LEGISLATIVE COUNCIL

Wednesday, 25 March 2015

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

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:19): I bring up the 5th report of the Legislative Review Committee.

Report received.

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

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

Direction to the South Australian Forestry Corporation pursuant to the Public Corporations Act 1993

Ministerial Statement

FORESTRYSA

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:19): I table a copy of a ministerial statement relating to ForestrySA made earlier today in the other place by the Minister for Forests.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

YATCO LAGOON

The Hon. J.M.A. LENSINK (14:20): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation questions on the subject of the Yatco Lagoon.

Leave granted.

An honourable member: Yatco Lagoon?

The Hon. J.M.A. LENSINK: Yatco.

Members interjecting:

The Hon. J.M.A. LENSINK: The Yatco Lagoon—see, I don't need the President—lies on the flood plain of the River Murray with its major connection to the river being adjacent to the township of Moorook. The wetland system comprises two lagoons connected through a narrow human-made causeway. With the construction of Lock and Weir 3 in 1925, the site became permanently inundated. This move from natural patterns of wetting and drying to permanent inundation, while allowing for irrigation and domestic water supplies to be sourced from the lagoons, has contributed to a gradual

decline in water quality in the system and the health of fringing trees and other vegetation in some parts of the system.

In 2007, under the Riverina Recovery Project, a natural cycle of wetting and drying annually through a management plan was reintroduced to the lagoon. The watering plan for the north lagoon for this year is now a week overdue and there is concern that a build-up of acid sulphate will leak onto neighbouring land. The Yatco Wetland Group had sent a request to the department to undertake this watering in the north lagoon on agreement with local departmental experts, but I understand this request was denied by the minister and pushed out for four weeks. My questions to the minister are:

1. Why has he overruled local expertise and his own departmental staff to push the watering cycle out for four weeks?

2. Is he planning to travel to Yatco Lagoon for watering in three weeks' time?

3. What are the environmental implications of this decision to delay the watering program?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:22): I thank the honourable member for her most important question. However, once again, I need to remind honourable members opposite that they should not always rely on information that comes to them. In this case the allegations made by the Hon. Michelle Lensink are completely false. There has been no denial by me about watering plans for Yatco Lagoon—in fact, just the opposite—but I will come to that in a moment.

During the millennium drought an embankment was built across Yatco Lagoon to reduce evaporative water losses creating northern and southern lagoons. Subsequently the state government was successful in securing funding through the Riverina Recovery Project to install flow regulators at the site. The new infrastructure will be managed adaptively to restore more natural wetting and drying regimes and greatly assist in the ecological recovery of the Yatco Lagoon. This will also deliver environmental water savings and significant social benefits for the community by substantially improving the visual amenity of the lagoon.

Scherer Contractors, a Riverland company, was engaged to construct the new regulating infrastructure. They constructed four new environmental flow regulators, as well as widening Middle Creek, to ensure greater flow into both lagoons. Civil works were completed in 2014 at a cost of almost $1 million. Following completion of these works, it was decided in consultation with the Yatco community to completely dry the site to eliminate carp from the wetland. I am told that this drying phase is almost complete.

An event to officially open the wetland and recognise the contributions of all stakeholders is currently scheduled, I am advised, for 21 April 2015, and I believe I will be travelling for that event. I understand that some within the Riverland community have raised concerns that the commissioning of the new infrastructure in the northern lagoon should occur earlier to decrease the risk of adverse environmental impacts from saline groundwater drainage, given the very dry conditions currently being experienced.

I have made it clear to those groups I have spoken to and to my department as the asset controller that, should the connection to the river be required earlier to manage any adverse impacts from prolonged drying, the infrastructure should be used for its primary purpose. They should not wait for the formal opening ceremony. I will be very pleased to attend the formal opening ceremony, however, on 21 April, pose for photographs, cut ribbons, whatever they want to suggest I do—

The Hon. J.M.A. Lensink: Eat carp.

The Hon. I.K. HUNTER: —to celebrate this wonderful piece of infrastructure, regardless of whether the filling process has commenced or otherwise. Indeed, I will even eat carp, as the Hon. Michelle Lensink has offered. I have done so previously and I can tell you, with the appropriate amount of sauces and treatment, it is quite delicious.

