or reduced capacity.

The Hon. R.L. BROKENSHIRE (17:08): I rise on behalf of Family First to contribute briefly to the second reading debate on SACAT, and to indicate that we support in principle what the Attorney-General was trying to do, generally speaking, because if there can be more efficiencies in streamlining and improvement in tribunal processing across the state, then that would be a good thing because, particularly when it comes to residential tenancies and the tribunal, both from landlords and tenants we have had lots of complaints over many years about the inefficiencies, time delays and so on. If the intent of the Attorney-General is to streamline and speed up the processes, then we congratulate him on that and we would support that.

Following on from the Hon. Mr Stephen Wade and the Hon. Mr Mark Parnell, we have had representation from people who feel that they have not be consulted adequately when it comes to the issues around whether or not, for example, mental health and guardianship should be included in the SACAT, or whether they should retain their autonomy.

Having visited the Guardianship Board and met with the presiding officer and also the executive officer and staff several years ago, witnessed one of the tribunals on that day and met people who are actually involved in working in the tribunals, I would have to say that I was very impressed with the compassion that those staff have for their job. As has already been said in the chamber, it is a very delicate and difficult area. There is often stress with the families and relatives of those who are under the Guardianship Board and care, nurturing, and fair and proper consideration in how you go about that particular work is paramount.

Therefore, at this point in time if the Hon. Mr Mark Parnell was to put his amendment to a vote we would have to support that amendment. In the meantime, we will concur with the

Liberal Party and the Greens and ask the government to do further consultation. We would like to see what the results of that are over the next few weeks.

I understand that the government does want to move on this reasonably quickly, but on the other hand they have to make sure that proper consultation occurs and we are not satisfied that that is the case as it stands. Therefore, we urge the government to now go out and consult, and if we get indications from the stakeholders, like the Guardianship Board and Mental Health Coalition, that they are happy with what the government is proposing then we would support the bill as it stands. To summarise, at the moment if the government were to go to the committee stage, we could not support it without supporting the amendment that the Hon. Mark Parnell has put forward. That is our position; we will hand it back to the government.

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

PARLIAMENTARY COMMITTEES (ELECTORAL LAWS AND PRACTICES COMMITTEE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 7 August 2014.)

The Hon. S.G. WADE (17:12): In rising to speak on this bill tonight I want to focus on what the Liberal Party regards as the key issue coming out of the 2014 election and that is the failure of the electoral system in South Australia to give the people of South Australia the government that they voted for. On 7 May my leader, Steven Marshall, the member for Dunstan in another place, made the following comments and I quote:

> The party which clearly received the majority of votes in this election has not been in a position to form government, and this has happened far too often in recent years in this place. It is the people of South Australia who have been denied the government of their choice. Fifty-three per cent of people wanted a Liberal Party to govern this state. I accept that the system has delivered a Labor Party to form minority government, but this indicates, quite frankly, that this parliament needs to allocate resources and time to look at our system and to reform our system before the 2018 election. If we squib on this, we are not doing our job. This will be a primary objective of the Liberal Party in this parliament going forward.

Let me remind the house of some of the key data in terms of that undemocratic outcome. The Liberal Party received 44.8 per cent of the primary vote at the 2014 election, that is 91,377 more votes than the Labor Party. Let us remember that a House of Assembly seat in this parliament consists of about 22,000, so we are talking about more than four seats in terms of absolute value, let alone the 50 per cent plus one of those 22,000 that will determine a particular seat. To put it another way, a full 9 per cent more of the primary vote was won by the Liberal Party rather than the Labor Party.

The Labor Party scraped in with just more than one-third of the statewide primary vote. In other words, only one in three South Australians felt comfortable giving the Labor Party their first preference. On a two-party preferred basis the preference for the Liberal Party was 53 per cent, obviously versus 47 per cent. The Liberal Party was the preferred party of government in 24 of the 47 seats. The Liberal Party won a majority of the two-party preferred vote. The majority of voters in a majority of seats wanted a Liberal government.

The Attorney-General, in moving this bill in the other place, stressed the commitment of the government to electoral reform, but he also took the opportunity to criticise the Liberal Party proposal for an independent statutory inquiry into electoral reform. The concern of the Liberal Party is that the dismissive response of the Attorney-General is indicative of a government which is very keen to avoid addressing this fundamental flaw in our electoral system.

