LEGISLATIVE COUNCIL

Tuesday, 14 October 2014

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:19 and read prayers.

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

Bills

STATUTES AMENDMENT (LEGAL PRACTITIONERS) BILL

Assent

His Excellency the Governor assented to the bill.

CRIMINAL LAW (SENTENCING) (SUSPENDED SENTENCES) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

BUDGET MEASURES BILL 2014

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Auditor-General and Treasurer's Financial Statements, Parts A, B and C—Report, 2013-2014
Independent Commissioner Against Corruption and the Office for Public Integrity—Report, 2013-14
Ordered—That the report be printed
Legislative Council—Report, 2013-14

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

Reports, 2013-14—
- Director of Public Prosecutions
- HomeStart Finance
- West Beach Trust
- WorkCover Ombudsman SA
- WorkCover SA

Construction Industry Long Service Leave Board—Report, 2014
Construction Industry Long Service Leave Board Actuarial Report, 2014
Regulations under the following Acts—
- Freedom of Information Act 1991—Exempt Agency—Department of Treasury and Finance
- Legal Practitioners Act 1981—Payments
- Police Act 1998—Oath or Affirmation

Rules of Court—
- Supreme Court—Supreme Court Act 1935—

Amendment No. 27
Civil—Supplementary—Amendment No. 1
Special Applications Supplementary—Amendment No. 1
District Council By-Laws—
Whyalla -
No. 1—Permits and Penalties
No. 2—Local Government Land
No. 3—Roads
No. 4—Moveable Signs
No. 5—Dogs
No. 6—Cats
No. 7—Caravans and Camping
No. 8—Waste Management
No. 9—Boat Harbours and Facilities
No. 10—Foreshore

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

Regulations under the following Acts—
Liquor Licensing Act 1997—Dry Areas—
Adelaide—Hayborough—Millicent—Victor Harbor

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

Regulations under the following Acts—
Marine Parks Act 2007—Permits
Veterinary Practice Act 2003—Corresponding Laws

Ministerial Statement

SUCH, HON. R.B.

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) (14:25): I seek leave to make a ministerial statement about Dr Bob Such.

Leave granted.

The Hon. G.E. GAGO: It was with great sadness that we learnt last Saturday of the passing of Dr Bob Such, member for Fisher and former minister for employment, training and further education. Since that day there has been a remarkable outpouring of grief for this warm and principled man, especially in his southern suburbs seat. For Bob was, indeed, a real gentleman in the truest possible sense, a gentle person with a generosity of spirit that people could immediately sense was genuine and heartfelt. In addition, the word 'integrity' has occurred frequently in the many tributes to him, for there is no doubt that he was held in very high esteem to which we can all aspire.

Dr Bob Such's PhD from Flinders University was in politics but rather than simply observe politics from afar or teach it or write about it, Bob did politics—and he did so wonderfully because in life he was an exemplar of what people wanted from a local member of parliament: principled, scrupulously fair, hardworking and intensely loyal to his electorate. Quite rightly he was loved for those qualities.

It is not yet certain how South Australia will honour Dr Bob Such. There is no doubt that we will find a fitting manner to do so but at this time it is important that we reflect today that Bob honoured us in this chamber through his work in the other place as a fellow politician whose character transcended the petty divides and inconsequential sideshows that sometimes occur in politics.

A further date for a condolence motion will be arranged after further discussions with his family. Our thoughts are with Bob's wife Lyn and his family at this sad time.

Parliamentary Procedure

ANSWERS TABLED

The PRESIDENT: I direct that the written answers to questions be distributed and printed in *Hansard*.

Question Time

MOUNT LOFTY RANGES WATER ALLOCATION PLAN

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:33): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about the Mount Lofty water allocation plan licences for the Adelaide and Mount Lofty Ranges.

Leave granted.

The Hon. D.W. RIDGWAY: I am advised that in late 2013 the respective NRM board consulted with the industry on imposing a levy on the water licences which were soon to be issued. My understanding is that this would be in addition to the NRM levy. The amount suggested was in the order of $7 per megalitre. I have received some advice from the industry about a range of concerns it has. One of the arguments that was made for the levy at the time of the consultation was that it would create equity across the regions. I am informed that the Eastern Mount Lofty Ranges pay less than $6, the River Murray about $5 and the South-East or Limestone Coast considerably less.

Industry has informed me that about $200,000 of the expected money to be collected from this $7 per megalitre will be returned to an industry fund, but the industry would rather keep the money in the first place than have it paid into another fund. It is certainly not interested in such a fund being expended on anything other than the water allocation plan management. I am told that transparency is lacking in how the board intends to expend the fund. Of course, we have to understand that this is a water allocation imposed on landowners who have provided all the infrastructure on their own properties to access this water.

Most importantly, I am told that prior to the board recently announcing the levy to industry an investigation was undertaken that included economic modelling and demonstrated that this industry cannot sustain such a levy due to diminishing returns and greater costs. I am told the industry cannot afford to pass on this cost to consumers, and the levy potentially will be indexed to CPI, despite the fact that, as we all know, farm gate prices are not.

I have been made aware of one landowner who has a 450 megalitre licence and is now expecting that the $7 levy will be an $3,000 extra impost on top of his farming operation, on top of his NRM levy which has increased, and of course on top of the government's outrageous emergency services levy increases. My questions to the minister are:

1. Will the minister confirm the details of this levy and the proposal that the surplus will go to an industry fund?

2. Is the minister aware of any economic modelling and research which demonstrated that the industry cannot be sustained under such a levy?

3. Is the minister aware that the levy is not equitable across other regions?

4. Has the minister considered a reduction on other land-based levies so that there is less or no impact on the hip pockets of growers?

5. Will the minister confirm that this new charge of $7 per megalitre will be indexed with CPI?

6. Will the minister confirm now that the government is taxing the rain that falls from the skies over our farmers' properties?

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

(14:36): I thank the honourable member for his slightly dodgy question and I will endeavour to give him some information that will set him straight in these matters. Eight regional and natural resource management boards contribute to the management of South Australia's natural resources. The Natural Resources Management Act 2004 enables the NRM boards to be funded through water-based natural resources management levies. Holders of a water licence, imported water permits or persons who are authorised to take water under the NRM Act are liable to pay an NRM water levy.

An NRM water levy is collected by the Department of Environment, Water and Natural Resources on behalf of the boards. Six of the eight NRM boards collect water-based levies. The AWNRM Board and the Kangaroo Island NRM Board do not have any prescribed water resource areas, I am advised, and therefore do not collect water levies. The NRM Act provides a number of options for collecting NRM water levies, including a fixed charge or rate on the quantity of water allocated, or the quantity of water that has been taken, or the quantity of water used, or a combination of these options. A board can also set differential levies.

The NRM Act provides that a levy cannot be imposed under this section with respect to the taking of water for stock and/or domestic purposes. The water levies for 2014-15 were gazetted on 29 May 2014. I am advised that for the first time a water levy will be applying to holders of forest water licences in the Lower Limestone Coast prescribed wells area, something honourable members here will be well aware of, having debated it in the not too distant past.

The levy of $2.67 per megalitre is consistent for that area with the volumetric rate that applies to water allocations for irrigation in the Lower Limestone Coast. The forest water levy will help fund South-East NRM Board programs and activities that assist in the sustainable management of the water resources in the region for the benefit of all water users.

In terms of the Adelaide and Mount Lofty Ranges prescribed resources, I understand that the rates are set at $5 per megalitre of water allocated and $5 per megalitre of water used for the Barossa Prescribed Water Resources Area, the McLaren Vale Prescribed Wells Area and the Northern Adelaide Plains Prescribed Wells Area. The Western Mount Lofty Ranges Prescribed Water Resources Area has a fixed charge, I understand.

I spoke about the arid lands and Eyre Peninsula, Musgrave and Southern Basins prescribed well areas, and I understand the charge there is $40.40 per megalitre of water allocated for the purposes of providing a reticulated water supply, and $24.90 per megalitre of water allocated for purposes other than providing a reticulated water supply. For the Northern and Yorke and Clare Valley prescribed water resources area it is $16.90 per megalitre of water allocated. For the Angus and Bremer prescribed wells area it is $5.53 per megalitre of water allocated, and so on. All of this information (and it is quite extensive) is available through the NRM boards' websites.

The government does not, will not and has no intention of taxing rainfall. I do not know how many times we have to say that in this place. This is how irresponsible comments in the media get out to people and cause great concern. It is wrong, it is false, it is not true. In a prescribed water resources area, a water licence is generally only required for irrigation for industrial or commercial purposes. Where a water licence is required, a once-off licence application fee is required. In addition to this, a natural resources management board has the option, as I said earlier, to introduce a management levy in prescribed water resource areas for water taken for irrigation and commercial purposes.

A tax is a money amount collected for the government's general revenue whereas a levy, as we all know, is for the specific purpose outlined in the act. Water levies collected are used to help manage local natural resources in the region. The Natural Resources Management Act 2004 specifically disallows the raising of a levy on water taken for stock and domestic purposes, regardless of whether that water comes from roof run-off, a dam or a bore. Without boring the house any further with all the details about this, as I say, all of this information is available for the honourable member on a website. He can go and look it up himself instead of making up facts.

MOUNT LOFTY RANGES WATER ALLOCATION PLAN

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:41): Supplementary: is the minister aware of any economic modelling or research which has been done to demonstrate that the industry could not afford this levy?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:41): I cannot recollect seeing any such research.

MOUNT LOFTY RANGES WATER ALLOCATION PLAN

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:41): Supplementary: the minister described it as a levy for a specific purpose. I am advised that $200,000 of it is to be returned to another fund. Can the minister confirm that all of the money collected will be used for the purposes of managing the water resource, or are there surplus funds?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:41): I can confirm that the money that was raised will be used for the purposes outlined in the legislation.

MOUNT LOFTY RANGES WATER ALLOCATION PLAN

The Hon. R.L. BROKENSHIRE (14:41): Supplementary: can the minister confirm, further to the Leader of the Opposition's question, firstly, whether the charge rate is different from the Western Mount Lofty Ranges to the Eastern Mount Lofty Ranges and, if so, why and, secondly, is the minister charging people per megalitre even if they do not use the water?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:42): The honourable member's question was answered in the first part of my answer to the Hon. Mr Ridgway, as is the answer to his second question. Go back and read *Hansard*. I said the NRM boards can raise levies on a range of water usages or a combination thereof.

MOUNT LOFTY RANGES WATER ALLOCATION PLAN

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:42): Supplementary: is this levy likely to be indexed to CPI?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:42): I am not aware of any intention of the board about CPI. I can go and ask and bring back a response for the honourable member.

Ministerial Statement

HOSPITAL WAITING TIMES

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:42): I table a copy of a ministerial statement relating to hospital waiting times made earlier today in another place by my colleague the Hon. Jack Snelling.

Question Time

MARINE PARKS

The Hon. J.M.A. LENSINK (14:43): My questions are to the Minister for Sustainability, Environment and Conservation on the subject of marine parks public information, which includes a booklet, smartphone app, and GPS coordinates.

1. Is the minister aware that people are having difficulty identifying where the sanctuary zones are because the maps in the printed booklet do not contain sufficient details of local landmarks, such as roads? For those who use a smartphone the app drains the battery life within two hours. The downloadable GPS coordinates cannot be easily used with existing onboard boat navigation systems. The downloadable maps on DEWNR's website also have limited references, such as only one marking per beach.

2. Is the minister aware that tackle shop owners are effectively doing DEWNR's job in trying to educate the public about where the zones are?

3. What assistance will the government provide to tackle shop owners who are effectively doing the government's job through educating the public?

4. What consultation did the government undertake prior to development of this set of tools?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:44): I thank the honourable member for her most important questions. The establishment of the marine parks program is one of the most significant and important conservation programs ever undertaken in our state. I am sure members will be aware that, after a decade of planning, in November 2012, the government finalised management plans for the state's 19 marine parks. South Australia's network of parks covers around 44 per cent of state waters. Each marine park is zoned to provide for both conservation and ongoing community and industry use.

South Australia's marine parks have been developed based on the best available local, national and international science. The marine parks have also been developed with the input of some of our state's most respected marine scientists. The scientific working group is comprised of 12 independent, highly regarded scientists who have expertise in a range of scientific fields, such as marine ecology, marine biology and biological oceanography.

The marine parks were developed after extensive consultation with local communities and stakeholders and they have been designed to provide protection for some of South Australia's most iconic and ecologically important areas. In designing the marine parks, of course, we took into account the need to provide information to the public. We took into account issues about who will be able to assist us in doing that, and of course we are very pleased that various industries will in fact be educating the public, as the honourable member says.

I will, however, take with a grain of salt some of the claims or opinions the member made in her opening remarks because, as we know, those members opposite are prone to making facts up on their feet to try to make something a little bit more exciting. They have a wanton disregard for the actual facts of the matter, but of course, being the responsible government that we are, we actually go and find out what the facts are, before making comments in the media or in public.

In regard to any difficulties people have in finding where the sanctuary zones are, I will certainly take on board advice from the honourable member if she can provide it to me and, if we can provide further assistance to the industry, the tackle shops and bait shops and anybody else who wants to assist the government in advising the public about marine parks, we are very happy to work with them.

MARINE PARKS

The Hon. J.M.A. LENSINK (14:46): Supplementary question: if I provide the minister with names and phone numbers of tackle shop owners, will he undertake to phone them and get the information that they have provided to me?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:47): If the honourable member provides me with that information, I will make sure those people are contacted and given the information they need to supply to the public.

MARINE PARKS

The Hon. J.S.L. DAWKINS (14:47): Supplementary: given that regional development minister, Geoff Brock, told a recent local government conference that the marine park sanctuary zones would be the subject of a regional impact statement, will the minister explain why regional impact statements were not done before the closures were put in place?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:47): I thank the honourable member for his most important supplementary question. Parliament's decision to reject the Liberal opposition's marine parks amendment bill can only be seen as a victory for our state's unique marine environment and the economic future of regional communities. I am

extremely pleased, of course, that the member for Frome chose to vote against these barbaric amendments put forward by the Liberal Party. Throughout this process, the member for Frome has kept the concerns of South Australians at heart, but especially those in regional areas.

What is clear from the public debate on this bill is that there continues to be concern within the community in particular areas regarding the possible impact of our marine parks network. In order to help address these concerns, the government committed to immediately conducting formal regional impact assessment statement processes in relation to sanctuary zone impacts for the Port Wakefield, Ceduna and Kangaroo Island areas, which will be completed by 1 October 2015.

In addition, within this term of government, we will commence a program for the review of marine park management plans pursuant to section 14(2) of the Marine Parks Act 2007. The program will prioritise the review of management plans based on the outcomes of past studies, economic impact assessments and regional impact assessments. Draft marine parks statutory authorisation compensation regulations will shortly be released for targeted public consultation. Commercial fishers have asked the government for these regulations to help provide the industry with certainty regarding the process for compensation and compulsory acquisition under the Marine Parks Act.

Our marine park network will be an asset to this state, I am quite sure, and will facilitate economic development in our regions into the future. Our sustainably managed fisheries and marine park network will give our producers a competitive advantage over their interstate colleagues in line with our priority for premium food and wine from our clean environment. The marine park network will attract more tourists to our state to see our rich and diverse marine species protected by our sanctuary zones, which are, of course, integral to the marine parks network. The government is committed to ensuring that these opportunities are exploited and the benefits to the regions are realised. With this in mind I will work very closely with minister Brock as Minister for Regional Development.

MARINE PARKS

The Hon. J.S.L. DAWKINS (14:50): Will the minister explain why the regional impact statement is being implemented after the closure and not before that was put into place?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:50): This is the end of a long 10-year period of co-design with the community, liaison with the community and talking to industry groups. The marine parks legislation was passed by this council and the other place.

In relation to the amendment bill moved by the Hon. Michelle Lensink in this place and moved in the lower house, the government required support to have the majority to defeat the bill. One of the requirements from minister Brock was that we actually scrutinise once again any potential economic impact on the three key zones of concern to the community at the moment. We were very happy to do so and secure his vote against the Liberal Party proposition.

MARINE PARKS

The Hon. J.M.A. LENSINK (14:51): Supplementary question: can the minister guarantee the independence of the regional impact statements and can he outline how they will be independent?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:51): I thank the honourable member for her most important supplementary question. The government has clearly expressed that in order to help address concern within the community and in particular around areas regarding the impact of marine parks and sanctuary zones, the government has committed to immediate formal regional impact statements in relation to those sanctuary zones. The areas that will be assessed will be Port Wakefield, Ceduna and Kangaroo Island and the assessments will be completed by 1 October 2015, as I said earlier.

The Department of Environment, Water and Natural Resources is working very closely with Regions SA and PIRSA fisheries to design how the assessments will be done in the framework of

this new approach. I am aware that these agencies first met, I think, just this week to move this process forward. We will be engaging an independent expert to be a key part of this process. I can assure the honourable member that the assessments will be thorough and balanced to ensure that there is absolutely no bias in the process one way or another. We are committed to having these assessments done within the first year of operation of the sanctuary zones.

ABORIGINAL LAND RIGHTS

The Hon. S.G. WADE (14:52): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question.

Leave granted.

The Hon. S.G. WADE: On 16 June 2010 former premier Mike Rann met with the Ngarrindjeri elders to discuss Aboriginal claims under the letters patent of 1836. That is more than four years ago. I ask the minister: what progress has been made in the discussions between the government and the Aboriginal community on the letters patent that was agreed at that meeting? Secondly, what steps is the government taking, or planning to take, to identify any continuing legal rights under the letters patent?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:53): I thank the honourable member for his most important questions. I can confirm that I have been in a series of meetings with the Ngarrindjeri Regional Authority. I meet with them quite regularly. Letters patent are often part of the agenda for our discussion, and that is about all I can say about that right now.

ABORIGINAL LAND RIGHTS

The Hon. S.G. WADE (14:53): I was hoping to clarify whether the minister's decision not to share further at this stage is as a result of legal issues or whether the issues are matters other than legal issues.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:54): I think I indicated that I am having regular meetings with the Ngarrindjeri Regional Authority. It is not appropriate for me at this stage to discuss more broadly what we discuss in those formal meetings.

Ministerial Statement

FAMILIES SA INTERNAL AUDIT

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:54): I table a copy of a ministerial statement relating to the Mal Hyde audit made earlier today in another place by my colleague the Minister for Education and Child Development.

