LEGISLATIVE COUNCIL

Wednesday, 12 November 2014

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

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:16): I bring up the 13th report of the committee.

Report received.

The Hon. G.A. KANDELAARS: I bring up the 14th report of the committee.

Report received and read.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Reports, 2013-14—
  Councils—
    Berri Barmera
    Victor Harbor
    West Torrens

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

Reports, 2013-14—
  Department for Manufacturing, Innovation, Trade, Resources and Energy
  State of the Public Sector

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

Dairy Authority of South Australia—Report, 2013-14

Ministerial Statement

GOSS, HON. W.K.

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:19): I seek leave to make a ministerial statement.

Leave granted.

The Hon. G.E. GAGO: Today we remember Wayne Keith Goss, former premier of Queensland from 1989 to 1996. Wayne Goss was one of the truly great leaders of the Australian Labor Party. He passed away at home last Monday after battling a series of brain tumours in recent years. Following the damaging Fitzgerald inquiry into longstanding police corruption in Queensland, Mr Goss led Labor to power in 1989, ending the party's 32 years in opposition. As a reforming premier, he was cast in a similar mould to another great leader we have lost recently.

The Goss government abolished a deeply corrupt electoral gerrymander, lifted street march bans, abolished the notorious police special branch and instituted a series of law reforms, including following through with many of the recommendations of the Fitzgerald Inquiry. He appointed

Queensland's first female minister and first female governor and decriminalised homosexuality. He protected Fraser Island and extended Queensland's national parks network.

The Goss government invested in education and research and maintained close ties with the state's universities. His economic development record is sometimes under-recognised: he considered Queensland's jobs growth and business development during his two terms of government as one of his greatest achievements.

In the brief time since his passing, Wayne Goss's reputation for integrity, tenacity, courage and great love for Queensland has been generously recognised by both political colleagues and foes. Like Gough Whitlam, he changed his political landscape completely, transforming Queensland from a corrupt national embarrassment of a state to an honest, respected and dynamic one.

Wayne Goss died at his home on 10 November 2014 with his wife, Roisin, and children, Ryan and Caitlin, present. In his 1996 resignation announcement Wayne Goss said, with characteristic humility, 'Thank you Queensland. You've been good to me. I hope I've left you a better place.' There is no doubt that he achieved that goal. Vale Wayne Goss.

RENEWABLE ENERGY

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:22): I table a ministerial statement made by the Premier, Jay Weatherill, on the renewable energy target.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

The PRESIDENT: I advise the cameraman in the gallery that the rules here are that people are filmed who are on their feet. The camera has been right on my face for the last few minutes, so move it away or you will be asked for it to be removed—right this instant.

The Hon. D.W. Ridgway: You are a really attractive man, Mr President.

The PRESIDENT: That is the burden I have to bear.

FREE-RANGE EGGS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:23): I seek leave to make a brief explanation before asking the Minister for Business Services a question about eggs.

Leave granted.

The Hon. D.W. RIDGWAY: In September this year the minister launched some logos to identify free-range eggs. The minister said that the new trademark designs would differentiate the eggs that comply with the upcoming voluntary industry code. It is interesting to note that the egg producers, in particular, Mrs Kathy Barnett, said she welcomed the move to develop an industry code but said the logos bear little resemblance to anything the industry had wanted. In fact, she said they don't come anywhere near close to what the free-range producers had requested in the original discussion.

Mrs Barnett goes on to say in this particular article that producers were frustrated that there had been no contact from minister Gago since she took over the Business Services and Consumers portfolio earlier this year. I am also advised by sources within PIRSA that the minister and her agency made no contact with PIRSA either before releasing these particular five designs that they wished the public to vote on. My questions to the minister are:

1. Why did the minister release these without any contact with the industry or PIRSA?

2. Since this release, has the minister now spoken with the industry and representatives of PIRSA to further this design?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:25): I thank the member for his question. As usual, the Leader of the Opposition comes into this place ill-prepared, ill-informed and distributing misleading statements. They are a lazy lot, the opposition; they are not prepared to do any research at all or double-check any facts or figures.

Members interjecting:

The PRESIDENT: Order! The minister has the floor.

The Hon. J.M. Gazzola interjecting:

The Hon. G.E. GAGO: They come into this place making things up and, as the Hon. John Gazzola said, they often leave with egg on their faces, Mr President. The Hon. David Ridgway will leave with egg on his face again today. The government will introduce a new regulatory standard for free-range eggs in South Australia, a voluntary industry code under the Fair Trading Act. The industry code will prescribe a certified free-range system that refers to standards that are commonly accepted as true free range and allow those producers who choose to comply with the code to display branding that they are South Australian free-range egg code certified. Products bearing the logo will allow consumers to identify them as being truly free range.

The Hon. D.W. Ridgway: We know all of that; why don't you talk to the industry?

The Hon. G.E. GAGO: Well, you do not know anything. Mr President, the honourable member knows nothing. He comes into this place ill-informed, poorly researched—

Members interjecting:

The PRESIDENT: The Hon. Mr Ridgway, you have asked a question and the minister is attempting to answer it. Let her do so in the same sort of peace as you asked the question.

The Hon. G.E. GAGO: Thank you for your protection, Mr President. The approach by the government is seeking to support free-range egg producers, and we have done a great deal of work in this area. Extensive consultation, I am advised, was undertaken in June last year with the release of a discussion paper. More than 350 submissions were received from the industry, retailers and consumers, with over 95 per cent supporting the concept of the code.

Consumer and Business Services has recently undertaken some market research on proposed logos to inform discussions going forward with the CBS, as the CBS works with industry to finalise the code and certified trademark. We remain committed to ensuring that the industry is consulted appropriately and included in the process of finalising the code and trademark. As we are still in the consultation phase we welcome feedback from the industry regarding the proposed trademark designs which will identify those South Australian producers who are free-range egg code compliant.

I understand that the ACCC has clear requirements for certification of trademarks, and this has taken us some time to sort through—slower than we would have liked—but we must comply with the ACCC. These requirements include things like the appearance and design not being easily confused with other logos or certified trademarks. So it goes to that question of the industry's issue of there being little resemblance, and it is because the trademark is not able to resemble existing trademarks.

We are working with the industry, we have provided that feedback to the industry, and we are working with the industry because it has to be a unique type of design, rather than incorporate aspects from other design logos. For instance, one of the things we looked at was the tick, and that was believed to be too close to the health tick given in relation to other foods in terms of other logos.

We have had to go back to that space on a number of occasions to try to design something which is unique and which the industry supports, and we are still in the process of doing that. The commissioner, I am advised, has been in contact with the egg producers. He is continuing to liaise

with them to work through those ACCC issues to make sure that we can land on a logo that everyone is happy with, or at least most people are happy with.

Obviously, we are committed to providing a code and a trademark which do make it easier for South Australian consumers to purchase free-range eggs with confidence, including both the industry and also consumers. We have done some market testing at the Showground this year, and that has helped us to refine some of our concepts and, as I said, we continue to consult and engage with the industry to land on a final logo.

WATER-SENSITIVE URBAN DESIGN

The Hon. J.M.A. LENSINK (14:30): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation some questions in relation to water-sensitive urban design.

Leave granted.

The Hon. J.M.A. LENSINK: South Australia is considered to be fairly small in the water-sensitive urban design space, as was revealed by the recent conference, but we have seen an increase in South Australia as a result of drought restrictions on water. The government's 'Water Sensitive Urban Design: Creating more liveable and water sensitive cities in South Australia' document details some performance targets and specific actions in relation to water-sensitive urban design, which are not mandatory and which leave the program unregulated.

A recent paper 'The Status of Water Sensitive Urban Design Schemes in South Australia' highlights successes and failures of implementation throughout the state and identifies that there is some continued resistance from the development sector and is unable to make a definitive statement as to the effectiveness of water-sensitive urban design in Adelaide. My questions to the minister are:

1. What is the minister's strategy for further implementation of water-sensitive urban design?

2. What strategies is the government considering in relation to engaging local government and the development sector to facilitate further implementation of water-sensitive urban design?

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): I thank the honourable member for her most important questions. Indeed, water-sensitive urban design has been something that has been agitated in terms of communities and local government as an issue for some time. It is something that we as a government have been very concerned about in terms of how we approach planning and how we deal with local governments in terms of planning and also how we go about design in regard to our own government buildings and usages of those buildings.

The honourable member probably knows about the Building Upgrade Finance (BUF) program that we are currently pursuing as part of our election promise, which has been slightly interrupted for the last several weeks through a frenzy of democracy out there in local government. But now that the results are coming in, we will re-engage with the new councils, the new councillors and new mayors around how we progress that, in particular, in relation to the City of Adelaide.

In terms of other policies in water-sensitive design, of course, that takes into consideration our stormwater management plan and it also takes into consideration our recharging of aquifers. At the moment, I think that we have the ability to store and manage and reuse about 20 gigalitres. We are aiming at an overall figure, in due course, of about 60 gigalitres but, of course, that is dependent on the quality of the aquifers we will be using.

Not all aquifers are the same; not all aquifers can stand up to pressurised water injection or, if they can, they may have only a limited amount of water they can take. All of that is part of our research program into the aquifers underlying the city of Adelaide and our suburbs; again, we are working in partnership with local government on that. As I have said, given that the elections are now out of the way, we will be back actively engaging with the LGA into those future plans.

DOMESTIC VIOLENCE

The Hon. S.G. WADE (14:34): I ask a question of the Minister for the Status of Women: does the minister agree with the reported comments of the co-chair of the Coalition of Women's Domestic Violence Services of South Australia, Vicki Lachlan, that the government's recent changes to criminal law will revictimise domestic violence victims?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:35): I am not aware of those comments. I am obviously concerned to hear of them, and will make sure that I look into them and look at the context in which they were stated. I thank honourable member for drawing them to my attention.

WORKPLACE FLEXIBILITY

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

Leave granted.

The Hon. J.M. GAZZOLA: Studies show that 73 per cent of Australian businesses believe that their company is more productive as a direct result of introducing more flexible working arrangements for their staff. Will the minister inform the chamber about what the government is doing to support workplace flexibility?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:35): I thank the honourable member for his most important question and ongoing interest in these important equity policy matters. This is a government that recognises that flexible workplaces create a more sustainable and productive workforce and that there is a need for flexibility in the workplace to accommodate the personal, social, community and cultural needs of employees.

The implementation of flexible working conditions into legislation first occurred in the Public Sector Act 2009. During the 2014 election campaign this government committed to public sector chief executives being made personally responsible for ensuring that flexible work options are available to staff who need them. As Minister for the Status of Women and a former minister for public sector management, I am proud to be working to promote work/life balance through flexible workplace agreements and arrangements.

Whilst I am a strong advocate for the rights of women, obviously as Minister for the Status of Women it is important that flexible workplace options are not seen as being just for women. Men, too, are able to avail themselves of these provisions, and I know that many men have very much enjoyed the opportunity to be more closely engaged with those early caring years with their families, and flexible workplace arrangements allow them to do that.

They should be encouraged to utilise these arrangements as well for their own benefit, as I have outlined, but also to enable them to share in caring responsibilities and to enable their partners to have the benefit of greater workplace participation. Flexible workplace arrangements offer public sector chief executives and managers a wonderful opportunity to help attract and retain valuable and productive staff, particularly women. I understand that the retention rates significantly improve when workplace provisions are in place that meet workers' needs.

Flexible Workplace Futures is a change project that has been completed by the Office for Public Sector Renewal. This aims to increase the uptake of flexible working arrangements by public sector employees as a means of creating a more sustainable workforce. This project will help the state to prepare for an ageing population, enabling people to work longer and address the changing workforce and sector requirements.

The great thing about this project is that it focuses on having a real and positive impact on public sector workplaces, as flexible working arrangements are an attractive proposition for both staff and the government. The project includes using online resources, such as education, training and tools for managers and supervisors, which teach them about best practices for implementing and

overseeing flexible working arrangements. The tools include an e-request form and a specifically designed app that helps to manage flexible working arrangements within a team.

In the past, flexible workplace arrangements were often viewed negatively by managers and fellow employees. However, we now know that flexible work has been directly linked to reduced absenteeism, reduced staff turnover and increased motivation and productivity within a team. Flexible Workplace Futures enables agencies within the Public Service to position themselves to attract and retain talent and create a more flexible, diverse and inclusive South Australian public sector workforce.

Embracing flexible workplace arrangements is a win-win for both the government and the general public. The public will benefit from both improved business performance and customer service, and employees will benefit from the ability to achieve a better balance between work and personal commitments. I am proud to belong to a government that is committed to initiatives which create the best possible results for its employees and the public, and I look forward to being able to update the chamber on the progress of the Flexible Workplace Futures project in the future.

LINCOLN MINERALS

The Hon. M.C. PARNELL (14:40): I seek leave to make a brief explanation before directing a question to the Minister for Sustainability, Environment and Conservation about Lincoln Minerals and groundwater on Lower Eyre Peninsula.

Leave granted.

The Hon. M.C. PARNELL: I draw the minister's attention to the decision of the Environment Resources and Development Court made on 13 August this year concerning the Lincoln Minerals Ltd proposed mine in the Prescribed Wells area on Lower Eyre Peninsula. The court case was against the Minister for Sustainability, Environment and Conservation and related to a decision to refuse a licence to the company for what was effectively the de-watering of their mine. The proposed mine is at Gum Flat near Port Lincoln and it is located within the Prescribed Wells area, which is the prime source of potable water for much of Lower Eyre Peninsula. Members would know that there have been water restrictions in that part of South Australia for many years.

My understanding is that in the court case the government tendered technical evidence to the court relating to the connectivity of aquifers in the area and across the Prescribed Wells area. The significance of this evidence is that, if de-watering was to occur, it would not just affect the immediate vicinity of the mine, but the water could also flow from other aquifers in the area to the point of de-watering, which means that the impact is not localised but could be spread over a wider area. My questions of the minister are:

1. What is the impact of this court decision on future mining proposals in the Prescribed Wells area of Lower Eyre Peninsula?

2. What are the implications of this decision for the water allocation plan that is currently under development?

3. Given the new evidence of the interconnectivity of groundwater resources in Lower Eyre Peninsula, when will the government undertake an appropriate hydrological survey to determine these connections and to provide greater certainty to farmers and others who rely on this water resource?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:42): I thank the honourable member for his most important question on a very important court case. I am advised that Lincoln Minerals is developing a mining lease proposal for the Gum Flat Barns iron ore deposit located on Eyre Peninsula. The Barns iron ore deposit is located within the Southern Basin Prescribed Wells Area, 500 metres to the east of the defined Uley East freshwater lens.

I understand that Lincoln Minerals initially applied for a water licence for 2,190 megalitres from the basement aquifer. This volume is 1,755 megalitres above the 435 megalitres currently available for allocation under the Southern Basins Water Allocation Plan. In accordance with the

Natural Resources Management Act 2004, Lincoln Minerals was refused this water licence application of 2,190 megalitres.

Whilst Lincoln Minerals has proposed to re-inject up to 1,900 megalitres extracted from the mine into an adjacent shallower aquifer, hydrogeological assessment has not substantiated that the aquifers are connected; therefore, the injected water would not mitigate any impacts on the basement aquifer, I am advised, if that is the case.

As well as appealing this original decision, Lincoln Minerals also subsequently submitted a new application seeking to extract 435 megalitres per annum from the basement aquifer. In accordance with the NRM Act, Lincoln Minerals was advised that its water licence application for 435 megalitres was refused on the basis that it did not comply with principles 15 and 16 of the Southern Basins Water Allocation Plan.

As well as withdrawing its appeal of its original application, Lincoln Minerals appealed the decision to refuse its most recent application for a water licence in the Environment, Resources and Development Court. The matter was heard in the ERD Court on 29 July of this year and the reasons and outcomes were published on Wednesday 13 August. The appeal was allowed based on advice received from the Crown Solicitor's Office and my department. I have determined not to appeal the decision in the ERD Court regarding Lincoln Minerals' water licence application. I am advised that I should issue the licence and consider appropriate conditions on the licence.

I understand, of course, community concerns about the risk of this proposed development to Eyre Peninsula's water security and will attempt to mitigate any potential risks through those conditions that will be imposed on the water licence. These conditions will ensure appropriate monitoring around the proposed mine site to assess changes in aquifer water levels against predicted levels. These conditions will ensure we are able to detect and respond to any unacceptable impacts on the security of Eyre Peninsula's water supply. A draft water licence will be provided by the Crown to the Crown Solicitor's Office for advice prior to it being issued, but for the reasons I have given and the reasons that have been tendered to me I have no other course of action that I can pursue.

URBAN WATER MANAGEMENT

The PRESIDENT: The honourable and very gallant Mr McLachlan.

The Hon. A.L. McLACHLAN (14:46): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question regarding the urban water management plan for greater Adelaide.

Leave granted.

The Hon. A.L. McLACHLAN: It was reported in the Department of Environment, Water and Natural Resources Annual Report for the year 2012-13 that work has commenced on the development of an integrated urban water management plan for Greater Adelaide. The report stated:

> Consultation on the Blueprint with local government and other stakeholders will commence in late 2013, with the Blueprint to be finalised in 2014.

I note from the minister's press release, dated 17 October, that the stakeholders have only just been invited to participate in discussions on the plan and that the plan, which was due to be finalised by this year, is now not expected to be finalised until the end of 2015. Can the minister please advise the chamber what the reason was for the delay in consulting with stakeholders on the development of the plan and the delay in the finalisation of the plan a year later than was indicated in the department's 2012-13 annual report?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:47): I thank the honourable member for his most important and very noble question. South Australia has a very strong history of water management and policy. I am proud to recognise our state's recent achievements in response to the millennium drought over recent years, and we now have the capacity to harvest over 20 gigalitres of stormwater, as I mentioned in answer to a previous question today, across metropolitan Adelaide.

We have a rainfall-independent source of drinking water in the Adelaide Desalination Plant. We have modern legislative frameworks for driving efficiency and innovation in the water industry in the form of the Water Industry Act. We have one of the highest levels of rainwater tank ownership in the country and we have the highest level of waste water recycling in the nation.

As a result of significant investments over the last decade, Adelaide now has access to six sources of urban water: water from catchments, obviously, in the ranges; water from the River Murray; desalinated seawater; groundwater; stormwater; and wastewater. Traditionally, these resources have been managed in isolation across a variety of state and local government organisations.

The government's view is that there is significant opportunity to build on the reforms of the past and not to stand still but to actually grow our expertise in this area, and particularly those from our water security plan 'Water for Good', by developing a new plan for urban water for Adelaide: one that will ensure that we maximise the social, economic and environmental outcomes that our diverse water portfolio provides and that we continue to stay in the leadership position we are in in this nation in terms of water policy.

This will set a long-term direction. It is designed to set a long-term direction for urban water across Greater Adelaide. It will ensure that we continue to meet future challenges, but it will also provide opportunities for turning these into positive outcomes for the community with economic benefits for those who wish to take those opportunities. Given the significant interest that the community and industry have in our urban water resources and how they are managed, it is critical that we develop a plan that has a strong process of engagement with those communities and affected stakeholders.

On 17 October this year, I announced to the members of this chamber the start of such an engagement process for an urban water plan for Greater Adelaide. An issues paper has been released by the government to facilitate discussion with stakeholders and the community on the possible scope and priorities for the plan. This issues paper is available for broad access on the Department of Environment, Water and Natural Resources website at www.environment.sa.gov.au.

I have also written to councils, industry associations and other not-for-profit organisations to invite them to comment on the issues paper and participate in the preparation of the plan. The feedback received from this first step of engagement will assist in the preparation of a draft plan for further consultation early next year.

CONSERVATION STEWARDSHIP INCENTIVE PROJECT

The Hon. K.J. MAHER (14:50): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister update the chamber on the Conservation Stewardship Incentive pilot project, and advise how this project can offer pastoralists new business opportunities?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:50): The Hon. Mr Maher comes up with some doozies. This is a fantastic question, and I am very grateful to him for asking it. As it happens I do have some notes in front of me, which I can use to answer the honourable member's question.

The Hon. D.W. Ridgway: What a coincidence.

The Hon. I.K. HUNTER: It is, indeed, a coincidence. South Australia's arid lands have some of our state's most stunning and unique environments and landscapes, attracting tourists from all over the world every year. However, there is no doubt that living in this part of the state poses some unique challenges, and the government remains determined to encourage and facilitate a range of activities that can assist people who are living, and making a living, on our arid lands. We want to ensure that the region has a healthy and functioning ecosystem, because the viability of the entire region actually depends on this, but we also want to have sustainable industries and vibrant communities in our arid lands.

