LEGISLATIVE COUNCIL

Thursday, 16 October 2014

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:17 and read prayers.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Coroner's Inquest and South Australia Police's Response to the Findings into the Death of Mrs. Zahra Abrahimzadeh on 21 March 2010
Taking a Stand—Responding to Domestic Violence Policy Document

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

Reports, 2013-14—
Marine Parks Council of South Australia
South Australian National Parks and Wildlife Council

Ministerial Statement

MURRAY-DARLING BASIN MINISTERIAL COUNCIL

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:19): I seek leave to make a ministerial statement.

Leave granted.

Tonight I will be travelling to Brisbane to attend tomorrow's 12th meeting of the Murray-Darling Basin Ministerial Council. These meetings bring together ministers from the commonwealth and basin states; together, we are charged with ensuring the health of the Murray-Darling Basin. South Australia has a proud tradition of fighting for the health of our river. Through the Fight for the Murray campaign, Premier Weatherill brought together industry and community to fight for a better deal for the region—

The Hon. R.L. Brokenshire interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —and he took that fight up to the federal Labor government and the Eastern States. As a result, South Australia secured a plan which will secure the health of the river system. Using the best available science, we set out to achieve a return of 3,200 gigalitres of water per year to the river. The final plan sets out a target for the return of 2,750 gigalitres of water per year with an adjustment mechanism to increase this by an additional 450 gigalitres. Central to South Australia signing up to the plan was the agreement, secured by legislation, to return an additional 450 gigalitres of water, backed by a $1.77 billion fund.

Achieving the necessary environmental improvements and the sustainability of the basin is dependent on the return of 3,200 gigalitres of water. This is what South Australia fought for and what we require to be delivered. We also know that, even if we achieve a return of 3,200 gigalitres of water, scientific modelling shows that there is a risk of the Murray Mouth closing in five out of 100 years. The condition of the Murray Mouth will be foremost on my agenda for the ministerial council meeting.

Ensuring the health of the Murray Mouth is essential to a healthy whole-of-basin river system. Mouth closure would likely result in ecological harm to the internationally important Coorong wetlands

and prevent the important connection between the river and the sea. Conditions at the Murray Mouth have deteriorated significantly within the last few months. The deterioration has escalated since the start of 2014 and more rapidly in the last three months due to the relatively low River Murray flows, severe storm conditions and a decrease in rainfall. This means that we all have to be vigilant about the health of the Murray Mouth.

The commonwealth government's commitment to the target of 3,200 gigalitres, including the additional 450 gigalitres, is essential in reducing the risk of closure of the Murray Mouth. Tomorrow, I will be demanding from the commonwealth and from the other basin states a renewed effort to return the additional 450 gigalitres of water back to the River Murray as a priority, recognising its importance in the whole river system. I will also be highlighting the importance of planning and funding for potential dredging of the Murray Mouth.

Prior to the millennium drought, extensive investigations and modelling were carried out and concluded that dredging was the most technically feasible, environmentally acceptable and cost-effective management option to maintain an open Murray Mouth compared with a range of structural or other methods. The South Australian government is committed to ensuring the health of the Murray Mouth and the basin as a whole, and we will continue to work with the commonwealth and other basin states to ensure the success of the basin plan.

FORREST, MS CAITLIN

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:22): I table a copy of a ministerial statement relating to the South Australian jockey, Ms Caitlin Forrest, made in the other place by the Minister for Racing.

DOMESTIC VIOLENCE

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:22): I table a copy of a ministerial statement relating to domestic violence made by the Premier.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

GOVERNMENT CONSULTANTS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24): I seek leave to make a brief explanation before asking the minister representing the leader of the chamber, representing the Premier, a question about consultants' out-of-pocket expenses.

Leave granted.

The Hon. D.W. RIDGWAY: As members will recall, I asked some questions yesterday in relation to the out-of-pocket expenses of Mr Göran Roos, who has been a consultant to the government here on a number of fronts. I know he was a Thinker in Residence, but in recent times he took up permanent residency. Yesterday I had the good fortune to come across a couple of invoices, and I have had that same good fortune and have discovered a couple more. It is of interest to the chamber that Mr Roos is becoming a permanent resident, and I have a copy of an invoice here from a local Adelaide firm for migration and relocation services for Professor G. Roos and his family for $22,500, plus GST, taking it to $24,750.

Of interest also is an invoice I have for the cost of freighting his personal effects—the shipment of household and personal effects. The cost of that was some £7,412. If you do the conversion on today's rate, it's $13,469 to ship his personal effects out. Of added interest, in the details of that invoice is the insurance which is, I think by the look of it, £2,945. I thought that was exorbitant, but then I realised it was based on the value of the goods being shipped. There were

£105,190 worth of goods, which worked out to be, on today's exchange rate, $191,158 worth of goods that were shipped out here by the taxpayers of South Australia.

Mr Roos has gone on to do a number of consultancies, and I am fortunate to have a copy of his professional fee for the GM Holden project of some $200,000, and his invoice for the defence project Land 400 supply chain visit to Europe, $100,000. Of course, we know he is the chair of the Advanced Manufacturing Council, and he has been paid $75,000 for that.

He was also chair of the VTT organisation in Finland, which is the Technical Research Centre of Finland. It is interesting to note that it was, I believe, Mr Roos who recommended to the government that VTT do the cellulose fibre chain value study in Mount Gambier. My questions to the minister are:

1. What is the government policy on out-of-pocket expenses and is there a financial cap on those out-of-pocket expenses?

2. Does the minister think spending $13,500 on freight and nearly $25,000 on migration and relocation services is good use of taxpayers' money?

3. Can the minister bring back to the house what the selection process was that saw VTT chosen for the fibre chain value study, did it go to tender and who were the unsuccessful bidders for that project?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:27): I thank the honourable member for his most important question directed at the inspirational leader of this council on behalf of the Premier in the other place. I undertake to take that question to the appropriate person in the other place and seek a response on his behalf.

MARINE PARKS

The Hon. J.M.A. LENSINK (14:28): I seek leave to make an explanation before directing a question to the Minister for Sustainability, Environment and Conservation on the subject of compensation for marine parks.

Leave granted.

The Hon. J.M.A. LENSINK: As honourable members would be aware, the marine park sanctuary zones and other management zones came into effect on 1 October. I have been contacted by a number of holders of fishing licences and casual and part-time employees who will be impacted by the zones. I note that, on 13 April 2011, the then minister for the environment, the Hon. Paul Caica, wrote to industry outlining a number of matters in relation to displaced effort, fishery adjustment and the like, including several paragraphs on compensation. The first dot point under that is a direct quote of section 21 of the Marine Parks Act. Dot point two states that:

- Compensation will be determined by the Minister for Environment and Conservation on a case-by-case basis.

Dot point three states:

- Any commercial fishing licence holder whose entitlement has been compulsorily acquired will be offered fair and reasonable compensation.

Dot point four states:

- Any commercial fishing licence holder that believes their statutory right has been affected, but whose entitlement has not been compulsorily acquired, may make an application for fair and reasonable compensation. The application must set out the reasons for such an application.

And the fifth dot point states:

- The Government may provide further guidance as to the application procedures and other matters through either published administrative procedures and/or regulation (including a three-month application period).

On the DEWNR website, the information is fairly identical, under the page 'Displaced commercial fishing'. So, in effect, there is no information available since 2011. My questions for the minister are:

1. What compensations are available, not just to fishing licence holders, but casual part-time employees and other people who may be impacted and who will lose fishing grounds as a result of the implementation of the sanctuary zones on 1 October?

2. Is there an advice line that people may contact or a form that they may fill in for compensation?

3. Why were the guidelines not finalised prior to the implementation date of 1 October?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:30): I thank the honourable member for her most important question about the government's very important marine parks and sanctuary zones. I could take half an hour to again tell the council why they are so very important, but I think we can just go back and read the *Hansard*.

The Hon. M.C. Parnell: Be expansive!

The Hon. I.K. HUNTER: The Hon. Mark Parnell encourages me to be expansive, but today I suspect I might just answer the question very directly, and that is this: draft marine park statutory authorisation compensation regulations will shortly be released for targeted public consultation. I have said in this place previously, Mr President, that those guidelines were always envisioned to be developed after 1 October. I have also said in this place commercial fishers have asked the government for these regulations to help provide the industry with certainty regarding the process for consultation. It is important to distinguish this aspect of the regulations under the act from, for example, displaced catch buyout.

The displaced catch buyout is a separate process; we have undertaken a voluntary buyback for that process. That has worked very successfully, as I entertained the council with yesterday. This other aspect of compensation goes to some other person who has a commercial interest who can defend a position that they have been harmed somehow, and can back that up with evidence. They have, under the act, an ability to go and ask for compensation. Those regulations are being processed now. They will certainly be going through a targeted consultation process and we will have them out publicly as soon as we can.

MARINE PARKS

The Hon. J.M.A. LENSINK (14:32): Supplementary question: in the meantime, is there a telephone number, or an email, or a particular person that these individuals are able to contact for further information?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:32): There are some directions on our website about who they can contact in the department for general questions. I have been engaging with the peak bodies on this matter; they are the ones who have encouraged me to progress the regulation, and that is exactly what we are doing.

MARINE PARKS

The Hon. S.G. WADE (14:32): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question regarding ecotourism in marine parks.

Leave granted.

The Hon. S.G. WADE: One of the arguments put forward by the government in favour of particular sanctuary zones is that ecotourism will provide alternative economic opportunities for people to interact with marine wildlife in regional South Australia. I note that clause 8(3)(h) of the Marine Parks (Zoning) Regulations 2012 outline that tourism operators within sanctuary zones would be liable to an expiation fee of $315 if:

> A person must not, for fee or reward, conduct a tour of the zone or otherwise carry on a business comprising tourism in the zone.

My question is: given that interaction with native marine species is likely to change wild animal behaviour, as has been demonstrated by the CSIRO in relation to berleying associated with shark-

cage diving, has the minister's department developed guidelines for tourism operators within marine parks and, if not, why not?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:33): I thank the honourable member for his most important question, and indeed it is very timely because, as I understand it, my department will be approaching the tourism commission to develop opportunities about ecotourism. Looking at the vast evidence that is available to us from Western Australia, New South Wales or indeed New Zealand, it shows big opportunities for regional communities and economies in terms of attracting tourists to our marine parks, particularly on the back of sanctuary zones, which is what tourism is all about. It is about looking at the preservation of wilderness and terrestrial parks, or our marine parks and our sanctuary zones.

MARINE PARKS

The Hon. S.G. WADE (14:34): I thank the minister for his answer about the fact that his department is going to look for, I understood him to mean, ecotourism development opportunities. My question, though, was more in terms of the guidelines that those tourism ventures will operate within, particularly so that any impact on other industries and other users of the marine parks is properly taken into account. I remind the minister that I was particularly referencing activities such as berleying around shark-cage diving, which I understand has been shown in other contexts to have an impact on related industries.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:35): I thank the honourable member for his supplementary and, in fact, he is quite right: a CSIRO report in terms of shark-cage diving does show that there has been some sort of change in the behaviour of sharks. We assume it is related to berleying. It is not absolutely certain, but certainly some shark behaviour changes have been noticed and that is why we have a very strict process about how many licences can be issued in terms of cage diving in South Australia and what systems they use to attract sharks.

Berleying is one of them, but there are very strict regulations applied by PIRSA, as I understand it, about what the berley can be composed of and how it is to be administered. We are talking to those operators now about how we can sharpen up that industry, and there is one operator, I understand, who does not actually use berley: he uses some other interesting ways of attracting the attention of marine wildlife. We will be talking to those agencies and industry people who have some expertise in this area in developing these guidelines.

The PRESIDENT: Supplementary, the Hon. Mr Ridgway.

MARINE PARKS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:36): Will airborne tourism operators be charged to fly in the airspace over marine parks, as Chinta Air were charged to fly over the Great Australian Bight?

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): Once again, the leader of this place comes in here with wrong information. He understands, because I have given him the answer before, that the airline was not charged for overflying marine parks or sanctuary zones or anything of the sort. They were charged a fee that is a normal fee for accessing areas of parks for the operation of a business, for example. He should not come in here in this place and give false information to the chamber, because this chamber has shown time and time again that they do not have the ability to check the facts.

MARINE PARKS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:37): Will other operators be charged a fee for the airspace above marine parks? If it is not for the use of the park, will other operators be charged the same fee for accessing other marine parks?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:37): The honourable member comes in here with nonsense time and time again. Here he is again promulgating the misinformation he raised in this place about two years ago, coming up with the same stupid question. I invite him to come in here on Thursday, our last day of sitting, with some sensible questions to direct to the government.

The PRESIDENT: The honourable minister, I often protect ministers from being attacked and verballed when they are giving answers. Members of this chamber have every right to ask a question. They should not be referred to as stupid. The Hon. Mr Gazzola.

WATER METERS

The Hon. J.M. GAZZOLA (14:38): Well, truth is a defence. My question is to the Minister for Water and the River Murray. Minister, will you update the chamber on the new technology in metering processes for measuring water usage in South Australia?

The Hon. R.I. Lucas: The minister will say that's a wonderful question.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:38): I thank the honourable member for what the Hon. Mr Lucas has just defined as a fantastic and wonderful question. I can only concur with him in that regard. Just to defend myself in relation to your comments, sir, I am not sure that I actually called the Hon. Mr Ridgway 'stupid'. I said he had a stupid question, and that is a different sort of reflection altogether. Back to the question asked by the Hon. Mr Gazzola—

Members interjecting:

The PRESIDENT: Order! The minister is on his feet. Allow him to answer the question.

The Hon. I.K. HUNTER: Thank you, Mr President, for your protection from this unruly lot today. With technology constantly changing in the area of metering, we have an obligation to ensure that the processes we adopt are appropriate and provide the best outcome for consumers. We also have a responsibility to ensure that they are economically viable. There has been a great deal of discussion regarding smart water meters in recent times. As opposed to traditional meters that are read manually, smart meters have digital communication technology that records water usage at short intervals and sends data automatically to the water retailer.

There have been several trials and studies carried out around the country in respect to the widespread use of smart water meters. Here in South Australia we can benefit from the results of these trials and make some informed decisions. An independent report prepared by Deloittes summarises the findings of the most extensive and comprehensive customer engagement program carried out by SA Water to date. The results show that while many customers see the value of smart water meters in theory they are concerned about the costs involved—and they should be.

In Western Australia, for example, a two-year pilot was conducted, I am told, which saw almost 28,000 smart meters installed in the Kalgoorlie-Boulder region. In November 2013 the chiefs of the Western Australian Water Corporation told the Western Australian parliament that they were never likely to see a return on investment from the rollout of smart water meter meters. On 14 November 2013 *The West Australian* newspaper reported the Water CEO, Susan Murphy as saying:

> One of the problems is that the water you save will never pay off the extra cost of the meter in the life of the meter.

Trials undertaken in Victoria have also failed to generate a positive business case for the widespread rollout of smart water meters. These findings are echoed in the Essential Services Commission of South Australia draft report from July 2014 entitled Inquiry Into Reform Options for SA Water's Drinking Water and Sewerage Prices.

As part of the inquiry, ESCOSA undertook a cost-benefit analysis of the large-scale installation of smart meters. In line with the results of other similar studies, ESCOSA clearly found that the costs of mandatory smart water meters outweigh the benefits to customers. To be precise,

the estimated cost of requiring all properties to have smart meters could exceed the benefits by up to $170.5 million in net present value terms over 25 years. Based on this assessment ESCOSA recommends that the status quo should be maintained with respect to smart meters; that is, smart water metering should remain optional.

This was also reflected in the numerous submissions received by the ESCOSA inquiry, including SA Water, the Landlords Association and Business SA, who all cautioned that the benefits of a wide scale rollout might not outweigh the costs. This appears to be a very prudent recommendation, especially given the fact that there are still question marks over this very new technology and, of course, we will watch this space into the future.

For example, SA Water has found that smart water meters are no more accurate than the current technology, smart water meters cost more and appear to have a shorter life expectancy than mechanical meters, and they require an extensive and costly communications network, making the ongoing operational costs higher than manual meter reading.

While it is clear that the costs of smart water metering far outweigh the benefits at a whole-of-state level there may be some properties and large-scale water customers who could benefit from it, and SA Water, as always, being in tune with its customers' needs, is responding to this need of a large-scale water customer. Smart meters allow for real-time downloading of data, and this means that demand can be evaluated more efficiently and leaks can be identified and repaired more quickly, for example. The more detailed data can provide valuable information for large-scale water users regarding patterns of water use.

This is why SA Water is establishing a pilot program involving a limited number of major customers who have privately invested in smart metering equipment. The evidence at the moment is quite clear: the benefits of a statewide rollout of smart water meters are clearly not good enough or great enough to justify the expense and, therefore, here in South Australia we will listen to the experts and leave smart meter technology for those large water consumers who want to avail themselves of it.

SUICIDE PREVENTION

The Hon. J.S.L. DAWKINS (14:43): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation in his capacity representing the Minister for Mental Health and Substance abuse, a question about suicide prevention questions.

Leave granted.