DEFENCE SHIPBUILDING

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:54): I table a copy of a ministerial statement relating to a sustainable shipbuilding industry made earlier today in another place by my colleague the Minister for Investment and Trade.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION ANNUAL REPORT 2013-14

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) (14:54): I table a copy of a ministerial statement relating to the ICAC annual report made earlier today in another place by my colleague the Deputy Premier John Rau.

Question Time

FEDERAL BUDGET

The Hon. T.T. NGO (14:54): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about the economy.

Leave granted.

The Hon. T.T. NGO: Last Thursday's release of the unemployment figures indicated some positive jobs growth in South Australia, namely that there had been 11 consecutive months of increasing full-time employment, which equates to an average of 700 jobs a month and nine consecutive months of increases in the total number of people employed. However, a recently released report on the impacts of the federal budget casts a dim view on the South Australian economy into the future. Can the minister explain to the chamber what the impacts of the federal government's cuts may mean to South Australia?

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) (14:55): I thank the honourable member for his most important question. The recently completed Australian Workplace Innovation and Social Research Centre study shows that the federal budget cuts will be about a $1.6 billion hit to the South Australian economy from the proposed health and education cuts. This equates up to 7,000 fewer jobs being created by 2017-18. This is a massive concern to South Australian families and will make the task of jobs growth all the harder for this government.

Families in the north of Adelaide are already grappling with impacts from the closure of the automotive industry. The report suggests that commonwealth expenses for mining, manufacturing and construction industries will decline by 16.1 per cent over 2013-14 to 2014-15—again, a massive hit to jobs for those lower income families who will be hardest hit by these cuts.

It does not stop at job losses. This report shows that the federal government is not willing to support training and the vocational education sector, an area where we know commencements have shown a decline in South Australia. I have previously spoken in this place about the cuts to the Tools for Trade program and the cessation of other skills and training programs. The report also concludes that these federal budget cuts will have serious consequences for apprentices and trainees.

This report also demonstrates how little regard the federal government has for its learn or earn model for the unemployed. The report shows that parents' ability to participate in study will be significantly hindered by changes to the Child Care; Jobs, Education and Training Child Care Fee Assistance Initiative. What is the alternative? A weekly cap of 26 hours, down from 50 hours, for parents undertaking study. To quote from page 5 of the report:

> The withdrawal of investment from many of these areas will have impacts on South Australian…growth performance over the medium and long terms. Measures in the budget such as reduced support for skilling and workforce participation interact in complex ways with other budget measures in social services support (e.g. reductions in Family Tax Benefits Parts A and B), employment (e.g. six-month waiting period for unemployment benefit), and housing and health to, in all likelihood, deaden labour force participation and productivity.

The federal government and those opposite who, through their deafening silence, show that they have no regard for low income earners, single parents or older South Australians, have no regard for people who want to have a meaningful job and create a meaningful future for this state. Unlike those opposite, we speak up for South Australians and we want to fight to have these cuts reversed.

We have worked with industry and business setting out 10 economic priorities for the state which articulate our efforts for job creation and strengthening and diversifying our economy. Our work with industry and business has seen South Australia experience 11 consecutive months of increases in full-time employment at just over 700 jobs per month and increases for nine consecutive months in the number of people employed at nearly 1,000 jobs per month. This trend growth in—

The Hon. D.W. Ridgway: Why were we worst on mainland Australia?

The Hon. G.E. GAGO: Well, we're not. Again, the honourable member is quite incorrect. This trend growth in employment combined with record levels of exports, record levels of minerals

and petroleum exploration, increasing retail trade and growth in business investment are all indicators of a strengthening economy. All of this hard work will be severely diminished if the federal government's cuts to areas, including health, education, universities, housing, VET and infrastructure funding, are materialised. All of this from the Abbott government and a Prime Minister who wanted to be known as the infrastructure prime minister, a title I doubt he will achieve if these cuts are realised in the federal budget.

CHILD PROTECTION SCREENING

The Hon. T.A. FRANKS (15:00): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills questions about unemployment and police clearances.

Leave granted.

The Hon. T.A. FRANKS: As the minister would be aware, there are a number of professions in this state which require the various forms of police or child protection screenings to examine the criminal history of individuals prior to licensing or registration, and they directly affect their employment. These are in the areas and industries of child care and teaching, health professionals, police and corrections staff, government workers, real estate agents and land agents, etc., financial services professionals, gaming licence holders, certain managerial personnel, second-hand dealers, liquor sellers and pawnbrokers and, most notably, public passenger services, such as bus drivers and, in this instance, taxi drivers.

My office—and, I understand, the offices of at least six other members of this parliament—was contacted approximately four weeks ago by a particular constituent who is a taxi driver. He was at that time an unemployed taxi driver and had been since his taxi licence expired on 18 September 2014. He had applied for his police clearance on 23 June 2014, some three months prior, knowing that there was a backlog. By the time that he contacted my office and, as I have said, the offices of other MPs, he was quite distressed and he had been out of work for over a week. He has since been unemployed, by no choice of his own, for four weeks, costing him roughly $700 to $800 per week, or approximately $2,800 to $3,200 in this last month alone.

My office has been informed today by minister Bettison's office that the offices of seven other MPs had contacted them and they have, indeed, finally solved this man's issue and ensured that he is now able to work again and that he has received his police clearance. My questions to the minister are:

1. How much hidden unemployment is there in South Australia currently due to this backlog of police and child protection clearances?

2. Will those who are unable to work, through the government's negligence and lack of supports, be recompensed or at least the fee waived for their police checks?

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) (15:03): I thank the honourable member for her most important questions. Indeed, I am aware that there has been somewhat of a backlog of police clearance checks, and I have raised that issue personally with minister Bettison, and she has reassured me that a number of measures were being put in place to improve that processing and that they were mindful of doing all that they can to expedite the processing.

Minister Bettison explained to me that there were a number of reasons that sometimes applications took longer than was ideal. She explained that at times people had trouble filling in the form or had supplied incorrect or incomplete information, which meant that an officer then had to go back and approach the person to try to have that information filled.

Sometimes it also required from a person information that they did not have the details of, in terms of perhaps former employment and dates and suchlike. Sometimes there was a level of detail that the applicant did not have and once that was identified they then had to go back and check various events and other things. She went through and explained why some of these were less than ideal but she assured me that measures had been put in place to improve the rate of processing.

In relation to the importance of these it goes without saying that unfortunately our society has become increasingly aware of predators and opportunists. It is critical that we protect particularly our children. Unfortunately, we have had to increase our vigilance around those people who have close association with children in some way or other, and these people are now captured by this requirement for a police check.

It is most unfortunate and it is a tragic indictment of our society that we have had to come to this and we have had to put this very bureaucratic process in place. It is expensive, it is time-consuming, and it is quite cumbersome but we have had to put it in place to help protect our children. I think that is most unfortunate but I thank minister Bettison for her efforts in this area to balance those requirements around safety and protecting our children whilst, at the same time, trying to improve and streamline that clearance system.

CHILD PROTECTION SCREENING

The Hon. T.A. FRANKS (15:06): I have a supplementary question: this man is now approximately $3,000 out of pocket. Will the government at least waive the application fee?

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) (15:06): He would have to apply to the appropriate agency and to minister Bettison.

MINISTERIAL STAFF

The Hon. R.I. LUCAS (15:07): My question is to the Leader of the Government. Why has the government not gazetted the list of ministerial contract staff at the usual time of the first week of July, and when will the government now be gazetting this list of ministerial contract staff?

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) (15:07): I will have to take that on notice and bring back a response.

CLELAND WILDLIFE PARK

The Hon. K.J. MAHER (15:07): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister inform the chamber how his department is contributing to economic development in South Australia through a collaboration with the tourism and food production sectors?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:07): I thank the honourable member for his most excellent question. As part of the community cabinet held in recent times in the Adelaide Hills, I had the pleasure of organising a roundtable discussion at Cleland Wildlife Park. The purpose was to bring together food producers, tourism operators and other associated businesses to explore how Cleland Wildlife Park could play a leading role in promoting the Adelaide Hills as a tourist destination for international and domestic travellers.

The Cleland Wildlife Park is a South Australian icon. It is an important strategic asset located within close proximity to both the Adelaide metropolitan area and the Adelaide Hills tourist venues. In addition, the Adelaide Hills region has developed an outstanding reputation for producing wonderful food and wine which is exported throughout the world. In light of this, the state government has developed a Cleland Wildlife Park Master Plan, which is designed to expand and improve upon the visitor experience at Cleland. This plan will put structures in place so that Cleland can continue to improve the experience it offers visitors and, importantly, develop its role as a generator of business in their local economy.

The new relationship developing between Cleland Wildlife Park and Hong Kong's Ocean Park will also create many more opportunities to expand the park's reach to international visitors. As members may be aware, Cleland was chosen to provide koalas to Ocean Park. The first three koalas have been in quarantine and have now been sent to Hong Kong, I am advised, and have arrived there safely. Ocean Park has constructed a purpose-built $5 million exhibition centre for the koalas

that re-creates the Cleland National Park environment, complete with eucalyptus trees and staff wearing Cleland Park uniforms.

It is expected that around 1,000 tourists an hour will visit the South Australian koala exhibit at Ocean Park, creating enormous exposure and opportunities for our state. I understand that Ocean Park has about 7 million visitors a year, and the state government is determined to assist local businesses to take advantage of these opportunities whenever we can.

The Cleland roundtable discussion was an important first step. The meeting was attended by local food producers, commercial tour operators, local councils and natural resources management board members. The participants were taken through a brief explanation of the Cleland Wildlife Park master plan by Professor Chris Daniels, the presiding member of the Adelaide and Mount Lofty Ranges Natural Resources Management Board. Professor Daniels then facilitated discussion around the role of Cleland and leading tourism development in the Adelaide Hills.

Participants also had the option to be taken on a tour to see some of the unique qualities that the Cleland Wildlife Park has to offer, including the 'million-dollar view' over Adelaide from the rock wallaby enclosure, the koala holding facility and the dingo enclosure. This was a very useful exercise for participants, exchanging views on how to take advantage of nature and agriculture based tourism opportunities.

Participants agreed that in order to grow the local and regional economy we must establish and strengthen linkages that will enhance the tourism potential of the region and the state, and Cleland is ideally positioned to help do that. Discussions also centred on clearly defining the roles of the private sector and various levels of government. I am confident that these discussions will continue into the future, with significant benefit to the region and the state to come.

CHILD PROTECTION SCREENING

The Hon. J.A. DARLEY (15:11): My question is to the Minister for Sustainability, Environment and Conservation representing the Minister for Communities and Social Inclusion. Can the minister provide statistics with regard to applications to the Department of Communities and Social Inclusion for screening and background checks, namely, the number of checks which have been made in this calendar year since 1 January 2014, the number of these checks which have been completed in 20 business days or less, the number of these checks which have been completed in eight weeks or less and the number of these checks which have taken longer than eight weeks? Finally, can the minister advise what steps, if any, are being taken to improve the turnaround time for these applications and, if so, provide details?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:12): I thank the honourable member for his most important question to the Minister for Communities and Social Inclusion on statistics for applications for background checks. I undertake to take the question to the minister in the other place and seek a response on his behalf.

SOUTH-EAST DRAINAGE SYSTEM

The Hon. T.J. STEPHENS (15:12): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation questions about the review into drainage in the South-East.

Leave granted.

The Hon. T.J. STEPHENS: The minister was in the South-East—I think it was on 8 October—where he announced that a citizens' jury would be assembled with the assistance of consulting group newDemocracy, to manage the public consultation in regard to the proposed drainage levy. My questions are:

1. Given that many landholders in the drainage area are opposed to any form of levy, why is this citizens' jury being assembled?

2. How much will this process cost and where will the funds be coming from?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:12): I thank the honourable member for his most important question. I am only wondering how he knew about my trip to the South-East.

The Hon. J.M.A. Lensink: You sent out a media release. We keep track of you.

The Hon. I.K. HUNTER: Yes, but you never read them; you never read them at all.

The Hon. J.M.A. Lensink: I do. I read them every morning.

The Hon. I.K. HUNTER: Do you? Bless you. The Hon. Michelle Lensink is showing at least a level of interest in the important work of government. I commend her for that. The agricultural productivity of a significant portion of the South-East Natural Resources Management Region is supported by an extensive drainage network which includes more than 2,500 kilometres of public and private drains and floodways and associated infrastructure. This drainage infrastructure assists in addressing agricultural flooding across the relatively flat topography of the South-East region and plays a key role in ameliorating dryland salinity in the Upper South-East.

The drainage network is currently managed and operated by the South-Eastern Water Conservation and Drainage Board, which operates under the South Eastern Water Conservation and Drainage Act 1992. The board manages the drainage network to address the issues of flooding and dryland salinity, as I said, and to meet the environmental water requirements of wetlands that are connected to the drainage network.

The South Eastern Water Conservation and Drainage Board balances landholder concerns and the needs of the environment in determining the most appropriate method to use to maintain Eight Mile Creek and drainage flows. It is important that landholders recognise that the South Eastern Water Conservation and Drainage Board has obligations as outlined in the Environmental Protection and Biodiversity Conservation Act 1999 and which must be taken into account for the maintenance of Eight Mile Creek and the drainage system.

It is very important that government continues to listen to local advice on drainage matters, and I have demonstrated this through the requests I have made to the South-East Natural Resources Management Board to initiate a community panel to investigate funding models for the ongoing maintenance and operation of the South-East drainage network. The Hon. Mr Stephens is quite correct: last week on 8 and 9 October I visited the South-East and met with members of the South-Eastern Water Conservation and Drainage Board and the South-East Natural Resources Management Board, as well as many stakeholders, to discuss the establishment of the community panel. After a prolonged period of discussion and exploring numerous options for the drainage network funding it was decided that the local community would be best placed to explore sustainable long-term options.

Setting up and running of the community panel will be funded through the South-East NRM Board from an allocation of the regional NRM levy. It is expected that the selection process, I am told, for the community panel will begin in the coming weeks. This will involve ensuring that the make-up of the panel reflects the general make-up of the population of the South-East.

I reflected at the meeting that, in doing this the newDemocracy organisation is incredibly independent. They are so independent that, when I opened their last community panel, which was held in the Adelaide Town Hall, I think, about violence in Hindley Street and some of the problems associated with it, I noticed present in the audience the chief of communications from the opposition leader's office, and he was selected to be part of that process. So that just gives you an indication of how fiercely independent they are. They sent out invitations to around 7,000 people and they will circulate those numbers again in the South-East to members in the community, inviting them to register their interest to be part of the panel. I fully expect that the process will be just as independent as the previous one.

So a group of potential members will then be selected from the responses received using a scientifically approved statistical method, very similar to that used in selecting a jury, I understand. It is hoped that the selection process will be completed by December, and the community panel is

expected to undertake its deliberations over three weekends in late January, February and March next year.

Once the panel has concluded its deliberations it will present its recommendations to the state government for consideration. Importantly, the panel's findings and recommendations will be complemented by the board's South-East drainage and wetlands strategy, and guide the future management of water in the drainage system. I have undertaken to take the recommendations of the panel to cabinet, to table it in parliament and to publicly respond in parliament to their recommendations.

I am confident that the solutions posed or brought up by the panel will be fair and equitable. It also will have of course, I hope, the support of the broader community because the panel has been selected from the broader community as opposed to just from those of the government or one any industry might pick. It is a much more independent process that nobody can control.

SOUTH-EAST DRAINAGE SYSTEM

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:18): Supplementary question: what is the budget, technically? How much will the 'newDemocracy' be paid for this particular project, and which agency or where will the money be coming from to fund the new democracy consultation?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:18): I have already answered—Mr Ridgway might like to check *Hansard*.

Members interjecting:

The Hon. I.K. HUNTER: If the Liberal members opposite would actually listen to the answers I give in this place, they would not need to get up and ask silly questions.

The Hon. D.W. Ridgway: You only answered half of it. Answer the bit you haven't. You're being a smart alec.

The Hon. I.K. HUNTER: The Hon. Mr Ridgway now says that he recollects that I did answer the second part of the supplementary question.

The Hon. D.W. Ridgway: I want the bit I asked—don't be a smart alec.

The Hon. I.K. HUNTER: One wonders why he asked it in the first place.

The PRESIDENT: Sit down. Before we go any further, I do not want you to be calling, 'You're a smart alec' to a minister across the aisle—you understand that? If you do that, I won't recognise you—do you understand that—from now on. It's very rude. I do not mind a bit of robust discussion, a bit of banter, but getting too personal and calling someone a smart alec is just not parliamentary.

The Hon. T.A. Franks: Are you still finishing?

The Hon. I.K. HUNTER: Yes, I am.

The Hon. T.A. Franks: So, we're not allowed to be 'smart' in this place?

The PRESIDENT: You can be smart; there are quite a few smart people here, but you should not refer to someone as a smart alec. The Hon. Mr Hunter.

The Hon. I.K. HUNTER: In relation to the first part of the Hon. Mr Ridgway's question, in terms of the quantum of funding being provided I understand it is just over $100,000. I am not aware of the exact figure, but it is just somewhat over $100,000.

SOUTH-EAST DRAINAGE SYSTEM

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:19): Supplementary: given that the government did not adhere to all of the recommendations from the community consultation that he referred to in relation to the citizens' jury here in Adelaide by the government not removing the car park tax, what confidence do we have that you will listen to all of the recommendations from this community consultation?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:20): There was never an expectation that the government would actually swallow completely all the recommendations that were put up.

The Hon. D.W. Ridgway: You said you were going to take them all.

The Hon. I.K. HUNTER: I said I would respond to them all. The Hon. Mr Ridgway has just shown clearly once again that he does not take the time to listen to the answers that ministers in this place give to the Liberal opposition. But it is important to understand that in responding to the previous citizen's panel, which I talked about earlier, the government gave reasons back to those people as to why some of their recommendations would not be supported, so it was not as if we were ignoring them.

We said, 'Thank you very much for this very good work that you have put up. We will accept these recommendations because they are excellent. These others we will not be able to accept, but these are the reasons why,' and when that explanation was made to the panel they understood the government's position because we respected their viewpoint and we gave them a respectful answer in response.

SOUTH-EAST DRAINAGE SYSTEM

The Hon. T.A. FRANKS (15:21): Supplementary: where is the government's response to the previous citizens' jury and will they table it in parliament?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:21): That was not part of my duties. I can direct that question to the appropriate minister in the other place and bring back a response, but my understanding is, and I stand to be corrected on this, that newDemocracy puts up on its website most of its material and most of it is publicly available. If the honourable member cares to examine that website she might find it for herself.