YATCO LAGOON

The Hon. J.M.A. LENSINK (14:25): Supplementary question: can the minister advise what the most recent advice from his department was as to when it should be wet again?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:25): No, I don't have that information to hand. However, I will ask my office to look back on the records and find out when that most recent advice came up to us, if it had done so. But again, I just take this opportunity to gently admonish the opposition about coming into here, into this place, and making allegations based on false information or, indeed, improperly using information to make false allegations in this place. It is not the done thing.

ENVIRONMENT, WATER AND NATURAL RESOURCES DEPARTMENT CHIEF EXECUTIVE

The Hon. R.I. LUCAS (14:25): My question is directed to the Minister for the Environment. Was a selection panel convened for the position of Chief Executive Officer of Department for Environment, Water and Natural Resources, and was Ms Sandy Pitcher an applicant for the position considered by the selection panel?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:26): To the best of my knowledge, there was a selection panel put in place. I cannot immediately recall who was on it, but I can find out that information for the honourable member and bring back a response in relation to both his questions.

PARA WIRRA RECREATION PARK

The Hon. J.S.L. DAWKINS (14:26): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question regarding the reclassification of the Para Wirra Park.

Leave granted.

The Hon. J.S.L. DAWKINS: At the outset, I would like to again place on the record that I have had a long-term association with the Friends of Para Wirra group. On 24 February this year, I asked the minister a question regarding the lapsed reclassification of Para Wirra Park from a recreation to conservation area following concerns raised by the Friends of Para Wirra group. In response to my supplementary question on the matter, the minister said:

> I can just advise the chamber that I am having a roundtable meeting in the north of Adelaide on 5 March to consult with community organisations about how the government will improve parks in the north of Adelaide.

Given that it has now been a month since my initial question and, following this meeting, the Friends of Para Wirra seem no closer to achieving the reclassification of the park from recreation to conservation, my questions to the minister are:

1. Since the minister stated in his answer to my previous question: 'I will be talking to the broad community organisations that turn up at the round table and ask them what they want in their parks. Not tell them but ask them…', what feedback did the minister receive at the meeting and were plans for the parks, other than the codesign and installation of mountain bike paths, discussed?

2. Given that the minister, when questioned about whether he would visit Para Wirra Park as part of this meeting process, said, 'It is unlikely at this point in time,' will the minister advise the council of whether he has actually visited the park or plans to in the near future?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:28): I thank the honourable member for his most important question and I also recognise his long service and support for our parks and long service with Friends of Para Wirra as well. Of course, this government has enhanced our protected areas in South Australia through our protected areas strategy 'Conserving Nature 2012-2020: A strategy for establishing a system of protected areas in South Australia'. In 2013, we continued this tradition by providing the iconic Nullarbor Plain with South Australia's highest

level of conservation protection as a wilderness protection area. This almost doubled the area of South Australia which receives this level of protection to approximately 1.8 million hectares.

I have said it before in this place, but it bears repeating: when this government came into power in South Australia in 2002, only 70,000 hectares of South Australia had wilderness protection status—only 70,000 hectares.

We are extremely proud, as a government, to have given the highest level of protection to approximately 1.8 million hectares of land, and the species that this land provides habitat for. I should go back and check the records, but my recollection is that not one extra hectare was added during the Liberal government's tenure in office—not one single hectare was increased in terms of its conservation status. That is my recollection, and I am very happy to go back and do that research because I think it will bear me out, that, in fact, the Liberal government did not declare a single hectare of wilderness protection. But I will check on that and come back with another response in relation to that, because I don't think they actually care about wilderness.

Over the past 12 years, 67 new parks have been proclaimed, and there have been 72 additions to parks. Over 2.2 million hectares have been added to the state's reserve system or reclassified to a higher conservation status under the National Parks and Wildlife Act and the Wilderness Protection Act. It is important to bear this in mind, because when the opposition come into this place and ask questions about parks and wilderness status, they come in here with absolutely no credibility in the community in terms of their parks.

Members interjecting:

The Hon. I.K. HUNTER: I say there is the notable exception of the honourable member who asked the question, who has a long-term relationship with the Friends of Para Wirra Recreation Park. I accept that completely, and I acknowledge that, but the Liberal Party has an appalling record—an appalling record in this state—in terms of their commitment to our parks system.