Today I am very pleased to update the chamber in relation to the Hon. Mr Maher's question on a pilot project that has the capability of achieving all three aims for the benefit of the entire region.

I am referring to the Conservation Stewardship Incentive pilot project that was launched on 27 October. This is a scheme offered to outback pastoralists on a voluntary basis, which is being delivered by Natural Resources SA Arid Lands. The scheme is funded by the state's Trans-Australia Eco-Link initiative and by the Native Vegetation Council through its Significant Environmental Benefit grants scheme. Pastoralists who are interested in the scheme can choose to enter into an agreement to protect and manage important biodiversity areas for conservation purposes on their property.

The government is interested in how conservation areas can be established that best fit in with, and even complement, the pastoral enterprise operations of the properties. The scheme will aim to preserve and enhance a number of biodiversity targets, including species, communities and habitats that are of particular significance regionally and across the whole country or habitats that are poorly represented in our current public conservation reserves.

There is also a particular focus on preserving and protecting critical ecological refugia threatened by climate change. These are areas where special environmental circumstances have enabled a species or a community of species to survive after extinction in surrounding areas. Pastoralists know their land better than anybody else does. They have an intimate knowledge that often spans generations, and this puts them in an excellent position to help us protect important biodiversity areas and to provide those services for the benefit of the wider community.

This scheme is not only beneficial to the environment, it will also offer an additional business opportunity for pastoralists to assist in creating diverse pastoral enterprises designed to better cope with the harsh and unpredictable nature of the outback environment. I understand that this type of incentive scheme is the first of its kind in this state. It is different to past schemes in that it compensates for any impact on pastoral production. The amount of compensation will be negotiated directly with pastoralists on an individual basis and determined by individual circumstances. Pastoralists who sign up to the scheme will be paid a negotiated up-front lump sum payment to enter into a long-term agreement for up to 42 years on a particular area of land.

Pastoralists have the opportunity to register their interest in participating in the incentive project by 19 December this year. I am pleased to report that in the first two weeks of the expression of interest period we have received 21 inquiries from pastoralists, and 15 expression of interest forms and accompanying incentive guidelines have been sent out to other interested persons. This is a promising start to the initiative, which I hope signals an opportunity to expand the program into the future. I hope that many pastoralists take advantage of this opportunity to diversify their activity and also help improve the health and biodiversity of the region at the same time.

ELECTORAL REFORM

The Hon. R.L. BROKENSHIRE (14:54): I seek leave to make a brief explanation before asking the Leader of Government Business in this council a question regarding electoral reform.

Leave granted.

The Hon. R.L. BROKENSHIRE: A few days ago the Premier came out and made an announcement that he was interested in looking at reform in the Legislative Council. I understand he talked about a reduction in the number of legislative councillors and a change in a longstanding practice, well conceived and in the interests of democracy, namely, that there be longer terms in the upper house to ensure continuity, experience and sustainability of the parliament and democracy, particularly when you get a huge change in government in the House of Assembly.

I note also that I take this very seriously because I don't even see the process as being democratic so far. I know the government wants to continue its dictatorship, but we got rid of dictatorships in World War II and we have to maintain our democracy. I note with interest that the government does have a democratic process to look at the issues around reform of the parliament, known as the Parliamentary Committees (Electoral Laws and Practices Committee) Amendment Bill No. 27. My questions to the minister are:

1. Are the Premier's statements agreed to by the Leader of Government Business in this council and has this gone through the caucus?

2. If there is to be reform in the parliament and the government why would the government not look at a reduction in the number of ministers, as they have a bloated executive of government right now?

3. Why would the government not look at electoral reform in the lower house, where I could argue that there is a strong argument for a reduction in the members' numbers based on metropolitan Adelaide?

4. Why would the Premier and the government not be looking at electoral reform and parliamentary reform that made this parliament and its standing committees more efficient and effective for the people of South Australia?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:56): I thank the honourable member for his most important questions. I think we have as much chance of having a dictatorship in this state as we have of increasing our term to 16 years. However, I do very much support the Premier in his considerations. I believe that it is timely to consider whether further reform is needed in the Legislative Council. I also share the Hon. Robert Brokenshire's point of view, and it is my personal point of view, that if we are going to have a look at the upper house, why wouldn't we have a look at reforms to the lower house as well?

As I said, I support the Premier. I think it is timely. I know the issue of the length of term of office in the upper house elicits strong public views, and not unanimous. I know that when the Hon. Peter Lewis conducted his constitutional convention (I think it was), I have just forgotten the name of it now, one of the things that he determined from focus groups, workshops and things that he ran, was that there was overwhelming support to reduce the length of the term of office of the upper house.

Like all things, the electoral system is a very finely balanced thing and one has to be careful what one asks for, because it is all very carefully balanced and the pieces are all carefully interlinked. As soon as you shift and move one component of it it impacts on others. For instance, many South Australians might think that they would like to reduce the term of office from eight years to four years, but when you point out that it has a significant impact on reducing the quota so that even smaller parties that are less representative have a greater chance of being elected they often baulk at that and say, 'No, we don't want to do that. We wouldn't want that to happen.'

It is a very complex thing. Rightly, the Premier, Jay Weatherill, has indicated that there will be an extensive engagement period and consultation period. Mr Robert Brokenshire and, for that matter, all his constituents, who are my constituents as well, will have an opportunity to have their say, as it should be.

DOMESTIC VIOLENCE

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:00): While I am on my feet, I have just been advised of a response to the question that the Hon. Stephen Wade asked in relation to the Coalition of Women's Domestic Violence Services co-chair Vicki Lachlan's comments on her concerns about changes to legislation having an adverse impact on victims of domestic violence.

Now that I have been able to seek advice on what specifics she was commenting on, I can advise that, in fact, I addressed that very issue in my reply speech to the Criminal Law (Sentencing) (Suspended Sentences) Amendment Bill because I was concerned, as Minister for the Status of Women, when that legislation was being considered in its early stages that it could have an adverse impact. On looking into it, I was advised at the time—and this advice, I understand, still stands today—that it was a major concern that women who are victims of domestic violence could potentially be affected by the reform.

However, I am advised that it needs to be noted that the judge retains the discretion to determine the length of the sentence and the parole period and that the limitation on fully suspending a sentence of imprisonment will only be triggered if a sentence of imprisonment is two years or more.

The judge has discretion over that. I would imagine that in those cases where a judge saw fit, given the particular circumstances, the head sentence given would be less than two years and a judge has discretion about determining that.

If a judge elects to impose a sentence of two years or more, the judge then retains the discretion to set an appropriate non-parole period. The judge then also retains discretion to determine whether good reason exists to suspend the sentence of imprisonment. If the judge finds good reason to suspend the sentence of imprisonment, the offender is then required to serve 20 per cent of the parole period in prison. I assured myself at the time that there were safeguards in place to protect those victims of domestic violence.

ELECTORAL REFORM

The Hon. R.L. BROKENSHIRE (15:02): Supplementary: can the minister advise the house whether caucus was in discussion on reform before the Premier went out to the media?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:02): The honourable member well knows how the business of government and caucus is conducted. He has been in this place a long time, and the other place, and a member of a number of different parties, so he has vast experience of how parties are run, because he has been a member of so many of them. He knows that the business of government, the way the party and government determines its own business is a matter for it, and it would be inappropriate for me to be talking about the way the business of this government is conducted. On the other hand, the Premier has made it very clear—

Members interjecting:

The PRESIDENT: Order! The minister has the floor.

The Hon. G.E. GAGO: —that, in relation to the process that will take place in relation to public engagement, he has made those announcements already.

STATE BUDGET

The Hon. R.I. LUCAS (15:03): My question is directed to the leader. Does the leader agree with the statement made by Mr Koutsantonis in October 2013 when he said, 'When a politician tells you they can cut taxes and balance the budget without cutting services, they are either incompetent or lying.'?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:04): I have no idea what the context of that statement was. The Hon. Robert Lucas knows full well that he has a notorious reputation for coming into this place and misleading this place with inaccurate information, with work that is not well researched, with information that is taken out of context. We know the tricks that he plays in this place and I would firstly need to verify that the Hon. Tom Koutsantonis did, in fact, say those things and also look at the context in which they were said.

LATE NIGHT TRADING CODE OF PRACTICE

The Hon. T.T. NGO (15:05): I seek leave to make a brief explanation before asking the Minister for Business Services and Consumers a question regarding the Late Night Trading Code of Practice.

Leave granted.

The Hon. T.T. NGO: The Late Night Trading Code of Practice was introduced on 1 October 2013 by the Liquor and Gambling Commissioner as a means of combating alcohol-fuelled violence. Can the minister update the chamber on the first year of operation of the Late Night Trading Code of Practice?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for

Business Services and Consumers) (15:05): I thank the honourable member for his most important question. The government's late night code for licensed venues in the city came into effect on 1 October 2013 following much opposition from the South Australian Liberal Party—a great deal of opposition—and again they have egg on their face.

The introduction of the late night code demonstrates the commitment this government has made to the strategic priorities of creating a vibrant city, safe communities and healthy neighbourhoods. New measures contained within the late night code include the restriction of service of shooters and doubles and other measures, such as lockouts, restricting entry into premises from 3am. All of these measures are important factors designed to encourage a culture of responsible service and slow down alcohol consumption, change behaviours and minimise the social and economic harm caused by excessive alcohol consumption and the extremely bad behaviour that often follows.

Statistics show that the late night code is working, as intended, to crack down on alcohol-fuelled violence and related harm. I am pleased to advise members that violent assaults in the city have dropped by more than 10 per cent since the introduction of the government's crackdown on alcohol-fuelled violence. Offences against good order have plummeted by more than 16 per cent, and there have been 1,300 fewer offences in total—or 25 fewer crimes per week. Twenty-five fewer crimes per week in our CBD since these measures were put in place.

The Hon. J.M.A. Lensink: Compared to what?

The Hon. G.E. GAGO: The honourable member asks, 'Compared to what?' Compared to when these measures weren't in place. Compared to when the Liberal opposition wanted to retain these old provisions and not afford these protections. So, there have been 25 fewer crimes per week since the introduction of those measures, and the opposition is still in denial.

What these figures demonstrate is that the late night code has delivered positive change. A safer city is a good result for the community and for venues as a safe night out sends a positive message to city revellers. These figures vindicate the government's efforts to introduce the new late-night regime and the hard work of police and community groups.

The government's major crackdown on alcohol-fuelled violence and related harm has showed significant decreases in various offences, including violent assault. Other important measures which complement the 3am lockout have also had a beneficial impact. These include queue management, more CCTV, extra public transport and tougher penalties for those who act up.

When we first pursued these changes, many naysayers—including those opposite—thought that this would lead to the end of Adelaide's nightlife. The opposite is true, with more licensed venues in the city now than 12 months ago and less crime. It is safer and more enjoyable. No-one likes to have their night out ruined by a bunch of drunken louts, and these results show that the measures we have put in place are making people safer. The government will soon commence a review of the code to identify if any changes need to be made.

The government has been very pleased with the cooperation of the vast majority of licensees and patrons in the city, most of whom are delighted with the impact that these changes have had. It is in everyone's interests that venues provide a safe environment, and many licensees have gone above and beyond what is required of them, because they can see the benefits of it. For Adelaide to remain a vibrant city it must be safe, and these new measures to crack down on alcohol-fuelled violence have been working as intended.

COMMUNITIES AND SOCIAL INCLUSION DEPARTMENT SCREENING

The Hon. K.L. VINCENT (15:10): I seek leave to make a brief explanation before asking the minister representing the Minister for Communities and Social Inclusion questions about the DCSI screening process.

Leave granted.

The Hon. K.L. VINCENT: In addition to issues being raised in the media, in parliament and in the parliament's Budget and Finance Committee, I have been informed by National Disability Services and some disability service providers (DSPs) that there are serious concerns and

challenges facing disability service providers due to the current incarnation of the DCSI screening process, including the high cost and the extensive waiting times. It is essential that this process can provide timely advice to both organisations and individuals as to the appropriateness of people applying to work with South Australians with disability.

While acknowledging this, it is also essential that adequate services are able to be provided to people with disabilities, and part of providing this is ensuring that police checks are provided in a timely and affordable fashion. If this does not occur it means that people with disabilities may not have their desired support worker (or any support worker) for up to five months while their support worker agency awaits clearance through the DCSI clearance process.

This is problematic when we already have a critical shortage of available, trained and competent support workers in the disability sector. There is also an effect in that workers might go for that same 20 weeks without any income while they await the same clearance. My questions to the minister are:

1. Does the minister agreed that up to 20 weeks is a long time for people with disability, workers and disability service providers to wait for the results of the DCSI screening process?

2. Does the minister have concerns that the need for a new application having to be applied for each time a person chooses to engage with a new agency is a costly way for both agencies and individuals to conduct themselves and their business, and could DCSI develop methods of sharing a person's clearance information across agencies?

3. Does the minister agree that the increased cost of each screening, at $100 per person per screening, has become prohibitive?

4. Will the minister agree to investigate, through the COAG process, a method to implement a more comprehensive and efficient national screening process?

5. Does the minister agree that having only two results of screening, that is, 'cleared' or 'satisfactory', does not provide clarity or detail to employers that may need to know if a person has, for example, a problematic driving record?

6. Is the minister aware that many disability service providers are being forced to run CrimTrac checks on potential workers to ascertain whether their driving record presents a problem where they might be transporting clients in their vehicles?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:13): I thank the most excellent honourable member for her very important questions and her indefatigable pursuit of important issues impacting on people living with disability in our state. I undertake to take that series of questions to the responsible minister in the other place and seek a response on her behalf.

SAVE THE RIVER MURRAY FUND

The Hon. J.S. LEE (15:13): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question about the Save the River Murray Fund.

Leave granted.

The Hon. J.S. LEE: Members from regional South Australia have shown concerns about the Save the River Murray Fund which equates to $2 million of annual funding. Section 94(4) of the Water Industry Act 2012 states that the money paid into the Save the River Murray Fund will be applied by the River Murray minister towards programs and measures to:

(i) improve and promote the environment and health of the River Murray; or

(ii) ensure the adequacy, security and quality of the State's water supply from the River Murray...

However, the 2014-15 budget shows that the $2 million Save the River Murray funding will fund key regional initiatives in 2014-15. My questions are:

1. Can the minister explain why the Save the River Murray funding will now be allocated to key regional initiatives?

2. Can the minister advise the council why the $2 million annual funding for the River Murray is no longer required?

3. With the Save the River Murray funding allocated to improve the health of the river and to secure the quality of the water supply for the state of South Australia, can the minister confidently say that the River Murray is in good health? If not, how does the government intend to improve the health of the River Murray with the allocated funding now being withdrawn?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:15): I thank the Hon. Ms Lee, who has for several days now been carrying the load for the Liberal Party. She is in this chamber working very hard when the others don't even turn up. She is there day after day carrying the burden.

The Hon. K.L. VINCENT: Point of order, Mr President.

The Hon. I.K. HUNTER: I think that she shows great aptitude for taking on the burdens of leadership on the opposition benches in the very near future.

The Hon. T.A. FRANKS: Mr President, one of the members has been trying to make a point of order for the last minute.

The PRESIDENT: Point of order.

The Hon. T.A. FRANKS: My point of order is that another member was trying to make a point of order, but you were on the phone and not paying attention.

The PRESIDENT: Very well observed, member; very good contribution. The minister.

Members interjecting:

The PRESIDENT: The Hon. Ms Vincent.

The Hon. K.L. VINCENT: Gosh, we're getting into the silly season early, aren't we? I remind the minister that it is unparliamentary to make reference to the absence of members from the chamber.

The PRESIDENT: Point taken. The minister.

The Hon. I.K. HUNTER: Oh, we're ready, Mr President? Thank you. Sir, I stand much chagrined and accepting of the admonishments of the chamber in this regard, But, of course, that doesn't diminish my great respect for the work ethic of the Hon. Ms Lee and her shouldering the burden for those absent members who I shall not be mentioning in this place.

As part of the establishment of Regions SA, $2 million of annual funding has been allocated from the Save the River Murray Fund. Whilst this quantum of funding has been transferred from the Department of Environment, Water and Natural Resources—and I don't blame the Hon. Ms Lee for not knowing that; she probably hasn't been told by those slacker members on the frontbenches of the Liberal opposition—it has always been acknowledged that proposed funding would need to meet requirements under the Water Industry Act.

Section 94 of the act requires funds from the Save the River Murray Fund to be applied to programs and measures that either improve and promote the environmental health of the River Murray or ensure the adequacy, security and quality of the state's water supply. In addition, as the act is committed to me as Minister for Water and the River Murray, I approve all proposed expenditure from the fund, in accordance with those requirements.

With this in mind, the Minister for Regional Development and I will work together to ensure Regions SA's funding proposals from the $2 million allocation meet relevant requirements. It is important to understand, of course, that it was these people opposite, members of the Liberal Party, who took the Save the River Murray levy off people in this state who are not directly connected. They argued that, if they didn't directly benefit, they should not be paying to support and save the River Murray and, of course, the parliament supported the position.

The Hon. R.L. Brokenshire: Good decision.

The Hon. I.K. HUNTER: The Hon. Mr Brokenshire might want to eat his words because, of course, this puts the Liberal Party in a bit of a quandary because their argument was that those who were not directly benefiting from the River Murray should not be paying to support and to save the River Murray but, at the moment, we have the member for MacKillop in the other place arguing just the opposite in regard to the drainage system and the levy the government wants to propose. They are saying, 'We think that, even though this drainage system benefits those of us who grow produce down in the South-East, the whole state should be paying to support the system.'

The Hon. R.L. Brokenshire interjecting:

The Hon. I.K. HUNTER: That's what the Hon. Mr Brokenshire does: he comes in here with hypocritical statements at every level. He doesn't care about consistency. He adopts the Oscar Wilde approach and says that 'consistency is the last refuge of the boring and uninteresting'. Well, I can say here today that that is not the case from our perspective.

The Save the River Murray Fund and levy were established in 2003 and contribute to the River Murray improvement programs. The River Murray improvement programs improve and promote the environment to health of the River Murray in South Australia for all South Australians, ensuring the adequacy, security and quality of the state's water supply. The River Murray improvement program is integrated within a larger Murray-Darling Basin improvement program and involves a series of works and measures, the South Australian River Murray salinity strategy and the South Australian environmental flow strategy for the River Murray amongst them.

The range of programs that fall within the River Murray improvement program that were funded in 2013-14 total $24.8 million. These programs include a contribution to South Australia's payment to the Murray Darling Basin Authority, the purchase of environmental water, upgrade of waste disposal stations, hazard management planning and the implementation of SA Murray Darling Basin water allocation plans. According to the Liberals, and according to the Hon. Mr Brokenshire, none of that is worthwhile—they want to get rid of it.

SAVE THE RIVER MURRAY FUND

The Hon. R.L. BROKENSHIRE (15:20): By way of supplementary question, will the minister tell the house the amount of money in credit with that levy at the moment within his department, in millions?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:20): No.

The Hon. R.L. Brokenshire: Millions sitting there unspent.

The PRESIDENT: Order!

RETAIL AND COMMERCIAL LEASES

The Hon. J.A. DARLEY (15:20): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills, representing the Minister for Small Business, a question regarding retail and commercial leases.

Leave granted.

The Hon. J.A. DARLEY: Last year I introduced a bill to amend the Retail and Commercial Leases Act to allow for greater transparency for tenants with regard to land tax. In many situations land tax is passed on to tenants, but is hidden by landlords who incorporate the land tax into the rent. Unfortunately, the bill was defeated, but in his explanation for opposing my bill the Hon. Russell Wortley, representing the government on this matter, said:

> It is the government's intention to conduct a comprehensive review of the act after the up and coming state election to deal with these issues the Hon. John Darley has correctly identified.

My question is this: can the minister advise when such a review of the act will be undertaken and by whom?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:22): I thank the honourable member for his most important question and will refer it to the Minister for Small Business in another place and bring back a response.