The Hon. J.S.L. DAWKINS: On 4 June, 18 June and 19 June this year I asked questions of the minister representing the Minister for Mental Health and Substance Abuse regarding various aspects of the government's Suicide Prevention Strategy. The minister, other members of the government and many other MPs have encouraged me in my work on suicide prevention as an important issue that has been and should remain beyond party politics. I also recognise that the delay in answering questions in this council can quite often result from inaction in the office of a minister in another place. My questions are:

1. Firstly, why is it that relatively straightforward questions on the suicide prevention strategy asked four months ago remain unanswered?

2. Given the strong community support for action within and alongside the government's suicide prevention strategy, including the development of more suicide prevention networks across the state, will the minister seek a prompt response to these questions from the minister in another 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) (14:45): I thank the honourable member for his most important question. I would like to recognise and say how much I admire his ongoing commitment to this area of public policy. I commend him for it, and I can advise him that I have recently signed off on answers to those questions and should be presenting them to the house very shortly.

SOUTH-EAST DRAINAGE SYSTEM

The Hon. R.L. BROKENSHIRE (14:45): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation some questions regarding the South-East community drainage scheme.

Leave granted.

The Hon. R.L. BROKENSHIRE: Family First has been very concerned about the government's direction on the South-East drainage scheme and the direct, very serious, negative impact on the bottom line of farmers throughout the region. Last Wednesday, I understand the minister went down to the South-East and as a result of that two very highly respected people from the South-East with absolute knowledge, namely Mayor Peter Gandolfi and a very committed young farmer, Juan Williams from the South-East, are quoted on page 3 of the *Stock Journal* about the decisions and obstructive way in which the minister went about the issue.

The minister in the article, and apparently at the Mount Gambier meeting last Wednesday, said: 'This is the last roll of the dice.' However, he wants to solve the ongoing issue during this term of parliament. He also allegedly said that the government would only spend $2.18 million, the cost recurrent per annum $4 million to $5 million, and claims that the community will have to work it out for themselves because otherwise that is it from the government. My questions therefore are:

1. Does the minister agree that there was no commitment or agreements contractually or any other way with the landholders down there when this scheme went through the South-East, and that they were not told that they would be expected to contribute significant amounts of money recurrently?

2. How did the Natural Resources Management Board find $300,000 for the consultancies, given that the Natural Resources Management Board, according to the minister, is a levy dedicated to issues local? Did the minister have any direct or indirect input in ensuring that $300,000 was made available from the NRM board in the South-East?

3. Finally, if this is the last roll of the dice, minister, what does the government intend to do if the farmers continue to baulk at providing money that is in the public good and not only in the interests of those people in the South-East?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:48): I thank the honourable member for his most important question, although he has some of the details slightly wrong. That's not unusual for the Hon. Mr Brokenshire. He does rely on some very prestigious sources. As we all know, in his question about what were landholders told about the scheme, the scheme about the drainage system has been around for over 100 years. We know some of those drains were put in, shall we say, informally. Some were put in by governments or local governments, some were put in by landowners without perhaps having the right.

The Hon. D.W. Ridgway: Some landowners pay huge levies.

The Hon. I.K. HUNTER: Indeed, as the Hon. Mr Ridgway says, people have been paying levies for these areas for a long time. The levies have come off; there have been other schemes to pay for the drainage board. What we know is that it is not working and has not worked for decades. This government came to this parliament with a plan of how to fix the drainage scheme, and that was the SEDSOM bill, but in its wisdom this chamber chose to reject it. We are left with a decision about how to fund a legacy piece of infrastructure, vitally important to the local economy in the South-East, where the government now gives $2.2 million—or $2.18 million, I think it is—annually for ongoing maintenance of the drainage system to the board and recognises that more could be spent on the facilities.

Indeed, we put $6 million up for two financial years to actually address some of the most important priority constraints for the area and those drainage systems. But, at the end of the day, someone has to pay. If they want more work done on that drainage system than what the government is providing through its $2.2 million annual allowance, then someone is going to have to pay for it. The government is quite adamant that the taxpayer of South Australia has put in its share and someone else will have to come up with a system of how to do it. The SEDSOM bill that was before

this chamber had a plan to do that. It was introduced by a former minister in the other place and it came up to this council and the council rejected it.

Members interjecting:

The Hon. I.K. HUNTER: Yes, indeed. So, the chamber said, 'We're not going to pass your bill, minister.' So, we are left with this stalemate—

The Hon. J.M.A. Lensink: He's not telling the truth. He's misleading the chamber and he should resign forthwith.

The PRESIDENT: He's not misleading the chamber. He got a bit confused on the way it was rejected, and it was going to be rejected. Can we listen to the minister's answer without any interruption? The honourable minister.

The Hon. I.K. HUNTER: The SEDSOM bill proposed to establish a legislative framework for the integrated management of the total South-East drainage system, including related infrastructure and the wetlands associated with them, to meet economic, social and environmental objectives. You would think on the face of that it would be a good idea.

The SEDSOM bill was prepared to repeal the South Eastern Water Conservation and Drainage Act 1992 and create a new South-Eastern drainage management board to replace the South Eastern Water Conservation and Drainage Board. The SEDSOM bill proposed the development of a South-East drainage and wetland management strategy by the South East Natural Resources Management Board. The role of the proposed South-East drainage and wetland management strategy focused on setting directions for management in relation to surface waters, including the management of water and the drainage system in the wetlands and water courses in the South-East.

The new South-Eastern drainage management board, had the legislation been successful, would have had the responsibility of operating the drainage system, managing water flows, wetlands and water courses in accordance with the South-East drainage and wetlands management strategy. The new board will prepare a three-year business plan to identify resource requirements and a work program that includes an assessment of the risks and identifies priorities for each of those years in respect of the board's functions.

During 2013, recognising the importance of the preparation of such a strategy, the South East Natural Resources Management Board and the South Eastern Water Conservation and Drainage Board resolved to work together to develop a South-East drainage and wetland strategy. The two boards, I understand, are currently working together to progress the development of the strategy.

I said publicly and in this place that the SEDSOM bill will not be reintroduced to parliament until the South-East community has had the opportunity to discuss and recommend options to establish a sustainable funding model for the optimal management of the South-East drainage system. I outlined in this place yesterday how that will occur: through a community panel, which I have asked the South East Natural Resources Management Board to initiate. They have done that. I have reported to the chamber about that.

We have in the premise of the honourable member's question, and I think it is pretty plain on the face of it, that he is saying that the South-East community should not be paying for the upgrades, maintenance and the operation of the South-East drains, even though they bring great wealth to the region and to the landowners associated with those drains. He is saying that that should be socialised across the whole state. Well, Mr President, we do that already by supplying $2.2 million a year for the upkeep of those drains.

The honourable member has to grapple with this concept. He may not like it, but he has to grapple with this concept: a little while ago, a member of the other place had, through his mates in this chamber, an amendment inserted into an act—the wrong act, as it turns out, but we will put that to one side—to take the Save the River Murray levy off people, including people in the South-East, who had no direct connection to the River Murray. They said, 'We shouldn't be paying for that. The

River Murray doesn't concern us. We're not connected to it in any way. That should be paid for by others.' So, that passed this chamber and that is what happened, in practice.

It is a little difficult for people like the Hon. Mr Brokenshire to come into this place and say, 'The South-East drainage network, who does that benefit? Does it benefit people in Whyalla? Does it benefit people in Iron Knob? Does it benefit people in the Adelaide Mount Lofty Ranges?' Well, yes, it does. So, on behalf of those people, the government contributes $2.2 million. But there is an interesting conundrum here. He is saying on one hand that the South-East should not be paying to save the River Murray but, on the other hand, the whole state should be paying to upgrade and maintain the drainage system. A little bit of hypocrisy goes a long way for the Hon. Mr Brokenshire.

SOUTH-EAST DRAINAGE SYSTEM

The Hon. R.L. BROKENSHIRE (14:54): Supplementary question: did the minister, the minister's office or the minister's department pressure or instruct the NRM to provide $300,000 and, through that $300,000 with whatever this newDemocracy nonsense is, did the minister know that the $300,000 would be going to a Sydney-based consultancy company?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:55): Here we go with the same old litany from a man who is not ashamed of not being very much of a deep thinker. We heard all this yesterday: close the gates, lock the doors, close the barriers that stop people from actually coming to South Australia and competing for contracts. But he does not think very deeply about what that means for South Australia's innovative businesses.

What about those who go next door into Victoria and New South Wales and get contracts over there? What will it mean if we adopt the policies of the Hon. Mr Brokenshire, which say that we should not actually allow companies from interstate to compete on tender and win because their tenders are best, because that will have absolutely no impact on our businesses in South Australia? Of course it will. What an absolute crock. What nonsense. If we try to stop businesses interstate tendering for programs in South Australia, what will happen is our businesses in South Australia will feel the backlash when Victoria, New South Wales, Queensland and WA impose the same conditions on our businesses. Mr Brokenshire with that policy will be responsible for driving South Australia's businesses broke.

SOUTH-EAST DRAINAGE SYSTEM

The Hon. T.A. FRANKS (14:56): Supplementary: does that mean that the citizens' jury was put out to tender?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:56): That decision was made by the South-East NRM Board. I will have to ask them about that and bring back a response.

STORMWATER AUSTRALIA NATIONAL AWARDS FOR EXCELLENCE

The Hon. G.A. KANDELAARS (14:56): My question is to the Minister for Water and the River Murray. Can the minister advise members of the South Australian winners of the 2014 Stormwater Australia National Awards for Excellence?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:56): I thank the honourable member for his most important question and can advise that I can and I will. The winners of the 2014 Stormwater Australia National Awards for Excellence were announced last night (15 October) as part of the gala dinner for the National Stormwater 2014 Conference held in Adelaide. As I was required to attend to duties in this chamber, I was unable to attend, of course, but I would like to thank the member for Reynell, Katrine Hildyard, from the other place who represented me very ably at last night's event.

Stormwater Australia plays a valuable role in bringing together and supporting the diverse range of businesses and organisations involved in the management of the nation's stormwater resources. The stormwater industry in Australia has grown significantly over the last decade and we

have an internationally renowned reputation for innovation in this field, much driven by the dynamic businesses involved in the sector—dynamic, innovative South Australian businesses who compete and tender across the borders and interstate.

South Australia in particular is recognised as a national leader in many aspects of stormwater management, such as harvesting and reuse and managed aquifer recharge. Our achievements in regard to stormwater are a good example of how government, working in partnership with industry, can drive innovation in water management and leverage economic outcomes from environmental and natural resource issues.

The biennial Stormwater Australia National Awards for Excellence provide an opportunity to recognise the achievements of urban water practitioners and celebrate their capacity for delivering innovative and multi-objective stormwater management outcomes in our nation's cities and towns. South Australia was well-represented in last night's awards, with a number of strong projects competing against those from other states. I am pleased to inform members of the council that South Australian nominees were successful in winning two categories at the awards in the areas of excellence in integrated stormwater design and excellence in research and innovation.

The Oaklands Park Stormwater Reuse Scheme by FMG Engineering, DesignFlow and Taylor Cullity Lethlean, in partnership with the City of Marion and the Adelaide and Mount Lofty Ranges Natural Resources Management Board, was the winner in the integrated stormwater design category, demonstrating how stormwater reuse projects can incorporate multi-use facilities for the local community.

The Oaklands Park stormwater reuse scheme is one of eight stormwater harvesting and reuse schemes funded by the Australian government, state governments and local government. It is part of our approach to diversifying Adelaide's water sources in response to the millennium drought. This $8.46 million scheme provides the City of Marion with the capacity to harvest and treat approximately 200 megalitres of stormwater a year to irrigate public open space throughout the council area.

The winner of the research and innovation category was the Managed Aquifer Recharge and Stormwater Use Options Project, led by the Goyder Institute for Water Research, CSIRO, University of Adelaide, University of South Australia, National Water Commission, City of Salisbury, Adelaide and Mount Lofty Ranges Natural Resources Management Board, SA Water, and the Department of Environment, Water and Natural Resources, all collaborating together.

This significant research project was designed to assess how stormwater could be used in the future for various water supply demands. The project used a case study approach to assess future supply options, with a particular emphasis on addressing water safety issues and community acceptance. This research will provide valuable information as Adelaide considers its next major water supply augmentation options beyond 2050.

The other very strong nominees from South Australia, which unfortunately were unsuccessful at the awards ceremony but which did very well to be nominated, were the Gross Pollutant Trap Asset Management Plan, by the Adelaide and Mount Lofty Ranges Natural Resources Management Board, in the category of excellence in asset management; Water Proofing the West, stage 1, by the City of Charles Sturt, in the category of excellence in infrastructure; South Australian Water Sensitive Urban Design Policy, by the Department of Environment, Water and Natural Resources, in the category of excellence in policy or education; Water Proofing the East—Eastern Regional Alliance Stormwater Harvesting and Reuse, by the Corporation of the Town of Walkerville and Walbridge and Gilbert Consulting, in the category of excellence in strategic or master planning.

South Australia winning two of the six categories at the national award demonstrates again that our state well and truly punches above its weight. I am sure that members of the council will join with me in congratulating the winners and the other award nominees from South Australia and, indeed, from around the country.

CLIMATE CHANGE

The Hon. T.A. FRANKS (15:01): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question on the topic of vision and leadership on climate change and divestment from fossil fuels.

Leave granted.

The Hon. T.A. FRANKS: I am sure that the minister is well aware that the Australian National University has recently decided to divest shareholdings in seven resource companies, including Santos. There have been many who have supported this move and vocally so, and the Greens are proudly part of that grouping. The ANU decision, however, has also been met with criticism from some, including the Prime Minister, Tony Abbott, and our very own Treasurer, Tom Koutsantonis, who added his voice to the debate, telling the Asia Pacific Oil and Gas Conference that he thinks the decision is 'humiliating for a research university' and that it represents a 'return to the dark ages'.

He went on to say that 'the ANU prides itself on being a celebrated place of intensive research, so to base this decision on nothing more than a symbolic box-ticking exercise is humiliating for an institution of this kind', adding that 'the state government will always base its resources policy on science and fact rather than emotion and scaremongering'. He then told the conference that the state government would stand by the oil and gas industry. My questions to the minister therefore are:

1. Does the state government truly think that continued investment in the oil, coal and gas industry is economically and environmentally sound, and how does this demonstrate vision and leadership on climate change?

2. Does the minister stand by the Treasurer's words, and does he similarly criticise the ANU decision to divest or does he support that decision?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:03): I thank the honourable member for her very important questions. In regard to vision and leadership, of course it is South Australia's role in this federation to provide the vision and leadership in terms of climate change because the federal government, of course, has walked away from that responsibility continuously, and no greater example of that is to see, which I somehow managed to do on social media, pictures of Julie Bishop addressing the United Nations, and there was barely a soul to be seen.

If that is not a reflection on the standing of this country around the world in terms of how we are dealing with climate change, I do not know what it is because we have, at a federal level, nothing to say, unlike the rest of the world, where, in fact, at very, very high levels, you will see an absolute commitment to the understanding that climate change is real and that it has been with us for some time and that the time for action was probably a decade ago. Yet here we are still debating, in this country at least, and in one or two others, whether we actually do anything about this. Well, this state won't stand for that. South Australia will lead in climate change areas, if the federal government will not, and that is exactly what we have been doing.

You will note that, in recent days, the state government has been upbraiding the federal government about its hand-picked review of the renewable energy target—hand-picked using people who have self-diagnosed as climate change sceptics. How anyone could think that would be an independent approach to climate change or renewable energy, I don't know.

It is clear from everything we know that we in this country, in this state and around the world will need to de-carbonise our economy. That is what South Australia has been leading on with our renewable energy targets, which have gone from 20 per cent in recent times to 33 per cent. We have now surpassed that with our target of 50 per cent. Just this last month we have heard that, in fact, our renewable generation in this state is now tipping the scales at 39 per cent, so it won't be too long, I think, in the future when a future government will be thinking about how we increase our renewable energy target to another level even greater than the 50 per cent that our Premier instigated in September.

I am not ashamed of the vision and leadership that we show in this state. As I say, there will be other states that will come along with us on this. I know, for example, that the province of Quebec is in discussions right now with the state of Vermont and the state of California about a state-based carbon price and trading mechanism—a state-based one—because the federal government of Canada has similar views to our federal government here in Australia on renewables and on carbon pricing.

The one big call that is almost universal around the world, which we don't hear about too much here in Australia, is that the time to act is now. We must put a price on carbon. We must set up a carbon trading scheme to allow the private sector to do what it does best, that is, to run a market around carbon that actually encourages investment in renewable energy.

But you don't go cold turkey on oil or coal overnight; that is a way of actually destroying your economy. You can't do that. You need to divest yourself slowly off a carbon market into renewables. If you tried to do it straightaway, your economy would collapse, leading to all sorts of untoward problems that we would then have to try to fix.

You can't do it, it's not possible, but you can use economic settings and policy to drive a preference towards renewables, and that's what we have done with the renewable energy target. That's what we have done in this state by passing the pastoral land management act in the other house just this week to actually make it easier for renewable energy companies to come to South Australia, set up their businesses, employ South Australians and drive a new renewable energy economy, which will be the economy of the future.

CLIMATE CHANGE

The Hon. T.A. FRANKS (15:07): Supplementary: then do you not think that the Treasurer's words were contrary to your clear vision on climate change and the leadership of this government, or do you actually support your Treasurer's words in condemning the ANU's decision?

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): The honourable member just doesn't get it. You need to transition your economy slowly from your existing position into one where there is going to be an economic advantage in the future. We know the renewable energy economy, and the technology around that, are going to be worth $1 trillion within 20 or 30 years—a $1 trillion international economy. We should be part of that. We should be the early adopters.