INTERNATIONAL DAY OF THE GIRL CHILD

The Hon. J.M. GAZZOLA (15:21): I seek leave to make a brief explanation before asking the minister for the Status of Women a question about the United Nations International Day of the Girl Child.

Leave granted.

The Hon. J.M. GAZZOLA: Mission Australia's annual review survey reflects body image as one of the top three concerns for young Australians aged 11 to 24, and in South Australia last year 45.4 per cent of women were either 'extremely concerned' or 'very concerned' about body image, compared with 13.2 per cent of men. Will you inform the chamber about the United Nations International Day of the Girl Child, and what the government is doing locally to empower young girls?

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) (15:22): I thank the honourable member for his most important question. On Wednesday 8 October I had the pleasure of attending the International Day of the Girl Child, taking the lead breakfast. This event, organised by Plan Australia, focused on discussing the challenges preventing girls from achieving their full potential and what we need to do to give girls the opportunity to lead, because we know that when you educate and empower girls all of our community can benefit.

It was really inspiring to hear from the keynote speaker, Natasha Stott-Despoja. She discussed how women can become leaders around the world, as well as her own political accomplishments. Natasha is currently Australia's Ambassador for Women and Girls and the founding chairperson of Our Watch, a foundation dedicated to preventing violence against women and their children.

A panellist discussion also involved Esther Simbi and Marwa Shabbar. Esther Simbi, who fled Sudan as a refugee 19 years ago, has a strong belief that access to education was the thing that

gave her the opportunity to establish her career as a social worker. Her experiences, including as a sufferer of post-polio syndrome, led her to run in the last state election as a candidate for Dignity for Disability. Marwa Shabbar, an asylum seeker who arrived in Australia in 2001, is a practising solicitor at Women's Legal Service SA. She is also a board member of the Migrant Resource Centre of South Australia, the president of the Multicultural Youth Link of South Australia, and a member of the Minister's Youth Council. The thoughts and views of both of these women on the challenges facing young girls and how they became empowered to succeed were incredibly enlightening and very dynamic and very moving as well.

The United Nations International Day of the Girl Child has coincided with a call for volunteers as part of an initiative by this government aimed at improving the body image and confidence of young women. The state government is inviting teenage girls to join creative workshops aimed at exploring ways to boost self-esteem and develop positive body image. Their ideas will culminate in an online campaign to be launched next April.

Research tells us that today's culture reflects an ideal of beauty that is actually quite harmful to the physical and psychological wellbeing of many people, but particularly young girls. The body image campaign is designed to help empower young South Australian girls and remind them that things like character, skills and personality attributes are far more important than their weight and shape. This government wants to ensure that we have a generation of young girls who look beyond stereotypes and find confidence within themselves and then share this self-assurance with their friends and peers.

While girls aged 13 to 18 will help develop the campaign, the target audience will be even younger. Messages received when a girl is between seven and 12 are, I understand, also very important to the development of a very positive body image as she becomes a teenager. Utilising teenage girls will help us to create relevant messages, because we will be asking the older girls to help create messages that they wish they had heard when they were younger. We will then ask parents and older sisters to share this campaign with younger girls.

Team brainstorming workshops will be held during January school holidays and could result in a mobile application—for instance, a music video or a slideshow of objects precious to young girls. The final pieces will be released online over six weeks starting 6 May 2015, International No Diet Day. This is designed to be an organic, creative process with the girls deciding the best methods to share their message.

We are excited to see what comes out of the workshop process, and the Office for Women, which is leading the campaign, is also seeking older mentors with digital media skills to help turn the girls' input into online content. To register interest as a volunteer or mentor, visit the Women's Information Service website, which is wis.sa.gov.au.

INTERNATIONAL DAY OF THE GIRL CHILD

The Hon. K.L. VINCENT (15:27): Supplementary: is the minister aware that Ms Esther Simbi is not a post-polio syndrome sufferer but a person who lives with post-polio syndrome? She is a strong advocate and a fierce woman and I think the only thing she really suffers is the ignorance of society and people like the 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) (15:28): I thank the honourable member for her correction.

INTERNATIONAL DAY OF THE GIRL CHILD

The Hon. T.A. FRANKS (15:28): Supplementary: given that twice in the last six weeks instances of girl child human rights violations in this country have taken place where visas have been cancelled for girls being sent overseas to forced marriage, what is this government doing to respond to the instances of child marriage?

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) (15:28): I thank the honourable member for her supplementary, even though it is a bit of a long bow. In spite of that, it is indeed a really important

issue. I did make some notes here, which I am just having trouble putting my finger on, but if you will just bear with me.

Indeed, the issue of child marriage is a very significant one and one that is incredibly difficult to combat. We know that child marriage robs girls of their childhood, their health, their hopes and dreams and their education right at a time when it can matter the most. When a girl is married young she is more likely to experience violence, physical and sexual abuse, and poor sexual and reproductive health.

Plan International defines child marriage as any marriage whether under civil, religious or customary law, with or without formal registration, where either one or both spouses are children under the age of 18. Unlike many countries, Australia has laws in place to protect children from forced marriage; however, many cases of child marriage are unofficial and therefore not registered and are hidden from authorities.

As marriage is enshrined in the Australian Constitution, offences related to child and forced marriage are legislated by the Australian government and apply across the country. In February 2013, the Australian parliament passed the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013, the slavery act, which amended the commonwealth Criminal Code Act 1995 to recognise forced marriage as a serious form of exploitation and also a crime.

The offences apply to a range of marriage and marriage-like relationships, including registered relationships and those formed by cultural and religious ceremonies. The offences have extended geographical jurisdiction and can apply to conduct that occurs either inside or outside of Australia if the offender is an Australian citizen, resident or corporation. Those involved in organising a forced marriage involving a child, including friends, family members, wedding planners, for instance, face up to seven years imprisonment if convicted. If a child is trafficked overseas for the purposes of a forced marriage, the maximum penalty increases up to 25 years imprisonment. It is indeed a very serious offence.

We know that child marriage is a serious problem, particularly in Africa and many parts of the Indo-Pacific region, including places like Bangladesh, Pakistan, Nepal, some parts of Indonesia, Papua New Guinea and other places. In Australia, reports of child and forced marriage have not been limited to any specific cultural, religious or ethnic group. While a small number of cases are reported in the family law jurisdiction, community groups suggest that the actual number of those affected is much greater.

Anti Slavery Australia reports that between the introduction of legislation preventing forced marriage in March 2013 and May 2014, the Australian federal police had received 10 referrals for suspected forced marriage matters, nine of which were for children. A similarity between child brides overseas and those in Australia is the discriminatory ideas around the value of girls and women in society, and it is the legacy of entrenched age and gender-based discrimination against girls. A common view is that once girls have reached puberty, their duty is to marry, produce children and care for the household.

Poverty has also played a key role in driving child marriage. Parents frequently decide to marry their daughters as children because they believe it is the best thing for the child and the family. It acts as a financial survival strategy in communities and families experiencing economic hardship, emergency or crisis.

In addition to the commonwealth criminal code, Australia also has other legislation relevant to early and forced marriage. The Marriage Act 1961 includes provisions whereby a marriage may be void if the consent of a party was not real or the party was not of a marriageable age, and there are other details around that. Australia also has in place civil measures to prevent children being taken overseas for the purposes of exploitation, so there are court orders and suchlike. The Australian—

The Hon. I.K. HUNTER: Point of order, Mr President. There are clearly meetings happening in the chamber. Question time is still happening.

The PRESIDENT: Point taken. If you want a meeting, you can go outside in the hallway. A minister is talking and answering questions.

The Hon. T.A. FRANKS: Point of order, Mr President. The minister has not mentioned a single South Australian government response, and the question was: what is this South Australian government or its agencies doing?

The Hon. G.E. GAGO: I have not finished my answer. The Australian Federal Circuit Court can make orders to prevent a passport being issued for a girl or that require a person to deliver a child or accompanying adult's passport to the court or that restrain the removal of a child from Australia and place the child's name on an airport watch list.

In relation to South Australia, we have legislation here. Although legislation does not currently refer specifically to forced child marriage, a victim of a forced marriage may be subject to specific conduct that could be covered by an existing offence under South Australian law. For example, a forced marriage may involve child abuse, domestic violence, rape, abduction or kidnapping. Physical restrictions may also be imposed on the victim that may amount to an offence of false imprisonment. Situations may also include the confiscation, destruction or theft of a passport and other belongings of the victim.

It is an offence in South Australia to take away or detain a person against their will by force with the intention that the victim should marry or have sexual intercourse with a person. The offence attracts a maximum penalty of 14 years' imprisonment, etc. There is an aggravated offence as well. South Australian legislation also makes it an offence for a person to employ, engage, cause or permit a child to provide or to continue to provide commercial sexual activities. That offence carries a penalty of life imprisonment.

The law is obviously one part of the holistic social response. The Red Cross in South Australia has established a human trafficking and forced marriage SA agencies' network to discuss how our agencies can continue to work together to address the issue of human trafficking and forced marriage in South Australia. The Australian government also provides funding to the Australian Red Cross for the Support for Trafficked People program, and this program provides comprehensive and intensive support to any person identified by a law enforcement agency as a potential victim of forced marriage.

Anti-Slavery Australia received Australian government funding for an e-learning course on human trafficking, slavery, etc. The course is designed for the wider Australian community and frontline workers, including teachers, counsellors, healthcare workers, child protection officers and law enforcement. In addition, there has been a national roundtable on human trafficking and slavery, and there is work coming out of that. You can see there are lots of different approaches to address this very difficult problem, and we continue to raise people's awareness of this issue throughout different agencies and organisations and to remind people of their basic rights.

Bills

CHILD DEVELOPMENT AND WELLBEING BILL

Introduction and First Reading

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

LOCAL GOVERNMENT (GOVERNANCE) AMENDMENT BILL

Introduction and First Reading

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

PASTORAL LAND MANAGEMENT AND CONSERVATION (RENEWABLE ENERGY) AMENDMENT BILL

Final Stages

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

STATUTES AMENDMENT (SACAT) BILL

Committee Stage

In committee.

Clause 1.

The Hon. G.E. GAGO: By my giving an update on the progress of the negotiations around this bill, it might help members proceed through the committee stage. Over the last month, SACAT's President, Justice Greg Parker, and SACAT's Registrar consulted with over 70 persons from over 30 different private and public bodies or persons in relation to the proposed transfer of the Guardianship Board's jurisdiction to SACAT. Stakeholders were identified from meetings with peak groups, including the Mental Health Coalition and public sector agencies and officials, including the Public Advocate and the Health and Community Services Complaints Commissioner.

Particular emphasis was placed on identifying and engaging with bodies which provide services to vulnerable members of the community and which may currently use the Guardianship Board. Consultation methods were varied and included a focus group, over 15 meetings and phone discussions and workshops, which 44 participants and approximately 500 invited stakeholders attended. There was little interest in the out-of-hours session nor a videoconference that was offered to regional attendees.

The public and private sector bodies and people who were invited or were involved in the consultation process included carers, advocates and service providers, people with mental illness, children, adolescents and the aged, people with physical and intellectual disabilities, including those with a brain injury, the homeless and disadvantaged, indigenous persons, migrants and persons from other cultural backgrounds, veterans and service personnel, and the medical profession, including psychiatrists and psychologists.

The engagement process allowed the president and registrar to reassure stakeholders at SACAT that it (1) has legislative responsibility to be accessible, responsive and flexible and promote the best principles of public administration; (2) it maintains current levels of service and will aim to progressively improve on these with a particular focus on improvements for vulnerable users across all kinds of matters, not simply guardianship and mental health matters; and (3) it maintains continuity of expertise through the transition of staff and the expertise and experience of the members who are from current boards and tribunals. The engagement process also allowed the president and registrar to identify opportunities for improvement within SACAT.

Key issues addressed included the desire for continuous and ongoing consultation. This was consistent with SACAT's existing plans to meet regularly with user groups. This ongoing engagement will help inform progressive improvements and enable the ongoing exchange of information between SACAT and stakeholders. The government proposes an amendment to section 8 of the SACAT Act 2013 to entrench the obligation to consult regularly as one of the main objectives of SACAT. This should provide real comfort to interest groups.

Alternative Dispute Resolution (ADR): SACAT has made a commitment to use alternative dispute resolution to improve access to justice by more informal and engaged processes and speeding up the resolution of matters. Stakeholders have indicated that ADR should be effective in a significant proportion of mental health cases—for example, where the dispute is about the duration of a compulsory treatment order the making of consent orders after ADR will avoid the need for a formal hearing in many cases.

Training processes: this concerns the management of urgent matters that require expediting, determining the best approach in particular matters, including the use of ADR, the approximate mix of member expertise for hearings, and those matters that may require more time to allow for adequate preparation. The SACAT team were able to reassure stakeholders that current time frames at the Guardianship Board would be met by SACAT and that the tribunal would seek to improve on those time frames progressively.

Support for vulnerable people: a range of measures are in place to provide support for vulnerable users. This element of the service would be refined as the opening of SACAT nears.

Service delivery, including current time frames for scheduling and hearing matters or conducting conferences, conciliation or mediation and scheduling issues: stakeholders were reassured that the existing service delivery would be maintained and improved upon.

The key issue that needs to be further considered, the composition of panels for mental health and guardianship matters: concerns were raised regarding the expertise and composition of panels. There was a strong view expressed that panels should include special expertise such as psychiatry or other health-related disciplines and, in particular, a community member with lived experience of mental health issues to achieve a deeper and more fundamental understanding of the experience of mental health issues—for example, experience in dealing with the mental illness of a family member.

This is consistent with the existing recruitment process which SACAT members have been drawn from, a broad range of backgrounds including law, social work, nursing and psychiatry. However, the President supports the recruitment of further members with lived experience of mental health issues and considers that that would enhance SACAT's decision-making and also the confidence of stakeholders in SACAT.

Broad support was also shown by stakeholders for a number of planned SACAT initiatives. The current practice of psychiatrists sitting alone to determine mental health appeals under section 81 and section 83 of the Mental Health Act 2009 will cease. As noted in the recently-published review of the Mental Health Act 2009 undertaken the Chief Psychiatrist of South Australia, this practice denies a person a hearing by a board that includes a legal practitioner and/or community member and requires a psychiatrist board member to review the decision of another psychiatrist. This is less than ideal and the government shares concerns raised by both the president of SACAT and those within the community and public health sector during consultation that a multi-member panel is preferred. This will be canvassed as part of discussions regarding mental health reform to which SACAT be invited as an active participant.

SACAT will seek to be flexible in assisting vulnerable users and to help them address difficulties in accessing the tribunal; for example, a meet and greet service, scheduling hearings based on availability and where possible at an approved venue, the availability of the online application process and the ability of people to make applications over the phone and training for members in dealing with people from a range of backgrounds and circumstances, as SACAT will be less bureaucratic and legalistic than current processes.

There will be an increased emphasis on dealing with appropriate matters without a formal hearing through an increased use of ADR, conferences, coalition and mediation. Two full-time specialists in ADR are to be appointed and ADR skills have been a key consideration in selecting all members. SACAT will improve accessibility, and stakeholders will continue to be consulted during the SACAT implementation process and thereafter.

In conclusion, I am advised that the consultation process was of great benefit to the president and the registrar and that the information provided will be highly significant in the management of SACAT. The consultation suggested that the transfer of the GB jurisdiction to SACAT should result in significant improvements for applicants and their families, and user groups have been particularly receptive to the idea that an application may be made quickly and easily by a number of means, including online and over the phone. There has been substantial interest in the introduction of triaging and much greater use of ADR.

Once the bill is passed and a senior member appointed to hear the streaming of SACAT that will deal with mental health and guardianship, SACAT will be able to refine further its processes in consultation with relevant community groups and public sector bodies.

The Hon. K.L. VINCENT: I speak today in the committee stages at clause 1 to make my second reading contribution on this particular bill, since unfortunately both the government and the opposition colluded to move this bill into committee stage prior to me being given the opportunity to make my second reading speech. Never mind, I will do so today.

I would also like to thank the minister for the outline of some of the changes that this bill has undergone since its introduction. It is pleasing to see that many organisations have now been given the opportunity to provide feedback on this bill and therefore deal with some of the more obscure

ideas that were being discussed previously. However, it would have been nice to see this happen probably prior to the introduction of the bill, so that these community organisations did not have to call the offices of members of parliament in order to gain clarity around what was happening.

That being said, I would like to thank Will Evans, Claire Byrt and Joy Howski from the department of the Attorney-General's office for briefing my office and my staff on this bill and the developments that it has undergone in the last few weeks. I would also like to thank the many individuals and organisations that have contacted my office with concerns and commentary on this bill, mainly to raise concerns about the inclusion of the Guardianship Board in this iteration of the legislation.

Some of those organisations include the Disability Advocacy and Complaints Service of South Australia, the South Australian Council of Social Service, the Mental Health Coalition of South Australia, the Brain Injury Network of South Australia, Alzheimer's Australia SA, the current iteration of the Guardianship Board and the Office of the Public Advocate.

I apologise that perhaps I will not have time to list them all, but we very much appreciate all of the feedback that has been provided to my office on this bill and assisted Dignity for Disability in forming our view on it. Overall, Dignity for Disability is supportive of establishing the South Australian civil and administrative tribunal and supported the first round of legislation on this matter. We were generally supportive of this bill, but then some organisations and individuals, as I have said before, started coming forward expressing concern about the lack of consultation, particularly on the Guardianship Board inclusion.

I think we have now decided that we will also support this legislation. However, we are likely to still consider some amendments that the Hon. Mr Stephen Wade and the Hon. Mr Mark Parnell might move, and will also consider amendments that the government might put forward that improve this bill, if indeed that is what they do.

As my colleague the Hon. Mr Stephen Wade pointed out in his second reading contribution, the Attorney-General's office and department have previously demonstrated that they are capable of consulting properly. They did this eventually on the Disability Justice Plan very well. So, it was disappointing to hear that stakeholders, such as consumers, families and workers in the field and at the coalface, had not been properly consulted in this case, and I hope, as I have hoped in vain previously, that this will be a learning experience for the government and that they will properly consult in future.

So, it is pleasing to hear that, although it may be emergency consultation, consultation has been going on in the past three weeks or so and that some of the concerns stakeholders previously held about this bill have been allayed by that consultation. It is my understanding that many, if not all, the individuals and organisations that have contacted me with concerns about this bill previously now understand the effects and intent of this bill to the extent that they no longer hold those concerns, which is pleasing, but as I said earlier it would have been nice to have not had them in a situation where they had to express those concerns in the first place.