WINEMAKERS ENVIRONMENTAL SUSTAINABILITY

The Hon. G.A. KANDELAARS (15:22): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister update the chamber on the new guidelines developed by Zero Waste SA, designed to assist winemakers in South Australia improve their environmental sustainability?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:22): I thank the honourable member for his fantastic question. It goes without saying that South Australians are rightly proud of our world-renowned wine industry. One or two of us in this place have been known to support the industry in our own way. For many decades now South Australia has been the nation's largest grape grower, wine producer and wine exporter, and certainly with a premium product I think we lead the way consistently.

From an economic viewpoint there is no doubt that this is a very significant industry for our state. In total, the agriculture, food and wine industries generate about $15.5 billion in annual revenue, or 11 per cent of gross state product, and wine currently contributes around $1.7 billion in revenue to the state's economy, I am advised. Wine exports are the state's third largest export earner, and the industry contributes to employment, manufacturing, research, development and technical innovation.

Our wine has put South Australia on the map and has generated a great deal of domestic and international tourism, further contributing to our state's economy. We know there is growing competition from other wine regions, and we must do all we can to ensure that South Australian wine is very resilient and able to keep our leadership position.

The South Australian wine industry must demonstrate a commitment towards identifying and managing environmental impacts beyond regulatory compliance in order to stay ahead of the game. That is why I am pleased to report that Zero Waste SA has developed a new guide to help South Australia's wine industry achieve the best environmental practice and sustainability standards.

South Australia is well known for its clean and green environment, and will lead the nation again in environmental policies, and we are increasingly gaining an international reputation as a clean and green state. This means that our wine industry is perfectly positioned to respond to international demand for premium wine that is sustainable and environmentally friendly. In addition, studies have shown that the green credentials of products are important to consumers, who are becoming more and more discerning. Now, for the first time, South Australian wineries have access to a step-by-step guide in how to develop their own environment management plan.

The guide encourages wineries to consider and answer 12 key questions when developing an environment management plan. It also outlines specific steps and actions when addressing each question and it includes tips to involve management, as well as how to update the plan on an annual basis. These guidelines are designed to help the winery demonstrate its commitment to improving its own environmental performance and this can be an important factor when applying for government funding programs and, of course, the all important industry awards.

Zero Waste SA has successfully worked with many wine businesses to assist them in diverse areas such as waste, energy and water management, supply chains and cultural change. The South Australian Wine Industry Association provided important technical advice for the environmental management plan guidelines for the South Australian wineries. In addition, I am told that Wirra Wirra winery in McLaren Vale piloted the guidelines by developing its own environmental management plan that provided valuable insight when finalising the guidelines. I have enjoyed reading the guidelines and the Wirra Wirra case study, and these are now available from the Zero Waste SA website at www.zerowaste.sa.gov.au/upload/industry/guides/ZWSA-Wine-Industry-Guide.pdf

This is an another great example of the innovative policies that the South Australian government is employing in the environmental sector. I am particularly pleased that Wirra Wirra has worked so closely in relation to this. I suspect that over many years I have personally kept Wirra Wirra solvent, regarding their Church Block and their lovely rosé that I have enjoyed from time to time. Again and again we have shown that by actively tackling environmental issues, and enjoying a glass of wine with them, we are creating sustainable economic opportunities for the state. I encourage all honourable members in this place to be loyal members of South Australia and to drink very loyally South Australian produce.

The Hon. G.E. Gago: In moderation.

The Hon. I.K. HUNTER: In moderation, as always.

Matters of Interest

HEPATITIS

The Hon. G.A. KANDELAARS (15:26): I rise to speak on hepatitis, a growing health concern within South Australia. In late July, the Hon. Tammy Franks, the Hon. Stephen Wade and I hosted a forum in Old Parliament House conducted by Hepatitis SA on 'The Australian Hepatitis Report Card'.

Speakers at the forum included Kerry Paterson, Executive Officer of Hepatitis SA and Jeffrey Stewart, a board member of Hepatitis SA. Hepatitis is inflammation of the liver and it can be brought on by alcohol, drugs, viruses and other toxins. Viral hepatitis refers to hepatitis resulting from the infection of the liver by viruses.

There are about 6,550 people known in South Australia living with hepatitis B, yet there is an estimated 14,400 people living with chronic hepatitis B and 18,000 with hepatitis C in South Australia. These numbers are growing and it is estimated that 15,000 Australians are diagnosed with either hepatitis B or C each year.

Many Australians living with chronic viral hepatitis are not benefitting from regular liver check-ups; 87 per cent of people living with chronic hepatitis B are not engaged in care. Experts cite low community awareness, stigma, low awareness amongst healthcare professionals and a lack of service provision. As a result, many Australians with hepatitis B and C are developing serious and life-threatening liver disease.

Regular liver check-ups must be made available to avert a liver disease crisis. This was also the focus of World Hepatitis Day on 28 July this year. In recognising this issue, the South Australian government launched its Hepatitis B Action Plan on World Hepatitis Day. It was launched by Lisa Vlahos, MP, Parliamentary Secretary to the Premier. The plan's goal is to reduce transmission incidence of hepatitis B as well as to reduce death from the illness.

The plan has identified partnerships with communities as a key to an effective response to hepatitis B in the state, and its strategy aims to improve clinical management of chronic hepatitis B. Some people with hepatitis B have been told they are 'healthy carriers'. We now know there is no such thing as a healthy carrier. All people with hepatitis B require lifelong liver monitoring and treatment to prevent complications. The action plan, aimed at informing all GPs there is no such thing as a healthy carrier, is to ensure that all people with hepatitis B receive lifelong treatment.

Over 50 per cent of people living with hep B or C are in the liver danger zone. The liver danger zone is the point where a person's risk of serious and life-threatening liver disease caused by hep B or C is increased significantly due to their age. Left untreated, it can lead to liver cirrhosis, causing liver damage and ultimately liver failure. The first important step is ensuring all people with chronic viral hepatitis receive regular liver check-ups. Successful anti-viral therapy has the opportunity to reverse the trend, turning high danger into low danger, but only if people with hepatitis have access to the appropriate treatment through regular liver check-ups.

I must mention the heart-wrenching presentation at the forum by a mother who told us about how she found out about having hepatitis, which she had contracted years earlier. She spoke of the shame and guilt she felt, particularly about bringing this into a family. With the support of her husband, she is dealing with her hepatitis. She told the forum how she had finally told a family friend about her

condition when he wrongly asserted how hepatitis could be contracted and how this spurred her on to volunteer with Hepatitis SA. Her talk was truly inspirational.

Sadly, close to 1,000 Australians die each year from hepatitis B or C-related causes, many hundreds more than from HIV, yet most South Australians know little about the virus and how it affects individuals, families and communities. I commend Hepatitis SA for the work they are doing to raise community awareness on hepatitis.

RETURNED AND SERVICES LEAGUE VIRTUAL WAR MEMORIAL

The PRESIDENT: How many times a day must I call upon the honourable and gallant Mr McLachlan?

The Hon. A.L. McLACHLAN (15:31): There can never be too many, Mr President. With 11 November just passed, I rise to bring to the chamber's attention the excellent work of the South Australian and Northern Territory RSL, which in August launched an online virtual war memorial. This project was conceived and advocated for by the RSL Deputy State President Mr Steve Larkins. The system architecture was designed by MindVision Interactive, a proud South Australian company.

No doubt all of us, when travelling through a country town, have stopped and looked at its war memorial, often lovingly carved from local stone with the names of the dead etched in rows. Even after so many years, these stones echo the unbearable grief of the families and their loved ones. The virtual memorial aims to record all these memorials and provide information about the men listed. In doing so, it endeavours to honour their exploits and their sacrifice. This memorial seeks to offer a definitive resource for anyone who wishes to research, study and even contribute to preserving South Australia and the Northern Territory's military history and to understand the impact of war on our community.

This memorial was founded on four key principles: education, commemoration, community engagement and accessibility. The site will provide school students with a valuable resource and, most importantly, will allow us to explore the lives of the men whose names appear on our memorials around and throughout Australia. The community can also contribute to and build upon the information and view particular memorials anywhere and at any time.

Whilst other similar sites exist, this virtual war memorial will be the most comprehensive of them all, able to be accessed by people all over the world and interacting with other sites and databases. For example, it will interact with the Australian War Memorial and the National Archive by retrieving and cross-matching data from official sources, as well as allowing contributions from private records, including artefacts, images and stories. It will also connect and link names with places, organisations and events, adding further context to the stories behind our soldiers. Large public databases such as the entire World War One embarkation roll, which includes over 350,000 names, will be progressively added to the site so that they can be searched by the public.

By turning names into people, ordinary citizens will become heroes. It will ensure that we will never forget the sacrifice and the pain of war. The memorial has the potential to commemorate all servicemen and women from the Boer War to the present day who ventured into harm's way for the sake of our country. Details for individuals included on the site will be name, rank, place of birth, schooling, military history, family history, cause and date of death, place of burial and much more.

The starting point for the website was the 'Tributes of Honour' database, which was carefully compiled by Will and Jacqui Clough. This database comprised 48,000 names from nearly every war memorial across South Australia and the Northern Territory. This foundation will be built upon so that all servicemen and women whose names have not been listed on physical memorials will also be remembered, and the content on the site will be progressively built over time not only by current databases and historians but also by any member of the general public, once information has been verified. Most importantly, it will allow for living veterans to tell their own stories. In this way it will complement the important work of the RSL in ensuring that there is an audience for veterans who have not yet spoken of their experiences. Our veterans need the opportunity to speak and to be heard.

Relatives will also be able to add stories, information, memories and memorabilia that have been passed down through the generations, so not only will it be a resource for research but it will

also help to preserve important and valuable information that may have otherwise been lost. It will also offer information on conflicts, units, places of importance, cemeteries, statistics and information on the impact of war, all of which can be linked to an individual. It has been described as an ongoing research project that will never end.

I draw members' attention to the ongoing need for funding to maintain and advance this new site. The RSL has made a significant investment. Its work has been assisted by commonwealth agencies, and some funding has been provided by the ANZAC Day Commemoration Council; however, more funds will be required if the site is to reach its full potential and enrich the lives of all South Australians. I encourage members to visit the site, and consider assisting the RSL and advocate for South Australians to support this important initiative.

I congratulate all those who have been involved in the development and funding of this project. I especially acknowledge the work of the RSL and its Deputy State President Steve Larkins. Our servicemen and women, especially those who did not return, deserve our recognition, both in the preservation of the memorials solemnly erected after the wars and also in the ever developing electronic world of the internet. I commend the site to the chamber.

ST PAUL'S CREATIVE CENTRE

The Hon. J.M. GAZZOLA (15:37): Some weeks ago I had the pleasure of visiting the new creative hub at St Paul's and met with staff of the new Music Development Office (MDO), who kindly gave me an in-depth tour of the building and its facilities. Arts Development Officer Becc Bates and Senior Music Development Officer Karen Marsh were energetic and inspiring hosts who really brought the vision of this project to life.

With its expansive timber cathedral ceilings and Gothic arches, this new co-working space is certainly conducive to inspiring creativity. While the first tenants of St Paul's are mainly music focused, there is interest in building the presence of the broader creative industries there, and I can really imagine the place humming with activity as it continues to develop. Through the diverse mix of groups that will have a presence at St Paul's, the precinct will drive innovation and support specialised education, training, creative exploration and small business development, with the ultimate goal of increasing the local industry's capacity to succeed in a global market.

What is important to note is that this co-working precinct has an industry face and, while it is a government initiative with the appropriate governing processes in place for guidance, the St Paul's Creative Centre will thrive as an industry-led community of artistic and creative minds. Having the new Music Development Office located at St Paul's positions government at the coalface of this community, enabling agile responses to sector needs and continuous assessment of the relevance of the programs and initiatives that we offer.

The MDO is a partnership between the arts and the industry and innovation areas of the new Department of State Development, and has been set up to strategically link artistic exploration and industry development. This encompasses artist development grants initiatives that are currently delivered through Arts SA, and facilitates access to business, trade and industry development programs through the Department of State Development that music industry businesses may not otherwise have previously accessed or been aware of.

One of the first projects of the MDO is the Robert Stigwood Fellowship Program. To have the endorsement of Robert Stigwood himself, through the use of his name, is an honour. This Adelaide-born entrepreneur was one of the most successful figures in the entertainment world in the 1960s and 1970s, through his management of music groups such as the Bee Gees and Cream, and I was saddened by the recent news of Jack Bruce's passing.

This program aims to inspire and support some of our most promising artists and music entrepreneurs through strategic activities and support that connects participating fellows with global industry representatives for professional and artistic development. The first group of artist and industry fellows started in July of this year and so far the MDO has provided live performance workshops with an internationally renowned producer, partnered with the ABC Adelaide Studios and the Australian Performing Rights Association to host a high profile, national song writing project, and

presented live performance showcases at the country's largest music business conference in Brisbane.

Selected by an international panel of music industry professionals that included recent Thinker in Residence for Live Music, Martin Elbourne, Adelaide ex-pat musician and producer, Sam Dixon, Laneways Festival owner, Danny Rogers, and the Sound Australia Export Office, the inaugural Stigwood Artist fellows are: TKay Maidza, Jesse Davidson, Bad Dreems, Luke Million and Echo and the Empress. Currently, two of these five artist fellows are showcasing in New York and receiving increasing interest from international audiences and industry representatives alike.

The MDO has set up social media channels to follow the progress of these artists and to encourage the celebration of their successes so that the next wave of emerging artists have local identities that they can connect with and be inspired by. Similarly, the industry fellows have been receiving one-on-one mentoring with prominent national music manager, Stu MacQueen, of Wonderlick Entertainment. The inaugural Stigwood Industry fellows are: management and promotion company, Five Four Entertainment; boutique label, Pilot Records; music manager, Jennifer Greer-Holmes; and music manager, Daisy Brown.

Through the programs of the MDO and the work that we are doing around developing the South Australian music industry through other initiatives such as St Paul's and supporting the establishment of a new music industry cluster, we are showcasing our young talent and creating an environment for growth and one that people will be proud of and continue to be ambassadors for into the future. I also wish to congratulate and send my best wishes to all of the nominees at the Fowlers Music Awards to be held tomorrow night.

LABOR GOVERNMENT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:42): I rise to speak on a matter of interest which received a lot of media attention last month. The member for Mawson and Minister for Tourism in the other place launched the Adelaide version of the board game Monopoly. It got me thinking, what would the Monopoly board look like if we based it on Labor's actual achievements? First, we would need to select a token. Perhaps the iron to symbolise the dead weight that exists in the current government and in the state's economy, or perhaps the dog because the government is constantly chasing its tail. Whatever token we chose, the member for West Torrens would have undoubtedly chosen the race car.

Firstly, the Labor government has helped the Monopoly millionaire man by raising the cost of utilities. Under this government, the cost of water has increased by some 236 per cent; compare that with inflation only up 41 per cent over the same period. Thanks to this government, South Australia has the highest average water bill in the country, slugging ratepayers an average $790 for their annual bill. Putting it into perspective, the very good people of Victoria are paying less than $500.

As for electricity, under this government bills are expected to increase by $85 this year alone. Looking back, electricity has increased by some 160 per cent and South Australia now boasts the highest electricity prices in the country, with the average annual bill in South Australia of some $2,335. Perhaps the emergency services levy could feature as a Community Chest card. It could read, 'Unfortunately you live in South Australia, please pay an additional 1,200 per cent'—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Hon. Mr Maher, the opposition leader has the floor and you will let him do so in peace.

The Hon. D.W. RIDGWAY: Thank you for your protection. Maybe as a Community Chest card it could read, 'Unfortunately you live in South Australia, please pay an additional 1,200 per cent on your current emergency services levy bill.' In real terms, that is an average annual increase of $150 per household and, as I have previously mentioned, it is easily in the tens of thousands of dollars that our farmers, schools and councils are paying extra.

On top of the toxic taxes, Labor's exorbitant payroll tax could take the place of the home loan deposit square of $100 on the Monopoly board. However, Labor's payroll tax is not so forgiving. If you are a small business owner making your way around the proverbial Monopoly board you can expect to pay the second highest payroll tax in Australia.

The railroads are often a prized piece of property on the Monopoly board, but not so here in South Australia. Unfortunately, the government has left the rail system in disarray. Most recently, the Gawler line has had a $46.6 million writedown due to the government's mismanagement. You might be more inclined to take the bus but, think again. In the first quarter of 2014, 14 per cent of buses ran late and 12 per cent of trains ran late and almost 15 per cent of people catching trams are evading paying fares. It is clear that the government does not have a handle on public transport and how to operate an efficient system.

If you are lucky enough to land on some real estate, think twice about buying it. South Australia's land tax has increased some 309 per cent under this government and it is 36 per cent above the national average. If you were playing South Australian Labor Monopoly with someone from Western Australia, you would be paying 494 per cent more on the same $2 million property. Also, since the year 2000, stamp duty on the median price of a house has increased from some $4,270 to in excess of $16,000 today. It is hardly worth finding a property if this government insists on maintaining inhibitive taxes which prevent property development and economic growth.

If you are lucky enough to get thrown in the Monopoly gaol to avoid all these taxes for free rolls of the dice, unfortunately under this Labor government we now have a prison crisis. South Australian prisons are overcrowded and will be out of prison beds by 2016. In 2009, they flushed away $10 million on private contractors not to build a new prison. Like I said before, it is like a dog chasing its tail.

When you finally pass 'go', when this government has sucked you dry, instead of collecting $200 as is customary in Monopoly, the Labor government will probably find another tax to slug you with and, at best, you will receive the lowest minimum wage on the mainland. Minister Bignell and his colleagues would have the public think that their Adelaide edition of Monopoly was a quirky promotion of our state. Actually, it is just symbolic of their approach to governing this state: it is just a big game.

The PRESIDENT: I haven't heard a speech like that since Hendrik left. The Hon. Mr Maher.

FRUIT FLY

The Hon. K.J. MAHER (15:46): Mr President, it will be a very hard act to follow the Hon. David Ridgway's trip around the Monopoly board—and I echo those sentiments; I never thought I would say this, but we do miss Hendrik Gout putting words together in a sensible fashion.

Today I rise to speak about some of the important work being undertaken in our horticultural sector. I recently had the opportunity to spend a few days in the Riverland area and was again impressed with the citrus, stone fruit and grape industries and the increasingly diverse primary industry sector. The area is perhaps best known for its citrus, an industry now worth about $64 million in exports for South Australia. The value of exports of the South Australian citrus industry to China has more than doubled in the past two years and our state's citrus exports to Hong Kong were worth almost $5 million in 2013-14.

The South Australian government is committed to working with and supporting the industry on a range of levels, and we continue to work with the industry to maintain, particularly importantly for the Riverland, our fruit fly free status and combat other biosecurity hazards as they arise. South Australia remains the only mainland state that is fruit fly free. This status returns significant benefits to the horticultural sector, particularly the rich Riverland production area. Our fruit fly free status has been maintained by successive governments for over 60 years and this is something we should all be very proud of.

I had the opportunity to meet with the South Australian Fruit Fly Action Group recently and discuss the threat of fruit fly to South Australia. The action group formed in response to increased pest pressure from the East Coast, particularly in the Sunraysia region, and I was impressed with the passion and belief in the industry of members of that particular group. Their commitment to raising community awareness of the fruit fly problem was good to see.

The action group's most recent activity was to conduct a design-a-poster competition targeted at students from Riverland schools to engage the region's young people and educate them about the serious implications of a fruit fly outbreak in the Riverland region. All too often we take for

granted that it will remain fruit fly free but it is a good initiative to make sure that new generations are aware of the importance.

While in Loxton I had the opportunity to announce the winners of this competition and present them with their much deserved awards. I was pleased to present certificates to the winners who were picked from more than 200 entries. In the division 1 category for primary school reception to year 4, Zoe Sivour from St Joseph's Primary School, Renmark was the winner. In the division 2 category for primary school years 5 to 7, Alannah Corman from Monash Primary School won, and the winner of the division 3 category for high school years 8 to 10 was Christian Hanson from Loxton High School.

I would also like to pay tribute to the members of the Fruit Fly Action Group—Ms Hilke Ppiros, Con Poulos, Steve Burdette, Tim Grieger and Jason Size—for their engagement, hard work and collaboration with the government and all governments over a long period of time on this important issue. I would also like to thank Agricultural Bureau executive member, Tony Loffler, and Sandy Loffler, for their generosity with time, cups of tea and superb dried fruit when I spent the morning at their Riverland property.