You don't turn it on overnight. It takes a lot of hard work and, as we see, trying to convince the federal government, it takes even more hard work to get them over the line, but there are, as I understand it, many members of the Liberal Party at a federal level who feel embarrassed by the federal government's position on this and who are agitating in the backrooms to change their minds and change their policy. I wish to give them all the encouragement we can.

CLIMATE CHANGE

The Hon. T.A. FRANKS (15:08): Supplementary: I take it then you feel embarrassed by the words of your Treasurer?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:08): I am only embarrassed by the depth of ignorance shown by the question.

WORRALL, MR LANCE

The Hon. R.I. LUCAS (15:08): I am shocked at the language. I seek leave to make an explanation prior to directing a question to the minister representing the Leader of the Government on the subject of answering questions.

Leave granted.

The Hon. R.I. LUCAS: Similar to my colleague the Hon. Mr Dawkins, I raise an issue in relation to non-answers to questions being asked in this chamber. In May of this year, I asked some questions about the taxpayers' continued funding of a position for Mr Lance Worrall, a former chief

executive, then a deputy chief executive and now doing project officer work at the University of Adelaide.

Four weeks ago, on 16 September, I asked the minister whether she would provide an answer to the questions first asked in May and, as members would recall, I highlighted that there had been leaked information in terms of draft answers provided to the minister a day after the questions were originally asked in May. Now, four weeks later, the minister has still refused to provide answers to those questions first asked in May.

My question to the minister representing the Leader of the Government is: given that the Leader of the Government is refusing to provide answers and the fact that she is not here today, will he on behalf of the government undertake to bypass the Leader of the Government and provide answers to the questions first asked in May and repeated again four weeks ago in September on the issue of whether taxpayers are still funding Mr Lance Worrall's position at more than $300,000 a year, and what work is he undertaking for the remaining period of his contract?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:10): I thank the honourable member for his most important question, which I understand he directed to my inspirational leader of this house. Of course, it is inappropriate, having directed the question to her, to then ask me to answer it. I undertake to take that question on notice and take it to my inspirational leader, who will then answer it as quickly as she possibly can.

URBAN WATER MANAGEMENT

The Hon. T.T. NGO (15:11): My question is to the Minister for Water and the River Murray. Will the minister update the chamber about the integrated urban water plan and how this plan will better coordinate all urban water resources?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:11): What a jolly good question that is. The millennium drought certainly has had a devastating effect on the South Australian environment, community and economy. Whilst I sincerely hope that we do not live through a similar drought any time soon, it certainly drove home the message loud and clear that the long-term access to and supply of fresh water is clearly one of the greatest challenges that we face as a state and as a society.

Since the drought, the state government has worked more closely than ever with industry to make real progress in water security. Thanks to significant investment we have made in recent years, Adelaide now has six primary sources of urban water: water from catchments and the Mount Lofty Ranges, of course, and water from the River Murray, groundwater, wastewater, stormwater and desal sea water. But, despite this significant progress, Adelaide, like most capital cities, still faces a range of challenges regarding urban water, particularly in light of the expected impact of climate change.

How we make the most productive use of our water resources will significantly affect Adelaide's productivity and liveability, and as Adelaide continues to grow, it is vital that we ensure that our city works in harmony with the urban water cycles. Addressing all these issues will require even closer collaboration between the three tiers of government, industry and our communities. It will require a more integrated approach to urban water management that takes into account the way the various urban water sources interact with one another.

In mid-2011, the state government released its stormwater strategy, and this was an important document developed with input from policy makers, researchers and experts in the field who set out their strategies to deliver the goals outlined in the Water for Good policy. The stormwater strategy importantly also included the commitment to develop a new and innovate integrated urban water plan for Greater Adelaide. This plan is important because, at the moment, each of our six water sources is managed in relative isolation by a range of parties with diverse objectives.

All the evidence suggests that a more coordinated and integrated approach is necessary—I would suggest it just makes common sense—not only to address the challenges we face in urban management, but also to identify how we can turn these challenges into positive outcomes for our

communities. It is pleasing to note that this approach has also clearly been echoed by the United Nations Environmental Programme. In its status report on global efforts to improve water management published in 2012, the UNEP identified that an integrated approach was needed, instead of considering each demand in isolation. The report goes on to say that the success of such an approach:

> …depends on a governance and institutional framework that facilitates dialogue and decisions on water resource management which is ecologically, economically and socially sustainable.

The state government recognises that we must actively engage with the community, industry and other stakeholders in setting a new direction for urban water in Adelaide. I am therefore very pleased to announce that the government will begin a broad consultation process to develop the urban water plan.

We have drafted an issues paper that is available from the Department of Environment, Water and Natural Resources' website to begin the discussion and we will be contacting key industry organisations and not-for-profit groups to invite them to provide feedback in defining the scope and priorities for a new urban water plan.

I invite honourable members who have an interest in these water issues to actually download it and make submissions and provide their advice and expertise. Based on the feedback received, a draft plan will be developed for further consultation in mid-2015, with the aim of finalising the plan and starting implementation by the end of that year. Once complete, our urban water plan will place us at the forefront of urban water management both nationally and internationally.

I very much look forward to hearing people's views regarding our future direction and long-term management for urban water, because I believe quite firmly that we are in a unique position to ensure that our urban water systems can deliver sustainable and ongoing social, economic and environmental benefits to the City of Adelaide now and into the future if we all work together.

NORTHERN EXPRESSWAY

The Hon. J.A. DARLEY (15:15): My question is to the Minister for Sustainability, Environment and Conservation, representing the Minister for Transport and Infrastructure. Can the minister advise how many owners who were dispossessed of their land as a result of the Northern Expressway project are still negotiating with the department with regard to compensation? Can the minister advise how many of these are before the court and the dates on which the notices of acquisition were issued for each property?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:16): I thank the honourable member for his most important question on land acquisition for the Northern Expressway project. I undertake to take that question to the minister in the other place and seek a response on his behalf.

APY LANDS, GOVERNANCE

The Hon. T.J. STEPHENS (15:16): My question is to the Minister for Aboriginal Affairs. Is Mr Bruce Deans currently the general manager of the APY executive and, if not, why not?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:17): I thank the honourable member for his most important question. I understand that, at its meeting on 15 October this year, the Anangu Pitjantjatjara Yankunytjatjara Executive resolved to terminate the employment of the general manager, Mr Bruce Deans. I am extremely concerned by this development. Mr Deans is the seventh APY general manager in four years.

A strong administration is necessary if APY is to operate as an institution that is effective and accountable to the communities they represent. This was one of the principles on which I agreed to undertake a limited review of the APY Land Rights Act 1988. Given that more than six months have passed since I sought the views of the APY on that review, I have today written to the APY requesting that they provide me with written reasons regarding the termination of Mr Deans and their views on

the review of the act by 23 October 2014. I am, as I say, very concerned at this situation and I will be taking some advice on next steps.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.J. Stephens: I am complimenting the minister. Can't you just give us a little bit of love time, here?

The PRESIDENT: The minister is quite comfortable with compliments, or abuse, I'm sure.

RIVERLAND REDEVELOPMENT

The Hon. J.M. GAZZOLA (15:18): My question is to the Minister for Water and the River Murray. Minister, will you inform the house about the important work taking place in the Riverland to rebuild the environment and vegetation following the millennium drought?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:19): What a superb question from the honourable member. I don't know where he finds these questions, Mr President, but he always gets to the very nub of these issues. As members know, the Riverland suffered greatly during the devastating drought and the increased water regulation that eventuated because of it.

The area is vital, of course, for the South Australian economy, both for its agricultural production and also the tourism opportunities for the region, and any deterioration in the health of the river can have repercussions for all of South Australia as well as other states upstream, of course—although it is often very difficult to convince the states upstream of that. On Friday 19 September I had the pleasure of attending a number of events and celebrations in the Riverland with Senator Simon Birmingham, parliamentary secretary to the Minister for the Environment.

The Hon. R.L. Brokenshire: Senator.

The Hon. I.K. HUNTER: Yes, that is what I said; he does not listen, Mr President. It was wonderful to see the great results of the combined efforts from all levels of government and the community to assist in the recovery of the local environment and the health of the River Murray. As always, I was impressed by the pride that the local residents have in their community and the effort they are willing to invest in maintaining the health of the Riverland.

Senator Birmingham and I joined the community for the official commissioning of the Lake Merreti regulator at Calperum Station. For those who may not be aware, this area is part of the vast Lake Merreti wetlands listed in the Riverland Ramsar as a site of international ecological significance. I had a special commissioning stage set up and I had a wonderful electronic lift to bring up my regulator, and I gave the senator a very good old hand crank to use on his regulator, which took about 35 minutes, I think.

I then offered to lend him a hand, in the spirit of state and federal cooperation and of course the senator then broke the hand crank and destroyed that spirit of state and federal cooperation, but I then offered him—holding out the hand of cooperation from South Australia—my electronic lift, which worked perfectly well, as most South Australian infrastructure does.

The wetlands were left seriously damaged in recent years, and this new infrastructure is designed to deliver water from the River Murray into the area around Lake Merreti. Around 700 hectares of wetlands will now receive sufficient water to build resilience and survive future extended dry periods. This project is part of the Australian and South Australian governments' $100 million Riverine Recovery Project which aims to ensure South Australia's River Murray wetlands remain healthy long into the future.

During this trip to the Riverland I also attended the official opening of the Sea to Hume fishways program at Lock 2 in Barmera. I think the Hon. Michelle Lensink and the Hon. Mr Ridgway joined us for that occasion, dropping in to do a selfie with the senator.

The Hon. J.S.L. Dawkins: Someone had to stay behind to do the hard work at the Riverland Field Days.

The Hon. I.K. HUNTER: That is right. The fishways program is important because the weirs, barrages and locks that are so important for vessels navigating the river are also responsible for restricting the natural movement of some native fish. Increasing the native fish population and distribution is integral to the health of the river.

The Sea to Hume fishway is part of a network of 17 fishways that have been constructed along the main stem of the River Murray covering an impressive 2,000 kilometres. They are designed to facilitate the movement of native fish along the river, allowing them to migrate, breed and spawn right from the Murray Mouth in South Australia through to places like Mildura and Yarrawonga to the Hume dam in New South Wales.

The success of the project is thanks to the effective leadership of the Murray-Darling Basin Authority and the financial support of the commonwealth government and the governments of New South Wales, Victoria and South Australia. I thank them all for that. I also had the pleasure of announcing the completion of the Murtho Salt Interception Scheme, a $30 million project jointly funded by the commonwealth government and the New South Wales, Victorian and South Australian state governments through the Murray-Darling Basin Authority.

This is the culmination of a program spanning 30 years to construct the largest saline groundwater interception network in the world. In total, the scheme comprises about 200 bores and about 250 kilometres of pipeline that are now capturing over 500 tonnes of salt per day. This project will have enormous positive benefits for our river and water systems, as well as benefiting domestic and industrial consumers and irrigators throughout the state.

They were all great events and I would like to take this opportunity to thank the many people who organised, coordinated and attended the celebrations. There are too many to name individually but their tireless dedication to their community and their region is greatly appreciated. The Riverland is a dynamic region with a well-connected community and a proud history of enterprise. It is clear there are challenges ahead but as these impressive projects demonstrate, we have an unprecedented level of cooperation and cross-border commitment at all levels of government, as well as non-government and community organisations.

We are tackling the region's challenges on a very broad front and we have a community that is determined to strive towards a positive future. For these reasons I feel confident that we can address the needs of the Riverland and this region will continue to grow and prosper.

LANDCARE

The Hon. R.L. BROKENSHIRE (15:24): I seek leave to make a brief explanation before asking the illustrious Acting Leader of Government Business and the Minister for Environment (and a host of other portfolio areas) a question regarding Landcare grants.

Leave granted.

The Hon. R.L. BROKENSHIRE: In September the federal minister for agriculture, the very honourable Barnaby Joyce and the very, very honourable Mr Greg Hunt, the environment minister, launched the 2014-15 redesign of the new National Landcare Program. The funding from this program complements the regional stream of the National Landcare Program and requires regional NRM organisations to direct a minimum of 20 per cent of their allocated funding towards local groups. This means local projects and activities undertaken by community groups will share an approximately $90 million worth of funding over four years.

During the debate on the Natural Resources Management (Review) Amendment Bill back in 2013, Family First made a similar proposal. I asked the committee to consider reasonable levels of support for community organisations which contributed to the management of natural resources in their region. I suggested a benchmark of 10 per cent. To me, and to the many organisations involved in natural resource management, this was an important point for consideration, because it went to the heart of community organisational recognition, allowing 10 per cent of each board's levy revenue to be used for grants to local volunteer groups. Unfortunately, this amendment at that time received

no support from the government. My questions therefore are (and this is his chance to give me what I am asking for):

1. Now that the federal government has taken the lead and shown that this plan makes sense, will the South Australian government commit to following suit?

2. Will this government go back to the drawing board and reconsider the proposal for allocated funding of at least 10 per cent?

3. If this government does agree that money should be allocated from each NRM board's levy revenue and used for local Landcare groups and others, what steps will the government take to ensure this happens?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:27): The answers to the honourable member's questions are: No, no, and I understand that it will be up to the NRM boards to come up with those policies themselves.

Bills

RETURN TO WORK BILL

Second Reading

Adjourned debate on second reading.

(Continued from 14 October 2014.)

The Hon. G.A. KANDELAARS (15:28): I joined the Postal Telecommunications Technicians Association (now the CEPU) as a teenager over 40 years ago. I joined the Australian Labor Party in 1978. These two organisations and the labour movement together helped to represent a part of my DNA. I lived and breathed the fabric of these organisations for nearly all of my adult life. I said in my first speech to this place that I do not consider being a union member a flaw, but rather something of great strength. I said in my first speech that I think it is a great strength to be part of the union movement and the labour movement. It is no surprise that I still think that way today.

Today, as a member of the union movement and a member of this council, I am able to stand here and comment through experience on a bill that will have an enormous impact on working South Australians. I believe that the Return to Work Bill 2014 will provide a better outcome for workers than the existing scheme through the Workers Compensation and Rehabilitation Act 1996. I do have trepidation about the bill. I have to be honest about that—

Members interjecting:

The Hon. G.A. KANDELAARS: Yes, I do. Of course, I do have concerns that as many as 6 per cent of workers may not be better off. They may fall through the cracks. However, taking all things into consideration, I genuinely believe that this bill should be passed. I stand here as a member of the government and a member of my union, the CEPU, and support this bill.

It is obvious that the current WorkCover scheme established through the Workers Compensation and Rehabilitation Act 1996 is broken. I believe that the Minister for Industrial Relations has previously used the technical term 'buggered'. If it does not work for workers, it does not work for employers. It is common knowledge that, unfortunately, under the current scheme, South Australian workers experience the worst return-to-work outcomes than in any other jurisdiction. Often the services provided to them do not support early and effective recovery and return to work.

South Australia's return-to-work rate is below that of all other states and for years has been below the national average. This is the worst possible outcome for injured workers. The bill before us today seeks to fix this, and for that reason alone it has my support. The focus of the bill is unashamedly on getting injured workers back to work. The WorkCover scheme must be about supporting injured workers returning to work.

As a union official I have seen firsthand the devastation that workplace injuries can have on workers and their families. I have also seen that this devastation can be short lived. A worker who is given the right treatment and support and who returns to work will be in a better position than a

worker who has not had the right treatment. This provides a light at the end of the tunnel, where people can return to their lives.

There are workers who are not so lucky, who do not receive the right treatment and support, who do not return to work, and unfortunately, under the current scheme, that occurs too much. I have been in a position where I have had to represent these people. As time passes and the longer these workers remain out of work, the light is being switched off. They become trapped in a system and often trapped by the secondary mental health issues.

Imagine for a moment the feeling of being like a hamster on a wheel, unable to step off. This is what many workers feel under the current system. I have lost count of the number of times that I have received calls late at night or a visit at home from members who are in that position. They are seeking counselling as much as anything else. It is heartbreaking to witness and it has often left me feeling helpless. I have spent my life trying to assist these workers. I am entirely confident that the focus when drafting this bill has been on workers.

One aspect of the bill which I am particularly pleased with is section 18. If a worker is required to return to work, then it is incumbent upon an employer to accept that worker back. Section 18 provides that it is an employer's duty to provide work where an injured worker is able to return to work. Where a worker has been incapacitated for work as a result of a work injury but is able to return to work (whether full-time or part-time or whether or not to his or her previous employment), the pre-injury employer must provide employment for the worker for which the worker is fit and, so far as reasonably practicable, the same or equivalent to the employment which the worker was doing immediately before his or her injury.

If the worker, in seeking employment, provides a written notice to his or her employer that he or she is willing and ready and able to return to work with the employer, then the employer must provide suitable employment within a reasonable timeframe. If the employer fails to do so, the worker may apply to the tribunal for an order that the employer provide employment to the worker. Importantly, although an employer is not required to provide employment should it not be reasonably practicable to do so, the onus of establishing the fact lies with the employer. This bill also provides a number of improvements to the current scheme of injured workers, including:

- the restoration of payments during disputes;
- improved strategies to equip workers who may not be in a position to return to their pre-injury employment to better compete for work in the open labour market;
- targeted return-to-work services as opposed to a one-size-fits-all approach;
- the creation of an employment facilitation fund to assist workers to develop skills, knowledge, capacity and capabilities that will enable them to transition to other work; and
- a dispute resolution process which will increase the speed at which disputes are heard and determined.