Let me remind the house again that in three out of the last four elections the Liberal Party has won the majority of the two-party preferred vote, but it has not won government. The position of the South Australian constitution is extraordinarily clear. Section 83 of the Constitution Act provides that, 'if candidates of a particular group attract more than 50 per cent of the popular vote' after the allocation of preferences, 'they will be elected in sufficient numbers to enable a government to be formed'.

The Attorney-General can mock the concept of the two-party preferred vote. The government can preach all it likes about the fact that governments are formed on the floor of the House of Assembly, and 'we have got more seats than you'. However, the fact of the matter is that after the 1989 election, when there was a high level of community concern about the undemocratic outcome of that election, the people, at a referendum, voted for change. They want their electoral system to reflect the majority two-party preferred preference.

Labor likes to say that the Electoral Districts Boundaries Commission (EDBC) that came out of those reforms was a Liberal creation, and so we are not allowed to complain about it. That is a severe misconstruction of history. I would remind members that it was actually a minority Labor government, at the insistence of the Hon. Martyn Evans, then I understand, the member for Elizabeth, who insisted on a select committee that progressed electoral reform. The Attorney-General might regard the two-party preferred vote as some sort of theoretical construct which is not relevant. The people of South Australia, in supporting the section 83 reforms, said otherwise.

After all, the principle here is not the impact on the Liberal Party or any other party. The offensive impact of the current electoral system is that the people of South Australia are repeatedly seeing their democratic will frustrated by the electoral system. So, the Liberal Party will be actively pursuing reform of our electoral system. The foundation of our democracy is that the majority of the support of the people should be reflected in their government.

In these brief comments tonight, I foreshadow that the Liberal Party will be moving amendments to this legislation, which I hope to table shortly, which will seek to make the first question of electoral reform to be addressed that of the democratic mandate. When I table the amendments, the process that we are envisaging is clear: we are not willing to allow the Attorney-General and the Labor Party to obfuscate and avoid addressing real reform with the distraction of smokescreens produced by committees.

The people of South Australia have shown their anger two elections in a row that their will has been frustrated. We believe that we as a parliament need to address that issue, and not accept the distractions and obfuscation of both the Attorney-General and the government. With those words I indicate that we look forward to participating in the committee stages, both to pursue a commission of inquiry and electoral reform, and also to consider the proposal for a parliamentary committee on electoral reform.

The Hon. M.C. PARNELL (17:20): The Greens have supported moves to create parliamentary committees to look into electoral matters. We supported the select committee of this chamber and we hope very much to support a standing committee as well. Most parliaments in Australia have similar committees, and I think that that it is an important function of the parliament to keep our laws in relation to democracy and elections generally relevant, up to date and fair.

I do not propose to comment on the previous 'we was robbed' contribution. We have all heard it many times, but I will say that we accept that we do need to look at making sure our elections are fair, but we have had an election, the result of which was determined according to current rules, and that is what we have to work with.

One amendment that the Greens are proposing to this bill is to remove the provisions that enable this to be a paid committee. This is the first bill in my 8½ years in parliament that has created a new standing committee where the membership of that committee attracts extra remuneration. The bill proposes an eight person committee. Seven of those people will be getting $15,000 a year extra salary and the chairperson will get $20,000. That adds up to $125,000 per year or half a million dollars over a four year parliamentary term.

The question is whether members of parliament should pay themselves an extra half a million dollars each parliamentary term in order to do the job that they are entrusted to do in any event, which is to keep our laws relevant and up to date and, in particular, our electoral laws. We can see no reason why members of this committee should be paid. In fact, I have said in this place on a number of occasions, I actually support the removal of all payments from all committees. I accept that that would involve a restructuring of general salaries and allowances, but it seems to me that we as a parliament have developed a system whereby every person is entitled to a committee because of the pay that it attracts as a way of basically supplementing income.

That is not the approach that should be taken. People should be on committees because of their particular interest and expertise in the area, and I accept also that some political balance is required as well. We already have an extensive number of paid committees. Some of them attract chauffeur-driven cars, and I have referred to that before as well. The Greens' approach would be to reform that entire system. What we have before us now is a brand new bill establishing a brand new committee that is going to cost taxpayers half a million dollars over a four-year cycle.

I should say that there will be administrative costs associated with this committee, and they will be incurred whether the members of parliament who sit on that committee are paid or not, and that is fine. There will be secretariat services and research services that are required, and that is fine, but I do not believe that members of parliament should get extra pay simply for doing their job.