In relation to the direct question on the matter of Para Wirra, it is important we put on the record their past incompetence and lack of commitment in terms of national parks. On Thursday, 5 March, I had the pleasure of officially opening the first community round table to discuss how we can improve the services and amenity in our northern parks. I was joined at the Tea Tree Gully Golf Course by representatives from schools, sporting and leisure associations, local government, conservation organisations and community groups based in the northern suburbs. From recollection, the member for Morialta and a member of his staff joined me as well, and a member of staff of the member of Napier was also present.

The purpose of this inaugural roundtable meeting was to begin a discussion about how we can best enhance visitor numbers and experience in our parks in the northern suburbs. South Australia is incredibly blessed with the number and quality of our national parks. We have over 300 parks covering almost 20 per cent of our state, I am advised, and 29 of those parks are right here around our metropolitan area, making them easily accessible to Adelaide residents.

Since coming into government, this Labor government has focused on growing our state's public reserves, including extending protected areas on private lands. As I have mentioned in this place previously, we find that with the exception of a few of our most popular parks, many of our parks tend to be underutilised. The northern suburbs boasts some wonderful parks offering an enormous range and diversity of activity.

For example, there is Para Wirra, with great bushwalking opportunities through its classic Australian bush and creek landscape, and Anstey Hill offers a rich natural and cultural heritage and a huge range of bird and animal species. Cobbler Creek has mountain bike trails for people of every skill level, and Port Gawler has beautiful mangroves and links to the Adelaide International Bird Sanctuary to come. For the most part, such activities can be great fun for the whole family and are cheap. Our parks offer inexpensive and exciting recreational opportunities, and experts have shown us that they are good for our mind and our body.

The South Australian government wants to create a diverse and interesting nature experience to encourage more visitors to our parks. In March 2014, we committed $10.4 million over four years to improve facilities and amenities in our metropolitan parks. That includes $6.5 million to

be spent on infrastructure in northern parks, as well as improvements to our parks in the southern suburbs and turning the Mount Lofty Ranges into an international mountain biking destination.

We want to ensure the facilities that we invest in are the facilities that the community want. This is why we are undertaking such a thorough engagement process with local communities because it is these people who understand the area best and who will ultimately use these facilities most. Local communities, friends groups and user groups have a central role to play in determining the type of facilities that we will develop and where we will develop them.

I am told that the northern parks round table resulted in quite lively discussion, with a wide range of ideas being suggested and debated. While I was there the debates centred around biking trails versus walking trails, and the views of some members of the community were that the two did not mix together very well. Ultimately, we talked about how we can make those two different approaches to using trails in the parks more compatible.

Some of the ideas that received the greatest support included establishing camping opportunities within the parks, which I would not have thought of, myself, given that they are so close to the residential areas; of course, walking and cycling trails, which we already spoke about; and connecting youth groups, schools and families to parks through educational and recreational infrastructure such as adventure trails.

The consultation phase will run approximately for the next six months, and this round table is just the first step. We will also be offering online surveys and information via social media and special parks open days to get as many people involved as possible. Once the projects have been agreed upon, they will be designed, with construction scheduled for 2016-17.

I would like to take this opportunity to sincerely thank all the participants and organisers of the northern parks round table for generously taking the time to become involved in this important initiative, and I encourage anyone with an interest in improving their local parks to get involved in this exciting process.

In relation to the honourable member's second question, whilst it is generally my view that I don't answer questions in this place about where I have been or where I am going, I can tell the honourable member that I was in Para Wirra with the member for Wright just last year taking in some of the beautiful views and talking to some local community members as we enjoyed the local ambience of his favourite park, Para Wirra.

The Hon. J.S.L. Dawkins: Why didn't you remember that last time?

The Hon. I.K. HUNTER: I didn't want to tell you.

FAIR TRADING ACT

The Hon. G.A. KANDELAARS (14:36): I seek leave to make a brief explanation before asking the Minister for Business Services and Consumers a question about the Fair Trading Act.

Leave granted.

The Hon. G.A. KANDELAARS: Court action can be stressful, expensive and time-consuming and is usually the last resort when all other means of dispute resolution have been exhausted. Can the minister inform the chamber about how amendments to the Fair Trading Act have assisted consumers?

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) (14:36): I thank the honourable member for his important question. Members might recall amendments to the Fair Trading Act 1987 that gave the Commissioner for Consumer Affairs power to call compulsory conciliation conferences. We have already passed the two-year mark since that amendment came into operation. For those members who don't recall or who were not around back then, the compulsory conference is an intermediate and alternative resolution process that aims to avoid the need for legal action through the courts.

