LEGISLATIVE COUNCIL

Thursday, 18 September 2014

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:18 and read prayers.

Petitions

MINING AND DRILLING ON AGRICULTURAL LAND

The Hon. M.C. PARNELL: Presented a petition signed by 2,475 residents of South Australia requesting the council to urge the government to amend the Mining Act 1971 and the Petroleum and Geothermal Energy Act 2000 to give land owners and rural communities the right to say no to mining and drilling activities in order to protect prime agricultural and cropping land, conservation land and rural communities from the adverse impacts of these activities.

Parliamentary Procedure

VISITORS

The PRESIDENT: Before we go any further, I would like to welcome officials from the Korean government's Ministry of Environment, who are in Adelaide today to attend the ENVIRO 14 conference. In particular, I would like to acknowledge Mr Kim from the Korea Environmental Industry and Technology Institute; Mr Lee from the Korean Environmental Industry and Technology Institute; Mr Cho from Australian CleanTech; and Ms Lee, the translator. Welcome to the parliament and the Legislative Council.

PAPERS

The following papers were laid on the table:

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

Government Response to Recommendations of the 2009-10 to 2012-13 Triennial Review of the South Australian Housing Trust
South Australian Housing Trust Triennial Review, 2009-10 to 2012-13

Ministerial Statement

HOUSING TRUST TRIENNIAL REVIEW

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:21): I table a copy of a ministerial statement relating to the Triennial Review of the South Australian Housing Trust made in the other place by the Minister for Social Housing

Question Time

TAFE SA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:22): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about TAFE.

Leave granted.

The Hon. D.W. RIDGWAY: Yesterday, in response to a question I asked the minister about written responses to the inquiry of the House of Assembly, she said:

> In relation to the issue of the written response to that committee—and I am pretty confident I have already put this on the record in this place before—it was the government's decision that it would coordinate a government response to that committee rather than have separate submissions.

She went on to say:

We do not hide from that, Mr President; we were overt about that. I expressed clearly to the board that that was the intention of government, and they were invited to forward any material that they wanted to me and the government to consider in relation to including in a submission.

Under FOI the opposition has obtained some documents. It is interesting that, in May 2014, the chief executive of TAFE wrote to DFEEST regarding the submission made to the federal House of Representatives' inquiry into the role of technical and further education system and its operation. The email stated that the terms of reference used in the DFEEST SA government's submission were not those required by the inquiry, and the chief executive's office suggested that the TAFE submission be attached to the DFEEST one. My questions are:

1. Can the minister explain why TAFE would have expressed these concerns and how the whole of government submission differed from the terms of reference required for the inquiry?

2. Was the TAFE submission attached or was the final government submission altered to reflect the TAFE submission?

3. Did the government's final submission accurately reflect and address the terms of reference of that inquiry?

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) (14:23): I thank the honourable member for his question. I answered this question comprehensively yesterday. We know that the opposition is just desperate—absolutely desperate—to find something untoward where there is nothing untoward. The member of the opposition has had a crack at this several times and has ended up with egg on his face every single time. I am happy to throw a bit more egg on his face again today. There was nothing untoward that happened in this place. I have already put on record quite clearly what the process was.

In terms of the terms of reference I believe that our submission did fulfil those terms of reference to the best of my knowledge. In relation to the material that TAFE submitted to us, I have already answered that very clearly yesterday. I have said that they were invited to put matters before us for consideration. Those were considered and those bits that were considered to be irrelevant to the submission were added in, or included, or addressed in some way.

I have already been very clear about that. I have already also been very clear about the issue of the verbal submission, the verbal hearing. One would have thought that, given they were invited to participate in those hearings, if TAFE had any concerns about the government's written submission or if TAFE had any concerns that vital information had been left out or anything that the honourable member is suggesting through snide innuendo—if that were so, if they had any of those concerns, why would they not have presented them during that verbal submission? They were able to, capable of—

The Hon. D.W. Ridgway: Because the chief executive was verballed by the chairman of the board.

The Hon. G.E. GAGO: Well, that is TAFE's problem. TAFE is an independent statutory authority. The board of TAFE makes decisions about their own interests and the chief executive officer is not an elected officer: he works for the board. So if the board decides that they want him to participate or operate in a particular way, that is what he is required to do. He is an employee of the board, for goodness sake.

The TAFE board is an independent statutory authority of incredibly capable, competent people—incredibly competent and capable people and ferociously independent, not afraid to speak up—so why would they not have submitted these concerns during the verbal submission? They did not, because they were satisfied with the way things were conducted. They were completely satisfied with the process and they chose not to submit to that hearing.

As I said, I have already outlined what the process was for the written submission and it is all on the record. The government made its decisions and its judgement about what materials went forward. It was a sound submission, thoroughly considered, and TAFE had an opportunity to input into that and also an opportunity to input into the hearings as well, which they chose not to so.

LEGISLATIVE COUNCIL SOVEREIGNTY

The Hon. R.I. LUCAS (14:27): I seek leave to make an explanation prior to directing a question to you, Mr President, on the subject of the sovereignty of the Legislative Council.

Leave granted.

The Hon. R.I. LUCAS: I am sure you and other members will be aware that over the years a number of members of another place, including, sadly to say, the current presiding member, the Speaker, have been contemptuous of this place as an institution and, indeed, of a number of individual members of the Legislative Council on a number of occasions. This morning during debate in the House of Assembly, the Speaker said, and I quote:

> The Hon. Michelle Lensink and the Hon. Mark Parnell from another place have reserved places in the galleries today. If the people they have placed in the galleries disrupt the business of the house again, I will hold either or both of them in contempt of parliament, and if I hear another noise from the galleries I will clear them.

Mr President, I am sure you would acknowledge, and I indeed acknowledge, that any presiding member, including the Speaker, has the authority to ensure proper behaviour in the galleries of their particular chamber, and clearly that entails the capacity if he or she so chooses to clear the galleries on certain occasions. Mr President, I am sure you are aware that that has occurred both in that house and in this house on certain occasions—not often, but on certain occasions.

That is not the issue that I raise with you. The issue is the purported power of a Speaker in another place to hold a member of this place, a member of the Legislative Council, in contempt of parliament. Suffice to say that I have expressed a public view, and I place it again: I reject completely the claim and the threat from the Speaker, and I deem it certainly to be grossly inappropriate in terms of the nature of the threat that he made. My questions to you, Mr President, are:

1. Could you outline to this chamber your views on the claim made by the Speaker in another place today?

2. Will you as the President defend the sovereignty and integrity of this chamber, the Legislative Council, and advise the Speaker that he has no authority to hold a member of this chamber, a member of the Legislative Council, in contempt of parliament, as he threatened to do earlier today?

The PRESIDENT (14:30): It is a fundamental principle that one house of parliament has no authority over members of the other house. Each house is a sovereign entity and only a member's own house can determine whether a contempt has been committed by one of its members. However, the presiding officers have the responsibility for repressing disorder in their respective houses by calling members of their house to order. If grave disorder persists, presiding officers have the power to suspend or adjourn the sitting, or have the power to order the withdrawal of strangers in the gallery. In regard to your second question, I will have a discussion with the honourable Speaker of the other house. I will have a discussion with him in regard to what I have just read to the chamber.

CHILD PROTECTION

The Hon. S.G. WADE (14:31): I express my personal gratitude for your efforts to defend the privileges of this house. I seek leave to make a brief explanation before I ask a question of the Leader of the Government in relation to the independent education inquiry.

Leave granted.

The Hon. S.G. WADE: On Tuesday last, the leader tabled a ministerial statement by the Attorney-General on the Independent Education Inquiry Final Report. The statement concluded: 'I seek leave to table the report of the Independent Education Inquiry.' The leader did not then table a copy of the report. The leader did not table any evidence or exhibits. In recommendations 42 and 43 of the Independent Education Inquiry Final Report, Justice Debelle said that the evidence and exhibits should be made available unless they were ordered to be and remain confidential. I ask the leader:

1. Will she table the Independent Education Inquiry Final Report?

2. When and how will the transcripts and exhibits be made available to the public?

3. Will she give an assurance that no transcripts or exhibits will be withheld or redacted, except in accordance with an order of Justice Debelle?

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) (14:32): I thank the member for his questions. I will need to seek advice in relation to those matters, so I will take those questions on notice and bring back a response.

Parliamentary Procedure

VISITORS

The PRESIDENT: I welcome students from the Wirreanda High School, who are guests of the member for Reynell, Ms Katrine Hildyard MP. Welcome and I hope you find it of good value.

Question Time

TAFE SA

The Hon. K.J. MAHER (14:33): My question is to the Minister for Employment, Higher Education and Skills. Can the minister inform the council how TAFE SA is contributing to the Shaping the Future of South Australia vision to unlock the full potential of South Australia's resources, energy and renewable assets?

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) (14:33): I thank the member for his very important question and for his interest in the Premier's recent announcement about his Shaping the Future of South Australia vision and the 10 economic priority areas. As my colleague states, the first priority is to unlock the full potential of South Australia's resources, energy and renewable assets. To do this, our state will require a highly skilled workforce, trained to meet the changing needs of the industries and enterprises undertaking this particular challenge.

Recently, I had the pleasure of opening the Mining, Engineering and Transport (MET) Centre at Regency TAFE. It is projected that approximately 25,000 new workers will be required by the transport, mining, engineering and allied industries over the next five years. That is why the MET Centre is so important to South Australia's future. In March 2008 this government announced, as part of its skills strategy, a commitment to develop an invigorated and dynamic training system for our state. This strategy identified a need to reconfigure the publicly-owned training facilities to meet future teaching and learning requirements, including specialist industry centres.

Arising from that strategy, the state government, with funding assistance from the commonwealth, has made the single biggest investment ever in the TAFE SA infrastructure, committing to $240 million to upgrades and also the building of new facilities. The $38.3 million MET Centre project, which commenced in May 2012, is part of that investment. The MET Centre consolidates and integrates programs previously delivered across several TAFE SA campuses into one centre for training of excellence for the mining, engineering, advanced manufacturing, defence and transport industries.

Around 700 TAFE SA students are already currently using the new centre, which offers many exciting life-changing career options and possibilities. After officially opening the final stage of the centre, I toured the facility and spoke with a number of students and also lecturers who are currently studying and working there. Some of the students I spoke to were studying subjects such as advanced manufacturing, which includes digital technology, such as computer-aided design (CAD) and 3D printing, which they demonstrated for me. It is fascinating technology, with enormous potential, and the technologies are involved in rapidly evolving fields full of wonderful and challenging potential.