The scheme proposed by this bill will see 94 per cent receive the same or better support, and the reasons for this are simple. Close to 94 per cent of workers are off the scheme within two years. Unlike the current scheme, though, the bill provides that there will be no step-down in weekly payments for the first 52 weeks and a step-down of 20 per cent for the second 52 weeks.

The fact of the matter is that 94 per cent of workers will be better off under this scheme within those two years. During those two years, they will be receiving the same or higher weekly payments than they would currently receive. Likewise, the bill provides that injured workers cannot be paid below the federal minimum wage, regardless of any step-down. Of course, I would prefer to stand here and say that 100 per cent of workers will be better off, but improvements for 84 per cent of workers is a pretty good outcome. If we sit around and wait for absolute perfection, though, this change will never occur.

As well as being better for the majority of workers, it is also true that the bill is good for employers—it has to be. For the WorkCover system to work, it needs to offer something to both workers and employers. Employers in this state pay much more than in other jurisdictions. We have

the highest average premium at about double the rate of other jurisdictions. South Australia's average premium rate of 2.75 per cent for the 2014-15 financial year compares with 1.47 per cent in New South Wales, 1.272 per cent in Victoria and 1.2 per cent in Queensland.

The Labor government is somewhat unjustly criticised at times for failing to support South Australian businesses. This bill blows that notion out of the water. Here we are, with this bill before parliament, showing our bona fides in supporting business in this state. The scheme proposed under this bill, when implemented, should result in a worst case scenario of an average premium rate no higher than 2 per cent. By this measure alone, South Australian business will save $180 million.

As I have said, this bill is not only about business, it is also about workers, and this bill seeks to balance the needs of both. Unlike the Liberal Party, we are not delivering a Work Choices here, destroying workers' rights under pressure from the business lobby: we are seeking a balanced solution. A successful workers compensation scheme must be bipartisan.

In response to the Hon. Robert Brokenshire's contribution on this bill, I say this: to suggest that Labor and the unions have abandoned the workers of South Australia is absolute nonsense. One might read the Hon. Robert Brokenshire's contribution and get the impression that he is, albeit self-appointed, a guardian of the workers of this state, a saviour of the working families of this state. The truth is that all Robert Brokenshire is is a hypocrite—

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The Hon. Robert Brokenshire.

The Hon. G.A. KANDELAARS: —who will do anything and say anything to gain a cheap line in the media.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The Hon. Mr Kandelaars ought to be careful with the language he uses, but he also needs to address the member as the honourable.

The Hon. J.M. Gazzola: The honourable hypocrite.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Let's not descend into that stuff. We have had in this chamber this week a few references to different things that should be said and should not be. I think that if we do not go down to one rung, we do not get any closer to the next one. The Hon. Mr Kandelaars has the call, but I remind him to refer to members with their correct title.

The Hon. G.A. KANDELAARS: The truth is that the Hon. Robert Brokenshire is hypocritical in his statements, absolutely hypocritical—a media junkie in the absolute. Case point No. 1: he says that he is appalled that the government is abandoning workers, yet he claims to be supporting this bill.

The Hon. B.V. Finnigan interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The Hon. Mr Finnigan is out of order.

The Hon. G.A. KANDELAARS: Case point No. 2: the Hon. Robert Brokenshire's party, Family First, has placed a member in the Senate in Canberra, Senator Bob Day, Bob the Builder, who wants to tear down the federal minimum wage. Where is the outrage from the Hon. Robert Brokenshire?

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The Hon. Mr Kandelaars refers to a senator for South Australia by his correct title and then uses a nickname. I am sure that you would take exception to that if that was done with a member from your party.

Members interjecting:

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

The Hon. G.A. KANDELAARS: I must say—

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The Hon. Mr Kandelaars will refrain.

The Hon. G.A. KANDELAARS: I will withdraw 'Bob the Builder'. The former building magnate, Senator Bob Day, wants to tear down the federal minimum wage, and here we have the Hon. Robert Brokenshire saying nothing. Again, hypocritical.

An honourable member interjecting:

The Hon. G.A. KANDELAARS: What nonsense! It was Paul Keating who pointed out the fantastic hypocrisy of the modern conservatism which preaches the values of family and communities while conducting a direct assault—

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The Hon. Mr Kandelaars has the call. It is interesting that two of the chief recent interjectors have only just come into the chamber. The Hon. Mr Kandelaars has the call.

The Hon. G.A. KANDELAARS: I will repeat: it was the great Paul Keating who pointed out the fantastic hypocrisy of the modern conservatism which preaches the value of families and communities while conducting a direct assault on the working conditions and wages that put food on their table. I have no doubt that Mr Keating was talking about people like the Hon. Robert Brokenshire.

As I have said throughout this debate, this bill is not perfect. A scheme as complex as this will never be perfect; it is naive to think differently. Despite some imperfections, it is a good bill. I commend the Deputy Premier and Minister for Industrial Relations, the Hon. John Rau, for his hard and dedicated work in attempting to reform a broken system. I also commend the efforts of the minister's adviser Mr Jim Watson, who has played a significant role in the bill before us. I know the minister and Mr Watson have met with countless parties, trade unions and employer organisations over the past 12 months.

I will refer to my first speech in this place, when I reflected on the advice given to me by one of my mentors, John Sutton—a former secretary of my union. John's advice was be prepared to accept change. It is always easier to resist change, to say no, and it is far harder to lead people through it.

This bill represents change. It represents change on the part of workers and employers. It is about starting from scratch, working together and getting this system right. If we have to wait for perfection, then change will never come. Workers will be denied the support and respect they deserve from the scheme, and employers will be forced to face uncompetitive premiums. The time for change is now, and I commend the bill to this place.

The Hon. T.A. FRANKS (15:47): I rise on behalf of the Greens today to raise our concerns in my contribution to the debate on this Return to Work Bill. I thank the ministerial advisers Jim Watson, Emma Siami, Trudy Minett and Stephen Pinches for providing a briefing to myself and my staff. I note, as many have in their contributions, that the Deputy Premier and Minister for Industrial Relations has stated in an *InDaily* interview on 2 April 2014 that, indeed, the South Australian WorkCover scheme is a failure. I think his words were, of course, it was 'buggered'.

The Greens agree; however, we do not agree with the government's solution. The problem for the minister is that, in fact, this current scheme is not even Tory legislation of which the minister can absolve himself. Of course, this current scheme, which is self-described as 'buggered', is indeed a concoction of the Rann/Weatherill Labor government.

The scheme that introduced the changes in 2008 made the current South Australian WorkCover legislation one of the most draconian antiworker compensation legislation bills ever passed in any jurisdiction in our nation. In fact, this bill itself has been described as 'draconian' by a Labor backbencher in the other place. That backbencher declined to vote against the bill, but certainly at least spoke some truths in her second reading speech to this bill.

We know that the WorkCover claims management system has treated workers as claims rather than people, and this government has stood by and watched that happen; they have done very little. The Greens ask why it has taken so long to act, and undoing the damage that this cultural melee has caused will take more than just a change to the legislation. It will take an overhaul of the system and its stakeholders to create positive change and positive results for injured workers in this state.

I know the minister spent much of his time negotiating with the employers, the unions and various other stakeholders, and indeed much of that negotiation has taken place in these past weeks, as we have seen pages after pages after pages of amendments by the government to their own bill. I believe we are all looking to establish a better WorkCover system for our state, and I do appreciate the minister's keen interest and background in this field; however, we as the Greens still have grave concerns for some of the provisions in this bill.

Those concerns are indeed echoed by some sectors of the union movement, by some who represent injured workers, and by quite learned and relevant bodies as the Law Society of South Australia. Some of the provisions in the bill that have been criticised not only by the Law Society but by those groups will indeed not make a return-to-work bill, but a harder-to-return-to-work bill; in fact, we think that the 'Harder to Return to Work Act' is probably a better name for the act.

The tightening of the eligibility criteria for compensation is certainly something the Greens are concerned about. The government has proposed that an injured worker, when claiming for psychological injury, will have to prove that their employment was the significant contributing cause of that injury. Under the current act, an injured worker has to prove that the injury arose out of or in the course of employment.

We know that the current eligibility criteria is tight; for example, to be eligible for a compensation for a psychological injury, the injured worker must establish that their employment was a substantial cause of the injury. The Greens believe that the government's changes to tighten this eligibility criteria will, as the Law Society has also argued, result in increased claims disputation and delays in rehabilitation of injured workers. Therefore, the government bill will make it, in this area, harder to return to work.

The Greens are very interested and supportive of the principle that injured workers who can establish that negligence by their employer contributed to their injury should be able to access common law to dispute their case. However, that welcome comes with some disappointment about the 30 per cent threshold. We believe that the 30 per cent threshold is too high, and we are surprised that this level is coming from a Labor government. Under the government's bill, a worker needs to be 30 per cent whole person impaired before they are eligible to make a common law claim for damages against their employer.

WorkCover figures obtained under freedom of information by my office indicate that of the 1,070 workers with a whole person impairment in 2010-11 only 17 would have been able to satisfy this threshold test. In other words, less than 2 per cent will be eligible to seek common law damages. The government has sought to disguise this reality by redefining 'serious injuries' so that only those with near-catastrophic injuries would meet this test. The overwhelming majority would have their compensation payments arbitrarily and unfairly terminated.

The minister states that there needs to be 'clear, unambiguous boundaries' in the scheme, yet the definition of 'seriously-injured workers' is set at this arbitrary 30 per cent whole person impairment level, as I have already noted. Under the government's bill, a worker cannot add up all of his or her workplace injures to generate a sum total of 30 per cent whole person impairment. It has been brought to my attention by the Construction, Forestry, Mining and Energy Union (CFMEU) that some construction workers often suffer multiple injuries during the course of their working life. So, a worker should be able to add the two whole person impairments together.

Certainly while I was chair of the desal inquiry I heard from several witnesses in this regard, and I remember vividly one particular worker who presented to that inquiry. His life has been destroyed by the workplace injury he has incurred, but the second injury was actually as a result of the first injury being extant, and indeed compounded and made worse by the compensation he needed to make. He is in a position where he will likely never work again; he will certainly never work again in construction. The combination of those two injuries should indeed be seen as part of that whole. They were, in fact, connected.

In the examples we have been given by the CFMEU, a worker may injure their left knee in a given year and that would amount to an 18 per cent whole person impairment. Then, two years later, that same worker may injure their lower back, amounting to another 18 per cent whole person impairment. The total whole person impairment is then 36 per cent, which of course would raise them

over the threshold, but because the impairment arises from two separate injuries, those two 18 per cent whole person impairments cannot be added together.

This worker, who has a buggered—and I think 'buggered' is probably the theme word of the speech—left knee and now a buggered lower back, will not be considered seriously-injured. Even if this point were to be acknowledged by the government, there is a more fundamental problem. The 30 per cent whole person impairment provides a totally unrealistic threshold. The vast majority of seriously-injured workers would, under the government's definition, be deemed as not seriously injured. In view of these concerns, the Greens will be moving amendments to reduce that current threshold of 30 per cent to 15 per cent.

A 15 per cent whole person impairment threshold will allow more workers to access ongoing financial support in the form of weekly income maintenance and compensation for medical expenses. We believe it reflects community expectations and, certainly, it has been the advice of those stakeholders we are listening to. What the government fails to recognise is that many workers with a 15 per cent whole person impairment will have little or no capacity to return to work in their pre-injury occupations. A nurse with a chronic back injury or a building worker with severe crush injuries to the lower body are just two examples of this.

The Greens are also concerned with regard to medical and related services. Our concerns are that all injured workers, other than those catastrophically injured, will not be able to access medical and related services 12 months after weekly payments have ceased. This will have the greatest impact on seriously-injured workers. For example, an injured worker with burns who was able to return to work but subsequently required a new skin graft 13 months later would not be able to make a claim against WorkCover for the costs involved.

Similarly, a worker with an employment-related lower back injury that flared up again 18 months after an initial return to work would also be denied workers compensation coverage for medical costs involved. The same applies to a construction worker with a work-related knee injury who has returned to work but will need surgery for a knee replacement in five years' time. Perhaps it would be more beneficial for the Deputy Premier to see how these services could be delivered more efficiently, rather than seeking to undermine injured workers' entitlements.

We also have concerns with regards to the lump sum compensation for permanent impairment. Ceasing benefits after a period of 104 weeks unless a worker can meet the 30 per cent whole person impairment threshold will not assist injured workers to return to work. It will, of course, make it harder to return to work. The Greens are concerned about the changes to the lump-sum compensation. The compensation payment is currently provided for under section 43 of the act and set out at clause 58 of the government's bill.

I have been advised by the CFMEU that clause 58(9) of the new bill is unfair and ought to be deleted. The consequence of this provision is that a worker who suffers a disc bulge which amounts to 5 per cent whole person impairment can apply for a lump sum payment under both the existing and new systems. However, under the government's bill, if that worker suffers a subsequent disc bulge amounting to another 5 per cent whole person impairment, which is connected to the original trauma or develops as a consequence of the original trauma, this second disc bulge is not compensable.

The new bill also provides that an assessment of permanent impairment will be determined at a time determined or approved by the Return to Work Corporation of South Australia. One can imagine a situation where the corporation adopts a policy position of delaying assessments.

It is not too hard to imagine such things occurring. I think that one should not set up a system, even if one cannot be perfect, as the Hon. Gerry Kandelaars attested to; one should seek to ensure that these sort of mischiefs are not able to be effected in the first place. The current system of assessments being made once injuries have stabilised works, and this adds nothing to the system. Once again, this provision will make it harder for injured workers to return to work.

The Greens also raise concerns with respect to section 100 of this new bill which provides that the tribunal must be satisfied that there is 'good reason existing that another party will not be

unreasonably disadvantaged before an extension of time will be granted', yet there is no definition in this bill of what this so-called 'good reason' actually is.

The current act provides that an applicant has one month to dispute a decision of the corporation and may apply to the tribunal for an extension of time. This works well. It may be that when a worker receives notice of a decision he or she is unaware of what it means or what to do, or they may be unable to read the decision or may not be in a position and may only seek legal advice perhaps months later. The government's proposal, as noted by the Law Society, represents a threat to access to justice for this most vulnerable group in our community.

It will come as no surprise to members of this place that I will also be moving amendments to ensure cancer compensation equality for CFS volunteers. Members in this place are no stranger to the debates around presumptive legislation for cancer compensation affecting both paid and volunteer firefighters. We believe that the government has missed an opportunity to rectify its previous wrongs in this area and to provide CFS cancer compensation equality.

I will be speaking more to that amendment when I move it but I put the government on notice that we will not be letting this opportunity pass without that issue being voted on in this place. With that, I also ask the government to provide the Finity actuarial report which I understand has been finalised with regard to the CFS cancer compensation issue.

Many speakers preceding me have made observations about the lack of a union voice or a workers' voice with regard to the debates on this bill. There have been some union voices and perhaps they have not been the usual suspects. However, the Greens have heard loud and clear and we have been contacted only in the last few days by labour lawyers and we are waiting for some advice from them because they have some concerns with the bill that they wish to raise with us. We will reserve our right in clause 1 to perhaps raise questions on behalf of labour lawyers.

We also thank various union groups who, as I said, have made contact with us. A lot has been made about the silence of SA Unions in this debate. If the bill before us was being put here by a potential Marshall Liberal government we would be hearing loud and clear from SA Unions. We would be hearing loud and clear in opposition from the now Labor government. We would see the rallies and we certainly would be having a very different debate.

It is remarkable that there has been this absolute silence from the most usual suspects and that they have not played a louder and more vocal role on behalf of injured workers. That has been remarked upon and I cannot fail to remark upon it myself. The Hon. Robert Brokenshire had his finger on the pulse when he identified that early in the second reading contributions.

In his defence, regarding the counterattack he received from the Hon. Gerry Kandelaars about whether or not his words were hypocritical, if the Hon. Gerry Kandelaars had listened to the Hon. Rob Brokenshire's speech he said, 'Well, where are the Labor people on this? Where are the unions on this?' He did say, 'It's not my role to be there on behalf of the union movement.' He quite rightly pointed out that it was, in fact, an expectation historically that the Labor Party would be standing up for the union movement, and one would think that a Labor government would do so.

How far we have come from the heady days of Donald Dunstan and John Bannon, both of whom actually brought in legislation seeking to significantly improve the lot of workers in this state. I think this South Australian Labor government has lost its memory on these things, but also its heart and its vision. It is now looking for a lowest common denominator approach to fix something that is completely buggered and that was broken, that they were responsible for for over a decade.

It also appears to me that it is little wonder that the member for Dunstan advised everyone the night before the state poll to vote Labor, because it appears we have two Liberal parties in this parliament and that is probably at least one too many. We certainly have the best Liberal government that Labor can provide. With those few words, I look eagerly forward to the committee stage of this debate.

The Hon. J.M. GAZZOLA (16:06): I rise to support the Return to Work Bill. Given the Hon. Gerry Kandelaars' excellent contribution, honourable members will be relieved that I will not be dealing with the bill clause by clause. Once again, we find ourselves debating a bill dealing with workers injured at work, and once again we have the usual finger-pointing and chest beating by the

opposition and the Hon. Mr Lucas, focusing on the unions, the government and the Labor Party. Of course, he is ably supported by his former ministerial colleague, the Hon. Mr Brokenshire, rewriting history and parading himself as the sole champion of families.