This government is committed to ensuring that export opportunities for Riverland producers continue to grow into the future. That is why, through the South Australian Research and Development Institute, we engage in essential research work that will help open up new markets, particularly in Asia. SARDI's main research facility forms part of the Waite Campus, which is the largest agricultural R&D facility in the Southern Hemisphere and is truly a world-leading institution.

The Loxton Research Centre is currently undergoing a $7.5 million redevelopment that will provide new opportunities for collaboration between industry and researchers at a national and international level. Whilst in the Riverland, I had the opportunity to meet with SARDI scientists at the Loxton centre to discuss their research into the use of non-chemical treatments which are paving the way for the future growth of South Australia's premium citrus exports.

The research into efficient and affordable non-chemical alternatives for growing and packing citrus is progressing well. We know that consumers and export markets are becoming increasingly vigilant about chemical residues on oranges, lemons and grapefruit, so it is vital our industry, with the help of research scientists, stays ahead of these trends and keeps up with global consumer preferences.

Another particular breakthrough that SARDI scientists are looking to remove is the biosecurity barrier to trade to certify our exports as being free of Fuller's rose weevil, a pest which has proved a problem and which science and the sector are working together to eradicate. This is going well to open up new markets. I commend the work of those involved in the primary industries in the Riverland and the scientists working through SARDI and our other research institutions for the beneficial work they are engaged in.

KOREAN COMMUNITY

The Hon. J.S. LEE (15:52): It is with great pleasure that I rise today to speak about the active and vibrant Korean community of South Australia. According to the data collected by the Australian government, there is some evidence of the presence of a small number of Koreans in Australia from as early as 1920. After the Korean War, between 1950 and 1953, many orphaned children were adopted by Australian families. The relaxation of immigration restrictions in the late 1960s provided the first opportunity for a larger number of Koreans to enter Australia.

It is interesting to note that only 468 Korean-born migrants were recorded at the time of the 1971 Census. Since then, the 2011 Census shows that 74,538 South Korean-born people live in Australia. More than 50 per cent of Korean-born people living in Australia have arrived in the last 10 years. South Australia is very fortunate to have a very passionate Korean community here who are working hard to contribute greatly to add a rich dimension to our multicultural landscape.

As the shadow parliamentary secretary for multicultural affairs, small business, trade and investment, it is a great privilege to work with so many wonderful leaders and successful members of the Korean community in our state. In the last two years I have attended and spoken at various events, including the Korean Culture and Food Festival and the opening of the trade seminar by the Overseas Korean Traders Association.

Last year at the 9th Korean Festival, the Korean community held an important commemoration ceremony to mark the 60th anniversary of the cessation of hostilities in the Korean War. Upon the breaking out of war on the Korean Peninsula, Australia was the second country after the US who declared the dispatch of troops to South Korea to protect freedom and sovereignty against the communists in the north. Australian soldiers fought to earn victory in the battles of Gapyeong and Mayang Mountain. Their courage and sacrifice resulted with the participation of 17,000 soldiers. Sadly, 340 lives were lost and 43 were never found.

I recall His Excellency Mr Kim Bong-hyun, Ambassador of the Republic of Korea, who was at the 2013 Korean Festival, pay tribute to Australia and its people, particularly Korean war veterans. The ambassador highlighted in his speech that the long friendship established during the Korean War marks the foundation of the strong Australia-Korea relationship that exists today.

I had the pleasure of meeting ambassador Mr Kim again at the Overseas Korean Trade Association conference earlier this year. He informed me that Australia and Korea together have built a strong and close partnership in the Asia-Pacific region. Two-way trade between the two economies reached $33 billion. Australia provided more than 40 per cent of resource energy consumed in South Korea. In turn, South Korea's investment in Australia in 2012 was worth $2 billion which suggests that Korea is Australia's third-largest foreign investor and Australia is Korea's fourth-largest foreign investment destination.

The Korean War ended some 60 years ago. Let us recognise and acknowledge that the strength and resilience of the Korean people has helped them to rise out of the ashes to transform themselves and turn Korea into the great country it is today. I would like to pay special tribute to some wonderful and very hardworking community leaders who are making outstanding contributions and longstanding commitments to the Korean community and to South Australia. They are:

- Mrs Kerry Lewis (in Korean her name is Ms Kyung ok Jung), President of the Korean Chamber of Commerce of South Australia and immediate past president of the Korean Community of South Australia.
- Mr Jae Heon Ham, the current President of the Korean Community of South Australia, and his committee.
- Reverend Kwang Shik Moon, Pastor of the Korean Presbyterian Church of Adelaide.
- Dr John Kim, Overseas Korean Traders Association.
- Mr Jonathon Hwang, Director of RAON magazine.

Mr Hwang is an exceptionally young and energetic entrepreneur, and RAON magazine is celebrating its fifth anniversary this year. Congratulations to all the leaders and community members who make a great contribution to South Australia.

POLICE ABORIGINAL TREATMENT

The Hon. J.A. DARLEY (15:56): I understand that matters of interest should be used by members to raise issues of community interest or importance rather than to be used opportunistically by some members to sling mud at one another. Whilst I could use this opportunity to respond to the Hon. Kyam Maher's speech of 6 August this year, where he spent his entire five minutes taking aim at the X-Team and misrepresenting the intent of X-Team policies, I will not.

I will, however, say that if it was not the Hon. Kyam Maher's intention to deliberately distort the X-Team policy on penalty rates, then I pity him for his inability to understand matters which have been clearly explained on a number of occasions in simple terms. I could have used my own five minutes now pointing out to the Hon. Kyam Maher how flawed his argument was, as the very restaurant owner he used against the X-Team's policy on penalty rates had had a personal conversation with my staff at the beginning of last year complaining about how the government's penalty rates and payroll tax was killing their business.

Upon finding out where my staff member worked, the joint owner of Rigoni's immediately fired up about the punishing penalty rates and taxes the state government charge which did not make it worthwhile to open their restaurant more, even though they would love to do so—but I will not. I do

not believe it is in the spirit of this place to use matters of interest to continually sling mud at one another. Instead, I will use this matter of interest to bring the chamber's attention to another matter.

On 28 May a young couple, who were expecting their third child, went out to dinner to celebrate the wife's birthday. After having a nice meal at their local pub they were fortunate enough to win a bit of money on the pokies before they were approached by a number of police officers. The couple were taken down to the Port Adelaide Police Station on suspicion of having committed a robbery which occurred on the same night approximately four kilometres away. The couple were charged and spent the night in custody. The husband's clothes and the winnings from the pokies were seized as evidence.

When they were released on bail the next morning their belongings were not given back to them and the husband was forced to return home in his underwear. Less than a month later, before the matter went to court, the prosecution withdrew the charges. In normal circumstances, their belongings would have been returned to them in approximately two weeks; however, it took over a month to have their clothing and money returned.

This story is bad enough; however, it seems that the only reason that the couple were suspected of committing the robbery in the first place was that they had inadvertently committed a much more heinous crime: they were an Aboriginal couple who happened to have a bit of money in their pockets.

I can assume only that it was due to racial profiling that Mr Johnno Tunkin and his wife, Ms Virginia Umala, were suspected of a robbery in Seaton when they had been enjoying dinner at Findon. To make matters worse, the couple were denied interpreters once they were at the station, despite making a request, as they did not speak English. Virginia was eight months pregnant at the time, and the delay in releasing the confiscated winnings caused considerable financial distress when their baby was born shortly after.

Johnno and Virginia are upstanding members of the community who often volunteer their time to educate children and others about Aboriginal culture. Their contribution was recognised when they were presented to Prince Charles and Camilla during their recent visit to Adelaide and demonstrated traditional Aboriginal cooking to them.

As a result of this experience with SAPOL, both Virginia and Johnno are now fearful and do not trust the police. The manner in which they have been treated is appalling, regardless of who they are, but it was made even worse by the fact that this all occurred seemingly because of the colour of their skin.

Motions

NOTICES OF MOTION, PRIVATE BUSINESS

Notices of Motion, Private Business No. 1: Hon. G.A. Kandelaars to move:

That the Rules of Court under the Supreme Court, Supreme Court Act 1935, concerning Fast Track—Adoption, made on 24 July 2014 and laid on the table of this council on 5 August 2014, be disallowed.

Notices of Motion, Private Business No. 2: Hon. G.A. Kandelaars to move:

That the Rules of Court under the Supreme Court, Supreme Court Act 1935, concerning Fast Track—Supplementary Adoption, made on 24 July 2014 and laid on the table of this council on 5 August 2014, be disallowed.

Notices of Motion, Private Business No. 3: Hon. G.A. Kandelaars to move:

That the Rules of Court under the Magistrates Court, Magistrates Court Act 1991, concerning amendment No. 49, made on 31 July 2014 and laid on the table of this council on 5 August 2014, be disallowed.

Notices of Motion, Private Business No. 4: Hon. G.A. Kandelaars to move:

That the Rules of Court under the Magistrates Court, Magistrates Court Act 1991, concerning Civil—Amendment No. 6, made on 31 July 2014 and laid on the table of this council on 5 August 2014, be disallowed.

The Hon. G.A. KANDELAARS (16:00): I do not intend to proceed with Notices of Motion, Private Business Nos 1 to 4.

Bills

FREEDOM OF INFORMATION (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. M.C. PARNELL (16:01): Obtained leave to introduce a bill for an act to amend the Freedom of Information Act 1991. Read a first time.

Second Reading

The Hon. M.C. PARNELL (16:02): I move:

That this bill be now read a second time.

In May this year, the South Australian Ombudsman released a report entitled 'An audit of state government department's implementation of the Freedom of Information Act 1991'. The audit looked at how 12 government agencies are managing their responsibilities under the Freedom of Information Act, focussing principally on the 2012-13 financial year. It also draws, in part, on the Ombudsman's experiences as a review authority under the act. To quote from the executive summary of the Ombudsman report, he says:

Government-held information is a public resource; and the public's right to access this information is central to the functioning of a participative democracy. Freedom of information…legislation is one means by which the public can understand, review and participate in government decision-making. However, it should only have to be used as a last resort.

The Ombudsman's audit found that the agency's approach to information disclosure under the act indicated two principal things: firstly, that the act is outdated and its processes belong to a pre-electronic era; and, secondly, the agency's implementation of the act is wanting and demonstrates a lack of understanding or commitment to the democratic principles which underpin the act.

It revealed that most of the agencies are not coping with the volume and complex nature of recent freedom of information requests and that six of the 12 agencies failed to determine over 50 per cent of access applications within the time frame required by the act. It revealed that most of the agencies did not understand how to apply the exemptions and the public interest test under the act. The Ombudsman's audit also revealed that it was common practice across all of the agencies to provide copies of freedom of information applications, determinations (draft or otherwise) and documents to their minister to 'get the green light' prior to finalisation of access requests.

While the act permits a minister to direct their agencies' determination, evidence provided to the audit strongly suggests that ministerial or political influence is brought to bear on agencies' FOI officers, and that FOI officers have been pressured to change their determination in particular instances. If a ministerial decision or direction is involved, it should be clearly set out in the agencies' determinations.

The audit also revealed that agencies' chief executives are not providing freedom of information or pro-information disclosure leadership. In nine out of the 12 agencies there is no directive at all from the chief executive, senior management or the minister about the operation or implementation of the act. Only one agency stated that it ever released an exempt document, despite the discretion to do so under the act.

There needs to be an integrated approach to information access in this state, which includes freedom of information and privacy, the proactive release of information, with freedom of information used as a last resort. Of course, what goes along with that is adequate records management. So, the question that arises from the Ombudsman's audit is whether what is required is legislative or cultural change or a combination of both.

The report came up with 33 recommendations, and some of them do require legislation to be brought into effect. This bill addresses 10 of the 33 recommendations, and these are 10 amendments that require legislative change. I will just quickly work through those changes. The first change relates to the Ombudsman's recommendation No.1, which was:

The objects and intent of the FOI Act should expressly establish that the act is based on the principles of representative democracy. The act is to enable community scrutiny, comment and review of government's activities. Government and FOI agencies are mere custodians of the documents and information, which they hold on trust for

the benefit of the public. Documents and information held by government and FOI agencies are a public resource, and the public has a right of access to government-held information, unless disclosure would, on the balance, be contrary to the public interest.

So, the amendment that my bill seeks to introduce is to include a reference to the principles of representative democracy in the objects section of the act and also to acknowledge that documents held by government are 'a public resource to be held on behalf of the public and managed for public purposes'. The reason this is an important recommendation is that the evidence presented to the Ombudsman clearly shows that there is doubt on agencies' understanding and observance of the existing objects and intent of the act. Clearly, agencies need more guidance. The second amendment relates to the Ombudsman's recommendation No.24, where he says:

> Following commonwealth and interstate freedom of information legislation, the act should give express guidance on what factors should and should not be taken into account in determining whether disclosure of documents would, on balance, be contrary to the public interest.

This amendment is designed to address the difficulties experienced by FOI officers in applying the public interest test, and it does so by giving express guidance on what factors should and should not be taken into account when assessing the public interest. The amendments I have are similar to those used in commonwealth and interstate legislation.

It has often been said that the public interest is an amorphous concept. It is not defined in the current Freedom of Information Act; in fact, I do not believe it is defined in any South Australian statute. So, the determination of where the public interest lies is often non-justiciable and depends on the application of subjective rather than any ascertainable criteria. The public interest will no doubt change over time and according to the circumstances of each case.

The difficulties for agencies in ascertaining the public interest are widely acknowledged, and it is also generally accepted that legislators should not attempt to define the public interest in freedom of information legislation. But an alternative approach, the same one used in the Queensland Right to Information Act 2009, is to prescribe specific factors which must be considered in determining where the public interest lies. The FOI decision maker is then required to balance the factors favouring disclosure against the factors favouring non-disclosure and decide whether, on balance, disclosure of the information would be contrary to the public interest.

In New South Wales an FOI applicant under that act has a legally enforceable right to be provided with access to the information unless there is an overriding public interest consideration against disclosure. In Tasmania, their act lists 25 factors that must be considered when assessing if disclosure would be contrary to the public interest. The commonwealth act was amended just a few years ago in 2010 to create conditional exemptions whereby access must be given to a document unless access would, on balance, be contrary to the public interest. The next amendment in my bill is related to recommendation No. 8 of the Ombudsman's audit which says:

> The Act should require agencies to promptly acknowledge receipt of an access application and an application for internal review. Both acknowledgments should inform the applicant of the relevant review and appeal rights and timelines, particularly in the event of the agency failing to make an active determination within the statutory time frames.

The Ombudsman says:

> In the meantime, the agencies should adopt this practice as a matter of policy.

Well, we believe it should be put in legislation. The Ombudsman's report notes that all departments routinely advise applicants by letter of the receipt of their FOI application but not all of them acknowledge receipt of applications for internal review of FOI decisions. Also, in cases where there is no active determination by an agency, applicants are often not in a position to know their rights to review. The onus to escalate the process and apply for a review or an appeal of a deemed refusal still falls to the applicant, even though there may have been no communication at all from the agency. For this reason it is important that applicants be well informed about their review and appeal rights from the outset, and this needs to be through an acknowledgment process.

I will just pause at that point to note that, as some members would be aware, I am currently in the District Court on an FOI matter which did relate to a deemed refusal, and that was a situation where, the statutory time period having passed and the agency refused to provide any documents, we deemed it to be a refusal and we lodged an internal review. The agency again refused to respond

to that and so we went to the Ombudsman. Eventually the Ombudsman said, 'Of course you can see the documents', and that finally resulted in a court appeal at the suit of Walker Corporation, which is very keen for this parliament not to know what the plans are for the Festival Centre Plaza.

That is a matter yet to be resolved in the courts, but I use that as an example because we have ended up in court without there having been a single determination by the agency in relation to the documents. They simply refused to respond, not once but twice. So I think that reforming the act in the way envisaged by the Ombudsman and as proposed in this bill is the way to go. Another issue in relation to the tardiness of governments responding to freedom of information has been picked up by the Ombudsman in recommendation No. 10, where he recommends:

> …agencies must refund the fees to an applicant if they exceed the initial determination or internal review time limitations under the Act.

As we know, nothing focuses the mind like a nagging pain in the hip pocket and given that, as the Ombudsman said, half the agencies failed to respond to half the applications in the statutory time frame, if those applications were to become free and, given that some of them do involve hundreds or even thousands of dollars of application and processing fees, I think it would focus the mind the of agencies and they would make sure that they dealt with the applications in a timely manner.

That will not affect members of parliament to the same extent because, as we all know, the first thousand dollars of applications lodged by members of parliament is not subject to any fees. So that I think is an important reform. The next reform relates to another part of recommendation No. 10. The Ombudsman recommends that:

> Agencies have a discretion to impose a ceiling of 40 hours for processing access applications following consultation with the applicant.

All of us would be aware of responses we have received, sometimes in the realm of high fiction, where the claim is that it would unreasonably take away from the resources of the agency to have to look for this document or documents, which really on any sensible analysis should be pretty easy to find in a filing cabinet. In fact, the ability of inefficient agencies to rely on their inefficiency as a reason to deny access to information has always seemed to me to be quite absurd. We deal with that in this bill as well.

Members would also be aware that often the response from agencies is, 'We can't find the document' or 'It does not exist.' That is always a surprising finding, especially when you have identified the document by name. Perhaps what we should do more often is provide a photocopy of the document to the agency that we are seeking to obtain it from under FOI just to show them that, yes, we have the back of the truck copy but we do need an officially released one. What the Ombudsman said about documents that cannot be found or do not exist under recommendation 13 is:

> The Act should include a provision similar to section 26 of the Freedom of Information Act 1992 (WA), that an agency can determine to refuse access on the basis that 'documents cannot be found or do not exist'.
>
> A determination of this nature should be subject to review and appeal.

Because at present the act is silent as to what is required when agencies are unable to locate the requested documents. The Ombudsman notes that:

> Agencies appear to struggle with offering adequate explanations to applicants when they cannot locate documents.

In contrast, Victoria, Queensland, Western Australia and the commonwealth all have legislation that expressly provides that, if documents cannot be found or do not exist, then this is construed as a determination to refuse access. The Ombudsman has recommended that SA include similar provisions in our act and he also recommends that those determinations be reviewable and appellable, and the Greens agree.

Recommendation No. 19 relates to refusal of access. The Ombudsman says, and there are a range of points here:

> The Act should be amended to:
>
> - lessen the number of exemption provisions

- provide that information must be disclosed unless, on balance, disclosure would be counter to the public interest
- expressly direct agencies to consider the objects and discretions in the Act before applying exemption provisions.

The agencies should in the meantime, adopt a policy that, in the context of the objects and intent of the Act:

- discretions under the Act must be exercised in a way that favours disclosure of requested documents
- documents requested under the Act should be released unless release would cause real harm.

In the Ombudsman's analysis of the agencies' use of exemptions, and based on his experience as an external review authority under the act, he concluded that the list of 19 clauses and 50 subclauses and paragraphs of exemptions in the act were 'unclear' and 'open to misuse' and that they 'tend to overwhelm the purpose of the Act'. The Ombudsman suggested that this list encouraged 'all but the most seasoned FOI officer to adopt a 'pick the exemption' approach.'

Evidence gathered in this audit confirmed that, again using the Ombudsman's words:

On receipt of an access application, agencies can often turn first to consider what exemptions might 'fit'.

In the Ombudsman's 2011-12 report, he basically made similar observations where he said that:

Agencies commonly submit 'blanket claims' over documents, rather than assessing the actual information within the documents

...most agencies regularly fail to provide detailed submissions to justify their FOI determinations.

The Ombudsman notes that, looking back over his own annual reports from 1992-93 to 2011-12, there are two key themes that he and his predecessors have observed, the first being that 'agencies commonly fail to provide reasons for denying access to documents', and the second that 'the starting point for agencies should be that documents should be released, unless release would cause real harm.' So this amendment addresses this second key theme, which was put most strongly in the 2002-03 report, that:

agencies should always turn their mind to the objects of the act 'to extend as far as possible, the rights of the public to obtain access to information held by government'.

The next amendment relates to notices of determination, which is picked up in the Ombudsman's recommendation No. 25. This, I think, is one of the most important principles of this bill because it goes to the heart of the misuse, by the executive arm of government, of the freedom of information system. The Ombudsman's recommendation is:

If ministerial 'noting' is to occur, the process should be established by a formal written policy, common to all state government agencies. The policy should:

- expressly recognise section 29(6) of the Act
- provide that if the minister has directed that the agency's determination be made in certain terms, the agency should ensure that this is clearly stated in the determination
- provide that if the minister or their staff has had any involvement in the 'noting' of a determination, then this fact and the extent of the noting should be stated in the determination
- provide that the ministerial 'noting' process must be managed in a way that does not impact on statutory time frames.