For those currently employed who may wish to upgrade their skills, the centre will also become a place to return to. Overall the centre is expected to cater for approximately 3,000 students full-time and part-time per annum. It is important to note that the skills taught there are closely linked to key areas of emerging industry need and real jobs out there on the ground. It is encouraging to

see that many students at the centre are already attending and studying there, and these people will shape our future.

I conclude by again congratulating all those people who have contributed to the MET Centre project over the last several years. Those projects do not just happen by chance. It was a large project and required an enormous amount of hard work, commitment and dedication. I congratulate all involved and obviously wish those students using the facility now and into the future every success with their endeavours.

MOUNT BOLD RESERVOIR

The Hon. M.C. PARNELL (14:38): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question about the Mount Bold Reservoir.

Leave granted.

The Hon. M.C. PARNELL: I have received reports from constituents that this past winter the Mount Bold Reservoir has overflowed. Whilst that would normally be very good news, a sign of good winter rainfall, much of the water in Mount Bold is actually pumped from the River Murray. It is also generally accepted that the lack of flows to the Lower Lakes and Coorong in the River Murray is a cause for a great deal of environmental, economic and social concern. My questions of the minister are:

1. Is it correct that River Murray water has been released or overflowed from Mt Bold Reservoir this last winter?

2. What steps are in place to ensure that River Murray water is not pumped unnecessarily into Adelaide's water storages?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:39): I thank the honourable member for his most important question about SA Water's pumping strategies into our reservoirs to supply drinking water to the city of Adelaide and beyond. It is a very difficult and complex area, and one which far surpasses my skills, but I understand that our experts in SA Water look at the environmental conditions that they are presently faced with.

They look at the environment that we have recently endured in the last few months, and they project out, on the basis of Bureau of Meteorology advice, what we are likely to see in coming months, before feeding those figures into their very complicated machines and coming up with a management plan for our reservoir system in terms of when to pump water from the Murray, how much to store in the reservoirs, and having a reasonable idea of what to expect over winter and spring.

Of course, that is always variable, so from time to time those models are not entirely accurate, but they do supply us with a sustained water supply. They normally do not waste water, but if environmental conditions change (if we do get an abnormally wet spring, for example, and there is more rain than was predicted by the Bureau of Meteorology forecast and our environmental modelling) then of course there will be some spillage.

I am not aware how much spillage there has been, or whether indeed there has been any spillage that was not planned for. Over the summer months, the honourable member will be quite aware that we did spill from some catchments into the River Torrens to flush out any algal growth that might have been accumulating over the hotter months and to reset Lake Torrens.

This summer was probably the first in many years where we did not have large algal blooms in Lake Torrens because of that spill down the Torrens and the flushing of the system, and that is to be commended. I think SA Water and the NRM board got that absolutely spot on and completely right.

Going back to the complex modelling that is used by SA Water: as I say, these are always predictions. They do not always get it right exactly, but more often than not they do, and the evidence of that is that we have not run out of water for some time in terms of what we put into the catchments over the winter period, whether it be by pumping or by natural flows down our catchments and being topped up by the Murray from time to time.

The PRESIDENT: The Hon. Ms Lee.

The Hon. R.L. Brokenshire: A good member.

The Hon. I.K. Hunter: Hear, hear!

SA WATER

The Hon. J.S. LEE (14:41): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question about water meter replacement.

Leave granted.

The Hon. I.K. Hunter: I might take my comment back.

The Hon. J.M.A. Lensink: He's so mean.

The Hon. J.S. LEE: Yes, a bit mean. SA Water is currently sending out notification letters to residents about meter replacement, stating that their water meter will be replaced in the coming months. It explains that this is part of their routine meter replacement program which aims to help them continue to accurately record water consumption across South Australia.

A number of constituents, however, have contacted my office about a fundamental mistake made in these letters. They noticed that the customer account reference numbers, and the address listed on the subject line and within the body of the letter, do not match the name or the corresponding address of the owner of the property.

When constituents rang SA Water to inform the agency about the issue, the customer service officer said that it was a computer-generated letter, and there must be an error in the system. SA Water asked the customers to disregard the letter. My questions to the minister are:

1. Can the minister inform the chamber how many notification letters have been sent with the wrong identification of the property owner's name and address throughout South Australia?

2. How can such a mistake occur, and how many customers' records on SA Water's database are affected?

3. How can consumers be confident that the right meter replacements are being carried out for the right properties?

4. Can the minister provide assurance that this mistake will be rectified immediately and that it will not cause further problems, such as wrong water meter recordings or wrong water bills being issued?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:43): I thank the honourable member for an excellent question—and indeed, she is an excellent member. SA Water issues courtesy notification letters to customers whose water meters are scheduled for replacement under its water meter replacement program.

On 12 September 2014, I am advised that SA Water sent letters to 2,618 customers to notify them of an impending water meter replacement. It is understood that these customers received the letters on approximately 16 September 2014. Within that mail-out, 1,646 customers with properties located in the Enfield area, I am advised, received letters detailing the incorrect customer account number and property location details. This an unfortunate error. Upon being notified of this error, however, SA Water has arranged for revised letters to be sent to those customers.

It has been noted that the error occurred when data was being transferred through databases used to prepare information for the mail merge—and I can vaguely understand what that might mean. It is an unfortunate error. SA Water have, however, picked up on it almost immediately that they were advised and they are currently investigating whether this area has potentially breached any of their customer service principles. They are addressing it as we speak. A full investigation has been initiated by SA Water to determine how the process can be improved, as the honourable member has asked, to ensure that this error is not a recurring one. I am advised that no further mail-outs will occur until the process improvements are put in place in regard to this matter.

SA WATER

The Hon. J.S.L. DAWKINS (14:45): Will the minister inform the council as to how that matter is being communicated to the general public, including the constituents that the Hon. Jing Lee has referred to?

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 thank the Hon. Mr Dawkins for his supplementary; he may have missed one of the sentences in my response, which was: upon being notified of this error, SA Water has arranged for a revised letter to be sent to these customers today. I would expect that there would be some explanation provided with that letter; however, I will check for the honourable member and make sure.

COORONG, LOWER LAKES AND MURRAY MOUTH RECOVERY PROJECT

The Hon. T.T. NGO (14:46): On the topic of water, will the Minister for Water and the Murray River update the council on the Coorong, Lower Lakes and Murray Mouth Recovery Project and important work being undertaken by the local community?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:46): I thank the honourable member for his most important question. On Monday 15 September I had the very great pleasure of travelling down to Milang at Lake Alexandrina to celebrate some important milestones in the Coorong, Lower Lakes and Murray Mouth Recovery Project. The $137 million CLLMM project is part of—

The Hon. R.L. Brokenshire: Federal money.

The Hon. I.K. HUNTER: Well, yes, it is. I am coming to that, thank you, Hon. Mr Brokenshire. He knows all about it, Mr President, as he does many of these things in the Lower Lakes. He is on top of things down there, as usual.

The Hon. R.L. Brokenshire: Absolutely, and I'd freehold the shacks while I was there.

The PRESIDENT: The Hon. Mr Brokenshire, the minister is on his feet.

The Hon. I.K. HUNTER: Clearly, Mr President, he did not do that when he was a minister in the Liberal government but, of course—

The Hon. R.L. Brokenshire: I wasn't the minister.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: Here they go again, Mr President. I did not say 'the minister' but 'a minister' in the Liberal government that made that decision.

Members interjecting:

The PRESIDENT: Minister, will you take a seat?

The Hon. I.K. HUNTER: Sorry, Mr President.

The PRESIDENT: I think the minister has every right to expect silence when he is giving an answer in this chamber. The answer is important and I ask all members here to give the respect that I would expect for any one of you. The honourable minister.

The Hon. I.K. HUNTER: Thank you, Mr President. As I was saying, the Hon. Mr Brokenshire was a minister in the Liberal government that made that decision, so it would be very interesting to go back and check the record to see how vociferous he was at the time about those shacks that the Liberal government decided not to freehold, but we will leave that for another day.

The Hon. R.L. Brokenshire: We had to get the sewerage in there first. We didn't even have that. You had it running into the lake.

The Hon. I.K. HUNTER: There are all sorts of excuses to be made, but we will ignore those, too.

The Hon. J.S.L. Dawkins interjecting:

The Hon. I.K. HUNTER: And the Hon. Mr Dawkins is making more excuses for the Hon. Mr Brokenshire, but I don't think he needs to do that either. The $137 million CLLMM Recovery Project is part of the South Australian government's $610 million Murray Futures program funded by the Australian government. The state government has been leading the implementation of the recovery project in very close partnership with the regional community. We are talking about a region that is listed as wetlands of international importance under the Ramsar Convention. It is a region of extraordinary beauty and environmental significance.

I am certain we can all recall how just a few short years ago the region was significantly threatened by the severe drought we suffered between 2006 and 2010. This drought caused water levels in the lakes to drop to record lows. This resulted in salinity levels of over 20,000 EC in Lake Albert at the height of the drought, as I said yesterday. The situation was dire and posed a significant threat to the region's biodiversity and economic future. I am very pleased to say that things are looking significantly better thanks to a concerted effort on the part of all levels of government, non-government and community organisations and the local Ngarrindjeri people.

Effective long-term management of the Coorong, Lower Lakes and Murray Mouth region remains a priority for the government. We have been working very closely with the federal government and the Eastern States to ensure that South Australia receives a fair and equitable share of water coming downstream. We have put in place numerous strategies to strengthen South Australia's water security and reduce our reliance on the river. We have collaborated closely with irrigators to ensure that we all work in a manner that supports the health of the river into the future.

As a result, I am advised that as at 5 September 2014 salinity levels in Lake Albert were approximately 2,270 EC, and that is a huge improvement compared with the levels at the height of the drought. In addition to water levels and quality, the drought left the region in a very bad state. Essential vegetation that the local wildlife relies on was destroyed or severely damaged, and this was affecting the region's biodiversity. Instead of reacting with despair, or looking for blame, or accusations levelled at others, the local community rolled up their sleeves collectively and got to work. The fact that we have seen such a fast recovery in the region's flora and fauna is a testament to this community's resilience.

The event I attended at the Milang Lakes Hub on 15 September was to celebrate the execution of the 2014-15 Community Revegetation Grant Agreement with the Goolwa to Wellington Local Action Planning Association and the continuation of the Lakes Hubs. Both these initiatives are examples of amazing organisations that have gathered and supported the local community to restore their local environment.

This latest grant represents the fifth year that the state and Australian governments have funded the Goolwa to Wellington LAP to undertake restoration and revegetation activities. Over the course of the funding agreement, the GWLAP has achieved a huge amount. By the end of this financial year, with the help of their dedicated volunteers they will have planted more than 1.2 million local native plants at sites throughout the region.