As the honourable member has stated, court action can be stressful, expensive and extremely time-consuming and so it is in everyone's best interest to resolve a dispute at an early

stage. When deciding if a compulsory conference should take place, consideration is given to the number of complaints against a trader, any conduct that may be in breach of consumer legislation, prior history of a trader having a poor approach to customer complaint handling, and any other criteria that might apply.

The venue for a compulsory conference is determined by the Commissioner for Consumer Affairs, and the CBS officer will act as the conciliator. Making attendance compulsory means issues in dispute can be clarified between the parties, and this provides a better chance for reaching resolution. In early 2013, Consumer and Business Services began using compulsory conciliation conferences as an everyday dispute resolution tool.

I am advised that since this time, 403 disputes have been escalated to a compulsory conciliation conference. Of these 403 disputes, 169 were resolved prior to the conference taking place, 179 were resolved in the conference, 33 were unable to reach a resolution at the conference and only 22 cases resulted in the trader not attending. This means that the overall success rate of compulsory conciliation conferences since early 2013 is around 86%, with the number of disputes resolving prior to the conference date being almost equal to the number of disputes going to conference.

These figures would suggest that traders are getting the message that Consumer and Business Services has the authority and will use it to assist consumers in resolving their disputes. Traders who fail to attend compulsory conferences can, under the Fair Trading Act, be issued with an expiation fee. Agreements reached as a result of conciliation will be documented and signed by the commissioner or delegate and by the parties to the agreement.

A signed copy is given to each party for them to comply with the terms of the agreement. If either party fails to carry out their obligation under the written agreement, then the other party or the commissioner can apply to the Magistrate's Court for an order enforcing the terms of the agreement. When agreement between the parties cannot be reached at the conference, individuals to the dispute will then need to decide whether to take further action through the relevant court process to resolve the matter.

INDEPENDENT GAMBLING AUTHORITY

The Hon. T.A. FRANKS (14:40): I seek leave to make a brief explanation before addressing a question to the Minister for Consumer and Business Services on the accountability of the Independent Gambling Authority.

Leave granted.

The Hon. T.A. FRANKS: I met yesterday with Communities Against Pokies, who are a grassroots advocacy group which takes a peer approach where people who have had problems with gambling support those who have problems with gambling. After our meeting they raised many concerns that they say have not been appropriately addressed, either by the IGA or, indeed, so far by the commissioner. I think they are of such grave concern that I asked them to then write to me. They stated in a letter yesterday:

> As discussed, we feel that we are unable to recommend banning through the IGA to problem gamblers at this time…

The reasons for this are many, but they refer to particular problem gamblers who have approached the IGA only to be given incorrect information; requests to be banned have untimely delays; requests for envelopes with their banning information not to be marked with IGA insignia have also been ignored, which meant that the particular person's status as a problem gambler was then revealed to their family; and requests for information that they not be told the venues they were banned from also were ignored: they were given information being told the venues they were banned from, so then not actually having that protection of the security of not knowing those venues.

On a broader level, some of their complaints go to prominent members of the IGA making public disparaging comments about problem gamblers, some of which I have viewed on Facebook and certainly find to be credible. Communities Against Pokies wrote to the former minister (minister Rau) about this issue; they were referred to Robert Chappell (the director) and they have yet to receive a response. They also wrote to the commissioner, Dini Soulio, in January this year and have

yet to receive a response; they have yet to receive an acknowledgement. My question to the minister is: how can she assure Communities Against Pokies that they can have trust to refer people to the IGA?

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) (14:42): I thank the honourable member for her most important question. Indeed, Mr President, we have put a number of measures in place to assist problem gamblers, as the honourable member refers to. One of those is voluntary barring, and there is also an involuntary barring arrangement, as well as family protection orders.

These provisions were put in place back in July 2014, and they give the Independent Gambling Authority the power to bar problem gamblers for the protection of their own welfare or the welfare of their dependants. It is actually an offence to breach a barring order, and to do so incurs a particular penalty. There are also orders that may be made by gambling providers for their respective premises or businesses for a period of up to three months, and during that time, the IGA can invite the barred person to discuss whether the barring order should be for a longer period of time, or more venues, or whatever might be appropriate (for instance, other types of gambling).

These fairly new barring arrangements are supported by a secure online service, so that gambling providers can make barring orders online by venue or type of gambling, and have online access to things like recent photos of persons barred from their venue. There is also a paper-based system available for gambling providers without internet access so that personal details can be protected.