With that, I will leave my further comments for consideration through committee and thank the minister and the previous departments I have mentioned for that clarification.

The Hon. S.G. WADE: Briefly before I start my main remarks I refer to the comments by the Hon. Kelly Vincent about the government and the opposition colluding to deprive her of an opportunity to contribute to the second reading. I am not aware of any collusion. If our actions had that effect, it certainly was not my intention.

I ask for a little more indulgence on clause 1; I suggest that that is appropriate, considering, as the minister indicated, that a lot has happened since the second reading debate. Having said that, I suspect I will not speak any longer than the minister did. I remind the house of where we left this bill. We left it in the first week of the last sitting period, which was one of those rare-beast two-week sitting periods. With the government acknowledging that the consultation on the bill, particularly in relation to the mental health community, was not adequate, and the government agreed—

Members interjecting:

The Hon. S.G. WADE: The Hon. Mr Hunter might remember his own words about silence in the chamber.

The CHAIR: It has been brought to my attention: can the two of you please continue the conversation outside?

The Hon. S.G. WADE: Thank you, Mr Chair. As I was saying, before the goose interrupted, the government acknowledged that the lack of adequate consultation in relation to the mental health community warranted a postponement. I put on the record that we were being asked by mental health consumers at that point for a three-month postponement, and I made that clear to government officers.

Government officers indicated that that would be a significant issue for them in terms of the implementation of the SACAT. The Hon. Mark Parnell was part of the same discussions and, as I understand it but correct me if I am misrepresenting anyone, we basically spoke to the community reps and said, 'Let's see what we can achieve in a three-week period.' So, as an act of goodwill, those people we had spoken to said, 'Let's see what we can achieve.'

I indicated to the government officers what I thought would be a reasonable fist at a short fuse consultation. I think the Hon. Kelly Vincent described it as an 'emergency consultation'. I think that is probably right, because normally for a three-week consultation you might have two or three months' preparation, but officers did not have that opportunity.

I will go on in a minute to say positive things about the consultation, but could I express my disappointment about an unfortunate intervention by the Attorney-General in this process. A week ago on 6 October, when we were basically two weeks into a three-week consultation process, the Attorney-General chose to go to the media and is reported in an article (he may have been misreported) headed 'Delay for faster justice tribunal'. Paragraph two says:

> Attorney-General John Rau said he hoped the SA Civil and Administrative Tribunal would be set up this month but now the earliest would be March because of delays in State Parliament.

Then he went on to make comments imploring the house not to support the Greens' amendments. I found that extremely disrespectful to the Legislative Council. We are a house of review. I think we responsibly chose to postpone consideration to make sure that this bill, like any bill, should not just be a conversation between two houses, but that the community itself should be engaged. I thought it was disrespectful to the council, but even more so I thought it was disrespectful to people with mental health issues.

This council insisted on consultation with the mental health community, and basically what I saw the Attorney-General saying is, 'I don't care what you think. You might have three weeks' consultation, but I would much rather be getting on booking office space and putting notices in gazettes.' So, could I reiterate yet again what I regard as gross insensitivity. I must say it almost makes you want to accede to the requests from a number of mental health stakeholders who actually would like the three months. I would urge the government to show a bit more respect to this chamber but, even more so, show more respect to the community of South Australia and particularly South Australians who have challenges in relation to disability.

I said I would have a word of criticism, now let me give you a word of commendation. I mentioned that in my conversations with the officers I gratuitously suggested what I thought would be an adequate consultation. I will not tell you what it was because in comparison with what was achieved it was quite pale. I suggested individual meetings and group meetings and the team, as I am advised, did a two-step process. They engaged a limited set of high-level organisations to determine the scope of the process and then went into a consultation process itself.

Having been a critic of narrow government consultation before, particularly in the disability sector, I think it is fair to say that the list of organisations collected was impressive, for example (and I will just briefly talk about the organisations rather than the attendees), the Law Society, the Chief Psychiatrist, the Australian Psychological Society, BINSA, the Royal Australian and New Zealand College of Psychiatrists, the Mental Health Coalition, AMA, Community Visitors, and the Disability Services SA Accommodation Executive Committee. Considering that members would remember that I object to government talking to Disability SA as though they are talking to the disability sector, let

me stress that this is the Accommodation Executive Committee, so these are people who have a particular role in hands-on delivery to clients, so I agree that they were a relevant group to speak to.

The list goes on: the Statewide Mental Health Strategic Committee, the Health Consumers' Alliance, the SACOSS Policy Council, the Legal Services Commission, CoDA, DACSA, the health commissioner, IDASA, SACID, multicultural communities, the Public Advocate, NPY, and a series of Medicare Locals and Carers SA.

The Hon. Kelly Vincent acknowledged the professionalism of the Attorney-General's Department in relation to the Disability Justice Plan consultation and I think, considering the short time frame, that is a very impressive list—a list which certainly includes people that I would not have thought of engaging, but I think each of them were relevant, so it is useful for this house to have input from them.

One of the elements of the consultation was public meetings. I know they were public because my office became aware of them and, on Eventbrite, we registered. One of my staff was fortunate enough to be part of a consultation and can advise the council that, at that meeting, there was widespread support for the reform.

There were a series of other bilateral meetings or conversations between members of the team and individual constituents and organisations and, as you can imagine, there was an even larger array of stakeholders who attended the forums. Again, I think it shows you the value of, shall we say, an open process because it is not really for us to decide what is relevant to people in terms of legislation. It is also helpful for them to self-identify.

Again I would commend the officers for what was achieved in the time frame and I am delighted to hear the minister advise us—and I think she was quoting Justice Parker, but at least the SACAT team—that the consultation process was of great benefit to SACAT. As members of this council commented when we were asking the government to support postponement of further consideration, we believe it is a valuable opportunity for SACAT to establish sound relations with a key client group.

There was a letter distributed widely, as I understand it, written by Justice Parker and dated 19 September. I do apologise for feeling the need to do this, but I do feel the need to read this onto the record. If I were to merely table it, it would mean that South Australians who wanted to consult the record would be put to the inconvenience of coming to this place to consult the records.

I think the significance of the letter is such that it would be useful for people to have access to it through the parliamentary record, so if I have the indulgence of the council to read it on to the record, I will do so perhaps with some haste and ask for Hansard's indulgence. On 19 September 2014, Justice Greg Parker, the President of the SACAT, wrote to the Attorney-General in these terms under the heading 'Misconceptions about SACAT':

> While I cannot enter the political debate, I write to correct some misconceptions that are apparently circulating about the South Australian Civil and Administrative Tribunal (SACAT) and the manner in which it will carry out its functions.
>
> The objects of SACAT
>
> As you know section 8 of the *South Australian Civil and Administration Tribunal Act 2013* sets out the main objectives of SACAT. Those objectives include the promotion of the best principles of public administration, [that is] independence, natural justice and procedural fairness, high quality, consistent decision-making, transparency and accountability.
>
> While one would expect to find provisions of that type in model tribunal legislation, section 8 goes much further. It requires SACAT to be accessible and responsive to parties, especially those with special needs. SACAT must ensure that applications are resolved as quickly as possible, while achieving a just outcome. SACAT is required to resolve disputes through high quality processes and the use of mediation and alternative dispute resolution wherever appropriate. Moreover, SACAT must minimise the costs for parties involved in proceedings as far as that is just and appropriate. It must also use straightforward language and procedures and act with as little formality and technicality as possible. It must also be flexible and adjust its procedures to best fit the circumstances of a particular case or jurisdiction.
>
> I am absolutely committed to meeting each of the statutory objectives set out in section 8. The SACAT project team have also treated those principles as fundamental to every aspect of their work.

I have attached a copy of Newsletter No 5 which is about to be circulated to those involved in the establishment of SACAT. The newsletter sets out in some detail the scope of the work that has been undertaken and provides many practical examples of the efforts being made to ensure that each of the objectives in section 8 are appropriately met.

The establishment of a body such as SACAT is a major task. It would be unrealistic to expect that every aspect of its operations will be perfect from the outset. However, for the reasons that follow, I am very confident that any initial teething problems will be minimal.

Continuity will be maintained with existing tribunals and boards

As I said publicly when I was first appointed, it has never been my intention that setting up SACAT should involve 'the reinvention of the wheel'. The practices and procedures of SACAT will very closely resemble those that have been followed by the various tribunals and boards whose functions are to be transferred to SACAT. However, after appropriate consultation with key interest groups, improvements will be made progressively.

The first step in maintaining continuity between SACAT and the existing tribunals and boards has been the division of the work of SACAT into three streams ie Community, Housing and Civil and Administrative and Disciplinary. That will preserve the present broad division of activities.

If the Bill before the parliament so allows, the Community stream will comprise the work currently performed by the Guardianship Board together with that of the Equal Opportunity Tribunal. The work done by the Magistrates Court in relation to the registration of births and sexual reassignment will also be included in that stream.

I also intend to establish 'lists' within the Community and other streams. The list will simply be an internal administrative device designed to ensure that members and staff having the appropriate skills and experience deal with particular categories of case.

In the case of the Community stream, there will be three lists covering administration and guardianship, mental health and equal opportunity. The birth registration and gender reassignment work would fall in the latter stream.

Like all other procedures concerned with the administration of SACAT, the use of lists will not inhibit flexibility, Thus, for example and where appropriate, mental health and guardianship issues concerning the same person may be heard concurrently or consecutively by SACAT.

Moreover, it is possible that applications involving the work of different streams might be dealt with together where advantageous and provided that any necessary confidentiality can be maintained. For example, a person with mental health issues might also be experiencing difficulty with a landlord or rooming house operator.

Persons who would formerly have made an application to the Guardianship Board will find that the SACAT's Community stream operates in very much the same manner. However, there will be some significant improvements.

I am aware of concerns about aspects of the operation of the Guardianship Board and, to a very much lesser extent, the Residential Tenancies Tribunal and other bodies that will come into SACAT. While I certainly do not intend to make substantial changes, I am very keen to adjust the existing systems and processes where necessary so as to ensure that the section 8 objectives are appropriately met.

I hold a substantial concern about the appropriateness of psychiatrists sitting alone to hear applications made under the Mental Health Act. I understand that concern is shared by some other key stakeholders. It is something that I intend to review as a matter of priority. If the consultation suggests that my concerns are soundly based, I will make changes.

I am also aware that some interest groups are keen to maintain the Guardianship Board practice that the tribunal be constituted by three members having different areas of expertise (leaving aside the mental health matters referred to in the preceding paragraph). I recognise the significance of that issue. My preliminary view is that a flexible approach is required. Some hearings will clearly be best dealt with by a three person panel bringing a range of expertise and others may require less, eg perhaps routine statutory reviews. It may be preferable to conduct triaging to determine the best approach in individual cases rather than have a blanket rule. I wish to explore this issue further in consultation with interest groups.

Concerns have also been expressed to me from several quarters about the prudence of the practice whereby Justices of the Peace are appointed as guardians of protected persons. The practice appears to require a careful review to determine whether it should cease or the arrangements be adjusted to deal with the concerns expressed.

I also note that SACAT will, in accordance with the State Records Act, inherit the records of the predecessor boards and tribunals. That will be of particular importance in the Community stream because persons involved in mental health or guardianship and administration applications will often have had a long history of dealing with the Guardianship Board.

Consultation

Neither I nor the Deputy President of SACAT, Judge Susanne Cole, and the members of the project team pretend to know all the answers about every issue relating to the operations of SACAT. Thus, we will be consulting

with key user groups and other stakeholders so as to minimise transitional problems and maximise the likelihood that SACAT operates significantly better than the predecessor boards and tribunals.

It has not been practicable to undertake wide stakeholder consultation until a great volume of internal work was first completed. We are now at the stage where wide consultation can be undertaken so as to fine tune the SACAT procedures and processes and to identify areas where we can do better than the predecessor boards and tribunals.

I also intend that consultation with key user groups will be an ongoing feature of SACAT. The consultation will generally occur separately with users of the three different streams. I note that both the Public Advocate and the Chief Psychiatrist have keenly welcomed that approach. I have also taken the opportunity to note that they are both strong supporters of the transfer of jurisdiction from the Guardianship Board to SACAT.

While clearly SACAT will not be able to adopt every suggestion that may be made during consultation, it will enable early identification of any problems. Consultation should enable us to develop practicable solutions that simplify access while also complying with SACAT's legal obligations to make the correct and preferable decision and to accord procedural fairness.

Another way in which the high degree of continuity between SACAT and the predecessor bodies is to be preserved is that the clear majority of SACAT appointees will have served (often for very substantial periods) on existing board and tribunals. For example, each of the eight psychiatrists recently appointed to SACAT is either a member of the Guardianship Board or a District Court assessor who hears appeals from the Guardianship Board on mental health decisions.

While the overwhelming majority of sitting members did respond to the personal invitation they each received to apply for a position with SACAT, not all were successful. Nevertheless, the competitive and merit based selection process conducted in accordance with the criteria in the SACAT Act, did enable the best available people to be selected. That necessarily meant that some serving members were not successful.

SACAT will not be bureaucratic, legalistic and inaccessible

I absolutely reject the suggestion that SACAT will be some form of bureaucratic and legalistic maze. I have already referred to the simplification of processes but more needs to be said. SACAT is developing a comprehensive but simple to use website and a user-friendly online application form so as to greatly simplify and broaden access. SACAT staff will complete applications by telephone or in person for those people who cannot do so electronically.

SACAT will also endeavour to resolve applications consensually by alternative dispute resolution (ADR) wherever possible without the need for a formal hearing. To that end, two full-time specialists in ADR have been selected for appointment to SACAT as Deputy Registrars. ADR skills also were a key consideration in the selection of members. Training will be provided to members in ADR so as to further enhance their skills.

SACAT will also maintain the level of service currently provided by boards and tribunals to regional South Australia, including the APY lands. I am keen to expand the current visiting program. Arrangements had already been made to make greater use of audio visual links so as to facilitate access by persons living outside of Adelaide. The Magistrates Court facilities will not be used for this purpose. That reflects my desire that SACAT does not appear to be a court.

There has been some criticism of the proposal that in several years time SACAT will be located in the new CBD Courts Precinct. However, SACAT will not be housed in the court building but in separate office accommodation. Preliminary discussions have already been held with the design consultants. It has been made clear to them that SACAT is not a court and the fit out must reflect the statutory requirement to maximise access and to minimise formality as far as possible.

That approach has also been taken with the adaptation of the Residential Tenancy Tribunal premises at 100 Pirie Street so as to accommodate SACAT. Of course that accommodation is temporary and much of the existing RTT fit out has necessarily been retained. Nevertheless, five rooms have been especially designed for ADR purposes. The refit of that accommodation also provides a far more welcoming face to the public.

I am also keen in appropriate cases to conduct mental health reviews at institutions, particularly in those instances where use of audiovisual facilities may not be in the best interests of the patient. I am mindful of the burden placed upon the health system by the need to escort patients to hearings in recent times.

Other advantages of SACAT

In addition to simplified processes, readier access and greater use of ADR, the establishment of SACAT also has some other advantages.

Capital funding has been provided to enable SACAT to purchase a 'state-of-the-art' case management system. That will greatly simplify recordkeeping and administrative processes, such as listing of matters and dealing with enquiries. It will also facilitate the better conduct of hearings and the making of orders.

The appointment of a significant number of full-time and part-time members will provide advantages over the complete reliance upon sessional members by existing boards and tribunals (apart from two presiding members).

These members will be able to assist in the training of others, particularly sessional members, and to provide advice and guidance.

The greater size of SACAT will also enable a higher level of administrative support to be provided to, in particular, stream leaders. That will enable them to devote more time to dealing with the most complex or contentious applications. The cost of the additional administrative support can be met from the efficiencies produced by the modern case management system.

I am also confident that the availability of a Supreme Court and a District Court judge (i.e. Judge Cole and me) on a part-time basis will assist SACAT members to deal with more complex applications by providing much higher legal expertise than has previously been available.

I trust that this letter assists in resolving some of the unfounded concerns that have been expressed about SACAT. I have no objection to you providing a copy of this letter to those whom might hold such concerns.

Yours sincerely

Justice Greg Parker

President

South Australian Civil and Administrative Tribunal

That letter was distributed within the consultation process. If I can summarise my impression of where we are at the end of the consultation process, there is certainly widespread appreciation of the service of the Guardianship Board and the good work that it did to develop better practice over the years, but I think that there is broad support for the reform and a confidence that Judge Parker and his team are committed to taking the best of what is and enhancing it.

Whilst there is some residual support for a separate Guardianship Board and a separate mental health review function, I believe that there is broad support for this reform. I think that the consultation that has started now is really the first step in the development of the more detailed operational protocols that the tribunal will need to develop, and I hope that the momentum of the consultation that has gone on will be able to be maintained as that further work is done.

The Hon. M.C. PARNELL: I will follow the lead of other members and make a contribution on clause 1 in relation to what—

The ACTING CHAIR (Hon. J.S.L. Dawkins): Order! The gentleman upstairs on my left, excuse me: that is out of bounds, unless on opening day, so if you would not mind making sure that you absent yourself from that area, we would appreciate it—and that applies to members of the other house as well. The Hon. Mr Parnell.

The Hon. M.C. PARNELL: Thank you, Mr Acting Chairman. I do appreciate your eagle eye. It may or may not have been the Attorney-General who was in the unauthorised portion of the gallery. As I started to say, I want to follow the lead of other members and reflect a little bit on what has happened in the last month, and I do that as the person who put amendments on file that effectively convinced the government, I believe, to undertake this further consultation.

The amendments that I filed, in effect, removed the Guardianship Board from the jurisdiction of SACAT and, as I said exactly four weeks ago today, I did so primarily on the basis that key stakeholder groups had not been consulted and, in fact, some of them had not even heard of the proposal to move the Guardianship Board to SACAT. As a person who has spent most of my life, apart from my 8½ years here, working in the non-profit community sector, these are stakeholders whose views I take very seriously.

The Hon. Stephen Wade read into *Hansard* the letter from Justice Parker, and I think that it was most appropriate that he did that because in some ways, a little like the second reading speech of a minister, it is something that people can go back to later on to determine what the head of this new jurisdiction said his intentions were, because so much of what we have been talking about in the last month or so with stakeholders has been around practices, procedures and philosophy.