The new grant is for almost $2 million and will help build on these great achievements. It will be used to finalise plantings in the large 370-hectare estate of native vegetation that has been planted as part of this project. It will allow the Goolwa to Wellington LAP volunteers to propagate and plant a further 230,000 plants around the lakes. This will also involve six community nurseries (part of the Community Nurseries Network), who will propagate and grow over 130 different species of trees and plants for the programs.

The planting activity will involve over 35 community groups and planting activities at 54 carefully selected community reveg sites. The grant will also support a range of activities, including community engagement, site maintenance, training, rabbit and weed control, and monitoring of native plant sites. This will build the capacity of the community and landowners to manage their

environment into the future, and this is particularly important for the long-term maintenance of the restored areas in light of the recovery project winding up in 2016.

It was a great pleasure to visit one of the communities' key revegetation sites this week. Over this last winter, volunteers had set an impressive 70,000 plants at this site, and volunteers boast of the 88 per cent survival rate of these plants, which is actually incredibly high. The Lakes Hubs in Milang and Meningie have also played an important role in the recovery project since 2008.

The state government has funded the Milang and District Committee Association to coordinate the Lakes Hubs since 2011. The Lakes Hubs were established to provide support and information to local communities that will assist in the long-term management and maintenance of the Coorong, the Lower Lakes and the Murray Mouth sites. They build the capacity and resilience of the local community through partnerships and involvement, education and knowledge sharing, and it is now been confirmed that the Lakes Hubs will continue to offer this important community service for the next two years.

The Milang and District Community Association has done an outstanding job securing a further two years of funding of up to $638,000 to operate the Lakes Hubs. I would like to congratulate the association on this fantastic achievement. With this investment, the hubs can continue to support community engagement and involvement in the recovery project through their local community activism until June 2016.

STANDING ORDERS

The Hon. K.L. VINCENT (14:53): I seek leave to make a brief explanation before asking questions of you, Mr President, regarding standing orders of the Legislative Council.

Leave granted.

The Hon. K.L. VINCENT: In the 52nd Parliament, which ran from 2010 until 2013, as an example I asked 97 questions (of up to 10 questions per question) without notice and received only 37 answers, many of which were not answered in a substantial fashion. I know that this is only one example of the frustration that many of the members, particularly on the crossbench, feel when it comes to inadequate government response to questions.

We are now in the 53rd Parliament, and many of the questions without notice I have asked in past months still remain unanswered many months after my having asked them. My question to you, Mr President, is: would you consider amendment of standing orders to place an expectation on the government to answer questions asked in a timely fashion?

The PRESIDENT (14:54): Standing Order No. 111 states that:

A Minister of the Crown may, on the ground of public interest, decline to answer a Question; and may, for the same reason, give a reply to a Question which, when called on, is not asked.

This has always been interpreted as allowing a minister of the Crown to answer a question however the minister wishes, but providing that the minister is not debating the answer. The issue of whether a question has been answered can be a subjective one and it would be very difficult for a chair to rule on such a point of order. So, really, it is not up to me to change the standing orders in relation to this matter.

SUICIDE PREVENTION

The Hon. J.S.L. DAWKINS (14:55): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation, representing the Minister for Mental Health and Substance Abuse, a question regarding suicide prevention strategies.

Leave granted.

The Hon. J.S.L. DAWKINS: In late July this year, I attended the Suicide Prevention Australia Conference in Perth, entitled 'Many Communities, One Goal'. It was attended by a number of experts and practitioners in the sector from around the country and overseas and had great support from the Western Australian Minister for Mental Health, the Hon. Helen Morton MLC. At this conference I took particular note of the discussions and presentations specifically about strategies surrounding postvention for individuals bereaved by suicide.

The word 'postvention' is a term used in the field which refers to an intervention which occurs after a suicide, usually taking the shape of support for the bereaved family members, friends or co-workers in an effort to help them deal with the loss they have just experienced and to try to alleviate suicidal tendencies they may have following the event.

In the past 10 years alone, it is estimated that more than 200,000 people have been directly affected by another person's death by suicide. One of the plenary sessions at the conference was specifically tailored around lowering that statistic, with the concept that postvention is the prevention of suicide for the future.

The conference also had a significant focus on developing networks of people with lived experience in suicide. Lived experience is defined by Australia's peak suicide prevention body, Suicide Prevention Australia, as having experienced suicidal thoughts, survived a suicide attempt, cared for someone who has attempted suicide, been bereaved by suicide or having been touched by suicide in another way.

Suicide Prevention Australia formed a Lived Experience Committee in 2012 to provide advice on strategy, policy and activities to the body. The committee comprises a number of Australians from all walks of life who have had their own diverse experiences of suicide. My question to the minister is: what resources has the government committed to advance postvention and lived experience strategies in line with the South Australian Suicide Prevention Plan?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:58): I thank the honourable member for his most important question and particularly for his long-standing interest and advocacy in this very important area of public policy. I will take the questions the honourable member has asked to the Minister for Mental Health and Substance Abuse in the other place and seek a response on his behalf.

ADULT COMMUNITY EDUCATION

The Hon. G.A. KANDELAARS (14:58): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about adult learners.

Leave granted.

The Hon. G.A. KANDELAARS: It can be very difficult for people to find and keep a job if they have low levels of education or have low levels of skill, in particular using new technology. For many, it is a difficult step to undertake study if school or learning has been difficult in the past. Can the minister please advise the chamber of recent awards handed out to adult learners?

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) (14:59): I thank the honourable member for his most important question. As I have said before in the chamber, adult community education (ACE) is a very important first step or starting point for people to be able to see and realise their potential and ability to learn new skills and to participate in training. That is why this government has committed $11.7 million between 2010 and 2016 to assist around 1,500 people a year to participate in ACE programs in their local communities.

I was pleased to attend the Adult Learners' Week awards, where Joseph Petrizza of Smithfield was named Adult Learner of the Year. Father of two, Joe has overcome significant personal and family barriers to complete training and gain full-time employment with BoysTown's Social Enterprise Program. Joe said education has really been life changing for him, as he gained skills for employment and benefited from strong male mentors, something he says he never had previously. Joe also said that the first course inspired him and gave him a taste of learning. It elevated his self-confidence and helped to motivate him to pursue further study and full-time employment.

Joe was one of six winners recognised at the annual dinner and event. Other Adult Learners' Week award winners included: Aboriginal Learner of the Year (joint winners) Claude Evans of Yongala and Russell Weribone of Reynella; Adult Educator/Mentor of the Year was Sharon Jupp of Glandore; Learning Community of the Year was Coonalpyn Community Hub; and Adult Learning Program of the Year was the Adelaide Hills Council.

All of these winners are really inspiring examples of dedication and perseverance, and I applaud these individuals who have taken sometimes very daunting first steps. For some of us here, I do not think we appreciate the courage that it takes for some to take that first step. These are people who do not have supportive family and home lives, who do not have strong role models, and have never lived with any expectation of furthering themselves. It can often take a great deal of courage to take that first step.

As well, the educators and program developers make an enormous contribution. They show commitment and passion for the work that they do, and that work then guides the way for new skills development and mentoring. The theme for 2014 is community connections. It acknowledges the important role community organisations play in connecting people to volunteering, further study and training and employment. Adult Learners' Week promotes the benefits of adult community education, which can help people overcome educational, social and economic barriers to start training in a really supportive community setting.

It is anticipated that more than 4,500 people will participate in community-based foundation skills programs in 2014-15. Although the outcomes will always aspire to engage people in employment, often for these people there are many small steps to be taken along the way to increase that person's confidence and engage them in a series of skill acquisitions so that they are better prepared for the next learning step. For many, it is a long, hard journey and, as I said, it is often a journey that takes considerable courage.

The state government will invest more than $1.4 million in adult community education each year until 2016-17 for formal and informal learning delivered by organisations that are not-for-profit and community-based. I want to congratulate the winners and also thank and acknowledge the sponsors of these awards. They were sponsored by Flinders University, Training and Skills Commission, REDARC Electronics, Adult Learning Australia, Credit Union SA, the Department of State Development, the South Australia Council for Adult Literacy, and Haigh's Chocolates and, of course, TAFE SA. I congratulate all of those people who were involved in this year's awards.

HOLMES, MR ALLAN

The Hon. R.L. BROKENSHIRE (15:04): I seek leave to make a brief explanation before asking the Minister for Environment and other portfolio areas a question about his portfolio.

Leave granted.

The Hon. R.L. BROKENSHIRE: Following up on a question that I did not get an answer to this week, and based on the transparency of the Adelaide Crows whereby yesterday when push came to shove and their coach was removed from his position, the transparency was immediately in the media saying that the coach would receive a payout of over a million dollars. Interestingly enough that coach had his contract re-signed in just December last year at about the same time that Mr Allan Holmes had his contract re-signed, possibly to upset a potential Liberal government coming in whereby they would be contracted.

Subsequent to the government remaining in office, we are now advised that, one way or another, company has parted between the CEO of DEWNR and the minister and the organisation. Therefore, on behalf of the taxpayers of South Australia, I simply ask the minister: can he tell us how much money the taxpayers will be paying out as Mr Holmes departs the position after being shoved out of it?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:06): I am not responsible to this house or this parliament for any employment activities of the Adelaide Crows. The honourable member might think my powers extend that far, but they do not. In relation to the allegations and opinions of the honourable member, all I can say is that I will treat them with the respect that they deserve. This question has already been asked in this place by I think the Hon. Michelle Lensink either yesterday—

Members interjecting:

The Hon. I.K. HUNTER: Well, it is so edifying in here, it is very hard to remember what happens in this place, I must tell you.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: With the gross opinions and the assertions that are made without any substantiation or evidence, why would you try to remember what happens in this chamber from time to time? I have undertaken to respond the Hon. Michelle Lensink's requests, and the honourable member will get the answers when she does.

The PRESIDENT: The honourable and gallant Mr McLachlan.

ABORIGINAL COMMUNITY LEADERSHIP

The Hon. A.L. McLACHLAN (15:07): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question regarding Aboriginal South Australians and community leadership.

Leave granted.

The Hon. A.L. McLACHLAN: South Australia's Strategic Plan target 28 seeks to increase the number of Aboriginal South Australians participating in community leadership and in community leadership development programs. In the South Australia's Strategic Plan progress report of 2012, the audit committee reported that the number of Aboriginal people recorded as undertaking leadership development activities in 2010-11 was substantially lower than the number recorded for the 2007-2008 baseline year.