So, in a nutshell, that is the Greens' position. I will take it one step further and say that if the clauses in relation to pay are not removed we will not be supporting the bill at all. We will simply rely on the select committee of the upper house. We do not think that that is ideal, but we feel strongly about this matter. We want to save the taxpayers of South Australia half a million dollars every parliamentary cycle so, if this remains as a paid committee, we will not be supporting its passage through the parliament.

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

STATUTES AMENDMENT (LEGAL PRACTITIONERS) BILL

Final Stages

Consideration in committee of the House of Assembly's message.

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

That the House of Assembly's amendment be agreed to.

This involves clause 8 of the bill, which amends section 95 of the Legal Practitioners Act. This section sets out how the money collected for practising certificates and the fee under section 23D, which requires an interstate legal practitioner to give written notice to the Supreme Court if they intend to establish an office in this state, be distributed.

The intent of the notice requirements in section 23D is to ensure that the Supreme Court and the society have an up to date list of interstate legal practitioners with an office located here in South Australia. The notice requirements in new schedule 1, clauses 4 and 5, which must be accompanied by a prescribed fee, serve a similar purpose. The act does not currently set out how the revenue collected under clauses 4 and 5 of schedule 1 is to be distributed.

The effect of the amendment to section 95 is to incorporate the fees collected under clauses 4 and 5 of the new schedule 1, so that the revenue is applied towards the purposes of the act and is distributed in the same manner as the revenue from practising certificate fees and the fee for giving notice under section 23D.

The Hon. A.L. McLACHLAN: I indicate that the Liberal Party supports the motion, and accordingly concurs with amendment to section 95.

Motion carried.

CRIMINAL LAW (SENTENCING) (SUSPENDED SENTENCES) AMENDMENT BILL

Second Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (17:30): 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.

During the 2014 election, the Government announced that reckless violent thugs who receive a sentence of imprisonment of two years or more would not be able to receive a fully suspended sentence.

The *Criminal Law (Sentencing) (Suspended Sentences) Amendment Bill 2014* (the Bill) amends the *Criminal Law (Sentencing) Act 1988* (the Sentencing Act) to ensure that any serious violent offender (being a person who is convicted of manslaughter or causing serious harm) who is sentenced to a term of imprisonment of longer than two years, spends time behind bars. To achieve this, the Bill removes the capacity of a court to fully suspend the sentence of any such offender. The Bill amends the Sentencing Act such that, when an adult is convicted of manslaughter or causing serious harm and is sentenced to two years or more imprisonment, if the court finds good reason to suspend the sentence, the sentencing court can only partially suspend the sentence.

The aim of this reform is to restrict the ability of a sentencing court to wholly suspend a sentence of imprisonment and to ensure that serious violent offenders in receipt of a sentence of imprisonment of two years or more actually serve some time in prison.

This reform applies to persons who are convicted of causing serious harm contrary to section 23 of the *Criminal Law Consolidation Act 1935* (the CLC Act). Section 23 provides as follows:

23—Causing serious harm

(1) A person who causes serious harm to another, intending to cause serious harm, is guilty of an offence.

Maximum Penalty:

(a) for a basic offence—imprisonment for 20 years;

(b) for an aggravated offence—imprisonment for 25 years.

(2) If, however, the victim in a particular case suffers such serious harm that a penalty exceeding the maximum prescribed in subsection (1) is warranted, the court may, on application by the Director of Public Prosecutions, impose a penalty exceeding the prescribed maximum.

(3) A person who causes serious harm to another, and is reckless in doing so, is guilty of an offence.

Maximum Penalty:

(a) for a basic offence—imprisonment for 15 years;

(b) for an aggravated offence—imprisonment for 19 years.

This reform also applies to persons who are convicted of manslaughter contrary to section 13 of the CLC Act. Section 13 provides as follows:

(1) Any person who is convicted of manslaughter shall be liable to be imprisoned for life or to pay such fine as the court awards or to both such imprisonment and fine.

The amendments to the Sentencing Act made by the Bill provide that, if a sentence of imprisonment of two years or greater is imposed on a person convicted of an offence against section 13 (manslaughter) or section 23 (cause serious harm) of the CLC Act, then the sentencing court cannot fully suspend that sentence of imprisonment. If the sentencing court finds good reason to suspend, the only option available to the sentencing court is to partially suspend the sentence of imprisonment.

The Bill also provides that section 18A of the Sentencing Act cannot be applied when sentencing a person for the offences of manslaughter and causing serious harm. Section 18A provides that, if a person is found guilty by a court of a number of offences, the court may sentence the person to the one penalty for all or some of those offences. However, in doing so, the sentence cannot exceed the total of the maximum penalties that could be imposed in respect of each of the offences to which the sentence relates.