These are things that do not necessarily find their way into legislation but they are absolutely critical to the acceptance that stakeholders have of this new dispute resolution mechanism. I note that, attached to Justice Parker's letter, which was, as I understand it, circulated to all MPs, was a copy of the SACAT Establishment Project Newsletter issue No. 5 September 2014, and under the heading of 'Legislative Update' it states the following:

The Statutes Amendment (SACAT) Bill 2014 is now being debated in the Legislative Council of Parliament following the winter recess. Debate has been adjourned until October to allow us to undertake some further community consultation; particularly relating to the transfer of work for the Guardianship Board to SACAT.

I am glad that the government appreciates that we have provided them with that opportunity and I am glad that they have taken the opportunity. As the minister said in her contribution, a large number of groups and individuals have now been consulted—and that is a good thing. I also accept what the Hon. Kelly Vincent said when she referred to it as 'emergency consultation'. I think that is an apt description, because it was clear I think to government (and I am glad wise heads prevailed) that these are groups and individuals who had missed out on the first round. The Hon. Justice Parker, in the letter that the Hon. Stephen Wade referred to, referenced—I think his words were 'unfounded concerns'.

The Hon. S.G. Wade: Unfounded misconceptions.

The Hon. M.C. PARNELL: Unfounded misconceptions—and I think it is worth unpacking that a little bit, because I do not think that the reaction of community groups has been at all out of place. When nobody has told them what was going on and nobody has consulted with them, then I think they quite reasonably expected—I will not say 'the worst' but they expected a worse outcome that I am confident they are going to get.

That is because all they had to go on was that a super tribunal was being created, and a jurisdiction that they were familiar with and whose practices they had come to accept was being abolished and being transferred to this new super tribunal, and I think they had every right to be concerned. That is why I think the importance of the consultation that the government has undertaken is that they are listening to those concerns and they are addressing them.

Most of them I think will need to be addressed by assurances such as those offered by Justice Parker, but some others will need to find their way into the legislation. I make the obvious point that if we had bought for these community groups a month of consultation then the flip side of that is that if they have come up with issues that require amendment to this bill, then I think it is over to us as legislative councillors to put those amendments forward.

I appreciate that there are a number of amendments that have been filed and that the government is not necessarily happy with them. I guess the position that we took a month ago applies again today. If they want to rush it through today then it will go through with amendments that they are not happy with and we will have to deal with them between the houses.

However, the issues that are raised—and I am speaking in particular about the Liberal amendments—are issues that the minister referred to as well, that is, the composition of boards, and making sure that we do not have psychiatrists judging alone the work of other psychiatrists. Of course, there are a number of ways to deal with that problem.

Does the legislation refer to the guarantee of a three-person panel? Do you have a preferred three-person panel but a minimum of two persons? There is a range of ways that we can deal with it. This is all happening quite quickly with amendments just being filed today, so I will just give advance notice that the intention of the Greens is to support those amendments but we are open to alternative ways of dealing with that same problem. Whether that is going to be between the houses or whether there is an adjournment of this debate later on today, that is a matter for the government.

I would just like to quickly put on the record now my thanks to some of the people who have responded to the calls that I put out for consultation. It is not as exhaustive a list is the one the Hon. Stephen Wade referred to—that the government, with its resources, has obviously consulted many more groups. However, the ones that have replied to me (and we will probably refer to some of the detailed contributions later in the committee stage) are: the Brain Injury Network of South Australia; Anglicare wrote back to me; the Health Consumers Alliance; the Disability Advocacy Complaints Service of South Australia; Alzheimer's Australia SA; the South Australian Council of Social Services (SACOSS); and also a large number of individuals who contacted me, many of whom did not want their names on the record.

Some of them were people who had secured employment in the new organisation and they were effectively being champions for it. Others were people who had missed out on jobs in the new

organisation, and some had not even applied. I do not need to name those people in *Hansard*, but I would like to acknowledge people who have given their time to talk to me in addition to the ones I have mentioned: the Mental Illness Fellowship of South Australia and the Public Advocate, John Brayley.

I will just mention that the response of one of the groups that I consulted to me was, 'If John Brayley thinks it's okay, we trust him, and that's good enough for us.' Certainly, Carers SA also got back to me. I had a private conversation with Judge Sue Cole, whom I ran into at an unrelated event. By the look in her eye I thought that we should probably find a quiet corner and have a discussion, which we did.

The position of the Greens as of today is that, having given the government the opportunity to consult with stakeholders, having heard back from stakeholders that not unanimously but on the whole they are accepting of the move and approaching it with a level of good faith, then it is not my current intention to move the amendments that I have filed, although I do understand that other members are still not as convinced and may want to take the opportunity to move the amendments that are in my name. They are on the file; anyone is entitled to do it, but it is currently not my intention to move those amendments. I will leave my comments on clause 1 there, and I look forward to the rest of this debate.

The Hon. R.L. BROKENSHIRE: I want to follow on from other colleagues on clause 1 to put the Family First position now that we have had the three or four weeks for further deliberation on the SACAT bill. I will say at the outset that had the government consulted properly and widely then the procrastination and a lot of extra effort that has gone in from a lot of members and parties would not have had to occur.

I will just put the position of our party before the council. First of all, I understand now that the Hon. Mark Parnell is not moving his amendment. The area that we had major concern about was the Guardianship Board. In fact, generally the principle of what has been put forward for SACAT, other than the Guardianship Board, Family First agrees with. I respected and appreciated the detailed letter from the honourable Justice Greg Parker, whom I worked with years ago when I was the minister in the justice department. I respect his comments and input. He is a very credible person.

There is a counter letter to that as well, which I would like ask for the council's indulgence to read into *Hansard*. I have had the privilege of being out to visit the Guardianship Board for several hours and have a look at the work that they have done. I have also, over the years, dealt with a lot of constituents who have had situations with family and loved ones whereby the Guardianship Board has had to look after their interests. It has been by and large a superb effort from the Guardianship Board.

I note that when our adviser went to a briefing yesterday the officers from the department said that since the second reading of the SACAT bill there was eased community concern, and then they went on to list further consultation. For a government that says it is going to consult, consider and then announce, I am yet to see that in action. In fact, it appears to be going in the opposite direction. I hope that the SACAT bill will allow for better deliberations and outcomes for all those who use the tribunals, because certainly it has not been satisfactory in a lot of areas thus far. I know they are trying to not only save money with this bill but also make it more efficient and streamlined. I want to read into the record a letter that I received a copy of from Mr Jeremy Moore, the President of the Guardianship Board to the Hon. John Rau, Attorney-General, stating:

Dear minister,

I write to respond to Justice Parker's (September 18, 2014) letter to you that sought to correct misconceptions about the functioning of the new South Australian Civil and Administrative Tribunal (SACAT).

The clear conclusion to be drawn from Justice Parker's letter is that he has little understanding of the way in which the Guardianship Board works or what purpose would be served by bringing it under a super tribunal.

Indeed, Justice Parker's letter says that he has only now reached the stage where he is in a position to consult widely and identify where SACAT can do better than predecessor board and tribunals.

In other words, now that the structure of a new super tribunal has been established, it appears the next task is to find reasons for it to exist. That said, I am led to believe the Guardianship Board's annual $2.7 million budget is one of its primary attractions.

The Guardianship Board's functions include the State's Mental Health Tribunal. It operates within a framework designed to minimise harm to our most vulnerable citizens. It is a lean, efficient, best-practice organisation that makes 7,000 decisions each year, rigorously scrutinized by the court system, that results in fewer than 90 appeals. No other State with a super tribunal has included its mental health tribunal into its legislative structure.

Justice Parker's letter to you proposes that SACAT will introduce models of practice that the Guardianship Board has had in place for some years. Most of his propositions are neither new nor different to the way we already operate.

In recent years, the Guardianship Board has reduced waiting times for hearings from six weeks to two. I am concerned that these times will blow out again, based on the Queensland experience where, when its QCAT was established five years ago, waiting times blew out to four months.

Minister, no-one asked the Guardianship Board at the beginning of this process to discuss, justify, explain or outline whether it could do things better. We were not consulted about the services that we provide, or asked to justify our existence. For the record, our satisfaction rating among users is exemplary.

Given this, you should be aware that the Guardianship Board has in recent years:

- ensured people on the APY Lands get an annual circuit so hearings can be conducted face to face,
- helped to reduce significantly the number of patients needing evacuation from the APY Lands for hospitalisation due to mental illness,
- helped to reduce suicides on the APY Lands from one or two a year to zero,
- ensured people in remote areas have ready access to our services,
- make orders each year for 70 young people (approx.) aged 18 and younger—some of whom are under the Guardianship of the Minister because of neglect and/or abuse,
- twice been chosen by the State Government's Public Renewal Program to lead state wide workshops on changing culture in the Public Sector, driving efficiencies in the workplace,
- won an award for its significant contribution to alternative dispute resolution,
- recognised by the Attorney-General's Department for its continuous improvement in Citizen-Centred Service Delivery,
- established a volunteer program to welcome people that come to the Board's ABC premises,
- created a good citizen Community Guardian model for those people who don't have family or friends to undertake guardianship responsibilities,
- overseen a significant reduction in the antisocial behaviour of mental health patients with a history of violence.

The Guardianship Board has been on a mission of continuous improvement and can now come close to claiming world's best practice in the way it conducts itself as a Tribunal.

Having worked so hard to reach this point, you must understand how utterly bewildering it has been to see the complete disregard for the giant strides we have made being placed at risk for the sake of a new bureaucratic structure in search of a purpose.

I ask that you reconsider moving the Board's role to within SACAT and to allow it to continue to do what it does best, without unnecessarily disrupting its smooth and effective functioning.

Yours sincerely

Jeremy Moore

President

Guardianship Board.

I put that on the public record because, to be fair in this whole debate, it has to be there within the context of the debate. I believe the government is making a mistake by taking the Guardianship Board into SACAT. I would have taken up the offer of the Hon. Mark Parnell and used his amendment, but I have done my numbers and the numbers do not come to the point where they would pass in this house. Having said that, if things go wrong and people are in a worse position, it is on the public record that there was concern raised in the Legislative Council about a decision that I believe is more towards cost saving than it is about the best interests of the most vulnerable people in this state.

I also give notice that Family First will support the government amendment, and that we will also be supporting the Hon. Stephen Wade's amendment on behalf of the Liberal Party. I understand there will be an amendment made late in the debate from the Hon. John Darley or that it may be coming through and we might have to consider that on the next sitting day. We have some empathy with that amendment and we will be closely considering that amendment also.

The Hon. S.G. WADE: I would ask the minister: when is it intended that SACAT would open its doors to hear its first case?

The Hon. G.E. GAGO: I have been advised that we are working towards a March 2015 opening date.

The Hon. S.G. WADE: When was that opening date last revised and what was the previous date?

The Hon. G.E. GAGO: I understand that it has been revised in the last few weeks.

The Hon. S.G. WADE: Could I ask the minister what led to it being revised?

The Hon. G.E. GAGO: I understand it is ongoing implementation issues and that this particular revision was due to case management issues which has led to the date having to be revised.

The Hon. S.G. WADE: For the sake of the record, I draw the member's attention to the statements of the Attorney-General on 6 October which suggested the delay was due to this chamber doing its job. I note the minister's advice that, in fact, it was due to issues to do with implementation. I am not reflecting on those, what I am rejecting is the Attorney-General's reflection on this place. As the Attorney-General might have noticed, his disrespect for this place is not producing a better productive outcome for him and his bills. I would suggest to him that he might try a new tack.

Clause passed.

Clause 2.

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

Amendment No 1 [EmpHESkills–1]—

Page 8, line 5—Delete 'This' and substitute 'Subject to subsection (2), this'

Amendment No 2 [EmpHESkills–1]—

Page 8, after line 5—Insert:

(2) Parts 9A and 17 will come into operation on 29 March 2015.

Government amendment Nos 1 to 3 propose to amend sections 169 and 296 of the Local Government Act 1999 that concern objections to valuations made by council, and confer the function of the Land and Valuation Court upon the tribunal.

These government amendments arise from an undertaking given by the Attorney-General in the other place to the opposition to bring forward the conferral of this jurisdiction from stage 3 of the implementation process for SACAT scheduled for April to July 2015 to the current bill. In keeping with the commitment given, the government proposes that amendments Nos 1 to 3 come into operation on 29 March 2015.

The amendments preserve the ability of a person who is dissatisfied with a valuation made by a valuer employed or engaged by a council to first seek a valuer selected from a panel of valuers constituted under part 4 of the Valuation of Land Act 1971 and in accordance with the procedure set out in that act. Should the person remain dissatisfied at the outcome of this, a review can be sought from SACAT. Alternatively, a person can bypass council completely and seek a review from SACAT.

The amendments propose that an application to SACAT for a review of the valuation will come within SACAT's review jurisdiction but, in the exercise of this jurisdiction, SACAT will consider the matter de novo, that is, heard over again from the beginning, adopting such processes and procedures and considering and receiving such evidence or material as it thinks fit for the purposes of the proceeding.

This maintains the nature of the appeal within this jurisdiction and, as such, differs from a rehearing prescribed under section 34 of the South Australian Civil and Administrative Tribunal Act 2013. For the sake of completeness, I note that the right of appeal to the Supreme Court will still be maintained pursuant to section 71 of the South Australian Civil and Administrative Tribunal Act 2013.

The Hon. S.G. WADE: We will be taking this as a test clause for the whole set of amendments to do with valuation, so I ask this question in context of the set, rather than this particular amendment. In the context of the set, will the set mean that appeals in relation to the emergency services levy—or in other words, the Emergency Services Funding Act 1998—would also be able to access the SACAT?

The Hon. G.E. GAGO: I am advised, yes.

The Hon. S.G. WADE: If I could make a substantive comment on the set, we as the opposition are pleased to see the government's amendments to this bill and the fact that they very closely mirror the opposition's own amendments moved in the other place. I thank the Attorney-General for taking the opposition's suggestions on board in this regard. To save the time of the house, I will not be intending to refer to each amendment contained in the bill. The bill has been discussed at length in the other place and the opposition's position is on the record.

We support these amendments. We believe that South Australians should have be ability to challenge through the SACAT determinations made by the Valuer-General under the South Australian Valuation of Land Act 1971. Currently, people who wish to dispute their land valuation have to take their grievances directly to the Valuer-General's department. If they are unhappy with the department's determination, their only recourse beyond this is to go to the Supreme Court Land and Valuation Division. This is a costly and lengthy process which, by its nature, puts the process out of the reach of many ordinary South Australians.

This amendment is especially pertinent now given that the new emergency services levy arrangements introduced by the government have seen huge increases based on people's property values. It is especially important that people have recourse to dispute the valuation of their properties in a cost-effective and timely manner. An incorrect property evaluation will drive up a whole series of the commercial or residential property owner's costs substantially, with land tax, council rates, sewerage rates and the aforementioned ESL all being calculated on a value-based scale.

Again, I reiterate that the opposition appreciates the cooperation of the government and the fulfilment of the undertaking given by the Attorney-General in the other place. It is good to see that we are on the same page. We believe that it is an important matter that need not be delayed and that is why our amendments attempted to bring forward the government's own plan. We note the government's change in time lines from our original amendments which originally suggested a start date of 1 May 2015 which have now been pushed back to 29 March 2015. With those remarks, I would indicate the opposition obviously supports the amendments.

The Hon. M.C. PARNELL: The Greens will be supporting this set of amendments as well. It has often struck me as odd that disputes over the valuation of land, regardless of the value involved, had to go to the Supreme Court. It always seemed to me to be overkill in a large number of cases, so I think this is a sensible addition to the jurisdiction of SACAT.

I note that, under the transitional provisions, if a right of action or a right of appeal existed before 29 March 2015, provided you have not acted on that right, you will have the ability to go straight to SACAT rather than have to go to the Supreme Court. I think that makes sense. Whilst we have not yet seen the rules of court or the proposed cost structures, it would seem to me that there might be quite a few people who would be banking their rights and just waiting until 29 March, because I would hope that there would be cheaper justice available through SACAT than there would be through the Supreme Court. With those words, the Greens are supporting this whole suite of amendments.

Amendments carried; clause as amended passed.

Clause 3 passed.

The CHAIR: The Hon. Mr Parnell, are you going to continue with this?

The Hon. M.C. PARNELL: The next filed amendment is my amendment, as I understand it. As I said at clause 1, I am not proposing to move any of those amendments for the reasons that I have given.

Clauses 4 to 97 passed.

Consideration of clause 98 postponed.

Clause 99 passed.

New clauses 99A to 99E.

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

Amendment No 3 [EmpHESkills–1]—

Page 36, after line 22—Insert:

Part 9A—Amendment of *Local Government Act 1999*

99A—Amendment of section 4—Interpretation

Section 4(1)—after the definition of *rubbish* insert:

SACAT means the *South Australian Civil and Administrative Tribunal* established under the *South Australian Civil and Administrative Tribunal Act 2013*;

99B—Amendment of section 169—Objections to valuations made by council

(1) Section 169(1)(b)—delete paragraph (b) and substitute:

(b) apply to SACAT for a review of the valuation.

(2) Section 169(15)—delete subsection (15) and substitute:

(15) If an objector, or the council, is dissatisfied with the valuation after the further review, the objector or the council may apply to SACAT for a review of the valuation.

(15a) In connection with the operation of subsections (1)(b) and (15)—

(a) an application for a review by SACAT must be made—

(i) in the case of an application under subsection (1)(b)—within 60 days after the date of service of the notice of the valuation to which the application relates (unless SACAT, in its discretion, allows an extension of time for making the application); or

(ii) in the case of an application under subsection (15)—within 21 days after the applicant receives notice of the valuation on the review (unless SACAT, in its discretion, allows an extension of time for making the application); and

(b) a review by SACAT under this section will be taken to come within SACAT's review jurisdiction but, in the exercise of this jurisdiction, SACAT will consider the matter *de novo* (adopting such processes and procedures, and considering and receiving such evidence or material, as it thinks fit for the purposes of the proceedings); and

(c) without limitation, a variation made by SACAT on the review of a valuation may consist of an increase or decrease in the valuation.

99C—Amendment of section 186—Recovery of rates not affected by an objection, review or appeal

Section 186(1)(a)—delete ', review or appeal' and substitute 'or review'

99D—Amendment of section 296—Reclamation of land

(1) Section 296(4)—delete 'or appeal against' and substitute 'or seek a review of'

(2) Section 296(5)—delete 'appeal' first occurring and substitute 'review'

(3) Section 296(5)—delete 'appeal against' and substitute 'review of'

99E—Transitional provisions

(1) In this section—

principal Act means the *Local Government Act 1999*;

relevant day means the day on which this Part comes into operation;

Tribunal means the South Australian Civil and Administrative Tribunal.