Based on these figures, the audit committee has concluded that the achievement of the target was unlikely and, of more concern, rated the progress in this area as negative movement. Can the minister explain to the council why South Australia has recorded a negative movement in this area and advise the council what measures the government is taking to address the failure to achieve the target?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:08): I thank the honourable member for his most important question. The government is not embarrassed by setting aspirational targets, particularly in policy areas where we need to stretch ourselves to improve on past practices of all governments in recent times. Of course, the honourable member may not be aware of, and he may not have read, the paper published by the Premier and the ALP leading up to the last election on building a stronger, better, fairer South Australia.

Perhaps he should, because in that document we set out our promises for the election campaign and we spoke about the development of, for example, our Aboriginal regional authority policy. That concept did not just come out of anywhere: it came out of a vision to actually develop and provide abilities for governance and leadership in Aboriginal communities.

It is clearly an area that has been lacking, and this is not just inside of government of course; this is actually outside of government in their own communities. That lack has been recognised across the state, and so our policy is to actually encourage, and we are doing that with a trail of four sites currently: I think Kaurna, Port Augusta, Narungga and Ngarrindjeri are our four sites.

They have met initially to map out how they will proceed into the future, but the concept is essentially this: we will write down a plan of how we will work with Aboriginal communities who can actually testify to us as a government that they represent their communities. We will work through several stages of that. Of course, one stage will be recognition, acknowledgement and consultation.

At the other end there will be a stage where regional authorities have got themselves to an ability where they can acquit to government properly audited accounts for expenditure, and we may in fact contract some of the services that we wish to deliver to those organisations once they have met the KPIs that set themselves up as an organisation that can: (a) speak for community, and (b) deliver appropriate services and be acquitted appropriately. So, we are working with those communities.

In addition, we are also bringing in the involvement of our three universities to make sure that education is a key part of this process—not just education in certificates III and IV level in governance, but actually access to higher education in terms of nation building, or whatever area of education that a person coming through this program might find attractive to them.

We want to make sure that there are clear pathways towards higher education through our regional authority engagement process for those who want to take it up and become the future leaders of Aboriginal communities in South Australia and, rather than governments doing for people and doing for communities, encouraging communities to do things for themselves and to take responsibilities on board.

FOODBANK SA

The Hon. J.M. GAZZOLA (15:11): My question is to the Minister for Sustainability, Environment and Conservation. Minister, will you inform the chamber about the new Foodbank fruit and vegetable facility at the Adelaide Produce Market and how it will address the issue of food waste?

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 his most important question. On Wednesday 27 August, I had the very great pleasure of officially opening Foodbank SA's new fruit and vegetable facility at the Adelaide Produce Market. This is a great initiative that addresses the amount of food waste going to landfill, while at the same time providing essential fresh food to South Australians who need it. It is also a model of cooperation between community, business and government. It was also good to see honourable members of this place in attendance, including the Hon. Michelle Lensink and the leader, the Hon. David Ridgway.

The Hon. D.W. Ridgway: Actually, there were four or five of us there.

The Hon. I.K. HUNTER: There were a number.

The Hon. J.M.A. Lensink: I even threatened my reputation by having a photo with you.

The Hon. I.K. HUNTER: The Hon. Michelle Lensink reminds me that her reputation was severely threatened by having a photograph taken with me, but I remind the chamber it was also with the member for Bragg, Vickie Chapman, who had her hands around my throat at the time.

The Hon. J.M.A. Lensink: Very hard to resist.

The Hon. I.K. HUNTER: I think the member for Bragg took some umbrage at my occupational health and safety reminder to her of having to wear her high-vis vest when all 200 of us were wearing them and she decided to take it off at the time. I only had her best interests at heart, because of course I did not want any reason to have a by-election in Bragg, where the Liberals at this point in time in the cycle would probably lose the seat—I can only imagine.

Back to the very important question. Foodbank SA is a secular social enterprise that was founded 15 years ago by a group of people who set out to end hunger in South Australia. It acts as an intermediary between the food industry's surplus food and the welfare sector's needs. It is estimated that around 10 per cent of South Australians experience hunger from time to time. Foodbank SA realises that it is not a question of lack of food, but rather a lack of facilities to store and distribute surplus food.

We have every reason to be proud in South Australia that we are a national and, in many cases, world leader when it comes to waste management and recycling. Members have heard me talk about that in this place previously. We were, of course, the first state in Australia to introduce a plastic bag ban, and we continue to be the only state with a deposit refund on drink containers, but that may change in the near future.

Thanks to the overwhelming community support for such initiatives, we have managed to reduce waste to landfill by 27 per cent since 2003, exceeding the target we set ourselves of 25 per cent by 2014. We also recycle almost 80 per cent of all waste, putting us among the world's best recyclers. However, food waste remains a problem. The Adelaide Produce Market sells an

estimated 250,000 tonnes of fresh fruit and vegetables each year. However, due to the stringent quality grading processes and customer requirements, a large amount of produce is rejected.

It is estimated that around 1,000 tonnes of produce enters the green waste stream each year, and that between 10 and 20 per cent of this produce is still edible. This equates to between 100 and 200 tonnes of edible fruit and vegetables being thrown out every year. The new Foodbank SA fruit and vegetable facility aims to address this waste. It will be a one-stop, easily accessible facility located within the market, right at the source where it is needed. I think, Michelle, it was stall 27, was it not? I think is right.

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

The Hon. I.K. HUNTER: It is right in the middle of the market. Thanks to this new facility, an estimated 250 tonnes of edible fruit and vegetables will be supplied to South Australians in need, instead of being thrown out, and I understand that Foodbank believes it can increase this up to 650 tonnes. The facility at the Adelaide Produce Market joins other Foodbank facilities already operating in our state, such as the warehouse in Edwardstown and the citrus packing facility, which I opened in the Riverland in another ministry. The state government is very proud of having been a part of Foodbank's success by providing grants through Zero Waste.

The Hon. R.L. Brokenshire: Who started Foodbank?

The Hon. I.K. HUNTER: For example, Zero Waste SA contributed $175,000 to the total $556,000 budget.

The Hon. R.L. Brokenshire: I'll tell you who started it—it was Dean Brown.

The Hon. I.K. HUNTER: The honourable member never listens to anything I say: if he goes back and reads *Hansard* he will go there. But, for his edification, I will continue. Zero Waste SA contributed $175,000 to the total $556,000 budget for the new Foodbank facility at the Adelaide Produce Market. We contributed $50,000 towards a warehouse facility expansion in Edwardstown and $12,500 towards a citrus packing shed in the Riverland, I am told. In addition, the 2014-15 state budget includes funding of over $1 million over four years to enable Foodbank SA to expand its program into Edwardstown, Elizabeth and Port Pirie.

Foodbank is a model of cooperation. These facilities would not exist without the amazing and generous contribution from businesses and the community and the not-for-profit sectors. This includes the Adelaide Produce Market, which has offered the site to Foodbank at a peppercorn rent of $1 per annum. Inline Logistics will promote the new Foodbank service and provide labour and assistance to move donated surplus stock from stalls and growers to the storage facility.

The Costa Group has generously agreed to reduce the acquisition price for their existing stall infrastructure, and Oomiak, the industrial refrigeration group, will provide the refrigeration servicing for Foodbank's Edwardstown site free of charge. There are many other sponsors whose generous support, both financial and in-kind, have been fundamental to the success of Foodbank, and I would like to take this opportunity to thank everyone involved in Foodbank on behalf of the government and, hopefully, everybody in this chamber.

The Hon. R.L. Brokenshire: Hear, hear! Nice to see some bipartisanship.

The Hon. I.K. HUNTER: Always, the Hon. Mr Brokenshire. Foodbank SA's success is a credit to the Foodbank board and its supporters and sponsors, and it is an honour for this government to support such a worthy initiative that shows just how much can be achieved when we work in the spirit of a partnership. I commend Foodbank SA and wish them much success into the future.

FOODBANK SA

The Hon. S.G. WADE (15:17): By way of supplementary question, why does the minister choose to describe Foodbank as 'secular' when it describes itself as nondenominational, and the chair of Foodbank is a Uniting Communities representative?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:17): Good point; I stand corrected. My notes actually do say 'nondenominational', but I have

struggled trying to say that, so I tried to shorten it to 'secular'. I am corrected by the Hon. Mr Wade, and hopefully *Hansard* will make that correction.

SOUTH PARKLANDS DRY ZONE

The Hon. T.A. FRANKS (15:18): I seek leave to make a brief explanation before asking the Minister for Business Services and Consumers a question about a dry zone in the South Parklands.

Leave granted.

The Hon. T.A. FRANKS: I think all members of this council would be aware that there has certainly been some concern and calls for a dry zone in the South Parklands of our city, not only from local residents but also from council workers, who I understand have required police guards due to the situation in that area. This is not a new issue to this place, so I ask the minister: can she please update this council on what the state government is doing to address this issue, what options are being considered, whether they include a wet zone and in what time frame will we have an announcement from state government on this?

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) (15:18): I thank the honourable member for her most important question. Indeed, we have seen an escalation of behavioural problems occurring in the South Parklands over the last number of months, and I am very pleased to report that on 6 August 2014 the Adelaide City Council applied to the Liquor and Gambling Commissioner to establish a new dry area in the South Parklands.

I just draw people's attention to the fact it was only in the beginning of August this year that that application was received. I can absolutely assure honourable members that the request for this consideration has been expedited. It has been taken very seriously by the commissioner and the department, and by other agencies as well.

The proposal for the dry area was to operate for a trial period of six months, 24 hours a day. The commissioner is currently consulting on the application with relevant agencies and service providers, and I believe that service providers had an opportunity to provide feedback until the 12th of this month. What everyone is in agreement about is that there is a problem in the Parklands which has escalated.

What there is not agreement about is the way forward, and how to resolve that issue. The proposed dry zone is not supported by many of the service providers around that area, and obviously the residents and businesses in the area are wanting a dry area to be introduced. There are divisions in the community, Mr President, and it is important—

The Hon. R.I. Lucas: So what's your view?

The Hon. G.E. GAGO: Well, if you just be quiet and listen, you will hear it.

Members interjecting:

The Hon. G.E. GAGO: Well, it's a serious issue, Mr President, and I am going to some lengths to provide a very considered answer. The commissioner is continuing that consultation and putting together the considerations that have been put before him. I have also been advised that a special interagency taskforce has been established to tackle the escalating alcohol-fuelled antisocial behaviour in the Southern Parklands. The taskforce includes senior officials from South Australia Police, Consumer and Business Services, SA Health Drug and Alcohol Services, and also the departments for communities and also social inclusion and Aboriginal affairs.

The government remains committed to ensuring that all South Australians, as well as visitors to the state, are safe when in and around that area and when enjoying the amenities in that area, and that they actually feel safe in the city, particularly at night. I have made it very clear that our agencies are willing to work very closely with all stakeholders.