Once we strip away the vitriol and the rhetoric, they support the bill—groundhog day, sir. From my perspective, I support the bill, as it is an improvement from what we have and focuses on returning injured workers to employment. I commend the Premier and the Deputy Premier, and their staff, on the consultative and engagement process, which I believe is the reason that we do not see the steps of parliament clogged with angry protesters. However, it will be important that all of us, and the employers and employees, continue to monitor the new system once this bill passes, and hopefully we will remain focused on minimising workplace injuries. I commend the bill.

The Hon. B.V. FINNIGAN (16:07): I rise to contribute to the debate on the Return to Work Bill. The question of WorkCover and the workers compensation scheme has been quite a vexed question, as a number of honourable members have pointed out. This is the third time in 20-odd years that we are looking at significant reform or change to the bill. Unfortunately, we have heard the same story before: the scheme is stuffed; the levy is too high on business; the scheme is too generous; there are too many people for whom it is a pension scheme; we have to get rid of these people on long tail claims; the unfunded liability is out of control ergo we need to cut the entitlements of injured workers.

We also have constantly the going round in circles on claims management, who the lawyers are for WorkCover; the composition of the board (every few years that changes one way or another); whether or not redemptions should be encouraged or discouraged. Constantly we have had these changes in one form or another under governments, of both persuasions, all aimed at bringing the scheme finally, they say, into being viable and having a reduced unfunded liability.

I would like to just briefly address this issue of the unfunded liability, which gets so much attention. It is not insignificant that WorkCover has an unfunded liability as high as it is—it has been over $1 billion for some time—but it is important to keep that in perspective. It is a liability somewhat like state superannuation. It is not going to come due on one day.

If everybody who is a member of a bank walks in to that bank tomorrow and withdraws their money, that bank will have a problem, because the bank does not have all the money that you have deposited sitting there waiting for you to come in to collect. We know that.

Similarly, there is not going to be a stream of injured workers turning up at the WorkCover office tomorrow saying, 'I need my unfunded liability' and the office has to come up with that $1 billion or whatever. That is not the way it works and I think it is unfortunate that the unfunded liability gets focused on in a way that suggests it makes the scheme completely unviable. It is an important issue or problem to address, and I acknowledge that. I am certainly not dismissing it out of hand, but to suggest that we constantly have to make these radical changes to the scheme in order to address the unfunded liability, I think, is a mistake.

As the Hon. Mr Gazzola and others have noted, we have seen the usual suspects, if you like. The Liberal Party has said that they support any measure basically that they think will reduce the levy on business. If it is a Labor government making changes, they taunt all the Labor MPs and say, 'Why aren't you going to get up and defend workers and oppose this bill and cross the floor,' and so on.

It is certainly true that on the last occasion this was dealt with in a substantive way, in 2008, there was a lot of angst. People within the Labor Party were disconcerted, and I acknowledge that, at that time, I had reservations about the bill. To my regret, I went along and pushed it through, like every other member at the time. It is, I think, one of the key problems that the Labor Party has: members are bound on votes the way that they are, but that is another issue for another day and something that I alluded to in my maiden speech.

A number of honourable members have raised the questions of: where are the unions, what is their position, where are the rallies or where is the outrage? It is obviously important for unions to represent the interests of their members, but that will require the appropriate response. If they believe

they are able to achieve a better outcome by negotiation and rational discussion with the government, perhaps that is their best strategy.

I do not know. I certainly do not speak for them and I do not have any knowledge of what the union point of view is, but I think it is harsh on the unions to say, 'You're not pulling up outside Parliament House and barricading the place, ergo you're soft, you're not representing your members.' I think that is an unfair criticism. It is unusual, I acknowledge, that a lot of unions have not put a formal position. We have not heard a lot of criticism, apart from perhaps the Police Association the other day, but that is a matter for them.

There is no doubt that the scheme does need change and that there are problems with it. In my brief tenure as minister, it was very clear to me that that was the case. In particular, I was concerned about the medical panels. I had been concerned about that very concept in the bill in 2008.

While I was impressed with the sincerity and the diligence of the people involved in the medical panels, I still believed it was a bad or incorrect process to initiate, where instead of having a tribunal or a quasi-judicial process, you have basically set up a medical panel. People were not entitled to representation, they could not make any formal submissions, because it was medical, not legal. Of course, in reality, they did act in the capacity of making judgements about whether or not people could stay on WorkCover, and I think that did need to change. Obviously, that is subject to a complete change in this bill.

There is no doubt, as anyone who has dealt with people on WorkCover knows, that it is an awful situation. It really is just terrible for them, and their families, to be stuck on WorkCover indefinitely, or to be out of the workforce for even a very short period of time, but certainly for an extended period of time. We do want to get people back to work as soon as possible. The question is how that is achieved.

I think a weakness of WorkCover for some time has been that it is not the best scheme in the event of very serious injuries. I think the compensation has probably been, in those cases, inadequate, so I do welcome the reintroduction of some common law rights. That is something that unions have pressed for for a long time, I know, but I think it is a bit limited in the way that that operates. There is some uncertainty about how that is going to interact with the National Disability Insurance Scheme, but that is partly because that is in a trial period at the moment and we are not quite sure how that is going to settle in the end. I do welcome some restoration of common law rights, but I do think there is a question over the threshold: is it arbitrary? Is it unfair? Is it in the right place or should there be one at all?

That brings me to the big problem I see with the WorkCover scheme and workers compensation in South Australia, which is that we have this sort of half-in, half-out scheme. We have a large number of employers and their workers self-insured, and so while they meet the legislation's requirements for injured workers and what they have to do, they are not part of the WorkCover scheme as such. I know that their self-insurance has to be approved and so on, but that only happens every so often. There are quite a few years in between.

So, we have a situation where a lot of the biggest—in fact, most of the biggest—employers are self-insured. They, of course, have the infrastructure generally to get better return to work rates and to operate their workers compensation payments more effectively, because if you are a big company you can afford obviously lawyers, you have in-house HR and workers compensation people, you have relationships with rehab providers or you might even employ them yourself. It is a different situation to someone who runs a small business, who simply is not able to draw on those resources.

What tends to happen is that the big employers are self-insured and they are able to manage their payments and entitlements for injured workers quite effectively because they have the size to draw on the resources that are able to put all those together, whereas the smaller employers are back into the WorkCover scheme and those employers with poor work safety records tend to be in the scheme. While there are penalties on their levy for poor work injury rates, they are not such that they are necessarily going to drive a change in behaviour. So I think the biggest problem we have with our scheme is that we have this dichotomy where most of the big employers and their workers

are self-insured and the others are in the scheme. Sometimes the employers in the scheme are the ones that are going to have the higher costs, so I think that is a real concern that we have never really addressed.

Over the years since self-insurance was introduced, as time has gone on a greater trickle of employers have gone self-insured and I think that has led to the pressure on the WorkCover scheme and the WorkCover system: that a lot of the biggest and best employers in the sense of their return to work rates and so on are not in the scheme, thus driving up the levy and the costs for the businesses that are. I am not sure what the solution to that is. I guess the two clearest options would be either a universal scheme that everyone is in or a system where you have the statutory entitlements and then it is up to employers to insure and to make sure they are able to meet those statutory entitlements.

In a sense, you would have either self-insurance or the WorkCover scheme. Whether that is the right approach, honestly I am not saying I know the answer, but I think there does have to be some serious thought given to that. Both in 2008 and on this occasion I am not sure if that issue has really been sufficiently addressed, that one of the reasons that WorkCover struggles is because so many of the bigger and more professional employers, when it comes to handling workers compensation, are in fact self-insured.

Similarly, we do not know what may transpire on the national stage. Obviously, the Abbott government is not as disposed to national schemes as perhaps the former government, or even the Howard government. Nonetheless, something that is regularly talked about is that there should be some sort of national approach. It is very hard to get all of the states to agree on that, but that could happen in the future. Similarly, with the National Disability Insurance Scheme, there are certainly those who have said, 'Why do we have a scheme for workers compensation, a scheme for motor accidents and a scheme for other injuries? Why aren't they all into one sort of system?' Whether that happens will be down the track, but that is naturally something that would have a big impact on WorkCover.

The big problem I see with this scheme, though, is this separation between the 30 per cent people and the rest. It seems to me that, under this bill, you now have two schemes. If you have an injury with 30 per cent or less incapacity, after two years, you are cut off; basically, you are shifted onto commonwealth welfare. If you are still unable to work at that point, you go to Centrelink and get the DSP. If you are above 30 per cent, you will continue to get your payments and you will also have had some common law rights before you start on WorkCover, and they are difficult to access.

I know that, if we say that everybody has common law rights (that is, to sue for negligence by their employer), what is the point of the scheme, you are back to where you started. I think that it is a positive that there is some level of common law rights, but I think they are so restricted and limited that is going to be a problem because it is not going to be something that many workers will be able to access, although I think it would, in many cases, work better for seriously-injured workers if there has been negligence involved.

The big problem I see with this bill is simply that I think that it establishes two classes of injured workers: the below and above 30 per cent. I strongly imagine that that point has been chosen principally for an actuarial reason, more so than any lofty decision about what is the best point or what is the most important level of incapacity we need to address. I do have a great reservation about that; that is, that with people on less than 30 per cent incapacity, essentially we are not even subjecting them to the medical panel now, we are just cutting them off and saying, 'Off you go, go to Centrelink.'

I do have serious reservations about that element of the bill which, again, in many senses, the key element, as last time was the medical panel: essentially, this was a mechanism to cut people off so that they do not stay on the scheme like it is pension. This time it is even more stark and more direct: if you are less than 30 per cent incapacity, you are cut off at two years, see you later. I do have a serious reservation about that aspect of the bill, so I do reserve my position in relation to the third reading, particularly if the bill is subjected to amendments.

Certainly, something that I fear is that the Liberal Party and others in this place will get together and take out the good bits of the bill, if you like, or amend them in such a way as to make

this a very retrograde step overall. But time will tell; they are entitled to move or support whatever amendments they see fit, naturally. But in light of that, I certainly reserve my own position in relation to the third reading. I accept that, frankly, it does not matter in terms of whether or not this bill will be passed.

I think there are certainly some positives about this bill, but I worry that we will be here again in another four years, five years, eight years or whatever when, again, parliament will be asked to make some sort of big change to WorkCover because we are saying, 'The scheme is stuffed—buggered. The unfunded liability is too high; it's not working. Too many people aren't returning to work; we need to fix this. We need to lower the levy to be competitive, so we will do this.'

That really opens up the act to, to borrow a line from *Yes, Prime Minister*, 'salami tactics'—slice by slice. Every time you need to improve the performance of the scheme, you just make another slice. I think that is a very regrettable way to go. While this bill provides for some broader reforms, particularly the reintroduction of common law rights and obviously a big change to the way disputes are handled through a changed tribunal set-up in another bill, and while there are some positives about the bill; nonetheless, there are certainly some negatives. I think we do not want to get into a situation where the solution to problems with WorkCover is that, every few years, we just cut things back a little more.

I think there is the broader question of having this two-tier scheme where we have larger employers with better return-to-work rates outside the scheme self-insuring, which makes the performance of those that are left even worse, and that just becomes an ongoing problem. As to exactly what the solution is there, there are a variety of things that could be done, but I think, ultimately, that has to be tackled at some point because a decisive factor in the problems with WorkCover is the number of employers, particularly large employers with large payrolls and large numbers of employees, that are self-insuring and are thus not contributing directly to the WorkCover scheme. With those remarks, I conclude my contribution.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:27): I rise to close the debate at this second reading stage. I would like to say, at the outset, thank you to those members who have spoken on this bill so far and contributed to the debate on this very important topic. I understand that the Hon. John Darley and the Hon. Kelly Vincent have contributions to make as well but, for different reasons, are not able to make them right now. I would suggest there is some general agreement in the chamber that they be able to make those contributions at clause 1.

The Hon. R.I. Lucas: And Tung Ngo.

The Hon. I.K. HUNTER: I am not aware of that, Mr President.

The Hon. R.I. Lucas: Yes, he wants to speak at clause 1. Will you let him?

The Hon. I.K. HUNTER: Mr President, I think honourable members can make their own appeal to the chamber for that sort of latitude. I indicate now that, in terms of the Hon. Kelly Vincent and the Hon. Mr Darley, I have no problems with them making contributions at clause 1. I will undertake to put on the record at clause 1 answers to questions that have been raised in today's contributions as well. This afternoon, what I will be doing is making a couple of opening remarks of my own and then coming to some responses to questions that have been raised during the debate so far.

This reform will provide employers with significant premium relief and will also establish a framework whereby workers will be better supported to recover from their workplace injuries and get back to their employment. Not everyone, as has been remarked on, will be entirely happy with the package that is presented, but can I say that this bill achieves a very fine balancing act whereby there is something here for everyone.

When I spoke about the legislative reform package of 2008, I said at the time that I had some reservations, but many of the things I was concerned about then are resolved, in fact, in the return-to-work scheme proposed by this bill. The step-downs in income support have been softened, work capacity reviews are no longer a feature and neither are the medical panels.

At the time, I spoke about the need for the management of the scheme to improve. The current board and management team of WorkCover have demonstrated that they are taking a different approach to managing the scheme—one that they describe as an 'active approach'. I understand the board chairman Ms Jane Yuile attributes the scheme's recent financial results to this active management approach.

In the last financial year, I am told, they have seen a significant reduction in the number of workers continuing on the scheme. Their early intervention strategies provided workers and employers with face-to-face support to achieve better and faster return-to-work outcomes. Phase 1 of the government's reform project included changes to the WorkCover Corporation Act, which were passed by this parliament in late 2013. These amendments changed the composition of the board from a stakeholder board to a commercially focused board.

On 31 October last year, the appointment of exiting board member, Ms Jane Yuile, to the position of chairperson of the WorkCover board was announced, and the reappointment of existing board members Ms Joanne Denley and Mr Peter Malinauskas for a further three years. Four new members were also appointed for a term of two years: Professor William Griggs, Chris Latham, Nigel McBride and Yvonne Sneddon.

These appointees bring with them medical, workers compensation, legal, financial, actuarial and commercial management skills, which will be of critical importance in overseeing this next phase of reform to create a financially sustainable system for the benefit of all South Australians. The current management team, led by Greg McCarthy, also offers a wealth of experience, and has demonstrated a willingness to change and to improve the management of the scheme, and I welcome that. This will be a key difference from any reform that has come before.

Turning to the first response in relation to questions or points that were raised to the debate, I think the Hon. Robert Brokenshire and the Hon. Mr Lucas both questioned the lack of noise from unions about this reform. During consultation on the proposed scheme, I am advised a range of views were expressed, and the government firmly believes that the proposed return-to-work scheme strikes the right balance for workers and employers. There are certainly people in the community who may have strong views about elements of the scheme, or different views about how it could all work and be put together, but on balance this presents a good option for workers, for employers and for the sustainability of the scheme into the future.

Perhaps people are not entirely pleased with every aspect of the scheme, but there are positive features for both sides, and in reality, that is often the feature of legislation that we deal with in this place. While the return-to-work scheme has been promoted on the basis that it will provide employers with a $180-million relief in premium, there are significant benefits and support provided to workers who are injured at work.

Workers will receive intensive and customised early intervention support for injured workers and their employer, income support at a rate of 100 per cent of their notional weekly earnings for up to 12 months and income support at a rate of 80 per cent of their notional weekly earnings for up to a further 12 months for non seriously-injured workers and until retirement age for seriously-injured workers.

Workers will also receive medical and return-to-work services that are reasonable and necessary and reasonably incurred for up to three years for non seriously-injured workers, and for life for seriously-injured workers; a lump sum for permanent impairment, where the maximum is payable at 50 per cent whole person impairment, whereas currently it starts at 70 per cent; a lump sum for loss of future earning capacity for workers with a degree of whole person impairment between 5 per cent and 29 per cent; access to common law for seriously-injured workers; and a federal minimum wage safety net.

The retirement age matches the federal pension age. Payments during disputes have been reinstated, and workers can seek enforceable orders to be provided suitable employment by their employer and retraining where required and needed. I suggest this is why we have not seen the protests in the streets; there is something in this bill for everyone.

Reform of workers compensation is a priority for the government, as the current workers compensation scheme does not best serve workers, employers or our state. Workers experience worse return-to-work outcomes than in other jurisdictions, and the services provided to them are not providing early and effective recovery and return-to-work support.

Early intervention and improving injury management are at the heart of this new scheme and will provide improved outcomes for people injured at work. It is right that workers who are injured as a result of their work are supported to recover and return to work, and the government, through this proposed scheme and the changes to WorkCover's management, are clearly aiming to deliver high-quality services at a reduced cost to employers.

The Hon. Mr Brokenshire referred to the two-year banding of income support for non seriously-injured workers. The early intervention focus adopted in this scheme, along with obligations imposed on employers, workers, and the corporation and its agents, seeks to ensure that the maximum number of injured workers return to work with the two years. It is important to acknowledge that the vast majority of workers already return to work within that two-year period; I am advised that it is currently 93.2 per cent of workers. It is expected that this number will increase.