What all that means is that when ministers provide a direction as to what to do in determining a freedom of information application, that process should be overt and not covert. There is no legal requirement under the act for agencies to even tell their minister what FOI applications have been lodged or determinations made; however, it is clearly a widespread practice. The Ombudsman states in his report that:

Whilst it is appropriate for agencies to keep their minister informed of sensitive matters, the practice of 'ministerial noting' can result in political interference, or the perception of political interference, in the FOI process. The act provides a mechanism for transparency and accountability of government; and any perception of political interference in the decision making may affect public confidence in the process.

Evidence gathered in the Ombudsman's audit strongly suggests that ministerial political influence is brought to bear on agencies' FOI officers, and that FOI officers have been pressured to change the determination in particular instances. One witness referred to in the Ombudsman's audit:

> indicated that they had received phone calls from a minister's office asking that certain documents not be released—not because an exemption applied, but because the documents were considered to be embarrassing to the government.

That is just one example; there are many more in the Ombudsman's report. Clearly that is political interference, and we need to shine some sunlight onto that process. The other aspect of this is that the practice of ministerial noting can blow out the time frames for determining freedom of information applications.

As one witness to the Ombudsman's audit said, 'We can get an answer sometimes within days and sometimes it can drag for more than six months.' Clearly this has the potential to cause significant delays in the processing of freedom of information applications and reviews. It also means that the minister's office decides when to release information, which creates possibilities for political views to influence the timing. The Ombudsman notes:

> I have come across an instance in an external review in which an agency released information the subject of an access application to a media outlet, prior to releasing the information to the applicant, an opposition member of parliament. Evidence given to the audit suggests that this is not uncommon.

To put that into plain language, if something embarrassing is about to be lawfully provided to the opposition or to a crossbench party under the Freedom of Information Act, ministers are directed to give it to the media first. Clearly, that is not the process envisaged or lawful under the act. By contrast, the freedom of information legislation in Queensland, New South Wales and Tasmania ensures the independence of agency decision-makers and that they are free from inappropriate influence.

It is the Ombudsman's view that if an agency's determination is directed by its minister it should be clearly stated in the determination. This amendment goes some way to address this issue by requiring that if a determination was at the direction of another person (that would include a minister) the determination must include the name of that other person and the extent of the direction given to the FOI officer.

The next amendment again relates to internal review, and I referred to recommendation No. 8 before. This is a continuation of that same issue where the agencies should be providing acknowledgements of receipt of internal review applications and restating the legal rights that an applicant has for further review. When it comes to external review, the Ombudsman, in recommendation No. 11, said:

> The Act should allow an external review authority to remit deemed or inadequate determinations back to the agency for consideration.

Currently, external review authorities, under the act, and that includes the Ombudsman, do not have the power to remit deemed or inadequate determinations back to agencies for their reconsideration. The Ombudsman notes that numerous external reviews received in his office are a result of agencies being unable to make the determination in time and often they have not been able or are unwilling to avail themselves of section 14A to extend the time to deal with the application at first instance. This puts an unnecessary burden on the Ombudsman's office when it is referred to them for external review if the agency has not considered or processed the application and documents have not been collected or collated. The Ombudsman states in his report that:

> Anecdotal evidence from agencies to my office suggests that for some agencies, it is easier to allow the statutory time to pass and let my office 'do the work'. In such matters, the external review authority has to bear the burden of agencies' inability to manage its staffing resources and processes.

This amendment provides that the external review authority may remit the determination back to the agency for further consideration. The final amendment I want to refer to relates to the improper direction or influence over FOI officers by others. The Ombudsman's recommendation No. 26 states that:

> The Act should create offences of improperly directing or influencing a decision or determination made under the Act. A uniform protocol should be created for use across all agencies which codifies the requirements for

accountable and transparent communication between ministerial offices and agency FOI officers in relation to access applications under the Act.

While the effectiveness of the FOI Act is largely dependent on those responsible for implementing it, the act does not contain any prohibition about improper direction of or influence on an accredited FOI officer or other FOI staff. In contrast, New South Wales and Queensland legislation protect FOI decision-makers from improper influence by making it an offence to direct a person engaged in the administration of FOI legislation to make a decision which the person believes is not the decision that should be made under the act. This amendment creates an offence of improper direction or influence and the penalty for that offence is a fine of up to $5,000.

These recommendations made by the Ombudsman back in May (I think it was) have been sitting on the government's desk now for several months, and yet we have seen no action to give effect to those recommendations. I do not think there is a lot of appetite within government to change a system that works well in favour of the executive. So, the Greens have taken the opportunity to give effect to what the Ombudsman has said should be changes made to the law of South Australia. We have incorporated those into this bill and I look forward to all honourable members supporting it when it eventually comes to a vote.

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

Motions

DISABILITY IN ALL POLICY

The Hon. K.L. VINCENT (16:29): I move:

That this council notes that—

1. In responding to the everyday treatment of some South Australians living with disability and their family carers that equates to an existence as second-class citizens, that the government implement central leadership for Disability in All Policy (DiAP) through a leadership group of the executive committee of cabinet Chief Executives Group (CEG);

2 This group will report to the executive committee of cabinet, charged with overseeing the development, implementation and evaluation of DiAP across government;

3. A memorandum of understanding should be developed between Disability SA and the Department of the Premier and Cabinet (DPC) to describe the relationship, roles and functions in supporting CEG to oversee DiAP;

4. Disability SA and DPC should undertake a priority-setting process in the third quarter of each calendar year for the DiAP work into the following years, with a three-year time frame for implementation across all portfolio areas;

5. Priority targets should—

   (a) be policy focused;

   (b) have an evidence base linking target to disability;

   (c) have current strategic political relevance, for example, Council of Australian Governments (COAG);

   (d) consolidate/leverage/build on existing Disability SA projects;

   (e) have opportunity to link early in policy development/planning processes;

   (f) address the existing capacity available within Disability SA, other relevant agencies and South Australian universities; and

   (g) address issues of equity and access for people with disabilities; and

6. An extensive cross-government consultation process should be undertaken, with input from policy experts from numerous government agencies, together with DPC and Disability SA.

I would like to start my contribution by quoting from Article 9 of the UN Convention on the Rights of Persons with Disabilities. Article 9 is the particular article that deals with accessibility and it states in part:

To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others,

to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

(a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

(b) Information, communications and other services, including electronic services and emergency services.

Today I rise on this matter because we at Dignity for Disability believe that the obligations of the government under this particular article have been overlooked and ignored for far too long in this state. There is something about the state of affairs in South Australia currently that has caused us to fall seriously behind our sister states when it comes to the everyday respect and inclusion of people with disabilities.

On a daily basis, my office is contacted by people who are facing crises of varying degrees. This occurs on a daily basis because people with a disability are battling bureaucracy in a bid to enable us to access the world. I have stated before and I will state again that it is in fact my aim to do myself out of a job when having a disability in South Australia is no longer a full-time job in and of itself.

To ensure that our governments act to improve the lives of people with a disability, it is necessary to seek the implementation of a disability in all policy (DiAP) initiative. Dignity for Disability understands that not every government bureaucrat has a working knowledge of the Building Code, nor the Disability Discrimination Act but, in order to change the thinking of all South Australians, including those in government, we need to implement a paradigm shift from the top down.

There is no excuse for not understanding that it is simply wrong that a person who uses a mobility aid, for instance, is required to telephone a bus operator either the night before planned travel or on the day of travel to find out whether an accessible bus will be available for them on their route. This is the reality of life for many of us without a private vehicle.

There are people in this state who literally have to beg for continence aids to be provided to them on a six-monthly basis and who are granted the essential item but who must apply again and again because someone simply does not understand that their condition is lifelong and it will not change and therefore the need for continence aids will not change.

There are people who, this very morning, will not have been able to get out of bed at their chosen time because a roster has not been updated for six weeks and what was intended as a short-term change of arrangements has not reverted to their usual routine. There are students who want to have face-to-face access to a TAFE course, but who are told that it would be easier for everyone if they just completed their course online.

This is not equity of access, yet this is the daily reality for far too many South Australians living with disability because for decades we have been forced to build our lives around the very systems that should support us to build our lives in the manner of our choosing.

Mr President, you and other members in this chamber may be thinking the National Disability Insurance Scheme (NDIS) will be the panacea to all that ails the disability community in South Australia. I wish I could tell you that this is the case, but it is not, because we need to see a whole-of-government approach to ensure that disability really matters and that it is understood and respected throughout all policy processes in this state.

Just as we have seen cyclists pilloried in the media in recent times, so too are there appalling rumblings about the rights of people with disabilities wanting to access services. On behalf of people with a disability, I am calling for strong leadership because I believe we can cause the change we need by including the lens of disability in the initial planning and review stages of all government policy.

The more we treat disability as though it is some kind of alien experience, or a specialist field, the more this ignorance—however well-meaning it may be—pushes we people with disabilities further towards the sidelines of society, and society, in turn, misses out on our opinions, skills and

contributions. The truth is that we are all touched, in some way, by disability, and this involvement will only increase in the future. Ultimately, we are all contributing to support for disability through our taxes, so we all deserve a holistic, effective, human approach.

It is also important to remember that while, for many of us, deafness and/or disability forms an integral part of who we are—our identity and our culture—we are not only affected by services which have the word 'disability' in their name. We need access to health services, electricity services, water services—the list goes on. However, it is often on the misunderstanding by a particular department of disability-related needs which prevents us accessing these other services. It is time we worked together to end the frustration which many people with disabilities feel when we see our taxes going towards funding services which we, ourselves, cannot access.

1981 was proclaimed the International Year of Disabled Persons. Members will understand that at that time I was not even born, yet people worked very hard back then and expected to see changes in attitudes and accessibility. One would hope that the battles of the past would have paved the way for an easier life for people with disabilities by now—long before now—but in too many ways that has not yet eventuated. So, we need to continue to take solid, cohesive action.

There are some 320,000 South Australians living with disability in some way, including 100,000 in our community with a profound or severe disability, yet Dignity for Disability's call for a disability services commissioner has not been heeded. I feel frustrated that even with a seat in parliament the issues for people with a disability continue to pile up.

We have seen documents (such as the state's Strategic Plan) call for action on issues such as self-managed funding for people with disabilities. The targets are pathetically low and we need to be asking why and working out what it is that can be done to encourage more people to uptake the scheme and identify the barriers that have hitherto prevented people from moving to self-management, if they would like to do so.

Although South Australia has agreed to full implementation of the National Disability Insurance Scheme from 2018, for all people with disability under the age of 65 we must still take responsibility for the state-based policy that fails to recognise the needs of people with disabilities that exist in all areas of government. Targets for increased employment of people with disabilities will only be met when we can shift the knowledge and understanding of the community from ignorance and intolerance to a genuine welcoming, understanding and acceptance of diversity in all of its forms.

Incidents where highly-qualified brilliant people are searching for even menial work because no door is open to them are all too common, and it makes me wonder: where is the broader policy that will back up their entry to the workforce?

It is not acceptable that decisions are being made which affect the everyday access and lives of people with disabilities, including access to public spaces, without reference to the ability of all. This cannot be written off as ignorance, because it has to be somebody's job to make sure that such decisions take into account the needs of all South Australians. Good intentions do not create an accessible community: good policy does.

My office has been approached over the years by people in government seeking advice on issues of accessibility. This would indicate that people do not know where to go to gain knowledge of appropriate terminology, protocol, access and so on when you are working with people with disabilities. In a few weeks we will once again observe International Day of People with Disabilities. The focus this year is on technology and there will, doubtless, be many advances in the coming years that will transform the lives of some people living with disabilities through technological advances.

Yet, here in South Australia, we struggle to ensure that government websites, for example, host even the most basic accessibility features necessary to make them accessible to all at the same time as departments are pulling back on publishing and distributing hard copies of materials. These decisions affect people's lives in a real way. Surely we could expect that access to information is a fundamental right of modern life. Indeed, if Australia is to be a true signatory to the UN Convention on the Rights of Persons with Disabilities, then the article that I cited in this speech points out that we have affirmed this and we need to continue to back that up with real action.

Other states have found the resources and had the sense to offer Auslan interpretation, and alternative formats to printing and accessible websites. South Australia has to shift into gear, and we need to begin at the top with decision-makers because, if the decision-makers remain ignorant of the needs of people with disabilities and the rights of people with disabilities, the fact is we have little chance of transforming the hearts and minds of those in the community.

This motion represents a mechanism designed to put active consideration of disability-related matters at the heart of the policy process. One could say it has been designed to prevent the failures of ignorance and to, by its very nature, ensure that our policy process is informed by people who know and understand the lives of people with disabilities—that would be us: people with disabilities. Dignity for Disability considers that Disability in All Policy forms a non-negotiable, essential component of modern, effective policy-making in South Australia. I commend this motion to the chamber and welcome further discussion and input from members.

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

Bills

FAMILY RELATIONSHIPS (SURROGACY) AMENDMENT BILL

Introduction and First Reading

The Hon. J.S.L. DAWKINS (16:43): Obtained leave and introduced a bill for an act to amend the Family Relationships Act 1975 and to make a related amendment to the Assisted Reproductive Treatment Act 1988. Read a first time.

Second Reading

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

That this bill be now read a second time.

Recently, there has been significant media attention and community disquiet regarding the actions of some Australians pursuing the use of commercial surrogacy in international jurisdictions. This has stemmed from several cases where surrogate parents have failed to take custody of a child produced through a surrogacy agreement due to birth defects. There have also been concerns raised about the suspicious background of some prospective parents, and certainly this was brought to public attention through the recent 'Baby Gammy' stories that members would be familiar with.

Such was the broadranging concern on the matter regarding overseas commercial surrogacy and the impact on altruistic surrogacy in this country that the potential of creating federal laws in this area was highlighted at a recent Council of Australian Governments meeting. This proposal was rejected by the commonwealth, which stated its preference to work with states to improve current laws and standards and to make access to surrogacy arrangements in Australia easier for approved prospective parents.

Having been originally responsible for introducing a bill to legalise altruistic surrogacy in South Australia a number of years ago, I felt that limited amendments to the act could be made to bring it into line with today's community expectations, and I say that without criticism of the original bill, but it was a bill that I prepared without the assistance of a department. It went through a parliamentary committee.

It had a very protracted passage in the House of Assembly, where it was stalled for some time and was, I think, weighed down to some extent by some amendments suggested by the health department. While I accepted those amendments, I think that they probably weakened the bill in some senses. However, my view at that time was always that we should have the bill and that there would always be opportunities to improve on it, and certainly the first of those took place a number of months after the act was brought to fruition.

I see this as an opportunity to further improve the current act. With this in mind, I convened a meeting with a number of external stakeholders, and we investigated what improvements may be possible to the current law in South Australia to secure the welfare of children born through surrogacy, to try to make accessibility of surrogacy arrangements in this jurisdiction wider, to limit

overseas use of the commercial surrogacy process, and to ensure that commercial surrogacy remains banned in South Australia.

Following these discussions, it was generally agreed that a number of amendments needed to be made to the current legislation and to ensure that the law remained consistent with community expectations and to limit the prospects of international abuse of the system whilst maintaining the ban on commercial surrogacy in this state.

So, as a result amendments have been drafted to reflect the following principles in the relevant legislation. The first is to allow for reasonable reimbursement of costs incurred by a surrogate mother during the period in which she is carrying the baby. That would expand the number of people willing to be part of the surrogacy option as there are currently a limited number of women who are able or willing to participate in the lengthy and often onerous process without any reimbursement of reasonable costs.

The second is to establish a framework that would enable a register of approved surrogates to be established and to be accessed by approved medical institutions, to make finding a surrogate for prospective parents in South Australia easier. This framework will enable prospective parents to go to an approved institution and have a willing surrogate recommended to them, rather than having to source one themselves or be forced overseas to engage in a commercial surrogacy agreement.

The current situation, of course, is that it is limited basically to people who are looking for a surrogate being able to source one from their family and friends. If they have no-one in that group of people that they know who is either willing or able to be the surrogate, then they are really forced to then go into the overseas commercial surrogacy market. So, such an amendment would obviously make it possible for a commissioning couple to contact a surrogate via, first, the approved medical institution and, secondly, the register. I see that as something that would make the act much more accessible to many people.

Thirdly, an amendment would insert a provision that would regulate overseas surrogacy arrangements, whereby any proposed international surrogacy agreement would go before the responsible minister and be assessed on a case-by-case basis for approval, much like the process already in place for overseas adoptions. In the minister's consideration for approving a surrogacy agreement he or she would, as their primary concern, ensure that the welfare of the potential child is protected, and that unsuitable parents, certainly including those with criminal histories in the area of child sexual offences, are discouraged from using this option. This would be a solution, maybe not wholly but partly, to issues recently raised with current laws by the baby Gammy issue.

Fourthly, it is to ensure that the minister reviews the framework for the upkeep of a surrogate register and approvals of surrogacy agreements at least every three years to ensure that it is in line with current community expectations. I am very grateful for the assistance of a number of stakeholders that I have had in preparing this amendment bill, and I particularly mention Mr Morry Bailes, President of the Law Society of South Australia, Dr Christine Kirby from Repromed, and Mrs Kerry Faggotter, the mother who originally advocated for the surrogacy legislation and worked very closely with me on it, but also a number of other people who have a strong interest in improving the law in this area.

It is my intention to bring this matter to a vote in the very near future, certainly because I think it is a matter that is of great concern to the community in relation to some of the jurisdictions that are dealing with commercial surrogacy overseas. I think many people are of the view, like myself, that when we have such a world-class reproductive technology capability in this state, it makes such great sense to make it more accessible to couples who are seeking surrogacy to be able to do that here in South Australia.

I formally advise members that I will be seeking a vote on this bill on Wednesday 3 December and I am very happy to speak to any member of the Legislative Council about the bill and to answer any of their questions as much as I may. I am very grateful for the assistance of parliamentary counsel in developing such a bill. I think it is an area, obviously, that goes into some technical areas that are beyond the resources and knowledge of some of us in this place, so I am always very grateful to them, as I am to the stakeholders who have been assisting me with it. Finally, this will be a matter

of conscience for members of the Liberal Party but I urge members of this chamber to support the bill.

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

Motions

MATES IN CONSTRUCTION

The Hon. J.S.L. DAWKINS (16:57): I move:

That this council notes—

1. The exemplary work of MATES in Construction in its endeavour to prevent suicide in the construction industry and promote health and wellbeing;
2. That MATES in Construction is a federation of independent industry-based MATES in Construction organisations throughout New South Wales, Queensland, Western Australia and here in South Australia;
3. That MATES in Construction aims to raise awareness about suicide, making it easier to access help and ensuring that the help offered throughout the industry is practical, professional and appropriate; and
4. That MATES in Construction has implemented the following programs to address the tragic rate of suicide in the industry—
   (a) an individual case management program which aims to assist troubled workers with an effective plan to address their mental issues;
   (b) field visits, which involve field officers going from site to site to advise workers of the program; and
   (c) a post-vention program, which provides support where a worker or worker's family member has committed suicide.

MATES in Construction is an award winning suicide awareness prevention and post-vention program for the construction industry across a large slice of this country. I was very pleased to be at the Suicide Prevention Australia conference in Perth this year to witness MATES in Construction winning an award for their fabulous work.

MATES in Construction was established as a not-for-profit organisation in Queensland in 2008 to address the high suicide rate amongst construction workers. The organisation was brought to South Australia through the drive and commitment of a number of union and industry bodies and receives funding from the Building Industry Redundancy Trust and the commonwealth government. Since its introduction to South Australia, the organisation has:

- supported and case managed 154 construction workers,
- provided 1,734 construction workers and safety staff with a one-hour general awareness training course,
- provided 215 construction workers and safety staff with a four-hour connected training course,
- provided 23 construction workers and safety staff with a two-day applied suicide intervention skills training or assist course,
- presented training at 40 South Australian building sites, and
- continued to respond to crisis calls from construction workers around the state.

MATES in Construction is also currently in consultation with a further 14 sites with the view to providing further training. The organisation does not charge fees for any of its services and offers a very important service to members of all facets of the construction industry.