(2) A right of appeal to the Land and Valuation Court under section 169 or 296 of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the Land and Valuation Court.

(3) Nothing in this section affects any proceedings before the Land and Valuation Court commenced before the relevant day.

I have explained the rationale for this amendment at amendment No. 1 in my name: to bring forward the conferral of the jurisdiction to SACAT of disputes regarding valuations of property under the Local Government Act 1999 into the current bill and for this amendment to commence on 29 March 2015.

The Hon. S.G. WADE: The opposition regards this as a set, so we will treat this as consequential.

New clauses inserted.

The Hon. S.G. WADE: If it might assist the council, I indicate that I will not be moving amendments 1, 2 and 3 in my name, so if it assists the council you might want to progress to clause 122.

Clauses 100 to 121 passed.

Clause 122.

The Hon. S.G. WADE: Could I suggest a way forward? As the Hon. Mr Parnell said, it is always up to the government how it wants to handle the bill. These amendments have been filed only today, so I appreciate that the government may well need more time to consider the implications. Could I suggest to the government and to the committee that we might take the discussion this afternoon as an indication of whether the council believes that these issues should be reflected in the legislation. If it is the council's view, I suggest that the council might put the clauses in on the basis that they may need to be refined. The government controls the House of Assembly, and it is always free to suggest alternative amendments in the other place.

Considering the government is keen to get the legislation through this week, and I think we have shown this afternoon that the opposition is more than willing to cooperate with that, I suggest that we do not get bogged down in dotting the 'i's and crossing the 't's but rather focus on the principle. From my point of view, I will give an undertaking that the opposition will not be wedded to any particular form of words. We are only trying to put this forward as a straw vote on the concept.

I would hope that if we are able to facilitate the bill tonight, even if the Hon. Mr Darley's amendments are not available tonight, we might be able to have discussions with the government and other members about the shape of any ideas that do get the support of the council. So, by way of preface, I am indicating that we as an opposition are not going to be fundamentalist about the wording. We just seek the consideration of the council of the concepts.

The Hon. Mark Parnell highlighted the point that issues came up through the consultation. I think it would be fair to say that there was probably not as many as we thought. The two that are reflected in my amendments this afternoon are issues that were raised in my second reading speech, so they are not a post-consultation idea. In that sense, I put it to the council that that strengthens the fact that these are substantial concerns. Another case that I put for these being substantial concerns is their source. I now move:

Amendment No 4 [Wade–1]—

Page 42, lines 20 to 39—Delete section 84

This particular amendment emanates from the review of the Mental Health Act 2009 by the Chief Psychiatrist. It was tabled in the House of Assembly on 1 July and I imagine in this place at a similar

time. I will read into the record the comments that the Chief Psychiatrist made, comments that have weighted heavily with the opposition. The comments, under Legal Representation, are as follows:

> Section 81 of the Act—

in that context he is referring to the Guardianship and Administration Act—

> provides for a person to appeal against a treatment order made by a health practitioner to the Guardianship Board. Section 84 provides for the person to be represented at that appeal by a legal practitioner at no cost to the person, with the practitioner's fees paid by the Minister under a regulated scheme. The person can also have a legal representative of their own choosing.
>
> Sections 70 and 73 of the Guardianship and Administration Act 1993 have similar provisions for people who wish to appeal a treatment order made by the Guardianship Board to the District Court and can have legal representation paid for by the Attorney-General.

This is the key paragraph:

> Neither Act provides for legal representation (at no cost to the person) at Guardianship Board hearings to consider applications for level 2 community treatment orders or level 3 inpatient treatment orders.
>
> The provision for legal representation at Guardianship Board hearings to consider treatment order applications would be in line with the objects of the Act and the principle of procedural fairness. The provision of legal representation at application hearings may reduce the number of appeals against these orders, as legal matters could be resolved for the most part at the hearing rather than later at appeal. The ability to appeal against a decision of the Board would remain. Overall, the total number of occasions of legal representation would probably moderately increase, with the probable moderate increase in cost being borne by the Department for Health and Ageing.

I just remind the minister that she is representing the Attorney-General in this debate and that the cost would be borne by minister Snelling, so she does not need to worry about it. I continue the quote:

> It is recommended that legal representation at no cost to the patient be extended, from appeals to the Guardianship Board regarding treatment orders made by health practitioners, to the Guardianship Board hearings to consider applications for level 2 community treatment orders and level 3 inpatient treatments orders, for example…

He then provides a suggested form of words of section 84(1). I have put that policy principle into these amendments, but it is not in the same words as the Chief Psychiatrist had in his draft report, and for that I defer to the wisdom of parliamentary counsel.

By way of background, I relay my understanding that there are already two pools of funds which are available for legal representation and that there has already been consideration within government, as I understand it, for those two pools of money to be brought together. It is hoped that those efficiencies might lead to a higher level of output, and a significant amount of the increased legal representation envisaged by this amendment might well be covered by the efficiencies that might be achieved.

I put it to the committee that it is a good opportunity to support the Chief Psychiatrist and the sector in affirming the appropriateness of legal representation being available for people with mental health issues. In my discussions with members of the SACAT project team, this would not mean that a person would need to forgo their non-legal advocate in any proceedings but that they would be able to supplement their significant others with legal support.

The Hon. G.E. GAGO: The government opposes these amendments 6 to 8 inclusive. I take it that we can use this as a test.

The Hon. S.G. WADE: Yes. I think that it is 4, 6, 7 and 8.

The Hon. G.E. GAGO: Yes. Currently, section 81 of the Mental Health Act 2009 provides for a person to appeal against a treatment order made by a health practitioner to the Guardianship Board. Section 84 of the Mental Health Act 2009 provides for the person to be represented at that appeal by a legal practitioner at no cost to the person, with the practitioner's fees paid by the minister under a regulated scheme.

Sections 70 and 73 of the Guardianship Administration Act have similar provisions for people who wish to appeal a treatment order made by the Guardianship Board to the District Court and can have legal representation paid for by the Attorney-General. Therefore, there are currently two separate funds for legal representation in this guardianship and mental health sector, one

administered by SA Health and the other by the Guardianship Board. Neither the mental health nor guardianship and administrative acts provides for legal representation at no cost to the person at Guardianship Board hearings to consider applications for level 2 community treatment orders or level 3 inpatient treatment orders. The opposition's amendment proposes to change that by amending section 84 of the Mental Health Act. Whilst this is an important reform and improvement for vulnerable persons, this bill is not the appropriate mechanism to do so, for the reasons I will now explain.

The report on the review of the Mental Health Act, conducted by the Office of the Chief Psychiatrist and tabled in parliament on 1 July 2014, the first of a total of 72 recommendations arising from the review, was that patients should have access to legal representation at no cost to themselves for all hearings to consider treatment order applications before the Guardianship Board.

I am advised that the public consultation on the report has just closed and the Mental Health User Group is collating the responses from public consultation in order to report back to the Minister for Health who will then prepare a government response. The government admits that this amendment pre-empts the response by the Minister for Health to the report of the Mental Health Act which, unlike the opposition amendment, will be considered comprehensively and a fully costed response to all of the recommendations made, including the provision of legal representation.

I am advised that the cost of implementing this amendment, if passed, is approximately $746,000 per year, or $4.21 million over five years, based on six per cent growth. This measure has not been budgeted for with respect to the establishment and/or operational costs of SACAT so, if passed, will be unfunded.

Further, the President of SACAT, Justice Parker, and Registrar Clare Byrt have undertaken preliminary consultation regarding this matter with a view to implementing such a scheme by possibly pooling the two separate funds (which I mentioned earlier in my remarks) once SACAT is operational. Therefore, work has already begun on this matter and will continue to occur in consultation with the Office of the Chief Psychiatrist and SA Health generally as part of the mental health reform to ensure that such a scheme is put into place but in a financially sustainable and budgeted manner.

In the meantime, by transferring this jurisdiction to SACAT under the South Australian Civil and Administrative Tribunal Act the threshold for mental health appeals will be different. Instead of appeals to the District Court there will be internal reviews under the SACAT Act. The nature of the review is broader and more akin to a de novo appeal as it allows for the correct and preferred decision, even if no error can be found in the original decision, and not depart from the original decision without the cogent reasons limitation currently applied to the District Court appeals.

Hence, it will be easier to make and maintain these appeals under SACAT and, consequently, less need for legal representation in original hearings. This should be given as an opportunity to work first before resorting to legal representation for all original hearings, so it is for these reasons that the government opposes the amendment.

The Hon. S.G. WADE: I thank the minister for the advice on the additional cost of the opposition amendments. Could the minister tell us the cost of, for want of a better word, what I will call pool 1 and pool 2, the current health scheme and the current Guardianship Board scheme?

The Hon. G.E. GAGO: I have been advised that in terms of pool 1 (this is the last financial year), $50,000 was spent in relation to appeals, and in terms of pool 2, $140,000 was spent in relation to Guardianship Board matters.

The Hon. S.G. WADE: Considering that that suggests that current expenditure is $190,000 over the whole jurisdiction, and considering the Chief Psychiatrist was of the view that his recommendation would involve minimal additional cost, how did the Chief Psychiatrist get it so wrong?

The Hon. G.E. GAGO: I have been advised that the discrepancy is around the fact that we had not been able to confirm with the Office of the Chief Psychiatrist, given the timing of the tabling of the amendments—I think they were only this morning—and these costings are based on our own costings and information provided to the SACAT implementation team.

The Hon. S.G. WADE: I thank the minister for that. I am not casting any aspersions, but the minister was kind enough to say that these are indicative figures, and I would urge the council to support the amendments. It may well be that we can tease out those costs, because, as I said, the Chief Psychiatrist was of the understanding that the recommendation would be for minimal additional cost.

If I were to address the point the minister made that now is not the time because we have the Mental Health Act Review, with all due respect it is a cute argument, because here we are, we are totally restructuring the Mental Health Review function ahead of the mental health legislation review, but don't dare mention about legal representation within that, because that has to wait for the mental health legislation review.

I would suggest to the council that if we are talking about the tribunal which has the custody of the mental health law, it is not a bad time to talk about legal representation before that tribunal. There are certainly lots of issues that we can talk about that are dealt with in the Chief Psychiatrist's report and I have not tried to prejudge the consultation. I also put it to the council that in my consultations in relation to this issue, I have been impressed, from government officials through to consumers, at the unanimity of the view.

I appreciate the preliminary advice from the government is to oppose, because that is a cautious legislative approach, but I do not think this is an issue where we need to go out to the community and say, 'Should people who are likely to be subject to coercive detention, coercive measures, have legal representation?' I think there is a good consensus on that. I think the work that needs to be done is more about how it can be done, and I think the discussions over the next few days might be an opportunity for this parliament to encourage the executive to show greater respect to legal rights.

The Hon. G.E. GAGO: I have just a very brief comment in relation to the Hon. Stephen Wade's last remarks. I remind honourable members that this bill is simply conferring jurisdiction; it is not engaging in law reform. I think what the honourable member is talking about is in fact law reform, and we propose other processes to do that which I have already outlined.

The Hon. M.C. PARNELL: It is difficult to be debating an amendment that we have only just had, but I have done my best to understand what this amendment seeks to achieve. As I understand it, as the minister pointed out in section 84 of the Mental Health Act and elsewhere, there is a right for people at a later stage of the proceedings to have access to free Legal Aid. My understanding of the member's amendment is that it basically brings that right to an earlier stage, in other words, you do not have to wait until you have already been subject to an intrusive order, you have the right to get legal representation at first instance.

The types of orders we are dealing with, as I understand it, are involuntary orders, whether it is involuntary detention in a mental health institution or whether it is an involuntary treatment. They are both impositions on the individual that are deserving of the right for the individual to be able to challenge those orders.

Out of an abundance of caution, my inclination is to support these amendments now. If it turns out that they are unwarranted, then we can revise it later. But, given that the government has made clear that it does want to advance the bill now, we have had the amendments since the start of question time, and doing our best to understand them, the Greens will support this amendment now, but we are open to further discussion between the houses.

The Hon. J.A. DARLEY: I indicate that I will support the amendment at this stage.

Amendment carried.

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

Amendment No 5 [Wade–1]—

Page 43, after line 18—Insert:

85AA—Constitution of Tribunal

> The Tribunal must be constituted by 3 members for the purposes of proceedings under the following sections:

(a) section 16;

(b) section 29;

(c) section 79;

(d) section 81.

Parliamentary Counsel will wave when I step out of line, but I think this is the first in the series on the composition of the tribunal (in fact, it maybe the only one on that one). Again, being courageous, I am quoting government advisers rather than putting out my personal opinion. This amendment picks up again on another issue highlighted by the Chief Psychiatrist in his report on the Mental Health Act review. I will quote it for the sake of not misquoting. Under a section called 'Board membership' the Chief Psychiatrist says:

> The Guardianship and Administration Act 1993 and regulations provide for mental health Boards hearing appeals to comprise 1 or 3 members. A court decision in 2012 found that at least one member of such Boards must be a psychiatrist. Since late 2012 all appeal hearings have been heard by Boards consisting of one psychiatrist. This may abrogate a person's right by denying them a hearing by the Board including a legal practitioner and/or community member, and requiring the psychiatrist Board member to review the decision of another psychiatrist. The SACAT Act provides for Tribunals to be composed of up to 3 members, with those members drawn from a range of legal, professional and community backgrounds, depending on the nature and requirements of the proceedings at hand. It is recommended that SACAT consider fairness of procedure for people with mental illness when considering the membership of tribunals to hear mental health matters.

In the comments the minister read on to the record at clause 1, we had assurances from Mr Parker that the composition of the tribunals would be respectful of mental health, and I particularly note his comments of his openness to people with lived experience.

As I indicated in my second reading contribution, the opposition has been informed of significant concerns in the mental health sector about this trend to single member tribunals, and particularly where they consist only of one psychiatrist. The mental health review recommendation that I referred to was echoed, if you like, in the letter that I read onto the record earlier this evening, and I will quote that paragraph. This is Justice Parker saying to the Attorney-General:

> I hold a substantial concern about the appropriateness of psychiatrists sitting alone to hear applications made under the Mental Health Act. I consider that concern is shared by some other key stakeholders. It is something that I intend to review as a matter of priority. If the consultations suggest that my concerns are soundly based I will make changes.

The amendment states that the tribunal must be constituted by three members for the purpose of the proceedings under the four relevant sections. I would commend this amendment to the council as it picks up not only the concerns of the Chief Psychiatrist and the concerns of the president of the tribunal but also the very widespread concerns in the mental health community.

The Hon. G.E. GAGO: The government opposes this amendment which has the effect of requiring SACAT to consist of at least three members in all cases in certain circumstances. The entire mantra of SACAT is that it will be a tribunal with a flexible structure. Panels will be able to be constituted to meet the needs of individual cases. It will be the decision of the president as to the makeup of each panel. To set out how panels will be made up is inappropriately prescriptive and goes against the idea of SACAT as a flexible tribunal.

The last several reports of the Guardianship Board show that it has only sat with a three-member board in about 25 per cent of cases. That has been consistent for a good many years and has apparently not been affected by the change to psychiatrists sitting alone in mental health appeals.

The reason why a three-member board has not been issued in 75 per cent of cases is that a great many cases actually involve routine reviews of guardianship and administrative orders and other relatively non-contentious matters. It would be a drastic waste of resources to require three members in all cases and it would be an enormous cost impost as well.

Currently the appeals division of the Guardianship Board may comprise two or three members, but is usually constituted by psychiatrists alone. The current legislation requires that the panel include a psychiatrist. The bill, however, removes the requirement to include a psychiatrist in recognition that this unhelpfully restricts flexibility.

Some appeals are on procedural or legal questions and more appropriately require the involvement of a legal practitioner member than a psychiatrist. A requirement that panels comprise three members in such matters would be a waste of resources. I am advised that preliminary calculations have been undertaken and this amendment would cost an additional $396,725 a year, or $2.24 million over five years, based on a 6 per cent growth.

A substantial degree of flexibility is provided for in the current bill to deal with the huge variety of cases that will arise. A report on the review of the Mental Health Act 2009 produced by the Office of the Chief Psychiatrist tabled in June this year considered the question of the tribunal composition when dealing with mental health matters and concluded that SACAT provisions regarding the tribunal composition were inappropriate.

The review recommends that SACAT consider fairness and procedure for people with mental illness when considering the membership tribunals to hear mental health matters. This is entirely in keeping with the current flexible approach under this bill and the SACAT Act. However, if, as this review concludes the consultation phase and takes into account stakeholder feedback, the review recommends more prescriptive provisions around panel makeup, then it is more appropriately dealt with within the scope of the Chief Psychiatrist's review of the Mental Health Act.

Throughout the recent consultation process, the President and Principal Registrar of SACAT have shown that they are fully committed to partaking in discussions regarding mental health reform—appropriately so, as they will be the body dealing with the review decisions under the Mental Health Act. It is the government's position that any further discussion regarding the make-up of panels should be dealt with as part of the review of the Mental Health Act and not in this bill.

The Hon. S.G. WADE: I would remind the council that the case I put for these amendments was drawn from the comments of the Chief Psychiatrist and the President of the tribunal. The response of the minister, particularly to this amendment, was disappointing in the sense that, when it is an in-principle amendment that the President of the tribunal says is a substantial concern, and when the principle itself has been put in a Mental Health Act review by the Chief Psychiatrist, I do not think it is helpful to characterise it as, if you like, an act of administrative vandalism, which is basically what the minister was saying.

The fact of the matter is that there may well be a series of classes of matters that could appropriately be specified as being a one-member matter, and that may well be what comes out of discussions on this amendment but, again, these are not trivial matters. When a person with a mental health issue is faced with a one-member tribunal consisting of a psychiatrist in a metropolis like Adelaide which, shall we say, is not large, there is a significant concern amongst mental health consumers that perhaps the psychiatrist who is reviewing the decision might actually know the psychiatrist who made the decision.

I would stress to the government and the council that this is not a trivial issue or a passing issue. Both the President and the Chief Psychiatrist have recognised it as a substantial issue. If there is a class of matters that can be identified as only needing a one-person panel, then put them in. Also, I would remind members to look at the minister's comments when they appear in *Hansard* because a lot of them were broad.