Those who cannot return to work because they are seriously injured will be looked after financially for the remainder of their working life and will receive lifetime care and support. Non seriously-injured workers who have not returned to work within two years are provided with a further 12 months of medical support and return-to-work services to assist their return to employment.

The bill also provides for the establishment of a return-to-work facilitation fund to assist workers to develop skills, knowledge and capacity and capabilities that will enable them to transition into employment or work that is reasonably suited to their circumstances. This will provide additional support to non seriously-injured workers to return to work three years after their first period of incapacity and will assist their transition from a return-to-work scheme to other employment and job placement services.

The Hon. Mr Brokenshire and the Hon. Mr Lucas both raised concerns about the management of the scheme and referred to their concerns about Ms Sandra De Poi's membership on the WorkCover board. Ms De Poi, I am advised, was appointed to the WorkCover board as a person experienced in rehabilitation for a three-year term from 7 August 2003. She was reappointed for a further three-year term from 7 August 2007 and again on 7 August 2010.

Ms De Poi has complied with all conflict-of-interest procedures, I am advised, as required by the WorkCover SA Board procedure, and a review by the Statutory Authorities Review Committee into the WorkCover Corporation, which published its report in February 2010, heard allegations in relation to board member Ms De Poi and conflicts of interest between her role as a major rehabilitation provider in South Australia and as a board member for WorkCover. After the issue was raised with WorkCover, the corporation engaged a leading audit company to investigate whether there was a conflict of interest and I am told that this investigation refuted any allegation of conflict of interest on Ms De Poi's part.

The 2008-09, 2009-10 and 2010-11 Auditor-General's agency audit reports on the WorkCover Corporation found that the terms and conditions of Ms De Poi's contracts were 'no more favourable than those available or which might reasonably be expected to be available on similar transactions to non-Board member related entities on an arm's length basis'. On 23 January 2013, the chairman of the WorkCover board announced the immediate resignation of Ms De Poi. Ms De Poi voluntarily resigned from the WorkCover board following the appointment of her partner to the South Australian cabinet.

Injured workers should rightly be provided with the opportunity to be supported or represented and this bill recognises that right in a number of places. The service standards set out in schedule 5 recognise that a worker has the right to be supported by another person and to be represented by a union, advocate or lawyer. This can be at any stage of a claim or in any setting. The state Ombudsman can investigate complaints about the service standards not being upheld. In proceedings before the tribunal, injured workers may be represented by a legal provider or an officer or employee of an industrial organisation, and the cost of this representation can be awarded against the corporation.

The scheme also provides for the corporation, in the context of early intervention, recovery and return to work, to encourage and support the work of organisations that provide assistance to workers with workplace injury. The Hon. Mr Brokenshire in this place highlighted that, in the past, the service provided by WorkCover to injured workers could be vastly improved, in particular that there had been a lack of case management and a lack of good outcomes for workers. He also raised that WorkCover needs to consider how it manages its responsibilities going forward in getting people back to work and the government acknowledges that, in the past, the service provided by WorkCover should have been better.

The new return-to-work scheme requires a refocused approach to the services that are provided to people injured at work and their employers. Along with legislative reform, significant service reform is underway. Services will be person-centred and tailored to the management of their situation in accordance with identified needs. In order to achieve long-term sustainable changes in culture and customer experience, service reform is required that reflects and operates in conjunction with the new return-to-work scheme.

To this end, work has already begun on early intervention measures, I am advised. Further initiatives, including mobile case management strategy, will be implemented to ensure that the service provided by WorkCover to injured workers is operating effectively at the time of the new scheme commencing on 1 July 2015. South Australia needs a sustainable scheme that provides quality services and support to injured workers and the return-to-work scheme meets this need.

I also want to clarify comments made, I think, by the Hon. Mr Brokenshire in relation to seriously-injured workers and common law. It appears that the honourable member was under the misapprehension that a seriously-injured worker must take a common-law action and prove negligence to ensure support after two years. My advice is that that is not the case. Seriously-injured workers will be entitled to income support until retirement and lifetime medical care and support.

If a seriously-injured worker chooses to pursue common law and is successful, then they will no longer be entitled to receive income support or recovery/return-to-work services under the scheme. They will still be entitled to lifetime medical support. If a seriously-injured worker pursues common law and is not successful they will continue to be entitled to receive income, recovery and return-to-work and medical support under the scheme.

I also want to respond to another comment made by the Hon. Robert Brokenshire. The honourable member was asking how the government can guarantee that $180 million will be going back into employers' pockets each year. My advice is that it is not all that difficult. In the same way that the scheme actuary looks at the scheme each year and assesses how much the scheme will cost in the coming year, based on how many claims it expects will be incurred and what those people with injuries will be entitled to claim under the legislative framework and the associated administrative costs, it makes a similar assessment based on what these people with injuries will be entitled to claim under the proposed return to work bill and the associated administrative costs.

As at the end of June 2014 the actuaries have assessed the break even premium rate, being the annual cost of the scheme, as 2.87 per cent of wages. When they have assessed the framework of the return-to-work scheme they have considered the elements and advise that as a whole it should cost no more than 2 per cent of wages. For example, they consider that time-banded income support and note that that will provide a saving. They consider there are no longer work capacity reviews and noted that saving associated with the administrative workload.

They have considered that this return-to-work scheme provides participants with increased certainty and less points where they may want to dispute a subjective decision, and they have noted that that will provide a saving as well. Of course, as actuaries do, they have placed a whole lot of caveats around that, but the government is confident and committed to providing employers with the annual savings target.

The Hon. Mr Brokenshire also asked about what will happen to workers with existing claims and the impact of the time-banded income support. When the new scheme commences, existing non seriously-injured workers will receive up to two years' income support with medical and related services also being provided until up to one year after income maintenance payments cease. Workers with an existing claim will be treated as seriously injured if they have a whole person

impairment assessment of 30 per cent or more or if the corporation determines they are seriously injured during the transition process.

It needs to be emphasised that existing claimants will receive services that will be intensive, targeted and customised to the needs of the individual to support a return to work. The return-to-work facilitation fund I referred to earlier in my contribution will enable further assistance to be offered to workers once their income support has ceased, to develop skills or knowledge or capacity and capabilities to transition them into employment or work that is reasonably suited to their circumstances.

The Hon. Mr Lucas raised a concern that had been expressed to him that the removal of a separate category of injuries known as secondary injuries and the consequential inclusion of all claim costs in an employer's premium will create a risk that employers will discriminate against workers and job applicants based on them having a previous or existing injury or disability of any kind. State and federal equal opportunity laws make discrimination in employment unlawful if people are treated unfairly because of their disability. This would cover some but not all workers with a previous or existing injury.

There are penalties for discrimination and options for recourse set out in the equal opportunity legislation. Disclosure of a workers compensation history can only occur if the worker gives permission. All other workers compensation jurisdictions treat the cost of primary and secondary injuries the same and include them when calculating the experience rating premiums for employers, I am advised. The treatment of claim costs has, I am advised, not adversely affected employment behaviour.

We have no evidence to suggest that the inclusion of costs associated with secondary injuries has any effect on employers when considering prospective employees. It should also be noted that secondary injuries are not premium-neutral for self-insurers. They manage the liability associated with secondary injuries of their employee as well, focusing their attention on safe and durable return to work.

The Hon. Mr Lucas referred to the not insignificant number of amendments that were made to the bill in the House of Assembly and to the short notice members were given to consider these in advance. Many of those amendments and indeed the amendments that have been filed in this place are considered minor or technical in nature. They are a result of the bill being tabled in parliament and subject to review by technical officers and the ongoing discussions the minister has been having with community representatives.

In such a significant piece of legislation it is not surprising to discover some corrections as we work through this process. Some of the amendments proposed in this place are a consequence of the amendments that were subsequently made to the South Australian Employment Tribunal Bill to ensure the cross-referencing is correct, and we are trying to be accommodating and we are trying to get this right and that means continuing discussions such as with the honourable member about making improvements as we go.

The Hon. Mr Lucas has noted that this bill removes the position of the WorkCover Ombudsman and has asked what the termination arrangements will be for the current WorkCover Ombudsman. I am advised that Mr Wayne Lines' appointment as WorkCover Ombudsman expired on 30 June 2014. At that time, because of the government's proposed workers compensation reforms, the future of that position was uncertain.

As a result, Mr Lines was appointed as acting WorkCover Ombudsman, commencing on 1 July 2014 and continuing until further notice. The usual principle applied when a statutory office is abolished by statute is that the appointment comes to an end without the incumbent having any entitlement to compensation. There will therefore be no termination payout for the acting WorkCover Ombudsman other than whatever leave entitlements he may have accrued.

The Hon. Mr Lucas asked for clarification regarding the exact numbers of workers who will be impacted by these reforms and how that number had been calculated. WorkCover has advised that under the proposed legislative reform about 94 per cent of people will be the same or better off, if looking at a purely financial approach, but if you took account of the improved service provision and the early intervention approach, they would be better off indeed.

This figure is based on an average of the December 2013 actuarial projections in relation to income support. The new lump sum payment for non-economic loss will also provide greater financial support to some of these workers. For workers who have no time off work, or only up to 13 weeks off, there will be no change to the income support offered. Workers who receive more than 13 weeks' income support, but less than two years, will have increased financial support because the step-downs have been softened. The 94 per cent is arrived at by considering the number of workers who either have no time off work or have returned to work before the two-year mark, as well as those workers who will be characterised as seriously injured. By two years, only about 6.8 per cent of the workers are still receiving benefits.

In addition, there will be a number of workers, whom I understand make up a bit less than 1 per cent, who will be characterised as seriously injured. These workers will also be the same or better off under the new scheme. The honourable member asked for confirmation about how many individuals will be characterised as seriously injured each year. I am advised that out of the new claims that are incurred each year it is anticipated there will be about 35 workers who will be seriously injured. Naturally this figure may vary year to year and this is the expected longer term average, I am advised.

These figures are also historical and, in the new scheme, with the improved services supporting return to work, WorkCover and the government are confident that the number of workers who will not be at least the same or better off under the new scheme will be even smaller. The other figures the honourable member asked for confirmation about were the number of workers who return to work within four weeks and the number of workers who return to work within 52 weeks. I have been advised that at four weeks, 72 per cent of workers either have no time off work or have returned to work and by 52 weeks, 92 per cent of workers have ceased receiving income support.

The Hon. Mr Lucas also asked about an employer's obligation to provide suitable duties, following on, I understand, from the member for Schubert's comments in the other place. Employers have always been required to provide suitable employment to their workers who have a work injury to assist in their recovery and return to work. An employer must provide employment that the worker is fit to do, and where it is practicable the work must be the same as or equivalent to the employment the worker had before the injury.

This bill clearly outlines the responsibility of employers' obligation to provide suitable employment and support their workers' participation and recovery and return-to-work activities. This bill provides an opportunity for an injured worker who may wrongly be denied the opportunity of returning to work to go to an independent arbiter—the tribunal—to look at the circumstances. This is an important change.

The tribunal can make an order that their pre-injury employer provide suitable employment to the worker where the employer has failed to do so following the written request of the worker within a one-month time frame. This provision does not have a two-year time limit, I am advised. If a person is fit for work and ready to go to work, and an employer has work for which they are fit, is a fair thing that they have every assistance to return to work.

The South Australian Civil and Administrative Tribunal has multi jurisdictions to deal with administrative matters. The bill covering the first tranche of jurisdictions being considered to be transferred and to come into operation over forthcoming months is still in this place, and theoretically a stream could be created to include the South Australian Employment Tribunal jurisdiction. However, it is simply not a practical thing to do at this late stage, and SACAT is not even expected to be operational with its first tranche of jurisdictions until March 2015.

Turning to the issue of the industry rate, if the Return to Work Bill is passed without any changes affecting cost, the Minister for Industrial Relations has advised me that he is confident that WorkCover's management's recommendation to the board will be to set an average premium rate of 2 per cent for the 2015-16 financial year. This is of course subject to actuarial advice. A 2 per cent average premium rate represents a 27 per cent reduction in the premium collection across the scheme. That means $180 million will be available to South Australian employers to grow their business and support our economy. As the Hon. Mr Lucas noted, the Return to Work Bill proposes to remove the industry rate cap of 7.5 per cent.

Currently there are 25 industry classifications covering 3,645 employers where the industry rate is capped at 7.5 per cent, but the true industry rate is higher than 7.5 per cent, I am told. This is about 7.44 per cent of all employers in the scheme. These employers are cross-subsidised by the remaining 46,000 employers, to the extent of approximately $9 million annually.

If nothing else changed and we were just removing the industry rate cap then employers in these 25 industries could expect their premium rate to increase. However, if the average premium rate for 2015-16 is set at 2.0 per cent, as anticipated, there will be an average reduction to each industry rate of 27 per cent.

The claims costs and remuneration declared for each industry cannot currently be accurately predicted for 2015-16. However, I am advised it is expected that all except four industries would have industry rates lower than 7.5 per cent due to the extent of the average premium rate decrease arising from the bill.

Modelling on current figures indicates that 99 employers in four industries would have an industry rate greater than 7.5 per cent with the removal of the cap under the new scheme. As the Hon. Mr Lucas stated these employers are in meat processing, non-ferrous casting or forging, horse recreation and sport and cutlery and hand tools.

In addition, there are changes to the premium system that are required to ensure it properly reflects the structure of the new scheme. There are also non-legislative changes, which seek to reduce the volatility in the amount of premium paid by an experience-rated employer; for example, WorkCover will continue its discussions with employers about the removal of the hindsight premium calculation which has caused some considerable angst, I am advised.

The proposed legislation also changes the way premium is calculated. For example, the inclusion of secondary injuries in an experience-rated employer's premium calculation and the removal of the industry cap for all employers. All of these changes mean that there needs to be a transition to the new regime to avoid any shocks on businesses.

The Government and WorkCover are committed to a transition period which ensures that an employer who may be adversely impacted by these changes will not get a large or sudden increase. The minister has committed to having further discussions with the opposition and it would also be appropriate to have discussions with employer associations to develop the transition period principles.

The Hon. Mr Lucas has asked of the government on behalf of Minister Rau to read in this council the precise terms of a direction that he would indicate he would issue to the board in terms of a transitional period for the removal of the industry cap of five years.

As I have just confirmed, the government is committed to a transition. I am advised that the minister will be writing a letter to the board indicating his request for a transitional period and that a direction would not be issued unless there was concern about the board's willingness to comply. Given WorkCover is also fully committed to a transitional period, it is not expected that a direction will be necessary.

I will, however, make a statement committing the government and WorkCover to a transitional period over three to five years to ensure that an employer who may be adversely impacted by these changes will not get a large or sudden increase. This transitional period will cover the removal of the industry caps, the inclusion of secondary injuries within the premium calculation and any non-legislative improvements to the premium system.

I will also commit that WorkCover will engage with employer associations about the transition principles, and Minister Rau has committed to having further discussions with the opposition on the details of the transition approach.

On the topic of average premium rate ceiling, the Hon. Mr Lucas asked about the amendments that were made to the bill in the House of Assembly regarding the setting of the average premium rate. The purpose for the clause regarding the average premium rate is to give a very clear statutory direction to the corporation about what its absolute outer limit of acceptable performance might be, while acknowledging that from time to time events will occur which will vary the

performance. The decision to reduce, maintain or increase the premium is one for the WorkCover board.

The amendment that was made in the House of Assembly to these provisions was about acknowledging that the board has that responsibility for setting the rate. The provisions prior to the amendment would have set in motion a sequence of events, if and when the rate needed to be set above 2 per cent, that did not add value and were disproportionate to the situation. If the board makes a decision based on the actuarial advice is receives to set the rate above 2 per cent, then the minister of the day does not need to also consider those events and publish a notice in the *Government Gazette* and so on.

The minister will want to understand what has led to the board's decision, which is why there is a requirement for the corporation to provide a report. This amendment does not represent a shying away from the government's commitment that the Return To Work Bill will provide employers with the savings as indicated of $180 million per year. This government is confident that the bill provides for a scheme that costs no more than 2 per cent. With regard to requiring this report to be publicly available or tabled in parliament, I will leave that to the honourable member to progress.

The Hon. Mr Lucas spoke about how group training organisations had approached him seeking amendments which will exempt the employers who host their apprentices and trainees from their common law obligation to provide safe work sites for visitors, including contractors, delivery drivers, members of the public, employees of other organisations and people working under labour hire arrangements. I understand this is a long-standing issue.

The amendments that have been proposed will exclude WorkCover's ability to issue proceedings to recover a compensation paid and payable from a negligent host employer. All other private and government-owned workers compensation insurers in Australia recover costs wherever possible from third parties to their insured employer. This enables cost containment for the WorkCover insured employers.

The proposed amendments will not in isolation prevent an injured worker from issuing proceedings at common law against a negligent host employer to recover damages for injuries and consequent losses. As a consequence, workers may double-dip, receiving workers compensation benefits as well as common law damages for the same injury. Public liability litigation will increase to raise host employers' public liability premiums and diminish their appetite to take on apprentices and trainees. The workers' right to proceed with a common law claim for negligence will endure under the Civil Liability Act.

The Hon. Mr Lucas asked if it could be put on the record the reasons why the government and WorkCover believe the current arrangements are fair to group training schemes, host employers and individual apprentices and trainees. WorkCover has advised that group training organisations are provided with significant subsidies under the scheme to support the ongoing employment of apprentices and trainees in this state.