The organisation does not currently receive any state government funding; however, I note that the Minister for Health the Hon. Jack Snelling highlighted during estimates the work the government was doing in the suicide prevention area by making an example of the work of MATES in Construction. It is interesting, I suppose, that I have been waiting almost five months for an answer

to a number of questions about suicide prevention, but particularly one about MATES in Construction, and only today I received an answer on that one about MATES in Construction. It is interesting, I think, to read firstly the question and the answers. On that day, I asked:

1. What involvement has the minister's office or his department had with Mates in Construction in its efforts to lower the suicide rate in the construction industry?

2. Will the minister commit to further engaging with Mates in Construction to assist in its mission to support the mental health of South Australian construction workers who are two times more likely to complete suicide than the average male, and up to six times more likely to die from suicide than from an accident at work?

The response that I have received today from the Hon. Ian Hunter MLC is that:

The Minister for Mental Health and Substance Abuse has received this advice:

1. The Minister's Office was first involved in discussions with the Construction, Forestry, Mining and Energy Union (CFMEU) as they sought to engage with MATES in Construction (Queensland) in the development of a similar program in South Australia. The CFMEU had become involved in the development of the South Australian Suicide Prevention Strategy 2012-16: Every life is worth living.

SA Health provides support to Mates in Construction through Ms Lynne James, Principal Project Officer Suicide Prevention, Mental Health Unit, SA Health, who is a foundation member of the Mates in Construction SA Board, which established the South Australian Mates in Construction team and provides ongoing leadership.

The SA Government supports the continued funding of Mates in Construction through the National Suicide Prevention Strategy funding. Federally funded Suicide Prevention Funding has not been distributed on a population based model and the SA Government urges the Federal Government to consider this and maintain the level of funding provided to Mates in Construction SA.

2. The South Australian Government commends the work of Mates in Construction SA and encourages all construction sites to participate in the program.

The SA Government is committed to the program of Mates in Construction SA to reduce the rate of suicide in the construction industry workforce.

I thought it was informative to read that answer because, as it says, the government commends the work of MATES in Construction and is committed to the program to reduce the rate of suicide in the construction industry workforce. It urges the federal government to maintain the level of funding towards MATES in Construction.

What I aim to do with this motion is to get more support for MATES in Construction but also to ask the government to perhaps provide more than just the words in that answer, to perhaps provide more support to the organisation, particularly in relation to funding support, because that currently does not exist. However, I give great credit to a number of members of the government, including the Hon. John Gazzola and the Hon. Steph Key, who I know are very supportive of MATES in Construction, and to many other members of the government who support me in my suicide prevention work but who are also well aware of MATES in Construction.

I think it would be appropriate for the government to do everything it can to support this organisation. I see this motion as a way of providing more information about the body but also as a way of seeking more general support from right across the Legislative Council. I commend the motion to the chamber.

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

PLANNING REGULATIONS

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

That regulations under the Development Act 1993 concerning assessment of significant developments, made on 14 August 2014 and laid on the table of this council on 16 September 2014, be disallowed.

(Continued from 24 September 2014.)

The Hon. M.C. PARNELL (17:07): I sought leave to conclude my remarks because I want to put onto the *Hansard* the reactions I received from my consultation on this motion. Just to remind members, this is a motion to disallow regulations that provide for the state Coordinator-General to be able to call in certain developments regarded as developments of state significance that are worth

more than $3 million. By calling them in, that would make them a decision that would be made by the Development Assessment Commission rather than by the local council.

Having moved the motion I then proceeded to consult every local council in South Australia, and I received a considerable amount of feedback. Of course, because of the local council elections and caretaker mode, most elected members and candidates had other things on their mind but, still, a considerable number responded to my request for comments. In fact, some hundreds of people responded, dozens of local councillors, and 18 of those local councillors went to the trouble of providing me with additional comments.

I say 'additional comments' because the first request I made of people was that they sign an online petition, and the advantage of online petitions over the ones that we table here in parliament is that you can be a little bit more flexible with the wording. In fact, you can direct your petition in slightly different ways to different members of parliament, as the occasion requires. So I thought I might just put on the record the petition I asked people to sign, and which hundreds did sign. The first part of the petition was directed squarely at Premier Jay Weatherill and planning minister John Rau. The petition, or the request of those signing it, read:

> Can you please stop making fundamental changes to our planning laws without consultation with Local Councils and local communities? You've already established a review of the planning system, so why not wait a few more months until it reports? All South Australians have a stake in the future of our cities, towns, suburbs and regions, not just your mates in the property development industry. Not happy, Jay!

I have a feeling that had I attempted to table a petition in parliament with the words, 'Not happy, Jay' rather than, 'Your petitioners humbly praying' it might not have been able to be tabled, but that is the beauty of the online petition. The part of the petition that related to the Liberal Party was addressed to opposition leader Steven Marshall and shadow planning minister Steven Griffiths and it reads:

> Before the election, you told local councils that you supported their continued involvement in the planning system. You also promised to reinstate the planning responsibilities that had been taken away by Labor. So why on Earth did you vote the opposite way in Parliament recently? Do you need a reminder? Here's what you said.

And the online petition then links to Steven Marshall's media release in which he says that he will reinstate planning powers to local councils. The words of the petition conclude:

> Please stick to your word next time. Not happy, Steven!

I will not read them all out, but there is a reference to the Family First party and to the Xenophon team, basically urging them to support local communities having a say in planning and even a special mention to the Hon. Kelly Vincent to thank her for supporting the last motion to disallow the planning regulations.

In terms of the responses I received from local councils and councillors (I will start with those) the first thing I will say is that no-one contacted me and said, 'Mark, you're wrong.' No-one said, 'These are fine regulations that should stay in place.' Every single person who responded to me did so by saying they supported the disallowance motion and they were unhappy with what the government was doing. I will refer to some of these.

I will start with not an elected member but a council officer, Chris Newby, who is the manager of development services and communications at the City of Prospect. He made the point that the council, whilst it might not have primary decision-making responsibility, is still going to have to assess the developments in a detailed manner because they have to make sure the developments will fit within their local community and the local services they provide.

He makes the point that council would not receive any fees associated with a referral to the Development Assessment Commission, and thus was likely to incur additional budget implications. We received a response from Julie Jordan, who was a candidate in the city council, and Ian Grosser, a councillor of the District Council of Mount Barker, who I think was re-elected (a good councillor there). He says:

> Councils are more directly answerable to local communities and understand local context and opinions. It is undemocratic to sideline them from planning decisions. Like the Urban Renewal Bill, these decisions should wait until the Expert Panel of Planning Review is finalised.

Scott McDonald, who is a former councillor from Kangaroo Island, basically said that he and others on the island were:

> …seriously peeved that the SA government is taking decisions out of our hands. We want More Autonomy, not what some remote pollie thinks is good for us (or themselves).

Councillor Michael Joy from the City of Playford states:

> In 10-15 years time I'm sure we will see a significant number of poor planning incidents that will be the sole responsibility of this State Government and a lesson will be learnt of what not to do.

Mayor Simon Brewer of Campbelltown City Council said:

> The latest in a long line of power grabs on development by the State [government]. Not right.

Scotty Milne, a councillor from the Barossa Council said:

> Planning Rules and Regulations appear to have been hijacked by the current Minister, creating unholy Raus—

pun intended—

> within the general community. This portfolio has been in a constant flux of change, amendment, confusion and dictatorial edicts for far too long. Local Government, Communities and Developers, require stability, communication, consultation and fairness regarding planning issues.

Bob Marshall, councillor from Victor Harbor, responded, as did a councillor of the City of Unley, Rufus Salaman, and I will just read a sentence or two of his:

> Both as a private citizen and an Unley Ward councillor, I am alarmed and disappointed that the Liberals have back flipped on their preelection promises to return planning consent authority back to the Councils. In Unley we are likely to be totally disenfranchised regarding planning decisions, with the pending removal of local [development assessment panels] and their replacement with government accredited 'experts'. It is all very well to say there is local input into the Development Plan, (but North Terrace has the final say on what is gazetted).

Councillor Gianni Busato from the Town of Walkerville says:

> As a councillor and DAP member I am tired of hearing about planning delays that are often the fault of the applicant. The State has to discuss this matter with Councils and not just the developers. The majority independent member DAPs are a good compromise between community and developer voices. At least the DAP's operate in public. The DAC discusses matters behind closed doors and is not accountable to the public.

Graham Bills, councillor with the City of Burnside, says:

> Another frustrating invasion by [the] government to terminate local representation over matters which affect local areas.

Councillor Jennie Boisvert from the City of Unley says:

> This is appalling judgement on behalf of [the] state government. There is no evidence to suggest that this is necessary. State government has a role in deciding what the Development Plans recommend, after that the assessment should be Council's concern.

Councillor Sandra Brown from the City of Onkaparinga says:

> This looks like big brother tactics—whilst there are issues with local development assessment panels it is not broken, [it] just needs qualifications for elected members on panels to reduce political views and limit rubber stamping. Development at all costs is not good development, it leaves the local councils and state govt. to mop up the blood spilt from a developer focussed entirely on profit and not interested in the environment…or building happy safe and sustainable communities.

I make the point that we have in this place passed a bill recently that will require councillors to have more education as part of their role, having been elected at the recent poll. Thanks, too, to councillor Jane Silbereisen from the City of Mitcham and councillor Sandy Wilkinson who I think was re-elected to the city of Adelaide. He says:

> Planning is the reason why many if not most people get involved in local government because they care about the area they live [and] work in.

The CEO of the Town of Walkerville, Kiki Magro, sent me a copy of a resolution from the Walkerville council where the council recommended that the administration sign the online petition on behalf of the council. I thank them for that, and I thank councillor Gerry Chivell from Port Pirie and councillor Christel Lorraine Mex from Norwood Payneham St Peters. There were many other local government

elected members and staff who signed the petition but did not leave extra comments. I thank them all for that input.

There is an even larger number of people from the community sector who signed, and I will not go through all of those, but I do need to touch on some. I will start with a group that, over the last, I think, probably three years now has been at the forefront of representing community voices in these planning debates, and that is the Community Alliance SA. Tom Matthews, on behalf of the alliance, said:

> It appears the government is convinced that 'fast tracking' $3 million development projects will quickly bring vital economic benefits. This is a short-sighted view. In making these changes, the Planning Minister and the Government have again taken important decisions about local matters further away from our Councils and the input of local communities. This arrangement has the capacity to result in approval of developments far less appropriate and less suited to local areas.
>
> The Government's action in bringing these changes denigrates the Local Government Association, the Councils and the community by suggesting that the locally appointed decision makers are incompetent and cause delays.

As I have said in the past, there is no evidence that that is where the main problem lies. The Community Alliance submission goes on:

> The new Regulations came into force on August 14th this year. There was no consultation with local government or the community, which could have helped to identify any 'blockages' in the current development approval process, and identify potential solutions that retain input at a more local level. Furthermore, this sweeping change to the planning system has been introduced while the State planning review was still under way. The Government has decided not to wait for the final recommendations of its Expert Panel on Planning Reform due in December this year. The Government decided to go it alone and ignore everybody.
>
> These Regulations must be disallowed and a firm message must be delivered to the Government and the Planning Minister. This is not good planning and it runs roughshod over Councils, the Local Government Association and the people of SA. The Community Alliance asks you respectfully to vote for the Hon. Mark Parnell's disallowance motion.

Another Community Alliance member, Helen Wilmore, points out:

> The Community Alliance SA last year flagged the need for a moratorium on significant changes to the planning system while the planning review process is underway. However, the Government continues to make these changes, without even consulting with those affected local councils and communities.

I would also like to thank Carol Faulkner and Nancy Fahey, from the Cheltenham Park Residents Association; Elspeth Reid, from People for Trees; Bronwyn Mewett, from the Prospect anti high-rise group; and a large number of individuals: Dario Centrella, Stephanie Johnston (I will come back to her in a second) and David Scougall who, members might remember, was a passionate advocate for his community regarding the Manitoba apartments in the city in seeking to keep that community together. I also thank Ray Marnham, Alex Hodges, Peter Clements, Phillip Groves, Brian Thoman and Paul Laris who says:

> Good urban development comes from socially inclusive planning—not open slather for short term development profits.

I thank Gunta Groves, David Rowlands, Deborah White, Ian Rohde, Stewart Mitchell, Lexie Walsh, Sam Ryan, Elizabeth Crisp, David Cree, Alan Chapple, Margaret Johnson, Lavinia Moore, Kevin Williams, John Zeniou, Ian Bourne and Andrew Dyson. I will read his comment, because I think it is important:

> I am appalled by the government's ongoing attempts to strip Councils and residents of all powers in relation to planning and development, despite its ongoing review by its Expert Panel that it claims to be a genuine review. Yet again, the government is treating the community with contempt.
>
> I am also very disappointed that the Opposition failed to abide by its promise before the March election that it would return planning powers to Councils. I had thought there might be some difference between the government and opposition but it appears that they are also 'in bed' with the development lobby.

I would like to thank James Bell and Trixi Pettman-South. Finally, I come back to an example of the use of these regulations that was provided by Stephanie Johnston who, as members would know, is an active member of the community in the southern suburbs of Adelaide. She pointed out that the

Coordinator-General initiative is clearly tailored to the On The Run/Peregrine Corporation applications.

Apparently there are 22 applications, and they have now been removed—I know at least five of them have, and the understanding is the rest will be—from council assessment by the Coordinator-General. As she points out:

> This is worse than Major Project Status as no Environmental Impact Assessment is required.

This is a matter I raised in question time some time ago, but since then it has become clear to me that these regulations are, fair and square, aimed at that one corporation and its one line of business, that is, the building of petrol stations and convenience stores.

I note that in the City of Onkaparinga there was an On The Run petrol station proposed for Aldinga, and 100 people made submissions to this category 3 development. It is fair to say it was probably about 50-50—those in favour to those against. What was important to me is one of the submissions against that going ahead was the McLaren Vale Grape Wine and Tourism Association. As it turned out, the council planning officer did a thorough assessment of that project and recommended refusal; the council's development panel refused it.

It then went to the Environment Court because, as we know, developers always have the right to appeal. The most recent document on the court file is a withdrawal notice where the appellant, On The Run Aldinga '…withdraws the above action and all future hearing dates have been vacated'. In other words, they got what they want. They do not need to argue the merits of their development in court with equal time given to the proponents and the opponents. They now get to go through a special state government stream, and that is the reason they have withdrawn their appeal in court.

The really dodgy nature of the use of these regulations is the fact that most of these On The Run petrol stations—I would suggest all of them, but maybe one or two are—are not worth $3 million. They are not valued at $3 million.

The government has basically said, 'Well, there's five petrol stations proposed in five suburbs or towns in five different council areas. Why don't we just add them all up, pretend it's a single development, pretend it's worth $3 million, and then we can get these developments called in; taken off the councils and given to the Development Assessment Commission.' That is one of the dodgiest legal ploys I have ever seen and it is only a matter of time before someone takes that to court—and they will win. You heard it here first: they will win if they take that to court because I think there is no defence to the way the government is handling it.

That is what I wanted to do in concluding my remarks: put those views on the record. I thank all of the councils, councillors, CEOs and individual citizens who took the trouble to write. I will let members know again (I have done this by email already) that this will be coming to a vote on the next Wednesday of sitting.

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

Bills

PETROLEUM AND GEOTHERMAL ENERGY (HYDRAULIC FRACTURING) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 24 September 2014.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:25): I rise on behalf of the opposition to speak to the Petroleum and Geothermal Energy (Hydraulic Fracturing) Amendment Bill No. 32. The bill in question seeks to prevent the fracking (or hydraulic fracturing) on any land in South Australia over the next two years. Following this arbitrary two-year period, the bill goes a step further and, on my reading, the bill will continue to prevent fracking (or hydraulic fracture stimulation) on land used for the purposes of primary production indefinitely.

I would like to make it clear that the opposition strongly supports the mining sector and acknowledges its importance as a key growth generator in our economy. As such, we cannot support

a moratorium on fracking and to do so would have detrimental effects on our state's economy, prosperity and job creation prospects going forward.

It is a proposal with an extremely green agenda and it makes no attempt to balance South Australia's economic security. Our manufacturing sector is on its knees and we will be relying increasingly on the mining sector, as we will continue to rely on the agricultural sector as we have done for many decades. Both industries need some protection and the Liberals strongly believe that this extreme approach would not be productive for our state.

It is also worthy to note that the bill would still allow hydraulic fracturing for the purposes of trying to generate geothermal energy. Hydraulic fracturing for oil and gas is typically done in shale rocks to release the oil and gas that exists within the sealed pores in the rocks. Hydraulic fracturing for geothermal energy is typically done to extremely hot, solid, granite rocks to break them open so that water can be forced in, resulting in steam or very hot water coming back to the surface where it is passed through a heat exchanger and that heat is then converted into electrical energy.

Because of the difference in the nature of the rocks the fracking or the 'fracs' for geothermal require blasts three to five times stronger than for oil and gas, so I am advised. I think it is strange then that if someone had a genuine concern about the possible negative impacts upon underground water or of latent seismic activity, hydraulic fractures for geothermal would be of much more concern than those for oil or gas.

This clause in the proposed bill illustrates the Greens' ideological preference for geothermal energy and its simplistic opposition to the hydrocarbon industry. These industries are far too important to our state for the future to be decided on ideology and politics rather than fact. It is for these brief reasons that I indicate that the Liberals will be opposing the bill.

The Hon. J.A. DARLEY (17:28): I rise to indicate my support for the second reading of this bill on the basis that there is a need for robust, independent assessment to ensure prime agricultural land and water resources are not adversely affected by fracking. It is essential that we have benchmark monitoring before mining activity takes place to ensure that farming land and the rights of farmers are not undermined. We need to find a balance between mining and farming and the least we can do is to have a debate on the issue.

The Hon. T.T. NGO (17:29): Let me begin by saying that the environment and the rights and prosperity of all South Australians is of great importance to the government. The government opposes this bill as it would add another layer of unnecessary restrictions and duplication of processes without providing any new protection, or any protection, either for the environment or for landowners that is not already provided by the existing regulatory framework. What is more, the bill seeks to place a ban on hydraulic fracturing technology, a technology which is well regulated and which has been used safely and without impacts in South Australia in more than 700 wells and more than 1,400 fracture simulation stages over the last 40 years.

All potential impacts with relevance to hydraulic fracturing are already clearly outlined in publicly documented environmental reports, which all licensees are required under the act to have completed before they can do anything on the ground. The act requires statements of environmental objectives to be prepared on the basis of these reports, and these clearly state that contamination of surface waters, shallow groundwater resources, aquifers or soils must be avoided. They also state that there is to be no uncontrolled flow to surface and that cross-flow between separate aquifers or hydrocarbon reservoirs must be prevented. These are the standards these activities abide by, and it can be demonstrated that these objectives have been achieved.

The objectives are designed, as I have said, as a result of detailed environmental impact reports, which must be completed for all activities, as required by the Petroleum and Geothermal Energy Act. These reports cover a broad scope of potential impacts as 'the environment' in the act includes not only the natural environment but also the social and economic environments, and so includes aspects such as health, wellbeing and existing users of land. These reports are required as a matter of course by all licensees, and they exceed the requirements of the report proposed in the bill.

Reports cover the potential impacts and management strategies of a range of activities proposed or they can be specific. In fact, last year an environmental impact report and statement of environmental objectives was thoroughly consulted on and completed specifically for hydraulic fracturing and made available, over an extended period, for public comment prior to finalising.

The other proposal in the bill is to prevent hydraulic fracturing activities in certain areas. The petroleum industry in South Australia has a long history of compatibility with other land uses. Under the act, landowners are consulted early and are involved in the setting of environmental objectives.

Landowners, who, by definition, also include native titleholders and claimants, concurrent licence holders, licensees and, in fact, anyone with an interest in the land, must be provided early with good information so that they can make informed decisions, and they have a right to object to activities on their land. There are also clear processes for working together and for bringing matters to court. For some areas where activities are not compatible, including in some protected areas, activities are already prevented under the existing provisions of the act.

I invite honourable members to contact the Department of State Development for more information on the petroleum and geothermal regulatory framework in South Australia and to discuss how the Petroleum and Geothermal Energy Act protects the environment and the rights of existing land users. Hydraulic fracturing is used in conventional and unconventional wells, and preventing its use would limit an industry that has enormous potential to provide immense benefit to South Australia. Security of supply, jobs and other flow-on benefits would be at risk.