I am obviously deeply concerned to hear some of the complaints that have been reported here by the Hon. Tammy Franks. To the best of my knowledge, I am not aware of those complaints. I am not aware that the commissioner has received written correspondence about those issues, so I am not able to outline what response has been taken, but if the Hon. Tammy Franks wants to make available to my office as much of the details around the complaints as she can, I will certainly make sure that they are followed up and responded to in an appropriate way.

RIVER TORRENS

The Hon. S.G. WADE (14:45): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation questions relating to the River Torrens at Athelstone.

Leave granted.

The Hon. S.G. WADE: Each year during spring, Athelstone residents witness the severe deterioration of the quality and level of water of the River Torrens in the area, leaving native flora and fauna vulnerable. A concerned resident writes:

> The water level is so low that the river can be crossed on foot in a number of places and it smells like an open sewer. The low water quality and level is also causing problems for the local duck population, as there is no water barrier to prevent predators attacking them, especially at night…

Further discussions raised deep concerns with regard to the yearly movement of young koalas that come down from the hills and the impact the quality of water and increased number of feral animals will have on their survival. Last year, this particular resident was personally involved in six koala rescues, with only one koala surviving; the koalas were unable to access sufficient water. This resident has contacted the Department of Environment, Water and Natural Resources directly, with no response. My questions are:

1. Is the minister aware of the decline in the quality of water at Athelstone and the resultant threats to local flora and fauna?

2. Can the minister advise whether water will be released to allow water flow through the area, restoring health to the river as well as to the local flora and fauna?

3. What further actions will be taken to ensure the protection of local flora and fauna in the area?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:47): I thank the honourable member for his very important and very serious questions about the health of the River Torrens in the upper reaches from the city. Of course, the honourable member may be aware of the River Torrens and its upstream dam at Kangaroo Creek Dam and how that is an important part of SA Water's reservoir system and our catchment system for supplying drinking water to Adelaide.

That necessarily means that the water flow is not as it would have been in its wild state. It means that water is, in fact, restricted and let down the river only when there is either spill-over or some other environmental purpose. To have unrestricted spill-over would have severe implications, I would imagine, for SA Water's planning for the water needs of Adelaide.

However, we do, in fact, release water from the dam from time to time to enhance environmental conditions in the river, certainly as it applies to the Torrens Lake, and I might take the opportunity in a moment to take the council through some recent events in relation to how we are managing the Torrens Lake.

In terms of localised impacts, I think I am right in saying that I have, in fact, been in correspondence with a local resident in the area who has raised some of these issues with my office, and I have, to the best of my knowledge at least, responded to those issues with him, but I will check that. The honourable member, in his question, didn't indicate who that person might be, but if he would like to privately provide me with that gentleman's name, I will be able to use that to cross-reference my correspondence files in the office.

In relation to the Torrens Lake and our trials, from memory we haven't had a closure of the Torrens Lake since about February 2013. We have been trialling various responses to blue-green algae occurrences in the Torrens Lake since about 2011 with no great impact in the first couple of years but, as I have said, we haven't had a need to close the lake. Essentially, what we have been doing there is releasing pulses of water down the Torrens from Kangaroo Creek Dam and flushing out either the blue-green algae cells themselves or, in fact, the nutrient build-up which would lead to a blue-green algae explosion.

The initial pulses weren't particularly successful. They did, of course, ameliorate any huge blooms of blue-green algae. There were some blooms but not sufficient for us to actually close the lake. What has been happening in recent times is that the pulsing has been synchronised and we've had higher flows for shorter periods to really flush out of the system the nutrient build-up which leads to blue-green algae exploding over a period of time in summer when we often have the most international and interstate visitors in the city enjoying all of the festivals and fringes that are on offer through the summer period and, of course, March, which we have just experienced.

Having the Torrens Lake closed at those times is not particularly attractive. Having these flushes down the system and releasing water for environmental purposes, particularly clearing out the Torrens Lake and the build-up further upstream of nutrients that come in from stormwater inflows, has proved to be a very good method of controlling blue-green algae blooms over the summer period.