The amendment means that, if a court is sentencing a person for numerous offences, including manslaughter or causing serious harm, and if the court is minded to use section 18A, then, in order to maintain the policy of the Bill, section 18A may not be used in such a way as to wholly suspend the entire sentence but the court must nominate a single penalty for the offences of causing serious harm or manslaughter, but may provide for a single section 18A penalty for the other offences combined in whole or in part.

Under this reform, the current sentencing process is mainly undisturbed in that the court must first decide on an appropriate sentence and, secondly, decide on an appropriate non-parole period (if any).

If a sentence of imprisonment is imposed, the sentencing court considers whether good reasons exist to suspend the sentence. If the court finds good reason to suspend, if the sentence of imprisonment is greater than two years, and if the conviction is for either manslaughter or cause serious harm, then the only option available to the court will be to partially suspend the sentence.

Under the Bill, if the court finds good reason to suspend the sentence of imprisonment, then the defendant must serve in prison a period that is 20% (one-fifth) of the non-parole period. This specified period of time that must be served in prison replaces the current fully suspended sentence that would see offenders spend no time at all in prison.

If the partially suspended sentence is revoked on breach of a bond, and an order is made that the suspended portion of the sentence be carried into effect, the existing provisions in the Sentencing Act concerning non-parole periods again come into operation and, in addition, the court may also order that any time served be taken into account when fixing the non-parole period.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law (Sentencing) Act 1988*

4—Amendment of section 18A—Sentencing for multiple offenders

Currently, this section allows for a court to sentence a person who is found guilty of a number of offences to the 1 penalty for all or some of the offences. It is proposed to amend the section so as to exclude from any such global sentence the sentence for a prescribed designated offence (within the meaning of section 38).

5—Amendment of section 38—Suspension of imprisonment on defendant entering into bond

The amendments to section 38 involve some restructuring of certain provisions in the section. The changes implemented by the amendments involve providing that a defendant sentenced as an adult to imprisonment of 2 years or more for a prescribed designated offence cannot have that sentence suspended. Provision is also made (in new section 38(2b)) for the sentencing court to partially suspend the sentence of such a defendant.

6—Amendment of section 58—Orders that court may make on breach of bond

The amendments to section 58 relate to the proposed amendment to section 38(2b). The first amendment provides that where a court revokes the suspension of a sentence of imprisonment, in the case of a probationer whose sentence of imprisonment was partially suspended under section 38(2b), the court may fix or extend a non-parole period, even if the term of the sentence now to be served in custody is less than 1 year, taking into account the time spent in custody by the probationer before being released on the bond.

The amendment to subsection (4)(c) clarifies, in relation to a probationer whose sentence was partially suspended under section 38(2a) or (2b), that a court revoking the suspension may direct that any part of the sentence that the probationer has not served in custody be cumulative on any other sentence, or sentences, of imprisonment then being served, or to be served, by the probationer.

Debate adjourned on motion of Hon. I.K. Hunter.

At 17:31 the council adjourned until Wednesday 17 September 2014 at 14:15.

Answers to Questions

SEAFOOD INDUSTRY

In reply to **the Hon. D.G.E. HOOD** (4 June 2014).

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

1. Guidelines related to electronic monitoring and data collection are provided to customers as part of regular trade waste audits and permit discussions, and are also available on the SA Water website at: http://www.sawater.com.au/NR/rdonlyres/49E96E5B-C907-45A1-94BE-26673347C39E/0/ElectronicMonitoringandDataCollection.pdf.

2. In July 2012, a progressive roll-out of new permits commenced for customers in the Port Lincoln area. Draft permits were provided to customers six months prior to the commencement of these new permits. In addition, trade waste officers met with them to discuss future requirements. During these discussions customers were made aware of any online monitoring conditions that would be required over the life of the new permit. Excluding the six month draft permit period, customers required to install an online monitoring solution were given a minimum of 15 months to install.

3. The wastewater treatment plant at Billy Lights Point in Port Lincoln was designed to treat domestic type waste from residential and non-residential customers. The plant was not designed to treat the wide variety of contaminants discharged from commercial and industrial trade waste customers in the catchment. The plant undergoes carefully controlled onsite pre-treatment, sewer network and treatment management. There is no ability to extract salt from treated wastewater at this time.