Because of the premium rebate offered against apprentice remuneration, group training organisations currently only pay the minimum premium amount of $200 per year for the registration relevant to apprentices and trainees. Apprentices and trainees employed under a group training arrangement are not subject to the experience rating premium system, so the individual claim costs for any injuries incurred by their apprentices and trainees do not affect the group training organisation's premium. They are getting quite a good deal.

Apprentices and trainees are covered, as other workers are, under the scheme such that if they have an injury they are able to receive income support and reimbursement for medical expenses as eligible. If an apprentice or trainee is injured at the workplace of their host employer and the host employer's negligence caused or contributed to the injury, perhaps because they did not provide a safe working environment or maintain their equipment, for example, the worker is able to pursue the host employer at common law for damages.

The host employer is exposed to these actions in the same way they are exposed if a visitor is injured at the workplace. Host employers are not considered the true employer of the apprentice, so they do not have any obligation to pay workers compensation premiums or provide suitable

employment to assist workers to return to work after an injury. It is therefore appropriate that they are required to maintain safe workplaces and are not protected from the consequences if they do not.

In relation to injured worker advocates, the Hon. Mr Lucas referred to the Statutory Authorities Review Committee report in relation to WorkCover, which began in October 2007 and concluded with a report in February of 2010. One of the recommendations, which was agreed to by all members of the committee, was that WorkCover establish a more open and consultative management style with injured workers and interested stakeholders, such as the Work Injured Resource Connection. I am advised that, since that report in early 2010, there have been various changes in the approach to stakeholder engagement at WorkCover.

Fundamentally, stakeholders are considered to be employers and associated industrial associations and workers and their representatives, as is set out in the WorkCover Corporation Charter. I am advised that WorkCover has adopted a proactive and targeted approach in seeking feedback from its key stakeholders on scheme changes and improvements as and when they arise. This targeted engagement has been found to deliver efficient and effective two-way information flows.

During the last financial year, WorkCover delivered a range of activities to engage with its key stakeholders, including four forums with employers and unions, 18 forums with providers, and 15 forums for GPs, and regular communications distribution via consultation papers, email, newsletters and other sources of information. There are also opportunities, on an ongoing basis, for individuals to contact WorkCover to discuss issues they may have with the organisation or the scheme. WorkCover will undertake significant consultation with stakeholders and interested parties throughout the implementation of the scheme reform.

The Hon. Mr Lucas requested a commitment for WorkCover to meet regularly with stakeholders and interested parties, such as Work Injured Resource Connection. I am advised that WorkCover's approach of having in-depth workshops with employer associations and trade unions has proved highly beneficial to all parties and that this will certainly continue on a topic-specific basis. I am advised that WorkCover will give consideration as to how to engage with interested parties more broadly to ensure that their views are heard and considered. I would now like to place on the record some responses to questions that were asked in the other place.

The Deputy Leader of the Opposition asked what the annual saving to the public sector was likely to be, given their self-insured status under this scheme. I am advised that there would be about a $219 million reduction in the outstanding liability, reflecting savings and income maintenance and medical expenses only. Further, based on the 2013-14 year, the annual amount saved under the new scheme is estimated to be $24.9 million, I am advised, noting that this may vary significantly from year to year due to injury activity and severity.

This estimate does not take into account the potential effects of changes to redemption payments, step-downs, legal costs and other expenses, nor does it account for those claims that may be determined as greater than 30 per cent whole person impairment, where the entitlement to income maintenance and medical expenses does not cease, as the percentage of injured workers that may be greater than 30 per cent WPI cannot be estimated at this time.

There is a high degree of uncertainty in estimating potential savings for government because there are many variables that determine the overall cost of the scheme, including the number of new workers compensation claims in any given year, the severity of the new claims, changes to medical expenses and treatment options, and effectiveness of rehabilitation and differing agency return-to-work outcomes. Notwithstanding the above uncertainty, there will be annual savings for the South Australian public sector.

The member for Schubert asked: how often do injured workers have multiple employers for the purposes of determining average weekly earnings? I am advised that while the information is used in some cases, the determination letters sent to injured workers do not record in any traceable manner whether the average weekly earnings is based upon earnings with two or more employers. This makes it difficult to search the system for claims where there are two employers at the time of the injury.

While a report of the claims that have 'second employer' details completed on the claim form could be produced, this does not necessarily mean that the worker's average weekly earnings were determined on the basis of section 4(2)(b) of the current act; for example, the worker may not be incapacitated for work with the 'second employer', or the relationship with the 'second employer' may not be one of a contract of service.

The member for Davenport asked whether it was against the law for an employer to ask an employee at the point of interview, 'Do you have pre-existing coronary heart disease?' I am advised that antidiscrimination laws would prevent an employer from refusing a prospective employee because the applicant has a pre-existing health concern or has previously made a claim for workers. compensation.

An employer can lawfully refuse to grant employment to someone whose physical or mental impairment would render them unable to perform the job. Thus, instead of asking an applicant about their WorkCover history, a relevant question would be: are you currently affected by any injury or condition that may impact upon your ability to perform all the duties of the job?

This information is relevant to the employer fulfilling their workplace safety obligations and ensuring that the applicant could undertake the job without endangering themselves or others. Failure to provide this information may go to the heart of the employment contract and form the basis of disciplinary action or summary dismissal.

The member for MacKillop asked whether the consultation requirement for the setting of medical fees was too onerous. The Workers Rehabilitation and Compensation Act 1986 currently states that the corporation 'must consult' with the listed associations. This process of consulting and publishing scales of charges for medical and allied health fees currently occurs annually, I am advised. While stakeholders may not always have particular feedback on proposed changes to the recommended fees, it is important that they be given an opportunity to consider the proposal.

The member for Ashford asked whether there would be any changes to a cap on the cost of doctors fees for reports. The medical fees payable under the scheme are subject to consultation. The minister may publish scales of charges in the *Government Gazette* for the various medical expenses on the recommendation of the corporation. Before the corporation makes a recommendation regarding the scales of charges, it is required to consult with professional associations representing the providers of medical services, associations representing the self-insured employers, associations representing employers, including Business SA, and associations representing employees, including SA Unions.

This process of consulting and publishing scales of charges for medical and allied health fees currently occurs annually, I am advised. It is intended that it will continue to be reviewed and updated annually. There is no planned change to the rate set for medical reports, apart from the normal annual indexation and considering any specific issues raised during the consultation process. The consultation process is expected to commence in early 2015. The member for Schubert also requested further information about annual leave and income support. I have been advised that clause 50(7) of the Return to Work Bill 2014 provides that:

> If a worker applies for, and takes, a period of annual leave, the Corporation may suspend weekly payments that would otherwise be payable to the worker during the period while the worker is on leave.

Clause 50(8) provides that a decision to suspend weekly payments in these circumstances 'does not constitute a reviewable decision'.

The issue of notice with suspensions is an interesting one. The Full Bench of the tribunal in WorkCover Corporation/Commercial Union Workers Compensation (John Thring) v Mark Haynes [1999] SAWCT 94 is authority for the proposition that a suspension is a different species of determination to a discontinuance, and is therefore not subject to the notice provisions set out in section 36(3a), now clause 48(6).

This decision noted that a suspension is temporary in nature and brings about the temporary cessation of weekly payments until the worker complies with a stated requirement. The worker is not required to make a fresh claim to have the payments reinstated; it is automatic. The obligation to make weekly payments has not been ceased: it has merely been postponed until compliance has

been achieved. Notice of a suspension of weekly payments must be given as soon as practicable after the decision is made but not necessarily before it takes effect, so that clause 50(7) is effective and parliament's intention is realised, and we will all be very grateful for that.

The Deputy Leader of the Opposition asked why there was a discrepancy in the maximum penalties for disclosure of information. Penalties for information disclosure have been increased in the new Return to Work Bill 2014. The maximum penalty for the advisory committee has moved from $1,000 to $5,000, and the maximum penalty for employers has increased from $5,000 to $10,000. The increases in penalties were a matter for parliamentary counsel to ensure consistency with levels of penalties in other legislation. The difference in penalties reflects that one penalty is for an individual and one for an organisation.

I have endeavoured to answer as much as possible to respond to members' queries here and in the other place. As I said at the beginning, any matters I have not yet dealt with I will respond to at the beginning of the committee stages. I look forward to the speedy passage of the bill through those stages.

Bill read a second time.

SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL BILL

Second Reading

Adjourned debate on second reading.

(Continued from 25 September 2014.)

The Hon. R.L. BROKENSHIRE (17:09): As is often the case, Family First were prepared to help the government out by speaking on the second reading stage of this bill this afternoon. We try to help where we can, whenever we can. This will be a fairly short speech.

The South Australian Employment Tribunal Bill is a bill to establish the South Australian employment tribunal. I had a look at this bill and also, in more detail, I might add, the so-called Return to Work Bill, WorkCover bill, the WorkCover reform bill or whatever you want to call it. I did not see where these two bills were actually tied together, but listening to the minister and doing some other investigation, I am advised that the government actually believe that the right glove (that is, the Return to Work Bill) and the left glove (that is, the South Australian Employment Tribunal Bill) go hand in hand and have to be together. When we get to committee stage, I will be asking questions on why that is the situation and what is the importance of that.

For the record, the bill sets out the principles that are to guide the tribunal in the hearing of any proceeding for which it has jurisdiction. In summary, these principles include: minimising any formality, dispensing with rules of evidence and adopting an inquisitorial approach, and finally, acting according to equity and good conscience without regard to legal technicalities. I guess, on the surface of it, you would have to say that is commendable if indeed that happens in practice.

If you can take some of the legal complexity, technicalities and challenges—call it what you like—out of a tribunal looking at employment matters, then hopefully you can get better and more expedient outcomes than has possibly been the case in the past. I would trust and assume that this is one of the reasons the government want to establish this new South Australian Employment Tribunal Bill.

To summarise: the tribunal is to be led by a president, who will hold concurrent office as senior judge of the Industrial Relations Court. I put on notice that I would like the minister responsible to advise us, at the end of the second reading speeches, of the appointment processes that the government consider that they want to implement to get that president. The tribunal, to be led by a president, will be supported by one or more deputy presidents, magistrates and conciliators.

The president's functions, I understand, are expressly prescribed in the bill to include both administrative and managerial responsibility, including managing the business of the tribunal, which includes:

- ensuring it operates efficiently and effectively;
- giving directions about practices and procedures to be followed by the tribunal;

- developing and implementing performance standards and benchmarks;
- promoting the training, education and professional development of members;
- overseeing the proper use of resources; and
- providing advice about the membership and operation of the tribunal.

The tribunal will be comprised of conciliation officers who may be legally qualified but may also be experts from different fields or vocations; I would like some examples of that in answers to the summing up of the second reading speech. It says that legal practitioners will require a minimum of five years' standing, and I respect and agree with that, because you need experience in this area. Other members must have extensive knowledge, expertise or experience relating to their function within the tribunal. The question is: what functions do they believe these other experts from different fields or vocations will do, and what are the requirements around their qualification?

The minister can appoint a panel of persons who will recommend the selection criteria from consolidation officers and candidates to the minister after conducting assessment. All members are to be assessed by a panel appointed by the Governor after consultation with the president and the minister for up to a term of five years. If they are appointed for four years or five years and they end up leaving after three, I would like to know whether contractually they have to be paid out for the full appointment; that is another question I will put on notice to the minister and their staff.

The president may determine which member or members of the tribunal will constitute the tribunal, and a full bench of the tribunal consists of three presidential members. It is interesting that they have clearly realised they need three presidential members if they are going to have a full bench so that is designated within the legislation, and yet when the Hon. Rob Lucas raised the issue in SACAT, they were going to leave it up to the head of SACAT as to whether there would be one, two or three people sitting on those tribunals.

For the questions that do not amount to a determination of a question of law, the opinion of the majority will apply and, where there is no majority, the opinion of the presiding member will prevail. A question of law will be decided by the full bench of the tribunal, and the full bench can refer a question of law to the Full Court of the Supreme Court.

The tribunal will examine the decision of the original decision-maker by way of rehearing. The original decision-maker will be required to assist the tribunal to review the decision. The tribunal can give directions, consolidate proceedings, split proceedings, move a proceeding to a more appropriate forum and, finally, dismiss or strike out a proceeding that is frivolous, vexatious or an abuse of process. I have no problems with that.

The tribunal can require the parties to attend a compulsory conciliation conference or refer the matter, or any aspect of that matter, for mediation by a person specified as a mediator by the tribunal. With respect to evidentiary powers, the tribunal can require the production of evidentiary material or require an individual to give evidence. It can issue a summons, and failure to comply with this provision of the bill can amount to an offence which will attract the maximum penalty of a $25,000 fine or imprisonment for one year.

A member of the tribunal can enter any land or building and carry out any inspection that is considered relevant to a proceeding before a tribunal. A person who obstructs a member of the tribunal, or a person authorised by the tribunal, who is exercising their power will be guilty of an offence attracting a maximum penalty of $10,000 or six months' imprisonment.

The tribunal can refer questions for investigation and report by an expert after seeking submissions from the parties to the proceedings, prior to making such a reference. That is a summary, as I understand it, of the intent and what is in the bill. I have to put on the public record that I have had, as I recall, no representation from unions on this, and no representations from employers on this. I hope that there has been adequate—

The Hon. R.I. Lucas: Maybe they're just ignoring you, Broky.

The Hon. R.L. BROKENSHIRE: Maybe they are. Who knows?

The Hon. R.I. Lucas: They might have gone to the leader.

The Hon. R.L. BROKENSHIRE: Well, that's right. It saves me some workload and I have plenty of that at the moment. Back to the point which I just put on the public record: are the unions fully aware of this? I suspect they definitely are. Are the employers fully aware of this? I am not sure and I would like the minister to advise us, at the end of the second reading contributions in his or her summing up, what consultation they did undertake.

On the surface of it, this looks like it may be worth considering, but there are still a lot of questions that Family First wants answered. Some of that will occur during the committee stage, but we are definitely very open-minded at this stage and not making an absolute commitment either way on this bill until we hear the debate from opposition, government and crossbench colleagues. We will start then to work through the committee stage.

We will support it through a second reading, but we reserve our right to reconsider from there as the debate occurs in the house, given that, first, we have not had a lot of focus or discussion with the government on this, unlike the Return to Work Bill, and also, we have not had representation from those interested sectors that are affected by the South Australian Employment Tribunal Bill. With those words, I think I have made our position clear.

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

COMMISSIONER FOR KANGAROO ISLAND BILL

Second Reading

Adjourned debate on second reading.

(Continued from 25 September 2014.)

The Hon. M.C. PARNELL (17:19): I rise to speak to the second reading of this bill and to indicate to the chamber that the Greens will be supporting it. This bill seeks to achieve a number of objectives, one of which is to achieve the coordinated and timely delivery of government services to Kangaroo Island. However, the role of the commissioner is broader. In fact, it is also to assist in other ways with improving the local economy of Kangaroo Island, whether that is in the marketing of products, the development of the tourism economy or in any other way.

What I have found remarkable about this debate is that practically all the correspondence that I have received from residents, business owners and local government on Kangaroo Island has been wholeheartedly in favour of this bill. In fact, it is difficult to find too many critics other than the local member, Mr Pengilly, who in some curious way appears to be very threatened by the creation of a new body that in part is to look after an electorate that he is charged with looking after as the local member.

I want to take a few moments in supporting the second reading to put on the record some of the communications that I have received from stakeholders and to thank them for taking the trouble to contact me. I will start with Mayor Jayne Bates OAM and Andrew Boardman, the chief executive officer of the Kangaroo Island Council. They have kept me in the loop continuously. They have taken the trouble to come to Adelaide, to sit down with me and talk through this bill, and they are wholeheartedly in favour of it.

In fact, the resolution that was passed at their council meeting, as I understand it, was unanimously in favour of the bill. I think that speaks volumes, because if there was to be any group of people who you might think would be threatened by the imposition of an additional layer of administration it would be the local council and yet they are the ones who are the loudest in their support.

That support has translated up the food chain, as it were. If we take the local government region that takes in Kangaroo Island, the Southern and Hills Local Government Association, earlier this year at their 20 June board meeting the association, which consists of the seven member councils of the Fleurieu Peninsula, including Kangaroo Island, resolved unanimously to fully support the passage of the Commissioner for Kangaroo Island Bill. If we go higher up the food chain we get to the Local Government Association itself. Again, they have written to us in June this year saying:

The LGA has been supporting the Kangaroo Island Council in considering the Commissioner for Kangaroo Island Bill including advising on various amendments and enhancements to negotiate with the Government. The LGA will continue to support the council during the passage of this Bill through Parliament.

At the LGA Management Group meeting on Thursday 19 June it was resolved that, on behalf of the LGA Board and their response to the Kangaroo Island Council's request, I advise key State Members of Parliament that the LGA supports the passage of this Bill through the Parliament.

In fact, the love is flowing strongly. The Attorney-General is receiving accolades from the Kangaroo Island Council. In fact, the red carpet is to be rolled out, as I understand it. Jayne Bates' letter to the Attorney, which has been circulated to all members, says:

We thank you again for the opportunity to work with you to give this legislation and the Commissioner's role the best possible start in life and we look forward to hosting your next visit to present to, and consult with, our Community on the Commissioner for Kangaroo Island Bill.