Despite the fact that hydraulic fracturing has been completed here safely for many years and is already regulated under the existing act, the claims that have been made in relation to hydraulic fracturing interstate are all related to shallow coal seam gas. Shallow coal seam gas is very different to the deep gas resources that are being developed in South Australia and poses different potential risks.

The South Australian deep gas resources have much smaller surface footprints and, as they are much deeper, there are thousands of metres of rock between the resource where the hydraulic fracturing would occur and the shallower potable or beneficial aquifers. Furthermore, the imposition of the bans and moratoriums in the other states referred to by the honourable member are very much a reflection of the absence of an appropriate and effective regulatory framework in those states similar or equal to the petroleum and geothermal legislation in South Australia.

To reaffirm, the existing regulatory framework is robust and as one of key objectives it protects the environment and the public from any potential risks and impacts of petroleum and geothermal activities. Hydraulic fracturing is just one technology already well regulated under the Petroleum and Geothermal Energy Act and has been performed in this state in over 700 wells safely and without harm over the last 40 years. I do not understand why, if our state has an industry that is well regulated and has worked well and safely for decades, we need to go down this path and look for potential problems.

Our state is the nation's leader in regulating the hydraulic fracturing industry. There are strict processes to address all potential environmental impacts before companies can operate. On top of that, interested parties were consulted in the development of the process and are also well aware of this process. Other states are looking at us to replicate what we are doing. We have an industry that is providing security for the supply of gas for our state and will provide thousands of direct and indirect jobs to support many South Australian families.

I could understand that, if there were problems with large-scale contamination or something similar affecting the aquifer, like killing our farming stock or severely impacting on the health of local people, such as you often see on the *4 Corners* program, that cause lifetime damage our environment and land, these would make it necessary to have a report of inquiry.

In this case the fracturing by the natural gas industry has been operating safely and without harm for over 40 years. Why do we need to pick on this industry just because other states, like New South Wales and Queensland, have problems with theirs? As I said earlier, in other states hydraulic fracturing is related to shallow coal seam gas—ours is deep, and these are two different environments—which is causing environmental issues and problems with the farming community.

Most importantly, those states have not appropriately and effectively regulated the industry like South Australia. I am not saying there are no problems with hydraulic fracturing; of course there are. Anything to do with using the land for human resources in terms of fuel or food has an environmental impact in some way. But South Australia has strict guidelines that address all potential impacts on aspects of the environment and they have been working safely, as I said, for the past 40 years.

A good friend of mine stopped eating beef because of the damage cattle cause to the land. He told me that cattle running around and stomping on land, and the manure they generate, impacts greatly on the environment. Similarly, with farming practices such as wheat and barley, he said that the chemicals farmers use also impact on the environment. Do we need to look at them to see if there are potential impacts? Will this sector be next? I hope not, Mr Acting President.

In South Australia, and in Australia generally, in many industries we have strict guidelines to protect the environment compared to the rest of the world. We do have a hydraulic fracturing industry that is well regulated and has been operating safely for the past decade in providing jobs and economic benefits to this state. We should be congratulating the industry, not the other way around, where they are being put under the microscope and then potentially banned from operating.

Further, this house should have a motion that commends this industry. I suggest it should read something like this: the parliament congratulates the hydraulic industry for having the best practice in Australia and probably the world. The parliament acknowledges the importance of this industry to the state's economy today and into the future. Therefore, the parliament should encourage the industry to continue to strive for best practice and look for cutting edge technology to further improve the fracturing process. Also, the parliament encourages the government to give the industry a few more million dollars in funding because of it. I am just kidding on the last bit about the funding! I do hope the Treasurer picks himself up from the floor and relaxes. I urge members to oppose this bill.

The Hon. K.L. VINCENT (17:43): I speak today very briefly on this bill. Both the issue and practice of hydraulic fracturing are new to South Australia and I appreciate that it became quite an emotive and divisive issue during the state election campaign in particular earlier this year, particularly in the South-East of the state. I would like to say at this point as well, that while Dignity for Disability has released a policy opposing the practice of hydraulic fracturing in this state's farming areas, or primary production regions, we understand that what is proposed in South Australia in terms of fracking may be quite different from practices that have been carried out in places like Queensland and the United States.

I have also met with Beach Energy to further educate Dignity for Disability on this issue, and I appreciate their Chief Executive, Reg Nelson, and his staff, taking the time to meet with me and discuss this very important issue. I was interested to learn about the work that they have done in South Australia over many years and also their corporate ethics in contributing back some of their profits to the community. However, I would also note that the community in the South-East have not felt adequately consulted about plans that Beach Energy have, and I think that a ban on fracking for South Australia at present would be wise.

The Hon. R.L. BROKENSHIRE (17:45): I will be brief, and in order to make this chamber more effective and efficient I will ask for concurrence to talk about the two bills in one that the Hon. Mark Parnell has put forward. Family First's position regarding the first bill (hydraulic fracturing) is consistent with our position before the last election when a very similar bill was put before the house. Since then, some things have changed: one only today, and the second one is that the Liberal Party opposition are moving for an investigation into this situation in the lower house.

We would like to see what happens to that vote because, given all of the representation that we have had, we think it is time that a parliamentary inquiry was set up to look at this whole issue so that we can actually speak in a more constructive way, from the point of view that at the moment we have had some input from one side of the debate and some input from the other, but we have not actually had the parliament in any way have a look at what we have analysed as a parliament and put a report to the parliament.

Hopefully, the government will see some wisdom in supporting the inquiry in the lower house. If indeed they do not, then I flag to the Legislative Council that we would consider a form of inquiry in the Legislative Council, or indeed listening to what other colleagues and parties may have to put forward so that, whether it be a select committee or a standing committee, we could then consider that in the upper house. That is our preferred position, because we would then feel far more confident to be able to come up with an absolute position regarding hydraulic fracturing. While the Hon. Mark Parnell and I are sometimes diametrically opposed, when it comes to the issues of mining versus farming we actually have quite a lot of commonality.

The Hon. I.K. Hunter: You are deep green.

The Hon. R.L. BROKENSHIRE: Well, I am green and blue and all those colours, especially when I am being attacked by you when you are a grumpy minister. To get back to the point, the thing today that has absolutely confirmed that we need to see how we can get a committee is that I am advised that, for political reasons only, the government have decided today that they will be proroguing the parliament. I just shake my head. We have had only 44 days in this parliament since the parliament was last prorogued and we are going to see another proroguing of the parliament.

Effectively, we might as well go home now, because anything that we do now we are going to have to come back and do again. We are not going to sit for the optional sitting week, so we really only have two weeks and one day left and then we start again—and look at the workload of the staff, notwithstanding the expense. So, now that I have found out that we are definitely seeing the parliament prorogued, there is no point, I am sorry, in supporting probably any legislation from private members, because it is not going to get anywhere down in the other house if indeed it is passed here. We will have to start again.

We certainly have a lot of empathy for the second bill that the Hon. Mark Parnell has but, based on what I have just said, plus the fact that I am in the final stages of bringing in a new right-to-farm bill, which is actually having a comprehensive section drafted to do with entitlements and fairness between farming and mining and which also looks at two other impediments to farming (native vegetation and natural resources management), and the fact that we are now told we are going to be prorogued, I am in a position where I would like to have listened to the second reading speeches and read those with my staff but not actually gone to a vote on this second bill.

Parallel to that, depending on what comments we are about to table in the chamber, we may end up supporting the Hon. Mark Parnell's bill or, indeed, the parliament and the Hon. Mark Parnell might see some wisdom in what we are putting forward, because we are actually aiming at similar things. I summarise by saying let us get a parliamentary committee up to have a look at the hydraulic fracturing, and let us remember that this government—clearly for only one thing, political purposes—is proroguing the parliament. When we come back in February we will be starting again, and we look forward to being contributors at that time.

The Hon. B.V. FINNIGAN (17:50): I support the second reading of this bill. I would be extremely unlikely to support the third reading; however, I guess it is customary in this august house for bills to progress (unless it is a conscience vote) to enable further debate and allow people to ventilate issues which the government of the day can then consider in terms of whether or not they will agree to the bill.

The debate has widened somewhat into the broader issue of fracking, but I am not sure that this bill is the best way to address the concerns that a lot of people have raised. I suspect that fracking is here to stay in Australia and around the world, regardless of what the parliament of South Australia considers—not to say that it does not have the power to do something about it.

I have to say that I am somewhat puzzled by Her Majesty's Loyal Opposition. They seem to be saying that they are not supporting this bill and they want to have a select committee in the lower house (or perhaps it is a joint committee, I have not actually checked the *Hansard*). The rationale for this committee seems to be that it is not going to come up with any new conclusions or examine the evidence in a way that will lead to new policy, but it wants to give people the opportunity to have their voice heard.

Of course, while it is very important that the people in the South-East, and indeed anywhere, have their opinion listened to, I cannot quite see the logic of having a select committee whose

outcome is almost predetermined, in that it is a 'going through the motions' exercise rather than a genuine attempt to make an assessment of the issues. So I am not quite sure what the Liberal party's approach is to this. Clearly they do not want to upset the mining industry and are a bit worried about the blowback that has already happened, but at the same time they want to look after their seats in the South-East.

I think they are somewhat at sixes and sevens, and it will be interesting to see what happens if the government decides not to support a select committee in the lower house—although they may because the government would have the numbers on it, which they would not in here. It will be interesting to see what the Liberal Party decides, if indeed it does end up a matter for the Legislative Council, as to whether or not we establish a select committee here.

However, again, the purpose of a select committee is to thoroughly investigate an issue and come up with conclusions and recommendations. I do not think the point of a select committee is simply to air issues. There is a whole range of ways in which community debate, information and education can happen without there needing to be a committee of the parliament. With those brief words, I am happy to support the second reading to enable the debate to progress.

The Hon. M.C. PARNELL (17:54): I will begin by thanking the Hon. David Ridgway, the Hon. John Darley, the Hon. Kelly Vincent, the Hon. Tung Ngo, the Hon. Rob Brokenshire and the Hon. Bernard Finnigan for their contributions. It is clear from the contributions that have been made that this will not be progressing any further tonight, but I do want to make some observations on some of the positions that other parties have taken. I will start with the opposition. The Hon. David Ridgway referred to this 'green agenda', the same green agenda that the Liberal government in Victoria, considering exactly the same issue in exactly the same geological formation, thought was worthy of a two-year moratorium. That is the Liberal Victorian position.

So, the Liberal South Australian position is clearly all over the show—it is all over the show. You have people in the South-East, Troy Bell, the member for Mount Gambier, who I think is genuinely listening to the people in his electorate but he is a lone voice and at the end of the day he will vote with the party. The Hon. David Ridgway referred to what he called a 'simplistic opposition to hydrocarbons'. Well, he would say that, coming from the party where coal is good for humanity, which was a recent pronouncement from the Prime Minister. He did not say, coal historically has achieved some development issues in Western civilisation. He said coal is good for humanity. He wants more coal: more coal ports, more coal trains, more fossil fuels.

Which bit of the Intergovernmental Panel on Climate Change's findings about having to leave 80 per cent of remaining fossil fuels in the ground don't the Liberals understand? Deep down they do not take climate change seriously. What is even worse is they do not take the concerns of local farmers seriously. They have not heard that every local council in the South-East has called for a moratorium, protection of farmland, parliamentary inquiries—they are ignoring those calls.

The Hon. Tung Ngo for the government, his response was as expected: 'Nothing to see here, folks. Move along. Fracking might have caused problems elsewhere but we're different in South Australia. Nothing can go wrong here.' Santos fined thousands of dollars for water pollution from fracking operations interstate: 'That couldn't possibly happen here. There's nothing to see. Our existing processes are more than adequate and states like Victoria, they only have moratoriums because they haven't got any laws.' Well, excuse me, Victoria has had a gas industry for decades. As a little kid in Victoria I grew up with gas from the eastern part of Victoria. They have had regulations for decades and it is an insult to those states to pretend that they are a regulatory vacuum, which is why a moratorium is appropriate in Victoria but not appropriate in South Australia.

The Hon. Bernard Finnigan suggested that fracking is here to stay. Well, not if the farmers of the South-East have their way because they are determined to make sure that their productive farmland is protected. If people want any indication of the hysteria being driven by industry around this you only have to look at the Chamber of Mines' press release from last week when the Liberals dared suggest that we might have an inquiry into fracking and all of a sudden the Chamber of Mines is out there saying that the economy would be destroyed and that business confidence would be in ruins if anyone dared ask any questions about this industry. What an outrageous thing to say.

Members have referred to the fact that an inquiry was suggested today by Mr Troy Bell, the member for Mount Gambier in the other place. Two bits of information that are critical: first of all, he has brought it in for debate on a non-sitting day, 10 December. We will not be here on 10 December, and as we have just found out today parliament is going to be prorogued. So, if you think that that Liberal lower house inquiry has any legs, it cannot possibly get back on the agenda or come to a vote until March of next year.

March of next year: that is how serious the Liberals are about an inquiry. You get an opportunity next Wednesday to vote for an inquiry. It is back on our agenda and next Wednesday we can find out whether the Liberals are serious about doing what the farmers of the South-East say is important; that is, a thorough parliamentary inquiry into this industry.

I see the numbers are not with us today. Enough members have spoken and put their views on the record that I do not need to divide, but I am disappointed that this sensible bill which would have protected our farmland, protected our conservation land, protected our residential land and given time for an inquiry will not be successful today.

Second reading negatived.

MINING (PROTECTION OF EXEMPT LAND FROM MINING OPERATIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 24 September 2014.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (18:00): I rise on behalf of the opposition to speak to the Mining (Protection of Exempt Land From Mining Operations) Amendment Bill. By way of brief explanation, the current legal arrangements with regard to proponents exploring on freehold property are as follows.

The Mining Act currently provides for landowners to enter into agreements with exploration and/or mining companies to allow for activities on their freehold property. If an agreement is unable to be reached and ongoing entry is refused, the exploration or mining company can initiate ERD Court proceedings. Landowners and neighbours in close proximity to the proposed land in question can respond and participate in those proceedings.

If the exploration or mining operator satisfies the ERD Court that any adverse effects of the proposed activities on the respondent landowner can be appropriately addressed by the imposition of conditions upon that exploration or mining operator, including the payment of compensation to the landowner, the ERD Court can allow the activities and impose conditions, even if the landowner remains unsatisfied. If the court is not satisfied that concerns can be appropriately addressed, then it can refuse the application.

The bill that we see today intends that any person or body can lodge objections in the ERD Court to a proposed agreement between an exploration or mining company and the landowner. This would enable landowners, neighbours or any third party at all to initiate proceedings or to respond in the ERD Court. The bill also requires that, before an exploration or mining operator can enter into an agreement with the landowner, the mining operator must, by written notice, provide owners or occupiers of adjacent land with notification of the proposed agreement, publish the notice in the local newspaper and notify the department of the proposed agreement, and the department must publish notice of the proposed agreement and also advice as to the right of any person to lodge an objection.

There is also a provision in the bill that provides a two-week objection period for landowners, neighbours and third parties to object to the proposal and initiate proceedings in the ERD Court. This bill also establishes five criteria which must be taken into account by the ERD Court in determining whether the proposed agreement can proceed. These are the expected length of the exploration program or the life of the mining operations; the likely effect of the proposed operations on future land uses; the possible social, environmental and economic impacts of the proposed operations; the extent to which rehabilitation of the land is likely to be required; and the relative abundance of minerals being sought on the land in question compared to other parts of the state.

This bill would provide opportunities for those opposed to mining of any sort and for any reason to significantly delay or prevent future exploration and mining operations. The ERD Court would be completely overwhelmed by objections from anyone who chooses to consider him or herself to be an affected third party. The ERD Court would have to explain itself with regard to each of the five proposed criteria to every single objector.

On a side note, I expect that the ERD Court would already have considered these five areas and others as and when they are relevant. This bill would allow objectors the opportunity to both initiate ERD Court proceedings and respond to them. Very clear rights for all directly affected interest groups already exist. I do believe there is room for improvement with regard to how the Mining Act deals with access to freehold land for exploration and mining, but I indicate that we will be opposing this specific bill.

However, I put on the record that that our shadow minister, Dan van Holst Pellekaan, in another chamber, has spoken to the Hon. Mark Parnell and indicated that we are somewhat attracted to some parts of this bill, but we could not support it in its entirety today. The Hon. Mark Parnell said that he wished to bring this to a vote today, so that is why we are not in a position to support it.

But we have particular sympathy for some close neighbours to land that has exploration or mining on it and we believe there is room for improvement with regard to how exploration and mining companies interact with neighbours and landowners. Recently, I had an opportunity to visit the West Coast and I visited a family who are likely to be significantly impacted by the big Iron Road mine near Warramboo.

I met the Murphy family and sat in their lounge room and kitchen and just talked to them. The biggest issue they have is with the uncertainty, and it is interesting. I spoke to 'Spud'—because all Murphys are called 'Spud'—his actual Christian name escapes me, but he is roughly my age. His father lives in the local town and he said to Peter Treloar, our local member, he has known there has been iron ore there all his life, and he doubted whether they would ever get to mine it in his lifetime. But every few years there has been some activity in and around this particular, quite large, resource.

I think that is where lies one of the real problems: the uncertainty of the Murphy family—with three young boys, all home on the farm and wanting to expand but not really knowing what the next move would be. So, I think there are some real opportunities for this parliament, and I note the Hon. Robert Brokenshire said earlier in a contribution in the previous bill that he is having his right to farm bill redrafted, and I would like to put on the record that we are very concerned about the interaction between agriculture and mining, but the two have co-existed in this state for pretty much the entire life of the state, and the Liberal Party wants to make sure that continues. We do not want to see one group disadvantaged at the expense of another.

We are sympathetic to looking at any changes that can improve that relationship, but we just do not see that this bill that the Hon. Mark Parnell is promoting today is the right way forward. We have nearly three years before the next general election, and we will be putting out some policies prior to that next election that we hope we will have an opportunity to work on with the Hon. Mark Parnell (who sometimes has reasonable and sensible suggestions) and certainly the Hon. Robert Brokenshire and other members in this chamber because it is important that we get the balance right.

They are important industries, and we need to make sure we can support both of them. With those few words I indicate that we cannot support the bill we have before us today, but we are prepared to continue to work with all members of this chamber and, in fact, all members of the state parliament, to come up with a regime that provides support and confidence and certainty for both industries.

The Hon. J.A. DARLEY (18:07): I rise very briefly to add my comments to the public record. Whilst I do not necessarily believe that this is the ideal solution to concerns which have been raised about this matter, I appreciate what the Hon. Mark Parnell is trying to achieve. Farmers have concerns with regard to the impact that mining will have on their properties. These concerns are understandable given that the worst-case scenario will see their livelihoods and, in some cases, generations of work compromised.

I understand that the purpose of the Hon. Mark Parnell's bill is to give them an avenue to express their concerns and have them heard by an independent arbiter. I support the second reading of this bill.

The Hon. K.L. VINCENT (18:08): Dignity for Disability supports the second reading of this bill.

The Hon. G.A. KANDELAARS (18:08): Unlocking the full potential of South Australia's resources, energy and renewable assets is proudly the number one economic priority of this government. This state has an abundance of resources that belong to the people, and we need to realise the benefit of those resources through sustainable exploration and mine development opportunities and practices.

These opportunities generate a wealth of community benefits through local and regional business prospects, jobs, increased services and improved infrastructure. In the global business market, exploration and mining activity can be leveraged to create new business investment, an upskilled workforce, new intellectual property and new technological advances.

To realise these benefits the value proposition that this state offers to the community and the business market is a leading practice and robust regulatory framework which supports the interests of multiple land users, and this should not be compromised. For this reason the government strongly opposes this bill.

South Australia is internationally acknowledged for world-class copper, gold, iron, iron ore, uranium, zircon and graphite deposits that continue to attract business investment from all over the globe. New mines within regions have a potential to create a diverse regional economy, where this state's key strengths in agriculture, food, wine, tourism, defence and mining can operate side by side for the benefit of the whole community.

The bill that the honourable member has tabled in this place seeks one purpose and one purpose only, that is, to stop exploration and mining within agricultural areas in this state. The bill does this through the introduction of regulatory burden and unnecessary duplication which consequently creates a disincentive for resources investment on any exempt land within this state.