I have made it very clear publicly that we do not support measures that simply shift the problem from the Parklands to a less visible part of the Parklands or further out into the suburbs, where these people will potentially have less access to services, or just be shifted out into other

council areas. I have indicated that we will work with the council, and we will continue to work with service providers and other key agency stakeholders, to try to find a long-term solution to the problem and not just shift this problem out further, sweep it under the carpet and pretend it does not exist.

One of the other considerations is the Adelaide City Council doing up a management plan. That management plan needs to address issues around displacement. They have indicated that they are happy to do that. They are working with other agencies and NGOs to ensure that displacement does not occur, and that there are real and genuine attempts to address the underlying problems rather than, as I said, just sweeping it under the carpet and sweeping it further out to the suburbs.

The commissioner is still collating that feedback. Once he has all of the submissions in, he will make a report to me with a recommendation, and that recommendation will then go to cabinet for consideration. So, although the time lines are unclear, I certainly give assurances to all honourable members that we are working very hard to expedite full consideration of not just the dry zone application but also strategies to actually address some of the underlying problems.

Bills

BUDGET MEASURES BILL 2014

Second Reading

Adjourned debate on second reading.

(Continued from 16 September 2014.)

The Hon. T.A. FRANKS (15:26): I rise today as the second speaker for the Greens, and the final speaker for the Greens those of you who might be counting will notice, to address the Budget Measures Bill. Given that my leader has presented the full Green's response to the overall bill, I will only focus on the area that I will be seeking to amend. The Greens will be calling for the protection and support of workplace rights of temporary and contract teachers, and we ask this council to consider those rights of our very hard-working and long-serving teachers when voting on this bill.

Should this bill pass in its current form, temporary and contract teachers may well find themselves in a truly concerning situation. Under Schedule 3—Other Budget Measures. Part 1— Amendment of Education Act 1972, this government is proposing to retrospectively reduce contract teachers' statutory right to long service leave entitlements. These entitlements have been established by the highest court in this country, the High Court of Australia, in AEU v DECS case of 2012. The clause, if passed, will retrospectively reduce contract teachers' statutory right to long service leave. This is completely unacceptable and the Greens strongly oppose this move, which we are surprised to see come from a Labor state government, a Labor government that claims to support working South Australians and yet is here undermining their statutory entitlements and defying the High Court in that bid.

This move by the Weatherill government follows similar attempts made by former treasurer Kevin Foley under the then Rann Labor government to reduce all public sector workers' long service leave entitlements. The AEU, the Australian Education Union of South Australia, took this matter to the highest court in the country in 2012, when it was ruled that temporary or contract teachers had the same rights to long service leave entitlements as permanent teachers, as they were deemed to be officers of the education service.

The High Court there ruled that the minister was unauthorised to appoint temporary teachers under section 9(4) of the Education Act 1972 as the subsection 9(4) was repealed in 2007 and replaced by section 101B(1). The High Court of Australia papers in AEU v DECS [2012] HCA 3 29 February 2012 raised the question that I now quote:

> Did section 9(4) of the Education Act 1972 at the time that it was in force, authorise the Minister to appoint officers to be engaged as teachers, or did section 15 of the Act provide exclusively for the appointment of teachers?

The court ruled:

> Section 9(4) of the Education Act 1972 at the time that it was in force did not authorise the Minister to appoint officers to be engaged as teachers and section 15 of the Act provided exclusively for the appointment of teachers.

This question was raised because the long service leave entitlements of officers and employees appointed under section 9(4) were less favourable than the entitlements enjoyed by officers of the teaching service appointed under section 15.

For instance, under section 15, officers of the teaching service can break their service by up to two years and accrue long service leave for days worked, whereas prior to the High Court decision contract teachers had only three months under repealed subsection 9(4).

The disputed question of whether or not it is open to the minister to appoint persons as teachers under subsection 9(4), noting that this subsection was repealed in 2007 as it was replaced by section 101B(1) of the act, is valid. The then vice president of the South Australian branch of the Australian Education Union wrote to the then minister responsible for the act in May 2003 concerned about the minister's appointment of contract teachers under section 9(4) of the act.

On 21 February 2005, the director of human resources and industrial relations services at the Department of Education wrote to the union advising that in future contract teachers would be known as temporary teachers, and temporary relieving teachers would be appointed under section 15 of the act on a temporary basis.

Here, the department acknowledged the union's concerns and changed its practice and appointed temporary teachers under section 15 of the Education Act. We know that since 2005 the teachers union and the department have been in dispute over the appointment of temporary and contract teachers, leading to the High Court case in 2012 where, as I said, that case was found in favour of the Australian Education Union and on behalf of those members.

This proposed legislative change in this government's Budget Measures Bill is an attack on a union's win for teachers who deserve their right to long service leave entitlements. The Greens stand proudly today with the union movement and with the teachers in calling on this Labor government to remove this retrospective attack on workers' rights. The category of teachers who will lose out because of the Weatherill government's long service leave amendment and attack include:

- women who, employed before 1986, had to resign because they were taking time off for childbirth and child rearing and therefore broke their service for a period of longer than three months;
- current contract teachers who have taken leave of longer than three months because they did not know of the maternity leave provisions; and
- anyone who has ever been on contract as a teacher and who, for whatever reason, has had a break in service of longer than three months and less than two years.

That is, those who do not have secure employment—predominantly women who have had a break, often for child-rearing and family responsibilities—will be the ones who are discriminated against in this Budget Measures Bill, and they are already amongst the most vulnerable employees in the workforce.

I would like now to address some of the remarks made by others in regard to this amendment I seek to make to the bill. It is the Australian Education Union's strong view that DECD and the government were aware that temporary teachers should, arguably, have been employed under section 15 of the act as officers of the teaching service, yet they persisted in questionable employment practices to deny that entitlement, despite the repeated protestations of the union.

There were remarks made about how the teachers' long service leave entitlements would be calculated. I have been advised that if teachers worked only the quoted 'one week per year', any long service leave entitlements would be minimal, as they are of course accrued on a days worked pro rata basis. I certainly agree with the Australian Education Union that that particular line of argument against the Greens' amendment and against the Australian Education Union's plea is a furphy.

The Attorney-General stated to the Australian Education Union that the estimated cost of the High Court decision would be (and he was quoted by the education union as saying this to them) $100 million to $200 million to ensure that contract and temporary teachers were provided their long service leave; however, the Attorney has not demonstrated how that costing was calculated.

The Australian Education Union believes that all records of temporary relieving teachers (TRT) days worked are centralised. TRT days do not attract long service leave but do trigger continuity of service for long service leave accrual for temporary contract work undertaken. Before I conclude my remarks, I would like to go to some of the questions the teachers union would like answered by the government in this debate. The questions are:

- Why did the government seek to subvert the High Court decision by retrospectively altering employees' longstanding entitlements to long service leave?
- Why does the government seek to differentiate between permanent and non-permanent teachers? They are both classified as the 'officers of the teaching service' under the Education Act 1972?
- Why equate these members of the teaching profession with 'other public sector employees'?
- Which of those current employees whose long service leave entitlements will be reduced and possibly removed by this retrospective legislation?
- What information does the government have about the numbers of those particular teachers and indeed other demographic data?

My understanding from what I have been told by the union is that many of these are not only, as I have said, women (and that is unsurprising given the teaching profession) but indeed older women nearing retirement age, many of whom in fact who have had their superannuation significantly depleted as a result of the global financial crisis impact, and many of whom I understand are in fact continuing to teach, even though they would like to now be entering retirement. They are doing so because financially they cannot afford to do otherwise.

In conclusion, I reiterate: this is a retrospective attack on teachers' long-service leave. These entitlements are duly earned by those teachers and this attack by a Labor government is unacceptable and inappropriate. This government claims to support South Australian workers and yet here it is in this Budget Measures Bill attacking those workers.

Furthermore, I thank the Hon. John Darley and the Hon. Kelly Vincent in their contributions so far for their support and I look forward to further debating this amendment by the Greens to stand up for the workers and the teachers who this Labor Weatherill government is attacking in this Budget Measures Bill. With that, I look forward to the second reading debate and the committee stage.

The Hon. T.J. STEPHENS (15:36): I acknowledge that the opposition supports the bill; however, just not in its current form. It is my understanding that amendments will be introduced at a later stage, and it is the reasoning for those amendments that I largely wish to talk about now. Whilst it is somewhat unusual for this place to recommend amendments to a budget-related bill, we believe our position to be justified, and many of those reasons have been outlined by my colleagues in both this place and the other place, in particular, the Hon. Robert Lucas.

Part of the bill I refer to is that which concerns the so-called car park tax, euphemistically labelled the Transport Development Levy, to be charged on every car park in the city via the landholders and to be passed on to the consumer, which is of course every single South Australian travelling to the CBD by car. For the government to say that this will not adversely affect business in the CBD is simply outrageous. All major industry groups are against this tax: Business SA joined the Property Council, Rundle Mall Management Authority, the Real Estate Institute, the Urban Development Institute and the LGA. The Premier's hand-picked citizens' jury is even against it.

Why would a government introduce a measure that is deeply unpopular? The reason is because they are desperate and they are financially inept, as I and many other honourable members on this side have talked about ad nauseam. The debt and budget have reached crisis point, the government's spending is out of control, and now they have to raise revenue in any way possible to bring it back to a sustainable position. This is such a ridiculous and ad hoc way of governing and

managing finances, it is embarrassing. If the people only knew the extent of the mismanagement, would those honourable members be sitting on the other side of the council?

The introduction of this tax runs contrary to the government's message and platform to revitalise the CBD. On one hand they say, 'Come into the CBD. We want to encourage a more vibrant nightlife. We want more people living in the city, but we will charge you $750 a year to do so.' It is a bit rich, which is what you will have to be to live in a vibrant, revitalised Adelaide, apparently. This tax actually acts as a deterrent to city patronage.

The rhetoric from the government is that the money raised will be used to improve public transport to and from the city. Well, if that is true, why is only 8 per cent of money raised going to public transport projects, with the remainder going into consolidated revenue? It is nothing short of a con job. To conclude, I encourage members to support the second reading and to support the wise amendments of the Hon. Robert Lucas. This is another example of Labor governments who have been trying to make people equally poor for decades.

The Hon. K.J. MAHER (15:39): I rise to speak in favour of the Budget Measures Bill, surprisingly. Many members have already spoken on this bill at length in this place and I do not intend on going over all the points many members have already made. That said, I would like to put on the record my support for this bill and talk a little bit about one area that has not been talked about to a great extent: the Seniors Housing Grant, which forms part of the budget measures.