So the love is flowing. Mind you, the tap has been turned in relation to some other issues to do with planning, but we will come to those later. I do not want to spoil the moment now. The local newspaper has reported in some detail over several months the response of the local Kangaroo Island community. The headline was:

'Yes' to Commissioner

The Kangaroo Island Council votes unanimously to support commissioner to act for the island.

In the letters to the editor page—whilst these are never unanimous, and part of the job of a letters editor is to try to find some contrary views—overwhelmingly the letters have been in favour of the commissioner. Some of them were from Leeza and David Irwin, Geoff and Margi Prideaux, Allan Henderson of Kingscote, and the list goes on.

One letter that I received was from a person who I worked with some 15 to 20 years ago on Kangaroo Island, a chap called Craig Wickham. He is someone who has been in business on Kangaroo Island in the tourism sector for 25 years; 10 years working as a member of the Kangaroo Island Council; he is the presiding member of the Kangaroo Island Development Assessment Board; a board member of the Natural Resource Management Board; and a board member of the Kangaroo Island Futures Authority since its inception. Craig Wickham said, 'I have to say this has been the single most positive initiative in which I've been involved.'

My dealings with Craig were as a conservation delegate on a state government ecotourism task force because, as members would know, ecotourism is very much the future of Kangaroo Island's economy. What Craig Wickham says in a letter to Ms Vicki Chapman, member for Bragg, in her capacity, I think, as shadow attorney-general, is:

I am bemused by the complete lack of support for this proposal by some sectors of the Opposition.

In fact, I have to say that I have yet to receive any coherent argument from the member for Finniss or anyone else as to why this bill should not be supported. Other letters I have received in support of the bill are from Judie Bell of Kingscote; Jane Peckover, again, an island resident; Hartley Willson from Penneshaw; the managing editor of *The Islander* newspaper, stepping out of an editorial role in the tabloid but in her capacity as proprietor of Black Stump Media. Shauna Black writes stating:

I write in support of the concept of the KI Commissioner as proposed by Deputy Premier John Rau and State Economic Development Board Chairman Raymond Spencer.

My family has lived on Kangaroo Island nine years and I have spent most of those as Managing Editor of *The Islander* newspaper.

This role has given me a front row seat to the work of the Kangaroo Island Council and the Kangaroo Island Futures Authority. I have seen first-hand as the council and other agencies have tried to tackle the complex and unique challenges facing the Kangaroo Island economy and community.

The support of this State Government has been most valuable and must continue for the projects in the pipeline to be completed and the future work to shore up the sustainability of the island and realise its true potential.

A designated commissioner who can assist and progress the island's causes would be welcomed by many on the island.

Really, that is the tone of most of the correspondence that I have received from islanders. As members would know, having spent a lot of my life working in the conservation movement, I pay

particular attention to constituents who come from an environmental or conservation perspective. I was pleased to receive a letter from Geoff and Margi Prideaux (the Migratory Wildlife Network), basically reiterating what others have said before. They support this bill, they believe it will be good for Kangaroo Island. Another organisation—and I have to confess here that I had not heard of this group before—the Kangaroo Island Road Safety Committee wrote to us saying:

> We are of the belief that a commissioner for Kangaroo Island would benefit the island in more ways than one but particularly by giving strength to the island's ability to move forward as a united region by bringing together the different government departments.

This letter does not say who it is addressed to but it goes on to state:

> We agree with your statement—

I am not sure whose statement that was but they agree with this statement—

> that 'The island is complex, it's a unique and valuable resource for the state of South Australia, but it's been unable to achieve its full potential for decades.'

There are a couple more, including from Sue Florance of the Ficifolia Lodge in Parndana, again urging us to support the passage of the bill. I will conclude with one very detailed and very thoughtful representation made by Joy F. Willson, who describes herself as a ratepayer, elector and elected member from Penneshaw. She states:

> The Council as a whole has gone through the proposed Bill and taking into consideration all discussions held and advice given have wholeheartedly supported the proposed Bill. The Council has put up many amendments which have been received favourably by the Government with the expectation that The Council will receive a final draft very shortly.

This is back in June. She continues:

> As a private person I can only see good for Kangaroo Island emanating from this proposed Legislation. I guess there are other regional areas within our State who can only dream that this type of Legislation might be, at some time in the future, available for them. Kangaroo Island Futures Authority has done some excellent work for this island and its Community and in many ways not so tangible to the eyes but behind the scenes work done by this Body has been extraordinary. When the KIFA bows out of the picture then the Island may be back to square one that is, with decisions being made by Governments that have a lasting detrimental effect on the Kangaroo Island Community, its Social fabric and its Economic viability, past, now and into the future. The need to review the delivery of all Government services to Kangaroo Island should be a priority to both sides of Politics.

I think she meant 'all sides of politics' there. She continues:

> Scratch the surface of this place, and not very deep, and you will find that these services often are subject of 'Talk Fests', folk fly in, have a meeting and fly out without anything tangible being achieved. The Social impact on this place by the non-coordination of Services is huge.

She then goes on to criticise Mr Michael Pengilly and the Liberal approach.

The Hon. I.K. Hunter: Read it out!

The Hon. M.C. PARNELL: But I don't need to read any more of that into *Hansard*. The conclusion that the Greens have drawn from all of that correspondence from ordinary citizens, elected members, councils in their official capacity, the fourth estate and local businesses of all types is that this small community of only about 4,000 people is eager for there to be a mechanism in place to coordinate services for them so it meets their needs and, as the last submission I read out, does not just involve talkfests and fly in-fly out. If the community wants this legislation, then I think they deserve our support in passing this bill as expeditiously as possible.

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

CRIMINAL LAW (FORENSIC PROCEDURES) (BLOOD TESTING FOR DISEASES) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (17:32): I move:

That this bill be now read a second time.

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

Leave granted.

Day in day out, Police officers perform a vital service to the people of South Australia. All too often, however, officers are placed at risk through the criminal actions and recklessness of others. Approximately 700 police officers are assaulted in the line of duty each year. Many of these assaults, between 250 and 350 a year according to SAPOL figures, result in one or more officers being spat on or even bitten.

It is an unfortunate fact of life that many of those who seek to do our police harm in these circumstances are at high-risk of having an infectious disease. Currently SAPOL offers blood testing to any officer who has had contact with an offender's bodily fluids, and is therefore at risk of having been exposed to, or contracted, a communicable disease. There is currently, however, no obligation on an offender to be tested.

At the last State election the Government committed to introduce legislation to require an offender who bites or spits at a police officer to undertake a blood test for infectious diseases. This bill, the Criminal *Law (Forensic Procedures) (Blood Testing for Diseases) Amendment Bill 2014*, delivers on this commitment.

The Bill builds on the existing framework in *the Criminal Law (Forensic Procedures) Act 2008* for suspect forensic procedures.

The Bill provides that any offender who is reasonably suspected of having assaulted a police officer or having committed other specified offences of violence can be compelled to undertake a blood test to test for the presence of infectious diseases where the police officer was exposed to the offender's bodily fluids and there is a risk that the police officer, in being so exposed, could have been exposed to or contracted an infectious disease.

The specified offences are assault or resisting a police officer, assault and assault causing harm, causing harm, causing serious harm, doing acts likely to cause harm, serious harm or endanger life, riot, affray and violent disorder. The amendments allow other specified offences to be added by Regulation.

Consistent with existing procedures for forensic procedures in the *Criminal Law (Forensic Procedures) Act*, the Bill provides that an offender can only be required to undertake a blood test upon the authorisation (to be recorded in writing) of a 'senior police officer', being an officer of or above the rank of Inspector.

The Bill also amends section 58 of the *Criminal Law (Forensic Procedures) Act* to make it clear that regulations made under the Act can regulate how such tests are to be carried out and to whom the results may be released to.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law (Forensic Procedures) Act 2007*

4—Amendment of long title

This clause makes an amendment to the long title of the Act consequent upon the measure.

5—Amendment of section 3—Interpretation

This clause substitutes the definition of *suspects procedure* in section 3 of the principal Act.

6—Insertion of Part 2 Division 4

This clause inserts a new Division 4 into Part 2 of the principal Act as follows:

Division 4—Blood testing of certain persons for communicable diseases

20A—Interpretation

New section 20A defines key terms used in the new Division 4.

20B—Senior police officer may require certain persons to provide blood sample

New section 20B allows a senior police officer to authorise the taking of blood from a suspect in the circumstances set out in subsection (1), and makes related procedural provisions.

7—Amendment of section 31—Use of force

This clause makes a consequential amendment.

8—Insertion of section 34A

This clause inserts new section 34A into the principal Act, which prevents forensic material obtained under new Part 2 Division 4 from being used for purposes other than testing the material for communicable diseases.

9—Insertion of section 39A

This clause inserts new section 39A into the principal Act, which requires the destruction of forensic material obtained under new Part 2 Division 4 as soon as is reasonably practicable after the material has been tested for communicable diseases in accordance with new section 34A.

10—Insertion of section 48A

This clause inserts new section 48A into the principal Act, which renders inadmissible specified results, admissions and statements relating to operation of new Part 2 Division 4, and prevents the reliance on those things to ground the obtaining or use of search warrants or powers.

11—Amendment of section 58—Regulations

This clause amends section 59(2) of the principal Act to enable regulations to be made under the Act in relation to the operation of new Part 2 Division 4.

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

CIVIL LIABILITY (DISCLOSURE OF INFORMATION) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (17:33): I move:

That this bill be now read a second time.

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

Leave granted.

For more than 20 years the Freedom of Information Act has provided the public with a legally enforceable right to access information held by State Government, Local Government, and the three State Universities. The FOI Act is well utilised by members of the public, including Members of Parliament and the media, with 12,328 applications made to government agencies in the 2011-12 financial year, of which 85% of information was released in full or in part.

FOI access comes at a cost. In the 2011-12 financial year the estimated total cost of administering the FOI Act was reported as $10.4 million. Agencies only recovered some $222 000 of this through application fees and charges. This cost, which is considered a conservative estimate, has progressively increased since 2002. This, in part, reflects the increasingly broad and complex nature of FOI applications received by some agencies.

Although the FOI process is often described as the option of 'last resort' and the objects of the Act clearly state Parliament's intention that disclosure should be favoured over non-disclosure, some applicants report difficulties in obtaining information they have requested, including time delays and prohibitive costs. Government agencies administering the FOI Act report a culture of risk aversion and a reluctance to release information outside of the FOI Act.

One of the barriers to agencies proactively disclosing information outside of the FOI Act is the lack of protection from legal liability, meaning the proactive publication of information could give rise to a cause of action against the Crown.

Section 50 of the FOI Act provides the Crown with immunity from civil liability for defamation and breach of confidence in respect of the granting of access to a document under that Act.

While public servants are themselves protected from civil liability when exercising (or purportedly exercising) official functions and powers by the Public Sector Act, and the Crown has some protection from defamation in respect of documents issued by agencies for public information purposes, the Crown has no general immunity from civil liability in respect of the release of information outside of the FOI framework.

Understandably, this lack of protection weighs heavily on the minds of public servants when considering whether to release information proactively.

The Civil Liability (Disclosure of Information) Amendment Bill seeks to address this.

The Bill amends the *Civil Liability Act 1936* to provide the Crown with immunity from civil liability in respect of the release by or on behalf of government agencies of information, but only in respect of the publication of information of a prescribed kind, or in respect of the publication of information in circumstances prescribed by regulation.

The need to prescribe the kinds of information, or the circumstances of release, will limit, through Parliamentary scrutiny of the regulations, the scope of the immunity.

I expect that the list of prescribed kinds of information or prescribed circumstances will, at least initially, be quite limited. While the kinds and circumstances of release are yet to be finalised, the Government anticipates the regulations will prescribe only:

- general information about government agencies and their operations, being the type that is commonly sought and released under the FOI Act, such as details of credit card expenditure, travel, mobile phone usage and entertainment expenditure by ministers, their advisers and senior public servants, and information about consultancies, gifts received and agency procurement practices;
- submissions on government policy initiatives;
- information released in accordance with government-wide disclosure policies and information of a non-personal nature that has already been sought and provided to an applicant under the FOI Act.

I should make clear that the Government has no intention of prescribing information of a personal or sensitive nature or information that is commercially sensitive.

Further limiting the immunity provided by the new provision is that the civil liability of the author of the information (for example, the person who provides a document to a government agency) or a person or organisation who re-publishes information released by a government agency (for example, a media organisation) will not be protected by the immunity. It is the Crown and the Crown alone that is protected.

This amendment will not require a government agency to release information or documents. Rather, it will provide the Crown with a degree of legal protection where information or documents is or are released proactively. In so doing, this reform is aimed at encouraging greater proactive release of information by government agencies, thereby reducing the number of freedom of information requests received by government agencies and protecting the Government, and, by extension, the taxpayer, from civil liability arising from the proactive release of information by government agencies.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Civil Liability Act 1936*

4—Insertion of Part 9 Division 12A

This clause inserts new Division 12A into Part 9 of the Principal Act.

That Division contains new section 75A, excluding all civil liability (whether in tort, contract, equity or otherwise) of the Crown arising out of the publication by, or on behalf of, the Crown of information of a kind, or in circumstances, prescribed by the regulations.

The new section does not affect the civil liability of the original author of the information, or a person or body other than the Crown who publishes the information.

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

At 17:34 the council adjourned until Tuesday 28 October 2014 at 14:15.

Answers to Questions

HUMPHREY PUMP

In reply to **the Hon. J.S. LEE** (21 May 2014).

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

1. Until 2012, the pump was operated on four or five occasions each year during scheduled operating days of the Museum.

On 20 May 2012, during the display and operation of the pump at the Cobdogla Steam Museum, a gas leak occurred which resulted in two of the operators being affected and hospitalised overnight for observation.

As a result of this incident and its Work, Health and Safety responsibilities to the public visiting the Museum as well as volunteer operators, SA Water decided that the pump would cease operation.

2. The investigation into the gas leak determined that its root cause was a leaking gas inlet which prevented the pump from starting in the normal manner. Subsequent unsuccessful attempts by the operators to start the pump and the continued leaking of the valve led to an excess of gas building up around the operators.

3. A preliminary assessment conducted by SA Water estimates that expenditure in the order of $75,000 to $100,000 would be required to bring the Humphrey Pump back to an acceptable standard to be operated in the museum four to five times per year. It is unlikely, given ESCOSA's requirement for SA Water to operate efficiently and prudently, that this expenditure would be accepted by ESCOSA as part of SA Water's capital expenditure for the next regulatory period.

SEAFOOD INDUSTRY

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

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

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

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

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

CHILD PROTECTION

In reply to **the Hon. D.G.E. HOOD** (18 June 2014).

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

The Department for Education and Child Development (DECD) has a system in place for reporting incidents, including those of sexual abuse. The Incident and Response Management System (IRMS) is a web based system that is used to record, manage, collate and report information relating to all incidents including 'Notifiable Incidents'.

Incidents of sexual abuse are also reported through the Child Abuse Reporting Line and, where appropriate, these incidents are reported directly to SA Police.

Training sessions have been conducted in the use of the IRMS and two full time staff based in the DECD State Office are available to support and advise site staff with incident reporting.

In 2010 both government and non-government education sectors developed guidelines for schools to follow when incidents of problem sexual behaviour involving children and young people occur. Other agencies involved in the guidelines' development were SA Police, Child Protection Services, Families SA, Child and Adolescent Mental Health Services and various experts, including the Commissioner for Victims Rights.

The responses of staff and other agencies to these incidents are important contributions to the ongoing safety, wellbeing and recovery of children who have been harmed and, importantly, to the prevention of future inappropriate behaviour or sexual offending by young people.

In some circumstances these responses also involve intervention in family violence, abuse or neglect because the behaviours exhibited by the child arise from their own experience as victims.

The guidelines provide a checklist of actions to be taken, a chart of the key agencies' roles and responsibilities and step by step advice on a range of tasks including what information should be shared when, with whom and by whom. They outline the immediate communication responsibilities with parents of all children and young people involved in an incident and the role of SA Police and/or Families SA in that communication.

The guidelines are incorporated in the mandatory child protection training that all new staff undertake as a condition of employment. They are also incorporated into the update training course that all existing staff are required to undertake on a three yearly basis. Since March 2012, over 50,000 personnel across the three education sectors have completed this online training.

The guidelines are titled 'Responding to Problem Sexual Behaviour in Children and Young People' and they are available on the DECD website.

All of DECD's policies relating to safety and wellbeing, including the Problem Sexual Behaviour guidelines, contribute to the prevention of these incidents. This includes behaviour management policies, yard supervision policies, teaching child protection curriculum, anti-bullying and harassment programs, respectful relationships and sexual education.

HEYSEN TRAIL

In reply to **the Hon. D.W. RIDGWAY (Leader of the Opposition)** (18 June 2014).

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

1. The Department of Environment, Water and Natural Resources (DEWNR) has insurance arrangements through the South Australian Captive Insurance Corporation (SAICORP). These arrangements provide for public liability covering all departmental reserves. The DEWNR public liability insurance cover extends to sections of the Heysen Trail crossing privately owned land through agreements with individual landholders.

2. The majority of the state's tourist attractions are privately owned or operated. It is the responsibility of individual tourism operators to ensure that they have adequate public liability insurance.

Yourambulla Caves is a tourist attraction that is situated on private land and is not covered by state government public liability insurance.