However, recently—and this has been an issue for some time—we have sought and obtained approval from the federal government's agency to trial the use of hydrogen peroxide in the control of blue-green algae. We have done that in ponds associated with the Torrens, but not directly connected to the Torrens. We have dumped Torrens water and blue-green algae into those ponds and treated them with various concentrations of hydrogen peroxide. My understanding is that those trials have worked incredibly well, to the point where we have established a dilution factor for the hydrogen peroxide which will kill off the blue-green algae cells but not harm the native vegetation that grows in the Torrens or, indeed, the invertebrates or small fish as well.

So, balancing those two, the flows of water and pulses down from Kangaroo Creek Dam and the use of hydrogen peroxide, appears to be a good way forward, giving us two weapons in our armoury to control blue-green algae. The next step in this program will be to trial hydrogen peroxide directly into the lake and see how we can control that. That is dependent on the weather conditions being appropriate for us to do that (i.e. it would be suitable to encourage blue-green algae growth).

There is no point in dumping hydrogen peroxide into the lake if the blue-green algae isn't going to be cooperating with us and multiplying.

We have, as I said, two weapons now in our armoury to control blue-green algae: pulsing flows down the River Torrens and hydrogen peroxide, which is looking to be a very positive second weapon, but that needs to be determined on a larger scale directly into the lake itself. I am expecting that, as I say, weather conditions permitting, to be trialled over the next couple of weeks, and I eagerly await the results of that scientific trial.

In terms of the other aspects the honourable member asked about in terms of native vegetation and animals further up the river below Kangaroo Creek Dam, these are areas where I understand the Adelaide and Mount Lofty Ranges NRM board has been putting in a lot of effort and expenditure. I will seek an updated response on their latest environmental programs and bring it back to the honourable member.

CLIMATE CHANGE

The Hon. T.T. NGO (14:53): My question is to the Minister for Climate Change. Will the minister inform the chamber about the recent report compiled by the CSIRO and the Bureau of Meteorology about the latest projections for the impact of climate change and what this means for South Australia in particular?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:53): I thank the honourable member for his most important question. Recent climate change data has reconfirmed that our climate is indeed changing. According to two separate analyses by scientists from NASA and the National Oceanic and Atmospheric Administration, 2014 was confirmed as earth's warmest year since 1880. According to updated climate change projections for Australia released by the CSIRO and the Bureau of Meteorology on 27 January of this year, the situation is particularly serious for Australia.

I understand that these projections are the most comprehensive ever released for Australia and are drawn from simulations based on up to 40 global climate models. They describe likely changes and key variables for Australian regions, including temperature and rainfall averages and extremes, heatwaves, fire, cyclones, average and extreme sea level rise and ocean acidification. In detail, the report confirms that since 1910 average temperatures across Australia have risen by 0.9ºC. This trend is expected to continue, leading to greater extremes of hot temperatures and fewer cold extremes.

In respect to Adelaide specifically, the report forecasts that we can expect to experience an increase in the number of days above 35° Celsius from 20 in 1995 to as high as 47 in 2090. These findings also confirm that rainfall has increased in northern Australia since the 1970s and decreased in south-east and south-west Australia and that extreme rainfall events that lead to flooding are likely to become more intense. The number of tropical cyclones is projected to decrease but they may be more intense and reach further south. The report predicts that southern and eastern Australia is projected to experience harsher fire weather.

In addition, the report finds that sea levels have risen by approximately 20 centimetres since 1900 and are projected to continue to rise throughout the 21st century and beyond, with oceans around Australia warming and becoming more acidic. These findings and predictions are extremely sobering and would have a severe impact on all and every aspect of our way of life. This was confirmed by the chief executive of the Climate Institute, Mr John Connor, in *The Advertiser* on 28 January, who said that this new data:

> …reinforces earlier analysis…that showed large chunks of the Australian economy will be whacked by global warming...sectors like agriculture, health and ecosystems are hit well beyond their ability to adapt.

In a separate interview in *The Australian* on the same day, Mr Connor was quoted as saying that the report highlighted the need for ambitious post-2020 pollution reduction targets, a transition plan to decarbonise the economy and a far greater integration of climate resilience in planning and assessment.

If this report does anything, it confirms that South Australia is on the right track with its nation-leading policies and initiatives on climate change. We were the first state in Australia to pass legislation in 2006 committing us to renewable energy and emissions reduction targets. Specifically this legislation commits us to reducing the state's greenhouse gas emissions to 40 per cent of 1990 by 31 December 2050.