These amendments do not say a three-person panel for all of SACAT's work. I would draw members' attention to the amendment. It specifically identifies matters under four particular sections of the Mental Health Act. I would urge members to support the principle, the substantial concerns that have been already recognised by very senior people in the sector and let us see what we can achieve.

The Hon. B.V. FINNIGAN: I do not accept what the Hon. Mr Wade has said. If I understood him correctly, he was saying 'if the psychiatrist that the patient sees knows the other psychiatrist on the panel'. That would almost certainly be the case in Adelaide, and if we were to apply that principle broadly to the medical and legal systems we would be able to do almost nothing. But I would ask a question of the minister. I think she indicated that the government projects that this amendment would have a cost of $360,000 a year. Can she indicate how many people or cases it might be considered to affect, or what is the basis of the calculation?

The Hon. G.E. GAGO: I am advised that approximately 1,100 matters will be affected each year.

The Hon. M.C. PARNELL: The submissions that have been received in the last month have highlighted this as an issue. In fact, the most recent submission we received this morning from the South Australian Council of Social Service (SACOSS) has as one of the points that it believes merits changes to the act the following: 'psychiatrists should not form single-person panels'. I appreciate that the chair of SACAT has said the same thing, that the registrar has said the same thing. They do not intend to have single-person panels made up of psychiatrists. Part of the dilemma we have here, though, is that—and I will stand corrected if I am wrong—I do not think there is anything actually in the bill that says you cannot have a single-person panel comprised of a psychiatrist. If I am wrong about that, we can revisit it.

It seems to me that what the government has described has been its desire for a flexible approach, having the right decision-making body for the right case, and that makes a lot of sense. The minister said that the panel composition will be determined by the presiding member, it will be based on the needs of individual cases. That all sounds fine until we get into the real world and we project a year or two ahead, when the SACAT budget is being cut and we have a new presiding member and a new registrar and they are looking for places to make cuts.

I can tell you where they will go first: they will go straight to the three-person panels and say, 'This is a bit excessive. Why do three people need to make this decision?' And that is what will get cut. That, on my understanding, is exactly why we have gone to one-member panels at present. My understanding is that they were nearly always three-person panels in these mental health appeals and they were cut to one-person panels as a budgetary response rather than because the needs of individual cases lent themselves to one-person panels.

I think the responsible approach—and this is the approach that the Greens will be taking—is to accept the Liberal amendment at this stage, that there are four named sections of the Mental Health Act where the legislation will mandate three-person panels. If it turns out that buried within those sections are some minor administrative matters that can be dealt with by a smaller panel, perhaps a single-member panel, then we can deal with that later. However, this certainly is something that has come to us from the consultation so far. I will give one other example: the Health Consumers' Alliance (HCA). Their letter of 15 September, which I think all members have seen, states:

> HCA [Health Consumers' Alliance of South Australia Inc] recommends that the Tribunal implement a broader mix of experience on Mental Health Panels to include legal, health and community experience and knowledge. A minimum of three people with different backgrounds should make up a Mental Health Panel.

This is a consistent message we are getting from stakeholders, but I do accept that what the government has said in relation to flexibility might need to be considered. However, again, given the way this bill is proceeding, that is a matter for the government to deal with between the houses and convince us over the next couple of weeks that the Liberal amendment is too broad. But for now the Greens will be supporting the amendment.

The Hon. R.L. BROKENSHIRE: I ask the mover of the amendment for clarification. As I read it, I do not see it being specific to mental health matters within SACAT. Is it general or is it implied that no matter what type of tribunal SACAT is dealing with there would be a requirement of three?

The Hon. S.G. WADE: I am sure that parliamentary counsel will help me tweak the amendments if I need to, but certainly, even if I have wrongly identified clauses at the moment, the intention is that this would only apply to mental health matters. The only other element that comes over with this bill, as I understand it, is the Residential Tenancies Tribunal aspect. There is no suggestion that that would need to be a three-person panel.

The Hon. J.A. DARLEY: I will be supporting the opposition's amendment.

The Hon. R.L. BROKENSHIRE: I have actually attended a tribunal in the Residential Tenancies Tribunal that has been complex for retirement villages, and there was more than one commissioner there adjudicating on that. If it is not forcing the government into having to have three members on both tribunals which would, to be fair, be an enormous cost which I understand would

be unbudgeted, then if it is specific to mental health based on the complexities there and the issues that I raised earlier about guardianship and how they go about their work, we will support the amendment and see what happens between the houses.

The Hon. S.G. WADE: The Hon. Mr Brokenshire with his last remark probably compels me to clarify. Parliamentary counsel or other officers could send notes if necessary. The guardianship aspect of the Guardianship and Administration Act would not require a three-person panel under this amendment, only that aspect that relates to mental health law.

Amendment carried.

The Hon. S.G. WADE: My understanding is that we have just done amendment No. 5. They are all at clause 122 and I regard amendments nos 6, 7 and 8 standing in my name as consequential on amendment No. 4. If that is agreeable I propose to move them en bloc, therefore I move:

Amendment No 6 [Wade–1]—

Page 43, after line 33—Insert:

or

(c) in the case of designated proceedings—counsel under subsection (1a).

Amendment No 7 [Wade–1]—

Page 43, after line 33—Insert:

(1a) If a person chooses to be represented by counsel in designated proceedings under this subsection, he or she is entitled to be represented by a legal practitioner provided pursuant to a scheme established by the Minister for the purposes of this subsection, being a legal practitioner—

(a) chosen by the person himself or herself; or

(b) in default of the person making a choice, chosen by such person or authority as the scheme contemplates.

(1b) A legal practitioner (not being an employee of the Crown or a statutory authority) who represents a person under subsection (1a) is entitled to receive fees for his or her services from the Minister, in accordance with a prescribed scale, and cannot demand or receive from any other person any further fee for those services.

Amendment No 8 [Wade–1]—

Page 43, after line 36—Insert:

designated proceedings means proceedings before the Tribunal under the following provisions:

(a) section 16;

(b) section 29;

(c) Part 11;

Amendments carried; clause as amended passed.

Clauses 123 to 180 passed.

Consideration of clause 181 postponed.

Clauses 182 to 187 passed.

New clause 187A.

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

Amendment No 1 [EmpHESkills–2]—

Page 60, after line 10—Insert:187A—Amendment of section 8—Main objectives of Tribunal

Section 8—after its present contents (now to be designated as subsection (1)) insert:

(2) In connection with the conferral and exercise of its jurisdiction the Tribunal should, in relation to these objectives, consult from time to time with such agencies, organisations or bodies as it thinks appropriate.

As I foreshadowed in my second reading reply over the last three weeks, the Attorney-General's Department has actively consulted and engaged with key groups associated with the referral of the Guardianship Board jurisdiction into the South Australian Civil and Administrative Tribunal. This amendment is borne out of that consultation and has been at the direct request of a majority of those who were engaged over the last three weeks.

The amendment proposes to amend section 8 of the act by inserting an additional objective of the tribunal in dealing with matters within its jurisdiction and this is to consult from time to time with such agencies, organisations or bodies as the tribunal thinks fit. Although this is not a binding requirement on the tribunal, it is a guiding principle that sets an expectation that continued engagement and consultation across all jurisdictions conferred takes place.

By way of background as to how this amendment came to be, I wish to be brief. I have already gone through the extensive engagement process; that is already on the record. Obviously, the desire for continuous and ongoing consultation from groups consulted was consistent with SACAT's planned approach to meet regularly with user groups in each of the three streams of community, administrative and disciplinary, and housing and civil. This ongoing engagement as proposed in this amendment will help to inform progressive improvements and enable the ongoing exchange of information between SACAT and stakeholders.

The Hon. S.G. WADE: The opposition will be supporting this amendment. The minister is quite right to say that a clause like this cannot be binding. I think that what has more credibility in the community is what is displayed by the leadership of an organisation and the organisation itself. I again commend those who are involved in what the Hon. Kelly Vincent called the emerging consultation. They did demonstrate a willingness to engage, which I think does mean that people are reassured that that will be an ongoing feature of the work of the tribunal, and this amendment simply confirms that.

The Hon. M.C. PARNELL: I thank the minister for this amendment. As has been said, it might not be binding but it does exhibit an element of goodwill. I think that there will be an expectation on the part of stakeholders that they will be consulted on a more regular basis, rather than less regular basis, especially when changes are being proposed or practice directions are being put together.

There is an alternative approach to this, and that would be to mandate a particular type of forum and even mandate when it needs to be held, and that is not unusual in legislation; for example, the Environment Protection Authority, from memory, is mandated to have a round table of stakeholders every year. That is not the proposal here but, as an exercise in goodwill, the stakeholders have asked the government to put something like this in, the government has put it in and, if it fails, the government will be the first to hear about it.

New clause inserted.

Clauses 188 to 202 passed.

Consideration of clause 203 postponed.

New clauses 204, 205, 206, 207, 208, 209 and 210.

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

Amendment No 4 [EmpHESkills–1]—

Page 65, after line 38—Insert:

Part 17—Amendment of *Valuation of Land Act 1971*

204—Amendment of section 17—Valuation on request

Section 17(3)—delete 'and appeal against' and substitute 'against and review of'

205—Substitution of heading to Part 4

Heading to Part 4—delete the heading and substitute:

Part 4—Objections and reviews

206—Amendment of section 25B—Review by valuer

Section 25B(1)—after 'review of the valuation' insert 'in accordance with this section'

207—Substitution of heading to Part 4 Division 3

Heading to Part 4 Division 3—delete the heading and substitute:

Division 3—Review by SACAT

208—Amendment of section 25C—Review by SACAT

(1) Section 25C(1)—delete ', in accordance with the appropriate rules of the Supreme Court, appeal to the Land and Valuation Court against' and substitute:

apply to SACAT for a review of

(2) Section 25C(2)—delete 'appeal' and substitute 'review'

(3) Section 25C(3)—delete subsection (3) and substitute:

(3) For the purposes of the *South Australian Civil and Administrative Tribunal Act 2013*—

(a) an application for a review by SACAT must be made within 21 days after the applicant receives notice of the relevant decision (unless SACAT, in its discretion, allows an extension of time for making the application); and

(b) a review under this section will be taken to come within SACAT's review jurisdiction but, in the exercise of this jurisdiction, SACAT will consider the matter *de novo* (adopting such processes and procedures, and considering and receiving such evidence or material, as it thinks fit for the purposes of the proceedings); and

(c) without limitation, a variation made by SACAT on the review of a valuation may consist of an increase or decrease in the valuation.

(4) In this section—

SACAT means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

209—Amendment of section 25D—Saving provision

Section 25D—delete ', review or appeal' and substitute 'or review'

210—Transitional provisions

(1) In this section—

principal Act means the *Valuation of Land Act 1971*;

relevant day means the day on which this Part comes into operation;

Tribunal means the South Australian Civil and Administrative Tribunal.

(2) A right of appeal to the Land and Valuation Court under section 25C of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the Land and Valuation Court.

(3) Nothing in this section affects any proceedings before the Land and Valuation Court commenced before the relevant day.

Government amendments Nos 4 to 6 are related to the previous government amendment, which proposes to confer the review function under section 25C of Valuation of Land Act 1971 to commence on 29 March 2015.Currently, part 4 of the Valuation of Land Act 1971 provides a three-stepped approach for property owners or tenants to have their valuation grievances considered and, where required, addressed. The three steps in the process are as follows:

- Step 1: The Valuer-General first considers an objection to the valuation. No cost is borne by the property owner.
- Step 2: If the owner is unhappy with the Valuer-General's objection decision, the valuation can be reviewed by an independent valuer chosen by the property owner from

a panel of valuers appointed by the Governor for the property owner's principal place of residence. The application fee is less than $100.

- Step 3: If the property owner or the Valuer-General is dissatisfied with the valuer's decision, they can take the matter to the land valuation division of the Supreme Court. This appeal is considered to be on a de novo basis, which is formal and considered by some to be a very expensive process.

Amendments 4 to 6 propose to leave section 25B of the Valuation of Land Act 1971 largely unaltered but to give SACAT the function of hearing appeals regarding objections to land valuations under section 25C. Once conferred, the hearing of appeals regarding objections to land valuations will fall within the tribunal's review jurisdiction under section 34 of this act. The effect of these amendments is that the Land and Valuation Court will no longer have any functions under the Valuation of Land Act 1971 but a right to appeal to the Supreme Court will remain pursuant to section 71 of the South Australian Civil and Administrative Tribunal Act 2013.

The Hon. S.G. WADE: I thank the minister for the advice. I was ignorant enough to think it was consequential, but that was very informative. The opposition will be supporting the amendment.

New clauses inserted.

Progress reported; committee to sit again.

AUSTRALIAN CRIME COMMISSION (SOUTH AUSTRALIA) (EXAMINATIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 25 September 2014.)

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) (17:47): Just by way of concluding remarks, this bill is uncomplicated but important. It will remove from the Australian Crime Commission Act words that were intended to make it consistent with the ICAC Act but which make it incompatible with the national scheme. The bill is a response to a request by the Australian Crime Commission and will simply ensure that the commonwealth and states' Australian Crime Commission acts continue to be consistent. I thank members for dealing with this bill expeditiously.

Bill read a second time.

In committee.

Clauses 1 to 4 and title passed. Bill reported without amendment.

Third Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (17:50): I move:

That this bill be now read a third time.

Bill read a third time and passed.

RETURN TO WORK BILL

Second Reading

Adjourned debate on second reading.

(Continued from 24 September 2014.)

The Hon. R.L. BROKENSHIRE (17:50): I rise on behalf of Family First today to talk to the Return to Work Bill. At the start, I put on the public record that it is unfortunate that we are having to deal with this bill today, because under this government for 12 years we have seen an absolute

deterioration of three key areas of WorkCover. Firstly, we have seen us become an incredibly expensive state in which to do business because of the high rate that employers have to pay to the WorkCover scheme in South Australia.

Secondly, back in 2002 when this government came to office, WorkCover was effectively fully funded, and we have seen a situation over that 12 years where it has gone from effectively a fully funded scheme, where the government of the day could have written out a cheque without too much difficulty and paid the whole lot of the unfunded liability, to a scheme now where, even though there have been some improvements in the last 12 months, the fact of the matter is that the unfunded liability is still, as I understand it, over $1 billion.

Thirdly, I think it is important to put this on the public record, because I talk to a lot of constituents across the state and there has always been a school of thought within a lot of people's minds that a Labor government would look after workers better than a Liberal government, but that is just simply not true. When my father talked to me as a young person about the ideology and philosophy of the Liberal and Labor parties, he always said that the ideology of the Labor Party was that they would look after the worker, they would look after the battler, and that the Liberal Party was more focused on enterprise, capital growth and employers being able to employ more people. In summary, they were some of the differences that he told me about.

Sadly, whilst that may have been the case way back when I was a young person, the reality is that under this Rann-Weatherill government, of which for part of the time the Premier was actually the minister responsible for WorkCover, as I understand it, we actually have seen a huge deterioration in the rights of workers. The most draconian, of course, was when we saw a situation where, after 13 weeks on the WorkCover scheme, you received a 10 per cent reduction in your wages or salary, and after 26 weeks, you received a 20 per cent reduction. Even though as an innocent worker going about your duty for your employer and for your family you were sadly injured, your whole family had to suffer. That has all happened under 12 years of Labor government.

About 12 months ago—not quite that long ago—the Attorney-General, the Minister for Industrial Relations, said publicly, 'The system is buggered; WorkCover is buggered.' That is what he said, and that was the first admission by anyone in the Labor government that they had effectively stuffed WorkCover. You bet they have, because there have been no winners. The cost of doing business has actually gone through the roof, employers have had to pay massive premiums and the injured have received fewer benefits.

There are about 15,500 new claimants a year, and 70 per cent of those claimants receive either no income maintenance or less than two weeks income maintenance. South Australia's return-to-work rate remains well below that of all other states, and has been consistently below the national average for many years. South Australia has the highest average premium rate at about double the rate of other jurisdictions of 2.75 per cent for the 2014-15 financial year, compared with 1.47 per cent in New South Wales, 1.272 per cent in Victoria, and 1.2 per cent in Queensland.

Modelling the future impact of the changes on workers using historical data indicates that about 94 per cent of people who work with an injury will receive either some improved or the same income support benefits. From that viewpoint, on the face of it I have to congratulate the Attorney-General and Minister for Industrial Relations for having a go at trying to get a scheme that is better.

Family First's position is that, after quite a lot of deliberation, we will support the bill, because something has to happen. It has been said clearly by the Attorney-General that 'the system is buggered', to use his words, and something has to happen. I will in committee ask the minister responsible how the government can guarantee, how it can put the government seal on this bill with the minister signing off on the fact that $180 million a year will be going back into the employers' pockets.

It is specifically on that basis, and that basis alone, that the employers and the representative groups, like Business SA, have actually asked us to support this legislation. It is a big and bold statement for a government that has actually ruined WorkCover and run it up to massive deficits that all of a sudden we see a situation where it will save employers $180 million and then inject that money back, hopefully, into growing the economy.

The other side of it is that, yes, it is true now that there will be changes to improve the situation for most workers in the first two years, and up to the end of the first year those workers will receive 100 per cent of their entitlements and after that come down, as I understand, 20 per cent, so to 80 per cent of their wages after the first year. The problem with this (and where I really find it interesting) is that the Labor Party—and, I might add, the unions in this case—must have a reason to be so quiet. I have not had the unions come to me at all on this legislation, and I want to put that on the public record.

I had the unions roll over on the Public Sector Act reforms that the now Premier put forward, which were draconian and against the best interests of the public sector workforce, but there has to be a reason. I do not have my finger on the pulse of the reason yet, but there must be a reason the unions are so quiet. I do not understand why anyone would want to pay to be a member of a union that is prepared to let a government do you over in the longer term.

I will just explain how I see them being done over. Whilst they have had some of their entitlements put back for the first year, the reality is that after two years they will absolutely be dumped on the scrapheap. That is what will happen to them. If some are able to get some sort of lump sum redemption, they will be doing very well, but for the rest of them after two years they will be on the scrapheap. So, where is the union looking after a worker who simply goes to work?

In fact, the only union I have seen with any credibility that has come out has been the Police Association through its President, Mr Mark Carroll, who said on ABC radio that the changes could leave injured officers financially worse off in doing their job. I will quote what he had to say:

> To find themselves left out in the cold if they suffer any other further injuries because, as we know, the payments under the new legislation—

and this is the key—

> will cease two years after the original injury, and we just don't think that's fair and reasonable for our members who have put themselves in harm's way to protect the community.