The Hon. J.S.L. Dawkins: Ha! You blokes are usually singing off the same hymn sheet.

The PRESIDENT: Order!

The Hon. T.J. Stephens: Where did you get that original thought from?

The PRESIDENT: The Hon. Mr Maher has the floor.

The Hon. K.J. MAHER: Thank you for the protection, Mr President; I am being flogged with a wet lettuce by a couple of the members opposite. The Seniors Housing Grant is a policy this government took to the last election, and it was warmly received by the electorate as good policy. At the time of the last election, the government announced that we would introduce an $8,500 grant for people over 60 years of age who need to reassess and change the type of housing they reside in in their retirement. For many South Australians reaching retirement the type of housing they currently live in is not appropriate for their needs. This policy relates to the purchase of a new, age-appropriate home for older South Australians.

This government is committed to seeing through this good public policy. I understand that the community has made it clear to the government that stamp duty costs create a barrier for many older South Australians when changing their particular type of housing to a more appropriate home that suits them. This is a government that listens to the community, and that is why we have committed to these positive, well thought out reforms for seniors' housing. This policy change provides choice and opportunities for many older South Australians that will ensure they maximise their quality of life in retirement.

The Seniors Housing Grant will reduce the relative impact on older South Australians seeking appropriate housing for their retirement, housing that better meets their needs. This grant will apply to contracts people enter into for the purchase of new homes between 1 July 2014 and 30 June 2016. It will also apply to owner-builders, where the construction of the new residence commenced on or after 1 July 2014 and before 30 June 2016.

The Seniors Housing Grant will be made available to all natural people who are over the age of 60 who choose to purchase or build a new home that will be their principal place of residence for a continuous period of at least six months. This needs to commence within 12 months after the completion of the transactions. This grant has been well received by many older South Australians. The Council on the Ageing, the national peak body representing the rights, needs and interests of older Australians, has come out and lent its support for the Seniors Housing Grant. It would be worthwhile reading from a release—

Members interjecting:

The PRESIDENT: It is totally inappropriate to take photos in the chamber.

The Hon. K.J. MAHER: I fear, Mr President, the honourable minister is being—

Members interjecting:

The Hon. K.J. MAHER: I would have accused the member opposite of very cleverly setting up the honourable member, but I do not give him enough credit for such a ploy; and, in any event, he is now part of our team, having eaten his Golden North ice cream before the winter break. It is worth reading the Council for the Ageing's thoughts on this policy initiative. Their release states:

> Provision of an $8,500 grant to people aged over 60 years who want to right-size their principal residence and purchase a new-age friendly home.
>
> The budget introduces $8,500 grant for those over 60 to move from their principal place of residence and purchase a new home that is age-friendly. The grant is for new homes that meet eligibility criteria, where contracts are entered into between 1 July 2014 and 30 June 2016…
>
> This initiative totals $14 million over two years and meets an election commitment of the government.
>
> COTA SA—

that is the Council for the Ageing—

> welcomes this initiative. It addresses COTA SA's election platform, Equal Citizens, proposal to:
>
> Consider innovative options around stamp duty that will allow older people to downsize, ie to move to more appropriate homes.
>
> COTA SA encourages the state government to give consideration to further initiatives that deliver affordable and appropriate housing to older South Australians—and in particular those within the private rental market who not only face significant rental costs but are often in accommodation that is not appropriate for their needs.

This is a well thought out initiative that was promised before the election, and it is being delivered by the government. While we are talking about statements of COTA about budgets and funding I do note that, like many groups, the Council on the Ageing has talked about the federal budget and the massive impact that that is going to have on South Australians. They have said that the health funding was severely curtailed in the federal budget.

I note many financial measures that are being looked at by this government are a direct result of the federal government's draconian cuts in their budget. It has come out many times in the Legislative Council's Budget and Finance Committee. I think the Liberal Party has been embarrassed by the number of times that state government departments have been highlighting the effects of the federal budget on the South Australian economy.

The Hon. D.W. Ridgway: Nowhere near as big an effect as your government has had on the South Australian economy.

The Hon. K.J. MAHER: The Hon. David Ridgway interjects about the effect of budget cuts and I notice most Liberals have been very timid, very embarrassed, by their federal colleagues' cuts in the federal budget and all they have to talk about—

Members interjecting:

The Hon. K.J. MAHER: All they've got to talk about is—

The Hon. T.J. Stephens interjecting:

The PRESIDENT: The honourable member, sit down.

The Hon. K.J. MAHER: He shouldn't be standing; he's been here long enough to know that he shouldn't be standing up and interjecting.

The PRESIDENT: The Hon. Mr Stephens. If you were in the same position as the Hon. Mr Maher and you were being interjected on to such an extent where we could not hear your answer, I would protect your interests and your rights. Please accept the same for the Hon. Mr Maher.

The Hon. T.J. Stephens interjecting:

The PRESIDENT: I am not debating this with you; I am telling you. Allow Mr Maher to continue and finish his speech.

The Hon. K.J. MAHER: We were discussing the federal Liberals trying to destroy South Australia with their draconian federal budget cuts.

The Hon. J.S.L. DAWKINS: Point of order.

The PRESIDENT: Point of order by Mr Dawkins.

The Hon. J.S.L. DAWKINS: My understanding is that this debate is around the Budget Measures Bill, which is a South Australian bill and not a bill in the federal parliament, Mr President—

The Hon. G.E. Gago interjecting:

The Hon. J.S.L. DAWKINS: —and I am on my feet taking a point of order—

The Hon. G.E. Gago: They're directly related.

The Hon. J.S.L. DAWKINS: So when did we have a debate on points of order, Mr President?

The PRESIDENT: There is no debate. Your point of order is noted. The Hon. Mr Maher, will you please continue your speech? I am sure it is relevant.

The Hon. K.J. MAHER: I take the point of order, and I can understand why the Liberal Party would want to silence me and shut me down on talking about federal budget cuts. Although they will not admit it, they are all embarrassed. We heard what they have done about it. We heard the Hon. Rob Lucas. He has written one single little letter apparently. That is how they have stood up for South Australia—one letter—but I can understand it.

I will not dwell on it, because I can understand the Hon. John Dawkins, your embarrassment over your federal colleagues' huge cuts to South Australia, and I can understand why you would want to silence me on that. I will conclude my remarks on this bill now but, rest assured, I will stand up for South Australia and address this point at a later date.

The Hon. T.J. Stephens: Oh, Mr President, he is intimidating isn't he!

The PRESIDENT: The only one who is intimidating at the moment Mr Stephens is you, so can you please refrain from speaking loudly in the chamber when you are not on your feet. The honourable minister.

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:47): I don't believe that there are any further second reading contributions so at this point I would like to take this opportunity to make a few concluding summary remarks and also to put on record some answers to some of the questions that were raised during second reading contributions.

The Budget Measures Bill 2014 brings into effect a number of key measures announced in the 2014-15 state budget, including senior housing grants for people 60 years of age and over who want to purchase an eligible new home to live in that might better suit their needs.

The bill also provides for the introduction of the transport development levy as well as including an amendment to the Passenger Transport Act to make it a requirement that venue managers need to give six months' notification to the Department of Planning, Transport and Infrastructure that they will be holding an event within metropolitan Adelaide attracting 5,000 or more people who require special public transport services.

This will allow for proper planning to reduce road congestion, air and noise pollution and minimise disruption to everyday public transport services. The amendments will also create a mechanism to ensure that venue managers of commercial events contribute a negotiated fee towards the cost of providing transport services for an event.

Amendments to the Mining Act 1971 will increase the consolidated revenue component of the royalty rate for extractive and mineral producers and require proprietors and operators of private mines to pay royalties on all minerals recovered from the mine upon the first change to the owner or operator of a mine from 19 June 2014. It should be noted that private mines currently pay royalties for the recovery of extractive minerals.

The bill also seeks to retrospectively extinguish the two-year rule for temporary teachers, bringing long service leave accruals for temporary teachers in line with other public sector employees. I am advised that this provision will not cause a reduction to long service leave and retention leave entitlements that are currently recorded on fortnightly pay slips.

The Hon. Rob Lucas asked a series of questions during his second reading contributions, which related to amendments to the Education Act 1972. He also sought answers to questions raised by the deputy leader in the House of Assembly. The Attorney-General has provided a written response to the questions asked to both the shadow treasurer and the deputy leader in the other place. For the benefit of members in this place, I will now seek to read these answers into *Hansard*.

There was a question on the modelling and assessment of the state's potential liability. I am advised that the office of human resources and workforce development, in consultation with finance in DECD, prepared estimates of the potential liability, based on a number of alternative assumptions. These estimates are broadly based for reasons, including that the precise number of potential claimants is presently unknown. The Department of Treasury and Finance has noted that the estimates are prepared by DECD.

The Hon. Rob Lucas asked about what the potential liability might be. I am advised that, given the unknown number of potential claimants, the fact that the liability has potentially been accruing over 42 years since the commencement of the act, the exact figure is unknown. It is clear, however, that, given the factors mentioned above, the potential liability is obviously 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 are continuing.

The Hon. Rob Lucas asked questions around the details of the ex gratia scheme. I am advised that cabinet has approved the establishment of an ex gratia scheme (the scheme). At this stage, the details of the scheme have not been put to cabinet as it is dependent on the passage of this bill. While I cannot provide the details of the scheme prior to them being approved by cabinet, I can say 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 and it is expected that DECD will review applications and provide relevant information to the Attorney-General to exercise discretion as to who will receive any payment out of the fund. Following approval, the Department of Treasury and Finance will release the funds necessary to make those payments. All eligible temporary teachers will be able to apply for payments out of the fund.

There was a question in relation to storage of employment records of the relevant teachers. I am advised that most records are available in the DECD central office. Other records are archived in boxes off site. For teachers who combined their service with lecturing in TAFE, some records are in the department of further education, employment, science and technology (now DSD).

In relation to calculations in order to pay out all teachers, payments from the ex gratia fund will be entirely discretionary. Applicants will be able to submit information and documents in support of any application. It is anticipated that DECD will provide to the Attorney-General information about the service history of claimants, and I am advised that calculations would be largely manual.

With regard to a question in relation to examples of parliament retrospectively correcting an anomaly, I am advised that in 1991 the government amended the act to reflect a practice and understanding as to payment when teachers were engaged for a part day. This was following a civil claim that resulted in a judgement that granted a full day's pay for any engagement for a part day. This prompted the Education (Part-Time Remuneration) Amendment Act 1991 (SA), which inserted a new section 101A into the act with retrospective application.