According to the latest measure released by the commonwealth Department of the Environment on 15 April 2014, we had achieved more than a 10 per cent reduction in 2011-12. This reduction in our emissions is closely linked to the growth in renewable energy in our state. Our policy framework and ambitious targets have allowed this important sector to flourish in South Australia. We were the first jurisdiction in Australia to introduce planning guidelines for wind farms in 2003, and our regulatory frameworks for renewable energy development are considered to be the most supportive in the country.

In October 2013, we committed to an investment target of $10 billion in low carbon generation by 2025 in recognition of the economic development potential of this industry, and last year we increased our renewable energy target to 50 per cent by 2025. As a result, in the 2011-12 financial year, wind generation overtook coal for the first time to become the second most common fuel source for electricity generation after gas. Today South Australia has 41 per cent of the nation's operating wind farm capacity, and we lead the nation in the uptake of rooftop solar photovoltaics.

In addition, we have developed a framework for climate change adaptation. This framework will form the basis for regional leaders to work together to plan for the impacts of climate change. It has attracted international attention because of its strong local and regional focus. While I am incredibly proud of these achievements, I do not think we have the luxury of being able to rest on our laurels. We need to do more, because transitioning to a low carbon economy is not only essential to safeguard our environment and our way of life but it will also offer our state real opportunities for economic development and diversification.

This year we will be developing the state's climate change strategy, which will also outline a plan to achieve the bold ambition of making Adelaide the world's first carbon neutral city. The strategy provides an exciting opportunity to work even more closely with the community and the business sector to set out a plan to achieve a low carbon future. As this report from the CSIRO and the Bureau of Meteorology clearly shows, now is the time to take meaningful action. We do not have any time to waste.

WATER METERS

The Hon. J.A. DARLEY (14:58): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray questions regarding water licence reporting requirements.

Leave granted.

The Hon. J.A. DARLEY: I was recently contacted by a constituent who, as a water licence holder, received a letter from the Murray-Darling Basin Natural Resources Management Board. The letter outlined that licensees are required to provide an annual groundwater sample as well as complete an annual water-use report form. In 2011 the then premier (Hon. Mike Rann) announced that no meters would be required on dams of any size used for stock and domestic purposes. My questions to the minister are:

1. Can the minister advise how licensees are able to determine how much water is being used if there are no meters on their dams?

2. Are bores in the Murray-Darling Basin natural resources management area required to have meters?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:00): Apologies, Mr President, it is right at the very back.

The Hon. D.W. Ridgway: You told me you were across everything, you didn't need a prop.

The Hon. R.L. Brokenshire: He is, he sorted the EPA out too.

The Hon. I.K. HUNTER: I am a 'fixer'. I fixed it. I have removed that impediment. I thank the honourable member for his most important question. I only wish the member for Sturt would actually fix some of the problems his government has been imposing on this state—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —particularly in relation to what the federal government has done to our poor pensioners in this state in removing funding for their pensioner concessions on council rates. But, 'the fixer', the member for Sturt, may get around to doing that at some stage and paying some attention to his local communities.

In relation to the question, I can say that the Department of Environment, Water and Natural Resources is currently in the process of determining and issuing approximately 2,182 water licence applications lodged by existing users in the Western Mount Lofty Ranges. This process commenced in September 2012, and by the end of January 2015 I am advised that 99 per cent of the licences have been issued. I am advised also that there are 35 remaining licence applications to be determined, and the department continues to work with the relevant landholders to resolve any outstanding issues prior to determining these.

The process involved sending a proposed licence package to existing users to provide them with an opportunity to request any amendments prior to the issue of the actual licence package. To guide the rollout of metering across the region, the department has developed a meter implementation plan for the Western Mount Lofty Ranges in consultation with industry members and groups. Where meters are required to be fitted in accordance with the meter implementation plan, licences include a condition that water must be taken through a meter.

Compliance with metering requirements for individual licences is monitored, and where necessary the department is working with the licence holder to achieve compliance for the requirement to meter. By allowing flexibility in the way that landholders measure water use, the meter implementation plan will significantly reduce the number of meters that are required to be installed across the region, and will reduce metering costs for many licensees.

It will also ensure there is a consistent and transparent application of metering requirements for water users across the Western Mount Lofty Ranges Prescribed Water Resources Area. Further information on the meter implementation plan and options for meter installation will be provided to the users upon issue of the actual licence package.