I totally agree with the Police Association, but they are the only ones who I have seen come out arguing the case against supporting this legislation. I think the parliament needs to have a close look at why the unions are so quiet in this whole matter, because there has to be something happening behind closed doors.

Nevertheless, whatever that may be, I suggest that it is something that probably employers and Business SA have not had a close enough look at. I do not trust the unions to just absolutely and categorically let a Labor government do over workers without some backdoor, backhanded payment structure coming back somewhere in the future. Let's have a look at that during the committee stage. It is very interesting and ironic that there are a number of Labor members of parliament in both our house and the other place who have a union background and who went into bat for and represented these workers, but they must forget about the workers when they come in here.

The Hon. R.I. Lucas: Name them.

The Hon. R.L. BROKENSHIRE: Well, we know them. There is such a long list and, sir, it is such a long list and so late at night that it would take me a very long time. It just amazes me that you can get in there and fight like mad; in fact, I can tell you that some of those now members of parliament, when they were in senior positions in the union, would be out there blocking King William Street, blocking North Terrace, and absolutely blocking the steps of Parliament House if a Liberal government was doing this.

I know that for a fact. Go and ask the Hon. Graham Ingerson about some minor changes that he made and see what a carry-on and dance they did, and how bad it was, and the Liberal government was so terrible, and they were anti-employees, and all the rest of it, and yet now it is like a puppy having its tummy tickled. They are so quiet; they are just smiling, sitting there in their chairs. To me that is deplorable.

I will spend a lot of my time over the next three years going around South Australia telling the workers what this government has actually done to them, telling them what this government has

done to them and to their families. Mark my words, there will be a number of decent and genuinely injured workers who will be thrown on the scrapheap after two years. If you reckon there is a problem living below the poverty line for 2.5 million people now, just wait until you see what happens with those people.

I had a word to an advocate of injured workers only this week, and I will be looking to put in an amendment to support advocates for injured workers because I think more than ever they will need advocates, the way this bill is. She said, 'Robert, we're already having workers suicide, we're already having their families ripped apart by what's happening with the lack of management in WorkCover now. Imagine just what it's going to be like in a couple of years when this legislation becomes a reality.' She said, 'I will be attending more funerals of injured'—

The Hon. G.A. Kandelaars: Is that why you're supporting it?

The Hon. R.L. BROKENSHIRE: No; I'm supporting it because I want your government's head out there. You are the ones who have written the legislation. I want jobs as well. It is a difficult situation, but I do not want to walk away from here without putting the facts on the table, but it is a balancing act. I suggest to you that the hoodwinking and the lack of support from the unions is something that needs to be questioned and examined.

Sir, when you look at the other side of the equation and the employers, you can understand why they are in a situation where they are screaming out for relief, and I have already highlighted some of that here in the debate this afternoon. If you are trying to tender for a product that you manufacture against states where you double your WorkCover rate for a start, then of course you will have a massive land tax situation in South Australia, the payroll tax situation, and now the emergency services levy, just to add another one, which has now gone from an emergency services levy to another property tax; that is what it has done under this government. It is all backwards at the moment for businesses and, therefore, I can understand why businesses want this bill to pass.

In balancing it up, we will support the bill because there is no option or alternative. What I simply said and what I have put on the public record is: where are the unions and why is it a Labor government that is doing this? In the future when people come to see me in my office I will be able to show them the debate and talk to them about who actually brought this legislation forward.

There are other options that could have been looked at, and I still do not really understand why the South Australian government of the day has to have a WorkCover Corporation as it is. We did not always have one. We had some bad laws way back when we did not have modern employment practices that were more considerate to workers, but why we actually even have to have a WorkCover Corporation and not just have good laws and let businesses go out and actually tender is still beyond me.

I would love to go to my insurance company, with all the other insurance we have to have, and say, 'Here is my business. What is my premium going to be?' I have not got that luxury because I am a small business like most. There are only a few, less than 100, businesses in this state that are self-insured, so there is not a lot of choice. It is more an ideology that goes right back in the Labor Party to the Hon. Jack Wright. Because he brought in WorkCover Labor has enshrined it, but we have to deal with what is put to us here in the house.

One of the things that really does concern me is that we have a situation where there could be a common law opportunity. Legal advice to me says that in almost all of the cases it will be very hard to prove negligence under common law so, again, the reality is that the Weatherill Labor government has made it a straight intent that workers will be worse off in time if they happen to be seriously injured. There will be some that will be better off over that two-year period.

The point that I want to finish with, though, is that we have not had any discussion about what is going to happen with the restructuring of WorkCover. First of all, the board of WorkCover has been an absolute failure up until at least recent times. We have seen appointments to the board from the union as a payback to the Labor government, so they have had one of their heads on there. We have seen people like Sandra De Poi who, as a partner of one of the ministers in this government, was on that board and whose company also had the only case management contract for some time. We have seen that sort of situation and at the same time we have actually seen a situation where

we have seen blowout after blowout in the unfunded liability and in the other financial issues regarding WorkCover.

What I have experienced is a lack of case management and a lack of good outcomes. In fact, when they do finally get good medical assistance and they are healed from their injury, they are most of the time damaged badly from a mental health point of view and a lot of them unfortunately cannot go back to work. The reason I raise that is I think WorkCover needs to actually have a good hard look at itself as well and needs to actually have a look at how it is going to manage its responsibilities into the future, because it is not just a matter of dropping premiums and changing how workers are given entitlements, but surely it is a matter of how they actually case manage, get people back to work and, importantly, become efficient and effective in WorkCover.

The reality is that—and I think most members would agree with this, even the government ones if they were frank with us—all of us have had dozens of constituents, if not hundreds if you have been in here for a while, that come to us a thorough mess because of the way they have not been managed properly by WorkCover. There is no discussion that I have heard from the Attorney-General on what he intends to do to improve that side of it, but at the end of the day what we have is a mess on our hands.

The government have now come up with an option. It is incumbent on us to support the government overall although we have concerns because we have a state that is in a very difficult position even though the government say that things are good and things are improving all the time. The truth of the matter is that things are damn tough in this state, and if we can help to stimulate some progress with reductions in the rates then we will be in a situation where hopefully that is one step forward in improving the economic opportunities for job creation through further growth in existing and new businesses in the state.

After weighing it all up and after talking to many members of parliament, I think a lot of them think similarly to me and they are supporting this bill because this is the only option that has been put up by the government. However, the test now will be what happens in the future. Will there be $180 million of money returned to employers? We will ask more about that in committee stage. Will the scrap heap be a major problem? It is a sad situation, but those workers who are effectively put on a scrap heap are going to start to see that impact in about two years and eight months, which is interesting, because that will be the year before the election.

It will be interesting to see what happens with those particular individuals and what they think about this government, and what unions may or may not do then when they see those workers going onto that scrap heap.With those words, I think we have made it pretty clear what our concerns are, but when you get a situation where over 12 years you have seen an absolute deterioration of a WorkCover scheme, something has to happen, and this is a policy the government wants supported.

The Hon. R.I. LUCAS (18:11): I rise to commence some remarks this evening in supporting the second reading of the bill. Given the lateness of the hour, I indicate that I will seek leave to conclude my remarks. As we are aware, the government (the Premier and the Deputy Premier) have outlined that they have introduced this particular legislation to seek to reduce the cost to businesses in South Australia by $180 million a year. They continue to pat themselves on the back, prematurely at this stage, indicating that this is the most significant cost reduction initiative that any government could take—far bigger than any of the tax reduction initiatives and others that were discussed in the period leading up to the state election.

The first point I would make is that the cost of doing business in South Australia will be assisted potentially by the passage of the legislation, but this and much more will need to be done if our businesses in South Australia are to be cost competitive on the national and international stage. This is a necessary step, but not a sufficient step in terms of returning South Australian businesses to a cost competitive position, as I said, on the national or international stage.

The second point I would make is this: Premier Weatherill and the Weatherill government seek to claim credit for cleaning up a mess that has been a mess solely of its own creation over a period of 12 years. I am reminded of the juvenile arsonist who has been caught burning the school building down and has been compelled under a community service order to clean up the mess that

he has created, then seeking to claim credit for cleaning up or attempting to clean up the mess that the juvenile arsonist has created in the first place.

Premier Weatherill and the Weatherill government are the juvenile arsonist. They have burnt the place down and they have created the mess. They are being required under public pressure to do something about it, to clean up the mess, and now they seek public support and approval for cleaning up the mess that they created in the first place. I seek leave to have incorporated into *Hansard* without my reading it a purely statistical table on the unfunded liability, liabilities and assets of the WorkCover Corporation from 1987-88 through to the most recent figures of 2013-14.

Leave granted.

Table 1

Table 1 illustrates the assets versus liabilities, together with the percentage of how fully funded WorkCover has been since the establishment of the scheme. It clearly shows the closest the Corporation has come to being fully funded in the last 10 years was 97.3 per cent in 1999-00.

Year ending 30 June	Total Liabilities ($m)	Total Assets ($m)	(Unfunded Liability)($m)	%Fully Funded
1987/1988	125.8	115.7	(4.3)	96.7
1988/1989	281.0	248.3	(18.2)	93.6
1989/1990	532.8	372.3	(150.0)	72.3
1990/1991	678.4	530.5	(134.5)	80.4
1991/1992	755.4	641.4	(97.2)	87.3
1992/1993	754.4	736.4	5.2	100.7
1993/1994	824.1	688.4	(111.4)	87.0
1994/1995	945.4	694.5	(207.1)	70.7
1995/1996	831.8	624.7	(207.1)	74.7
1996/1997	719.2	609.2	(110.0)	84.7
1997/1998	729.4	650.5	(79.0)	89.2
1998/1999	743.9	714.9	(29.0)	96.1
1999/2000	836.3	814.0	(22.3)	97.3
2000/2001	860.5	804.9	(55.5)	93.5
2001/2002	949.4	757.0	(192.4)	79.7
2002/2003	1,312.7	721.6	(591.1)	55.0
2003/2004	1,444.0	871.9	(572.1)	60.4
2004/2005	1,772.6	1,120.4	(652.1)	63.2
2005/2006	1,922.8	1,288.1	(694.1)	67.0
2006/2007	2,398.5	1.546.0	(843.5)	64.4
2007/2008	2,512.4	1,528.4	(984.0)	60.8
2008/2009	2,449.0	1,390.0	(1,059.0)	56.7
2009/2010	2,553	1,571	(982)	61.5
2010/2011	2,706	1,754	(952)	64.8
2011/2012	3,403	2,014	(1,389)	59.2
2012/2013	3,764	2,398	(1,366)	63.7
2013/2014	3,899	2,767	(1,132)	71.0

Note: Figures from 2009-10 onwards have rounded to the full amount.

The Hon. R.I. LUCAS: This table is an extension of the table produced in a report I will refer to in a moment by the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation in 2012, which produced figures through to 2008-09, and my office has gone to various WorkCover reports since then, including the one tabled today for 2013-14, to extend the time line of the figures.

What this table shows is the performance history in terms of the unfunded liability of the scheme, its liabilities and assets and the percentage of the scheme that is fully-funded or not over that 26-year period. If I go back to the commencement of this particular period of the Labor government, the last full year of the former Liberal government was 2000-01, and in June 2001, the unfunded liability of WorkCover was the sum of $55.5 million and the scheme at that stage was almost fully-funded at 93.5 per cent funded.

The Hon. R.L. Brokenshire: Well managed, it was.

The Hon. R.I. LUCAS: As the Hon. Mr Brokenshire referred to earlier in his comments and he does so by way of interjection again. What we see since that period of 2000-01 is a steady deterioration, so that for each of the last three years, the unfunded liability has been well in excess of $1 billion: in June 2012, $1.389 billion; in June 2013, $1.366 billion; and this year, in June 2014, a slight reduction to $1.132 billion. In terms of the percentage of the scheme that is fully-funded or not, comparing it to 93.5 per cent, which is what the Labor government inherited when they took power in 2002, instead of 93.5 per cent for each of the last three years, it has been 59.2 per cent funded, 63.7 per cent funded and 71.0 per cent funded.

Just looking at the financial performance of the scheme which, when one listens to the public debate from the Premier and the government, seems to be the major driver of the legislation that we have before us, it is clear that the mess has been entirely created by 12 years of financial mismanagement, appalling governance, interminable reviews, an interminable number of reviews and attempts and promises to fix the problem. I will refer to a number of those, in particular the most recent attempts in 2008, where all sorts of claims were made by the Labor government about fixing the scheme, but they were not the only claims that were made over this 12-year period.

If I can refer to the seminal work of the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation tabled on 27 November 2012, the committee was chaired by the member for Ashford. I was a member, and I cannot remember but I think the Hon. Mr Gazzola was a member up until October 2012—so, just before that time—and the Hon. Mr Kandelaars, as is his way, came in to take all the glory in October 2012, just in time for the tabling of this report.

This particular committee looked at the performance of WorkCover and not just the financial performance. What we were interested in, and what a number of us have been raging on about, was the appalling performance of WorkCover right across the board, not just in terms of its financial performance but in terms of its impact on workers and in particular in terms of rehabilitation and return to work. The executive summary of that particular report—chaired by, as I said, a Labor member, and unanimously supported, I think, on my recollection—said:

> The performance of the workers compensation rehabilitation scheme in South Australia has been called the worst in the nation—

and it refers to the SafeWork Australia Comparative Performance Monitoring Report in 2011. The executive summary continues:

> In South Australia, the return to work rate has consistently been below the national average every year that the Australia & New Zealand Return to Work Monitor—

The Campbell return-to-work monitor—

has been conducted.

I repeat, every year the return-to-work performance in South Australia has been worse than the national average. It continues:

> It is currently the lowest of any other state or territory. The scheme's unfunded liability is the highest in the nation.

That was at that stage at $1.13 billion at 30 June 2012, up from $437 million from 30 June 2011, shifting the funding ratio from 64.8 per cent to 59.2 per cent. It continues:

> Other indicators which reveal South Australia's poor performance include a high average claim length, high average claim cost and low stakeholder satisfaction ratings. Statistics and evidence presented to the committee showed that the use of rehabilitation services is high in South Australia but that satisfaction ratings for these services is low. This, in conjunction with poor return to work rates, indicated to the committee that rehabilitation in South Australia is not operating effectively.

There was a lot of evidence taken by that committee on the actual impact and performance of WorkCover in relation to injured workers, in relation to the rehabilitation services and return-to-work services that were supposedly being provided to injured workers in South Australia.

It is sad testimony to a Labor government that, after 12 years we are still talking about the worst performing workers compensation scheme in the country in terms of the impact on employers, that is, as the Hon. Mr Brokenshire has referred to, the average levy rate for employers was double, and sometimes more than double, the national average and the average of employers in every other jurisdiction, particularly on the eastern seaboard. That is the financial impact.

I would have thought, if I was a union representing a Labor member of a Labor caucus, if on the one hand we had the most expensive and costly and pricey scheme in the country but if we were producing Rolls Royce performances for injured workers in terms of returning them to work, then, as a card carrying member of the union and as a card carrying member of the Labor Party, I might put my hand up and say, 'It's costing us double but we are achieving double the value in terms of return to work and rehabilitation for injured workers. We are getting them back to work better. We are providing a better service. Their satisfaction with WorkCover is much better than the satisfaction of workers with the equivalent corporations in other states. They are happy with the service they get from claims managers and WorkCover and the rehabilitation service providers.'

What we knew and what that committee report ultimately found was that it was actually the reverse. We were paying twice-plus in terms of the costs of the scheme but we had the worst return-to-work rates in the nation. The satisfaction level of workers, injured workers in particular and their representatives, was the worst in the nation. We had the worst of all worlds. We had the worst costed scheme in the nation and we were providing the worst services for injured workers in the nation. That is under 12 years of Labor government.

That is why I say: shame on all of us in South Australia but, in particular, shame on those who represent the workers in, supposedly, the workers' party, the Australian Labor Party, because they have been in government for 12 years and what have they done about it over a 12-year period? They have done nothing.

We have heard various people roar like lions in the corridors of power in the South Australian Parliament about what they do sticking up for injured workers but, when they get into the caucus or the cabinet or when they come into this parliament, they whimper like pussy cats. They will roar like lions to their union mates and say, 'We'll stick up for you. We'll stand up for your interests,' but there is nothing when it really matters.

I hope that during this particular debate members of the Labor caucus will speak up. I note that in the House of Assembly only one member of the Labor caucus stood up and spoke, and that was the member for Ashford. I would be pretty confident, given the recent record, that as the Hon. Mr Gazzola nears his final days in this parliament, he may well stand up on behalf of the workers and speak fearlessly. He did not speak in 2008, and I reminded him of that at the time. I would certainly be encouraged if the Hon. Mr Gazzola, at least, had the courage to stand up, remember his union colleagues from the left within the union movement, and be the lone voice.

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

The Hon. R.I. LUCAS: We will wait and see whether the Hon. Mr Kandelaars will speak. As the Hon. Mr Gazzola referred to the Hon. Mr Maher as the new left, we would be pretty convinced that the representatives of the new left will certainly not be standing up and speaking out on behalf of the workers.

The Hon. J.M. Gazzola: You described us as fat, dumb and mute last time.

The Hon. R.I. LUCAS: Fat, dumb and mute. I did describe all of you as fat, dumb and mute last time, and I think as useful as garden gnomes. Only time will tell this time around. We will wait and see whether the supposed representatives of the workers will follow—very tentatively, I might note, from the member for Ashford. She gave a mild and tempered speech, but at least she spoke on the bill in the House of Assembly. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

At 18:28 the council adjourned until Wednesday 15 October 2014 at 14:15.

Answers to Questions

CONSUMER AND BUSINESS SERVICES

In reply to **the Hon. S.G. WADE** (20 May 2014).

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): I am advised:

The demand for face-to-face services at the Berri office had been low for an extended period of time. Consumer and Business Services' stopped collecting data on customer usage specific to Berri and the surrounding region in 2012. CBS had been monitoring work demands for several years through monthly activity reporting. The monthly reports that recorded telephone and counter enquiries evidenced a declining demand for services. The average number of counter enquiries that were not referred to other agencies or specialist areas in the Adelaide office were around two per day in 2009, 1.5 per day in 2010, and one every two days in 2011.

BUILDING FAMILY OPPORTUNITIES

In reply to **the Hon. K.L. VINCENT** (19 June 2014).

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): I am advised:

The 395 job opportunities' referred to means that 395 jobs were secured for members of the families assisted through the Program.