In relation to questions asked relating to royalties and private mines, I am advised that the key recent transaction that will be affected by these provisions in relation to private mines is the sale of the Penrice private mine to Adelaide Brighton, which was completed on 30 July 2014. This transaction will qualify as a relevant event under the provisions in the Budget Measures Bill, and Adelaide Brighton will be required to pay royalties on the industrial minerals mined at that private mine from the date the mine transferred ownership. The Penrice mine also produces extractive minerals, and royalties will continue to be due from these mining activities, which have occurred, apparently, historically as well.

In relation to the other Adelaide Brighton transaction announced in early August, that is, its acquisition of the Direct Mix Concrete/Southern Quarries, apart from the extractive minerals royalty increase there is a small private mine lease that produces industrial minerals (estimated to be less than $2,000 of royalty a year) that Adelaide Brighton will now need to pay, assuming production is maintained. Southern Quarries has larger private mines as well, but these mine extractive minerals, and royalties have and will continue to be paid on the production of these extractive minerals.

The bill amends the Mining Act 1971 so that proprietors and operators of private mines will be required to pay royalties on minerals recovered from the mine upon the first change to the owner or operator of the mine from 19 June 2014. Budget day and the date of the announcement of this measure was 19 June 2014. This approach is consistent with the government's standard approach when announcing changes to transaction-based taxes, for example, changes to conveyance duty, etc., commencing the change to the arrangements from the date of announcement, treats all parties equally and means that a party cannot bring forward or delay a transaction to benefit from the change in arrangements.

In relation to questions asked about the nature of the legal advice as to why the government cannot disclose the amount of the potential liability, I am advised that broad-based internal estimates of liability were prepared by DECD to inform cabinet's decision making and, in particular, the budget process about its possible liability under the current legislation. The Attorney-General has been advised by crown that the public disclosure of the details of these internal estimates could potentially prejudice the state's position in the context of the ongoing litigation as it may constitute admissions by the state and expand the potential class of plaintiffs.

The Hon. Robert Lucas also asks for more details about the ex gratia scheme. Final details of the scheme have not been approved by cabinet. However, based on the work that is already being done in anticipation of the scheme, it is planned that the scheme will operate as follows: the payments will be made from a fund established and appropriated 'to enable discretionary payments to some teachers whose long service leave will be brought into line with other public sector employees following amendment to the Education Act 1972'.

Whether to make a payment and how much that payment will be will be at the discretion of the Attorney-General. An invitation to apply for an ex gratia payment will be made by both public advertisement and also a notation on payslips. An application will be posted on the DECD website. Applicants will be asked to provide their bank details to facilitate payment and will be able to provide documents and information in support of the application.

Any person believing that they may have an entitlement may apply. A closing date for applications will be set. DECD will advise the Attorney-General of the total number of applications received by the closing date and will provide information about the applications to the Attorney-General for his consideration.

DECD will identify whether a teacher was and/or is employed as a temporary teacher and will provide a summary of the service record of the applicant. The information it provides will include matters submitted by an applicant in support of their application. The Attorney-General will consider this information and any advice and any other information he seeks to assist him in his decision-making. Applicants will be notified of the Attorney-General’s decision.

Finally, there was a question by the Hon. Mr Lucas on how the government arrived at the amount of $15 million for the ex gratia scheme. I am advised that DECD completed internal calculations in relation to a sample of persons named in the current proceedings in an attempt to

ascertain an approximate cost based on average. This amount was then scaled up to cater for more individuals applying for a payment when the ex gratia scheme is announced.

I think I have addressed all of the questions that were asked; however, if I have missed any, I am happy to deal with those during the committee stages that hopefully we will pursue during our next sitting week. So, with those comments, I urge honourable members to support this important bill and look forward to it being dealt with expeditiously during the next sitting week.

Bill read a second time.

PARLIAMENTARY COMMITTEES (ELECTORAL LAWS AND PRACTICES COMMITTEE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 September 2014.)

The Hon. J.A. DARLEY (16:03): I rise very briefly to speak on the Parliamentary Committees (Electoral Laws and Practices Committee) Amendment Bill. At the outset, I would like to offer my support to the position that the Hon. Mark Parnell made earlier this week in relation to the issue of remuneration. I agree that there is absolutely no justification for paying members to be on this committee or indeed on any other parliamentary committee. If you are on a committee, you should be there because you want to be there, not because it attracts an allowance or a chauffer-driven car. As such, I will be supporting the amendments proposed by the Hon. Mark Parnell.

There is no question that I also support any moves aimed at considering electoral reform. A lot has been said about why it is that we went into the last election without an alternative election model. Some argue that we had the perfect opportunity last year to implement an optional preferential voting system in time for the March election. Others argue that we could have had a first-past-the-post system. On 21 May, the Attorney in the other place is quoted in *Hansard* as having made the following remarks:

> Can I just tell you about a magical parliamentary moment? One member of the upper house moved a bill to introduce PR. We supported it, a few of the crossbenchers supported it, and then, at the critical moment when it came to a vote, guess who voted against it? The person who moved it. That was unexpected.
>
> Anyway, that is why we do not have first-past-the-post yet, but I hope we can have intelligent conversation about that over the months ahead. It is important that we keep electoral reform in front of mind, and we do not just say, 'Oh well, it is over for another four years.' Why don't we get stuck into it early? Why don't we have a look at it early? I think that would be the intelligent thing to do.

We all know that even though the Attorney did not name me, it is clear that I am the member he is referring to, so let us just revisit last year's debate for a moment.

During the last week of sitting we had two OPV bills on the notice paper: one introduced by the Hon. Mark Parnell and one introduced by me. It was my hope that one of those models would pass in time for the 2014 election. We also had a third bill introduced by the government. That bill was designed to disadvantage groups such as the one I am a member of.

On 27 November, the last Wednesday of sitting and the second to last day of the sitting year, we were summoned by the Attorney to a meeting in the Balcony Room. Also present was the Electoral Commissioner and the deputy electoral commissioner. From memory, the Hon. Mark Parnell, the Hon. Rob Lucas and the Hon. Kelly Vincent were there. My memory escapes me now, but either the Hon. Dennis Hood or the Hon. Robert Brokenshire was there. In any event, the only crossbencher not represented was the Hon. Ann Bressington, who was away on extended sick leave.

The purpose of that meeting was to try to reach some sort of resolution as to which reforms would be accepted. What was made abundantly clear by the Attorney and the Electoral Commissioner at that meeting was that the government could not, and would not, contemplate passing either of the OPV bills that were before the parliament. That left us with the third bill that was, in its original form, targeted fairly and squarely at minor groups and Independents, a bill targeted at making it as difficult as possible to have independent voices elected to this place.

Let me be clear: at no point at all throughout this entire debate did the Attorney contact me to discuss the various models that were being bandied about. At no point did the Attorney contact me and say that the government was willing to support my bill. I defy the Attorney to give me one instance when we discussed this matter.

He cannot, because, other than that one meeting where members were all briefed and warned off OPV because of the timing of the election, he did not contact me. Even his advisers at the time were telling my advisers that OPV was not an option. Even the President will recall speaking to me on a number of occasions about whether or not I had been approached by the Attorney with respect to this matter. The bottom line is that there was no commitment on OPV by the government.

I could not in good conscience come into this place in the dying hours of the last sitting day and press ahead with my bill, not only because the government could have chosen instead to go with its alternative model, which would have disadvantaged groups like mine at the election, but because it was unfair. The selfish thing would have been to do just that because, had the government decided to accept my bill—and again, there was no indication that they would have—the Xenophon group would, in all likelihood, have had two representatives sitting here today instead of one.

Without preference deals we all know that the makeup of this place and the other place would have been vastly different to what it is now. This is not sour grapes: it is the simple truth. I did not choose to do the selfish thing; I chose to do what was right at the time. Members of the government, including the Attorney, who suggested that there was support for my bill and that the reason we went into the election without an alternative model was because I voted against my bill, have some cheek. Those members know that the government's own advice at the time was that it would not accept this model, plain and simple. They know that the Electoral Commissioner's advice at the time was not to support this model. So, if you are going to tell the story, tell the whole story, not just the parts that suit you at the time.

It is high time that the government stood up and took notice of all those elected to the Legislative Council. The government does not have the numbers in this place because that was not what the people of South Australia wanted. They opted instead to ensure that this chamber be made up of representatives from various political spheres in order to ensure transparency and in order to hold the government to account over its decisions.

As I said at the outset, I will support any measure aimed at ensuring that our electoral system is reformed in line with the basic democratic principles of fairness and in line with community expectations. That is why I also support in principle the opposition's call for an independent commission of inquiry on electoral reform. To that end, I too am willing to consider this additional proposal for a parliamentary committee on electoral reform. With that, I support the second reading of the bill.

The Hon. K.L. VINCENT (16:10): I will speak just briefly today to say that I support the second reading of the Parliamentary Committees (Electoral Laws and Practices Committee) Amendment Bill, and I start by saying that I indeed echo the words and the sentiments of a number of my parliamentary colleagues who have raised the idea that it is absurd that this should be a paid committee or indeed that any committee of the parliament should be paid.

Imagine going into a deli to order a sandwich only to find that you have paid not only extra for the extra ingredients you wanted in the sandwich but also a fee for the person to put those ingredients in place. That might sound like a ludicrous example, and perhaps that is because it is, but I am sure that it sounds just as ridiculous to everyone out there that we are paid extra to do what should be a run-of-the-mill part of our job. So, I certainly agree with those comments.

There are many features of our electoral system that need to be investigated and reviewed following each election. The areas needing review relate not just to the endless diatribe we hear debated by the major parties—that is, which party received which percentage of the two-party preferred vote. It is a very narrow view from which to decide whether or not an election is fair. What Dignity for Disability is more concerned about is not who gets the spoils of office necessarily, as the Liberal or Labor party in this state seem to be very much focused on, but instead the impact our state elections every four years have on the people of South Australia.

Will the election of this MP or that party result in the most vulnerable members of our society having their voice heard in our democracy? Will people with a disability be able even to vote equitably? We need to remember that at this point only two-thirds of our polling booths are accessible to people with physical disabilities, and in South Australia the requirement to mark the ballot paper with a pencil means that blind and vision-impaired voters cannot have a secret vote, such as might be achieved if they were able to vote over the phone.

Anecdotal evidence suggests that people with borderline and mild intellectual disability are either discouraged from voting or no-one ever supports them to enrol to vote if that support is what they need; therefore, they are further disenfranchised. All these issues need to be investigated very seriously, and I hope that this committee will examine these matters with the attention they deserve. It is also a consideration that 30 per cent of the electors choose to vote for someone in other than the old parties. Non-major parties do not get 30 per cent of the seats in parliament. Is this a fair operation of democracy, you might ask? When might we get proportional representation, particularly in the House of Assembly?