In 2013 alone, $43 million in mineral exploration expenditure was invested in agricultural regions of the state on exempt land where exploration and farming had coexisted for many generations. The honourable member states that he wants to protect the rights of landowners and the broader community through the introduction of amendments, which include:

- the requirement to notify adjoining landholders and the broader community before a waiver agreement can be signed;
- the requirement to advertise a proposal to enter into a waiver agreement in a local newspaper and on the Department of State Development website;
- the requirement for a two-week period of objection by any person concerned with the proposal; and
- the requirement that any objector can become a party to proceedings in the Environment, Resources and Development Court.

Under the existing regulatory framework, landowners and farming businesses have a right to make their own private and business decisions that may impact on the use and enjoyment of their land. We must note that we are referring to exempt land. It mostly relates to privately owned land and not public land. I ask people this: how does this bill protect the rights of landowners when it effectively takes away their rights to make a private decision that can now be made by their neighbours or anybody else in the community who claims to have an interest in what happens on somebody else's private exempt land?

It is important to highlight that, in the majority of cases proposed, access to exempt land is for mineral explorers where the nature of their activity ranges from low impact surface sampling through to targeted drilling. These activities are currently undertaken with the agreement of the

landholder, licence conditions and a program for environmental protection and rehabilitation approved by the regulator through the Department of State Development.

If exploration was to result in the discovery of economic resources, the current regulatory framework requires statutory land access requirements with the landholder, as well as statutory consultation by the regulator with all stakeholders, including landholders and the broader community. As part of the mining proposal application, the applicant must demonstrate what community consultation they have undertaken and how they propose to address any concerns raised during that consultation. This will be considered by the government when undertaking a social, environmental and economic assessment of the mining proposal.

The bill before us also seeks to introduce a list of provisions that the ERD Court must have regard to in any exempt land proceedings, including the duration of the proposed mining operation; current and future land use; social, environmental and economic impacts; rehabilitation of land; and the type of minerals being sought. It is plainly evident that this amendment proposes yet another significant disincentive for exploration or mining to proceed on exempt land. This amendment seeks to effectively duplicate the regulatory process currently required under the Mining Act 1971.

South Australia has in place a world-class regulatory system which meets leading practice regulatory principles, including the assessment of social, environmental and economic impacts; effective ongoing regulation; effective consultation with key stakeholders at all stages of the regulatory cycle; proportional government action; and performance-based regulatory instruments. The regulatory framework supports the investment of multiple land users through transparent and consultative processes which support evidence-based decision-making.

This government recognises the need to provide a shared commitment by the government, industry and the community for the coexistence of multiple industry land use interests. Multiple land use decision-making must be supported by land use policy, planning and development that seeks to support sustainable multiple land use interests with a view to maximising benefits to all South Australians. The government, as I said, strongly opposes this bill.

The Hon. M.C. PARNELL (18:16): In summing up I would like to thank the Hon. David Ridgway, the Hon. Kelly Vincent, the Hon. John Darley, the Hon. Gerry Kandelaars and also the Hon. Rob Brokenshire, who made some comments in relation to this bill in his earlier address on the fracking bill. Again, it looks as if, unusually, we do not have the numbers tonight for this bill to go through, but I do want to make some brief observations on some of the offerings tonight.

I will start with the Liberals. The first thing I will say is that I look forward to accompanying the Hon. David Ridgway over to Ardrossan on Yorke Peninsula, where he can explain to the farmers of Yorke Peninsula why he does not believe that anyone other than the actual landholder on whose property the mine is to be built should have legal rights, because that is effectively what the Liberal party is saying.

I do acknowledge that I have had a number of fruitful discussions with the shadow minister, Mr Dan van Holst Pellekaan, and, whilst it became clear from those discussions that most of the bill was unacceptable, there were some nuggets of things that we could perhaps work on together, and I look forward to doing that. We can explore some commonality. I am certainly not happy to wait until the next election to see whether reform is possible, because I think the farmers of Yorke Peninsula and Eyre Peninsula in particular are crying out for reform now.

I also put on the record that I appreciated the chance to meet with Steve Olsen, the director of Rex Minerals, and it is probably fair to say that we will agree to disagree, but I at least have a greater perspective on where he is coming from. I appreciate the Hon. Kelly Vincent and the Hon. John Darley supporting in principle what we are trying to do here.

In relation to the government's contribution, the Hon. Gerry Kandelaars seems to equate any increase in rights to stakeholders as somehow a backdoor attempt to stop industry. My response to that is to say that it is just not true. What this bill does is provide balance. It gives some rights to people who are affected by mining operations but who currently have no rights. These are the people who have packed out the town hall at Ardrossan, the people who have been writing letters to the

editor and writing to members of parliament. They are stakeholders yet they are ignored in the formal process.

The Hon. Gerry Kandelaars refers to how onerous it would be if a mine would have to justify its existence by having to convince a decision-maker that, on balance, it was a worthwhile project to go ahead. At present it is dead easy: you go straight to the government and it says yes. When was the last time the government ever said no? Really, maybe 'yes' is often the right answer but the point is that there is no process, stakeholders do not have a say and, if they do have a say, they are ignored and there is nothing they can do about it.

What I need to remind the government of is that the process in this bill is almost identical to the process that we use for other types of noncomplying development under the Development Act. You might think mining is not a noncomplying development in farm areas. Wrong. It is not called 'exempt land' for nothing. It is called 'exempt land' because it is a prima facie, noncomplying use of that land. There are extra hurdles that have to be jumped if you want to mine in farming land.

What this bill does is put those farmers onto an equal footing as if some other form of development had come along. If you have got a category 3 noncomplying development, it is the same. The neighbours are notified, everyone gets to have their say and people can take it to the umpire. The provision in the bill for giving the court some things to take into account is not one-sided. They can take into account the economic impact of the mine and it may well be that that outweighs any negative economic impact on farmers, but that is the point of having an umpire.

The government's position seems to be that this bill was some sort of infringement on the rights of private property owners. For that to be true, the government must be of the view that private landholders are allowed to make decisions on their own land regardless of whether those decisions impact on anyone else and that those others who are impacted should have no rights. That is exactly the effect of what the government is saying.

Finally, the government response said that somehow this would be a disincentive to mining. The only way that can be true is if the mining industry is of the view that having to consult in a meaningful manner with local communities is a disincentive to development. Well, so be it. They need a social licence to operate. They have to work in these communities. I think that this bill did strike a reasonable balance.

It looks as if, with parliament being prorogued at the end of this year, we may have the opportunity to come back next year and look at whether we can make some minor modifications to this bill—not that I think it needs it, but anything to help give it a chance of success and to give the farmers of Yorke and Eyre peninsulas what they have been crying out for, and that is to be taken seriously and given rights in relation to these important decisions that will affect their livelihood if they go ahead. I am disappointed the bill will not pass today, but we will be back next year.

Second reading negatived.

STATUTES AMENDMENT (SACAT) BILL

Final Stages

The House of Assembly agreed to amendments Nos. 1 to 4, 7, 15 and 18 made by the Legislative Council without any amendment and disagreed to amendments Nos 5, 6, 8 to 14, 16 and 17 as indicated in the annexed schedule:

No. 5. Clause 98, page 36, line 16—After '(and' insert ', subject to subsection (11),'

No. 6. Clause 98, page 36, after line 17—Insert:

(11) The termination of a contract of employment under subsection (10) does not affect any right of action that a person employed under the contract may have against a Minister or the State on account of that te1mination, being a right that relates to the payment of compensation on account of the early termination of the contract.

(12) Subsection (11) does not apply in relation to a person who, on the commencement of this subsection, has been appointed as a member of the Tribunal.

No. 8. Clause 122, page 42, lines 20 to 39—Delete section 84

No. 9. Clause 122, page 43, after line 18—Insert:

85AA-Constitution of Tribunal

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

(a) section 16;

(b) section 29;

(c) section 79;

(d) section 81.

No. 10. Clause 122, page 43, after line 33—Insert:

or

(c) in the case of designated proceedings- counsel under subsection (la).

No. 11.Clause 122, page 43, after line 33—Insert:

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

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

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

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

No. 12. Clause 122, page 43, after line 36—Insert:

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

(a) section 16;

(b) section 29;

(c) Part 11;

No. 13.Clause 181, page 57, line 17—After '(and' insert ', subject to subsection (8a),'

No. 14.Clause 181, page 57, after line 18—Insert:

(8a) The termination of a contract of employment under subsection (8) does not affect any right of action that a person employed under the contract may have against a Minister or the State on account of that termination, being a right that relates to the payment of compensation on account of the early termination of the contract.

(8b) Subsection (8a) does not apply in relation to a person who, on the commencement of this subsection, has been appointed as a member of the South Australian Civil and Administrative Tribunal.

No. 16.Clause 203, page 65, line 37—After '(and' insert ', subject to subsection (8),'

No. 17. Clause 203, page 65, after line 38—Insert:

(8) The termination of a contract of employment under subsection (7) does not affect any right of action that a person employed under the contract may have against a Minister or the State on account of that termination, being a right that relates to the payment of compensation on account of the early te1mination of the contract.

(9) Subsection (8) does not apply in relation to a person who, on the commencement of this subsection, has been appointed as a member of the Tribunal.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Introduction and First Reading

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

ROMAN CATHOLIC ARCHDIOCESE OF ADELAIDE CHARITABLE TRUST (MEMBERSHIP OF TRUST) AMENDMENT BILL

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (18:25): 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.

The Bill amends the *Roman Catholic Archdiocese of Adelaide Charitable Trust Act 1981*.

The *Roman Catholic Archdiocese of Adelaide Charitable Trust Act 1981* was enacted to create the Roman Catholic Archdiocese of Adelaide Charitable Trust (the Trust) as a corporation to take over and administer certain existing trusts and charitable undertakings within the Roman Catholic Archdiocese of Adelaide.

Trust property vested in the Trust by the Act included charitable undertakings, purposes or trusts vested in the Catholic Church Endowment Society Incorporated (the corporate entity of the Roman Catholic Archdiocese of Adelaide), the Goodwood Orphanage, Largs Bay Orphanage and St John's Boys Home as well as property held in trust for those institutions.

The primary objects of the Trust are to take over and administer the existing trusts and charitable undertakings of those institutions as well as administer other charitable undertakings within the Archdiocese.

As well as vesting the above-mentioned properties in the Trust, the Act provides for the appointment of trustees to administer the Trust and the powers and functions of the Trust.

The Act provides, at section 7, for the following trustees to administer the Trust:

- the Archbishop;
- a nominee of the Archbishop;
- the Provincial of the Sisters of Mercy Adelaide or her nominee;
- the Provincial of the Sisters of St Joseph or her nominee;
- the Provincial of the Salesians of St John Bosco or his nominee;
- such other member or members as are co-opted by the Trustees with the prior approval in writing of the Archbishop.

One of these entities, the Sisters of Mercy Adelaide, the Provincial of which is entitled, ex officio, to hold office as trustee, has restructured and merged into a new entity: the Institute of Sisters of Mercy of Australia and Papua New Guinea (the New Institute).

The New Institute and the Archdiocese want the New Institute to continue to participate through its Leader, ex officio, as trustee of the Trust.

There are two other ministry entities which, through their Provincials, are trustees of the Trust. One of those other entities has foreshadowed that it is also considering a similar restructure.

The Archdiocese requested that the Act be amended so as to accommodate any future restructures of any of the trustee entities, subject to the Archbishop certifying in writing that the restructured entity is the effective successor to the former entity, without the need for further amendments to the Act. This makes sense for efficiency.

The Bill amends the Act to provide that the Roman Catholic Archdiocese of Adelaide Charitable Trust is to be administered by trustees that are the relevant heads of the ministry bodies that are 'designated ministries' under the Bill. 'Designated ministries' in the Bill are in turn defined to include the existing trustee ministries—the Salesians of Don Bosco, Sisters of St Joseph and the new Institute of Sisters of Mercy (to replace the existing reference to the Convent of Mercy (Adelaide) Incorporated)—as well as any ministry that the Archbishop determines to be the successor of an existing or future designated ministry, according to the principles of canon law, and declares as such.

The Bill provides that the Archbishop must cause a declaration to be published on the Archdiocese's website and in a newspaper. Therefore, it will be possible to determine who are trustees of the Trust at any relevant time.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal. There being no commencement clause, the measure will come into operation on receiving the Governor's assent.

Part 2—Amendment of *Roman Catholic Archdiocese of Adelaide Charitable Trust Act 1981*

3—Amendment of section 4—Interpretation

This clause proposes to substitute an obsolete definition with a current definition of the *Sisters of Mercy* and inserts a definition of *designated ministry* for the purposes of new section 4A (see clause 4).

4—Insertion of section 4A

This amendment proposes to insert a new section 4A (Designated ministries). The new section declares each of the following ministries to be a designated ministry for the purposes of section 7(1):

- the Salesians of St John Bosco;
- the Sisters of Mercy;
- the Sisters of St Joseph.

The clause makes provision for future declarations to be made by the Archbishop declaring a successor ministry to be a designated ministry in substitution for the former ministry in the event that such a ministry should cease to exist in its current form. The Archbishop may also make a further declaration declaring a successor designated ministry to a substituted designated ministry should the need arise. The clause requires the Archbishop to have regard to the principles of canon law when making, varying or substituting a declaration under this section and sets out the requirements for publishing any such declaration.

5—Amendment of section 5—Objects of Trust

This proposed amendment is consequential.

6—Amendment of section 7—Membership of Trust

This proposed amendment is consequential.

Debate adjourned on motion of Hon. D.W. Ridgway.

At 18:25 the council adjourned until Thursday 13 November 2014 at 14:15.

Answers to Questions

HEALTH BUDGET

In reply to **the Hon. R.I. LUCAS** (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): The Minister for Health has received this advice:

Staff who attended the rally did so using flexible working arrangements including 'time off in lieu' and flexitime. Other staff attended during their unpaid meal break. There was no cost to taxpayers.

MATES IN CONSTRUCTION

In reply to **the Hon. J.S.L. DAWKINS** (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 Mental Health and Substance Abuse has received this advice:

1. The minister's office was first involved in discussions with the Construction, Forestry, Mining and Energy Union (CFMEU) as they sought to engage with Mates in Construction (Queensland) in the development of a similar program in South Australia. The CFMEU had become involved in the development of the South Australian Suicide Prevention Strategy 2012-2016: Every life is worth living.

SA Health provides support to Mates in Construction through Ms Lynne James, Principal Project Officer Suicide Prevention, Mental Health Unit, SA Health, who is a foundation member of the Mates in Construction SA Board which established the South Australian Mates in Construction team and provides ongoing leadership.

The SA Government supports the continued funding of Mates in Construction through the National Suicide Prevention Strategy funding. Federally funded Suicide Prevention Funding has not been distributed on a population based model and the SA Government urges the Federal Government to consider this and maintain the level of funding provided to Mates in Construction SA.

2. The South Australian Government commends the work of Mates in Construction SA and encourages all construction sites to participate in the program. The SA Government is committed to the program of Mates in Construction SA to reduce the rate of suicide in the construction industry workforce.

BORDERLINE PERSONALITY DISORDER

In reply to **the Hon. K.L. VINCENT** (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 Mental Health and Substance Abuse has received this advice:

1. The government is committed to mental health as a core element of health planning and service delivery in South Australia into the future. Community and inpatient mental health services are integrated into the planning and operations of each local health network and the strategy, policy and legislative work of the Mental Health Unit is integrated into the statewide functions of the Department for Health and Ageing.

2. The government is committed to providing treatment, care and rehabilitation to all people with mental illness, including those with borderline personality disorder. The statewide Mental Health Clinical Network is currently collating feedback regarding their Report on Borderline Personality Disorder, which ended a period of public consultation on 4 July 2014. Subsequent to that work, SA Health will draft a response to the report. The government will then weigh best-practice, population needs and resource availability, against health and other portfolio responsibilities, before committing to specific strategies.

SUICIDE PREVENTION

In reply to **the Hon. J.S.L. DAWKINS** (19 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 Mental Health and Substance Abuse has provided this advice:

Preventing suicide and the impact it has on individuals, families and the state is something the whole of community must take responsibility for. The personal circumstances and experiences which lead a person to attempt suicide are complex and varied. They do not fall neatly within one area of government or community life.

The Government of South Australia is committed to leading community efforts to tackle suicide through awareness, prevention, intervention and support for those affected by suicide.

Suicide prevention is complex and the things that contribute to suicide prevention are not easily defined in terms of the action only being directed towards suicide prevention.

The SA Mental Health and Wellbeing Policy, the SA Health Primary Prevention Plan 2011- 16, the SA Health Service Framework for Older People in relation to suicide prevention, and the South Australian Suicide Prevention Strategy 2012-16 are documents specific to target areas in Health which contribute to suicide prevention.

The SA Mental Health and Wellbeing Policy 2010–15 was the subject of an implementation phase in 2010 and is now the responsibility of the Mental Health Unit and the local health networks to ensure that the elements are incorporated into everyday practice within health services.

The SA Health Primary Prevention Plan 2011-16

The Department for Health and Ageing has retired the primary prevention plan as a consequence of the outcomes of the McCann Review.

The SA Health Service Framework for Older People 2009-16 was implemented through a working committee in 2009 and is now the responsibility of local health networks to operationalise.

The South Australian Suicide Prevention Strategy 2012-16*; Every life is worth living* was developed and supported by the Mental Health Unit from within existing resources. The strategy itself describes the complexity of the work required by all South Australians.

The strategy describes a whole of community response and the South Australian government welcomes new initiatives from community members seeking to raise awareness in their community and break down the stigma surrounding suicide.

The South Australian government provides the Mental Health Unit and a wide variety of mental health services to provide flexible and responsive services to people experiencing a mental illness or emotional distress.

SA Health is taking a lead role in developing suicide prevention networks linked to local government strategic plans. The Suicide Prevention Networks develop suicide prevention action Plans for the local community. An additional FTE will join the Mental Health Unit to assist with the facilitation of these networks in 2014–15.

The SA government has committed just over $1 million funding beyond its commitment to quality mental health services for suicide prevention. The funding includes:

- $200,000 to Lifeline, to provide crisis support to South Australians;
- $278,000 to *beyondblue* for continuing work in suicide prevention;
- $150,000 funding for suicide prevention networks to address suicide at a local level to raise awareness, breakdown the stigma, promote community education, increase knowledge about help available and encouraging help seeking;
- $150,000 in small grants for local suicide prevention and postvention initiatives and activities;

- $125,000 for a suicide prevention officer to work in the establishment of suicide prevention networks; and
- $115,000 to Centacare for the Youth Suicide Intervention Service (known as Ascend).

COMMUNITY HOUSING

In reply to **the Hon. J.A. DARLEY** (5 August 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 Social Housing has received this advice:

1. The honourable member appears to be referring to public housing that is being transferred to two community housing providers, one for Mitchell Park and one for Elizabeth Vale/part of Elizabeth Grove.

I am advised that the two community housing providers are being selected to undertake the property and tenancy management of these properties through a national two stage tender process. They must pass stringent criteria and be registered under the National Regulatory System for community housing. They must have proven records of working in partnership with tenants and demonstrate a clear and extensive understanding of the issues affecting people living in social and public housing.

I understand Housing SA has communicated clearly to all tenants who will be affected by the transfer of management of public housing to the community housing sector. Liaison officers in the relevant regions meet and communicate regularly with all tenants. Housing SA appreciates that change can be difficult for people to manage. Every effort has been made to reassure all tenants about the impending transfer and explain what it means for them in their day to day life.

2. Housing SA has endeavoured to consider all of the many factors influencing the lives of the tenants who will be involved in the management transfer and to answer their concerns. Tenants affected by the transfer were invited to meet with the former Minister for Social Housing, the Hon. Tony Piccolo MP, and their concerns were included in the development of this project.

3. Once final approval has been given by cabinet and the tenants have been informed of the outcome, there will be a six month implementation period where Housing SA, the community housing provider, and the tenants and other stakeholders will work together before the transfer occurs. During this time, Housing SA will consider any exceptional circumstances.

4. The Minister for Social Housing is willing to consider the individual circumstances of any of the public housing tenants who are concerned about the management transfer. Her understanding is that the gentleman represented by Hon. John Darley MLC has been offered extra support by Housing SA and has declined this support. If the community housing provider selected to manage the property of this particular individual is a church based organisation and this would cause him undue stress, the minister can personally ask Housing SA to take into account his particular circumstances.