We also need to look at other issues of representation within our parliaments. Why do we have fewer women in parliament than we did in 2013 and, indeed, fewer women in parliament than countries such as South Sudan—a country where you are more likely to die in childbirth than to complete your education? The ratio now stands at women comprising less than 25 per cent of the parliament, despite the fact that we make up 51 per cent of the South Australian population.

What about young people; people with disabilities; Indigenous South Australians; people born outside Europe, Australia or New Zealand; people who identify as gay, lesbian, bisexual, transgender, intersex, or otherwise queer; or people from low socioeconomic backgrounds? People in any or all of these categories are a rarity in our parliaments. There are very few from all these categories.

We need to look at how accessible our electoral system is to all South Australians in terms of the running of parliament for all South Australians of voting age. On the matter of amendments, I currently indicate that I support the Hon. Mark Parnell's amendment, as I have said, but I need to consider those that have been filed by the Hon. Stephen Wade a little further.

The Hon. T.T. NGO (16:15): I rise to support this bill. As we all know, the Hon. Robert Brokenshire had previously introduced a motion to establish a select committee to deal with the 2014 election outcome of the House of Assembly, and not this place. I was very clear in my opposition of that motion at that time. I have never understood how we, as members of the Legislative Council, saw it appropriate to look into the election outcomes from the House of Assembly through a select committee process. What would honourable members of this chamber think if the other place decided to establish a select committee on the election outcome of this place?

This bill is a non-partisan way of dealing with the election outcome. It establishes a joint standing committee to look into both houses' business rather than forming a select committee of only upper house members. The federal parliament went down exactly the same road. The intended functions of the Electoral Laws and Practices Committee are outlined in clause 15R of the bill and include the following:

(a) to inquire into, consider and report on—

(i) the conduct of parliamentary elections and referendums in South Australia; and

(ii) the administration and operation of, and practices associated with, the Electoral Act 1985 and any other law relating to electoral matters; and

(iii) any other matter referred to the Committee by the Minister responsible for the administration of the Electoral Act 1985; and

(b) to perform other functions assigned to the Committee under this or any other Act or by resolution of either House of Parliament.

The equal membership of both houses to the committee ensures that the appropriate checks and balances are provided for. It will also avoid the political point-scoring which is often facilitated through the establishment of partisan committees.

I urge honourable members to support this bill so that we can start reviewing the election process while it is still fresh and recommend the necessary changes to parliament. As the Hon. John Darley outlined in his speech recently, there was chaos in the last sitting week of the last parliament where members could not decide which model to go into the election. So, I urge members of this house to support this bill so that we can start this work ASAP so that we do not have a situation that the Hon. John Darley just outlined. So I commend this bill to the house.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): In the absence of the Hon. Mr Brokenshire, I call the minister to conclude the debate.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:19): I would like to thank all the members who made a contribution to this very important bill, and I look forward to further debate during the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. S.G. WADE: In my second reading speech I stressed that the Liberal Party considers that, amongst a range of important electoral reform opportunities available to the parliament, the most important electoral issue facing the state is how to ensure that governments that form following parliamentary elections reflect the majority will of South Australian electors demonstrated at those elections. In three of the last four elections that has not occurred.

The Liberal Party considers that the prospect of real reform on this issue through, shall we say, internal parliamentary processes, such as a committee, is low. The Labor Party is the strong and recurring beneficiary of an electoral system which punishes political groups whose support is geographically concentrated. Labor was in that situation up until 1970, and they considered it a scandal. Labor has been the beneficiary of the geographical concentration in the sense that the Liberal Party has been underrepresented in the parliament proportionate to its vote. Labor now regards this bias as 'just the rules of the game' and tells us to get over it.

In our view, we need a circuit breaker. We need a process to focus back on the majority principle. In that context, the Liberal leader, the member for Dunstan in the other place, Steven Marshall has provided a circuit breaker in the form of a private member's bill in the House of Assembly to establish an independent commission of inquiry on electoral reform, focusing on electoral fairness. The Liberal opposition humbly submits that this proposal is a sound one that needs to be properly developed and considered. We are concerned that it will continue to languish in the House of Assembly, given the short amount of time that private members' business is allowed in the other place.

The Labor Party needs to realise that they do not control either house of this parliament and that all parliamentarians are entitled to have their proposals properly considered in a timely manner. In that context, the Liberal opposition seeks the support of this council to adjourn debate on this bill until the government progresses the Commission of Inquiry and Electoral Reform Bill 2014 (Bill No. 26) in the House of Assembly. I move that progress be reported.

Members interjecting:

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

Progress reported; committee to sit again.

CRIMINAL LAW (SENTENCING) (SUSPENDED SENTENCES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 September 2014)

The Hon. D.G.E. HOOD (16:24): This reform requires persons convicted of causing serious harm or manslaughter to spend some time in prison by ensuring the court cannot fully suspend a sentence of two years or more which has been handed down by the courts. Family First supports this reform. It is widely accepted that there is community concern about serious violent offending. Some commentary would suggest that when the reasons for sentences are explained to the community—

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! There are two conversations going on in proximity to the honourable member. I give the call to the Hon. Mr Hood.

The Hon. D.G.E. HOOD: I appreciate your protection, Mr Acting President. It is widely accepted that there is community concern about serious violent offending. Some commentary would suggest that when the reasons for sentences are explained to the community, there is greater support for the court decisions. This may be true in some cases. There are, however, in my opinion and that of our party, significant times when this does not occur.

I have mentioned on numerous occasions in this place the case where a man held up a local country club, and one of the reasons for being given a suspended sentence was that he had a fight with his girlfriend prior to the offending. I am not making that up. This is a true case from a South Australian court in the very recent past. This simply is not a sufficient reason to suspend a sentence, and I do not believe that it would garner community support at any level if it were subject to scrutiny.

Last year we passed changes in this place to how suspended sentences operate in South Australia. Prior to that change, the law stated that a judge should suspend a sentence unless there was a good reason not to do so. Of course, the test of good reason was a subjective test in relation to the circumstances of the offender.

This parliament, in its good judgement I believe, changed the test required to suspend a sentence to an 'exceptional circumstances' test. It did not remove judicial discretion to suspend a sentence but rather raised the bar for which a suspended sentence could be granted. This was a more suitable approach in the opinion of our party.

There certainly are arguments for suspended sentences, and at times those arguments can be compelling. There is no doubt that offenders are warned by magistrates that they are receiving a suspended sentence, that this is their only chance to avoid gaol and that any further offending or infringement will result in a term of imprisonment. However, repeat offending infrequently results in imprisonment in many cases. No doubt this is a significant contributing factor to the vast community unrest we now see in relation to sentencing.

The community's concern about serious violent offending is understandable. Members of the community have a right to be safe in all environments as well as to feel safe in their homes, in their cars, wherever they may be. Community concern must be taken very seriously in this place. The impacts of serious crime on victims and their families can be devastating, and continue long after an offender has served their sentence. Family First believes that this measure will go some way to settling the unrest; however, it is clear that urgent reform is required.

At this time there is broad agreement that consistency and transparency are legitimate and important objectives of any modern sentencing system. I do not believe that this reform will reduce either consistency in sentencing or transparency and for those reasons again we support the measure. It is incredible to think that offenders convicted of manslaughter or causing serious harm may not serve a term of imprisonment at all. One must question the validity of the deterrence principle in sentencing in instances where somebody is found guilty of a serious and violent offence and does not serve any time in prison at all.

How does a sentence for a serious offence which does not impose a prison sentence ever send a message that serious and violent offending is not acceptable in our community? What is needed is a coherent and transparent sentencing framework that promotes public confidence, is judicially easy to apply, and actually sees offenders serve gaol time. We believe that this reform will

do that. It will certainly go some way to supporting the sentencing principle of deterrence and bolstering public confidence in our sentencing process.

Under this bill there is of course judicial discretion to determine an appropriate sentence term and to determine the portion of the sentence to be served. Accordingly, the court would only be able to partially suspend a sentence within the framework of this reform. It would appear that this particular reform will capture only a small number of offenders, as the majority of convictions for these offences would result in significant terms of imprisonment, as one would rightly expect.

In regard to the potential increase of prison numbers as a result of this reform, I would like to ask the government on notice how many offenders they expect will fit within the framework of this reform and if any modelling or budgetary considerations have been given to the potential increase in imprisonment rates. However, as I say, I expect they will be small in number.

In looking at sentencing in general, there is certainly the argument—and a good argument at that, we believe—that we must not simply concern ourselves with punishment: we need to ensure that we are making the community safer and also that we are providing appropriate rehabilitation and other supports to the offender and their family to ensure where possible that recidivism rates are actually lowered.

His Honour Paul Muscat of the District Court in August noted that imprisonment is aimed at punishing behaviour rather than rehabilitation. Family First certainly supports appropriate sentencing, and we have strongly supported longer imprisonment for certain offences in the past. We are on the public record for having done so.

Our system in most instances is retributive. However, research has shown that restorative justice methods frequently decrease recidivism and aid in the rehabilitation of offenders at higher instances than the alternative. Notwithstanding our strong stance on appropriate imprisonment terms, I would encourage the government to look further into restorative justice methods either in the lead-up to court matters, for programs offered whilst offenders are actually in custody or indeed even for post-release programs.

Turning our attention to other states, it is worth noting that Victoria has recently removed all suspended sentences from its court system—all of them. Victoria began the system overhaul in 2011 by removing suspended sentences from its state Supreme Court and County Court systems. As of 1 September 2014 (just a few weeks ago), all suspended sentences have been removed from the Magistrates Court also. Victorian Attorney-General, Hon. Robert Clark, on the removal of the suspended sentences, said that this move restored truth to sentencing. He further stated:

> If a magistrate does not believe an offender should go to prison, the law will in future require that to be done openly instead of the law pretending an offender is going to prison.

Victoria is the first state to completely remove suspended sentences and Tasmania is currently phasing out suspended sentences, so clearly there is widespread acknowledgement that suspended sentences no longer have community or parliamentary confidence, at least in those states, and I suspect it is true in this state as well.

Indeed, members may remember that I have made a number of moves to reduce and in some cases abolish suspended sentences over the years. I must say, when I first made those moves nearly nine years ago now, they were met with less than resounding applause by some, but that is the direction that other parliaments in Australia are heading, and I am pleased to see that that is the direction this parliament is heading as well. It is pleasing to see the changes that the government has brought forward in this bill in order to change the suspended sentencing regime in South Australia, and we certainly look forward to further reform in this area. I see this as a step in the right direction, but by no means the end of things. I indicate that Family First supports this bill and we look forward to the debate.

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

At 16:33 the council adjourned until Tuesday 23 September at 14:15.