Following the issue of their licence, licensees will have four months to notify the department that they have either installed the required meters or that they require additional time. Meters do not need to be installed on dams or bores used solely for stock and domestic purposes, including dams with a capacity of five megalitres or greater. Once an actual licence package has been issued, the licensee has a right to appeal the determination in the Environment, Resources and Development Court within six weeks of the licence issue date.

It is important to note there has been no water levy applicable on water licences held by all users, other than SA Water, in 2014-15 in relation to the Western Mount Lofty Ranges. In relation to the Eastern Mount Lofty Ranges, the department has commenced the process of issuing licences to existing users, and that commenced in November 2013. I am advised there are approximately 920 water licences to be issued to existing users in the easterns.

Water licences are being issued in a staged rollout, commencing with the issue of proposed licence packages. This gives water licence applicants the opportunity to request an amendment to their licence prior to their licence being issued. I understand that, as at the end of January 2015, 91 per cent of licence applications have been determined. This has resulted in the issue, I am told, of 616 licences to existing users so far, with another batch of over 200 licences to be rolled out in the first half of February.

Remaining licences are planned to be sent by the end of March 2015, and the department will continue to work with applicants to complete this process. Existing water users were required to install meters during the various notices of prohibition that were issued between 31 October 2003 to

29 September 2013. However, it is known that not all users complied with this requirement, with meters installed on only 35 per cent of licensed water sources.

To guide the process for the installation of the remaining meters, a meter installation plan for the Eastern Mount Lofty Ranges has been developed in consultation the South Australian Murray-Darling Basin Natural Resources Management Board. This meter implementation plan will ensure there is a consistent and transparent application of metering requirements for water users across the Eastern Mount Lofty Ranges Prescribed Water Resources Area.

Where meters are required to be fitted in accordance with the meter implementation plan, licences include a condition that water must be taken through a meter. Once the water licences are issued, compliance with metering requirements for individual licences is being closely tracked by the department. The department is working with licence holders to achieve compliance with the requirement to meter. Following the issue of their licence, licensees will have again six months to notify the department that they have either installed the required meters or that they require additional time.

Applications for new water allocations and management zones where there is unallocated water available will not be assessed until the existing water user licence process is completed, including resolutions of appeals, and a decision is reached on the release of any unallocated water in accordance with the policy on the release of unallocated water. If you think that process through, that is a logical thing to do—not releasing further unallocated water until every existing licence holder or those eligible to have a licence have been dealt with and allocated their required amount.

For the 2014-15 period, the levy rate is 0.553¢ per kilolitre for water allocated on a water licence. The water levy will be applied to licensed allocations. It is a not a charge on water usage, I am advised. It is important to note that there has been no water levy applicable on water licences held by all users other than SA Water in 2014-15.

In terms of existing users regulation, when the water resources of the Eastern Mount Lofty Ranges Prescribed Water Resources Areas were prescribed in September 2005, and the Western Mount Lofty Ranges Prescribed Water Resources Areas in October 2005, all existing water users who wanted a water licence were required to apply within a statutory six-month period.

For a range of reasons, approximately 290 existing water users across the eastern and westerns did not apply for a water licence within the statutory application time frame. In addition, in the Western Mount Lofty Ranges around a further 257 landholders with a dam of five megalitres or greater in capacity used solely for stock and domestic use did not apply within the statutory application time frame.

A new regulation under the Natural Resources Management Act 2004 was approved by His Excellency the Governor in Executive Council in December 2012 and came into operation on 31 January 2013. This regulation provided eligible water users who did not apply for an 'existing user' water licence in 2005-06 with an additional six-month opportunity to apply. The application period ended at 5pm on 31 July 2013.

The department received, I am advised, a further 338 applications for water licences in the Western Mount Lofty Ranges and 65 applications for water licences in the Eastern Mount Lofty Ranges during the additional application period. The department has advised that there are an estimated 187 existing users who did not apply for a water licence within the initial or additional statutory time frames across the eastern and westerns. Prior to the expiry of the statutory time frame, I can confirm that the department followed up with these existing users by letter and telephone to ensure that they were informed about their right to apply for a water allocation, the process to apply and the consequences of not applying.

People who did not apply within the statutory time frames may have an opportunity to apply for a water allocation after I make a determination about the release of any unallocated water in accordance with the policy on the release of unallocated water. The finalisation of the licensing process will ensure that existing water users can continue to operate and generate value from their existing investment.

APY LANDS, GOVERNANCE

The Hon. T.J. STEPHENS (15:08): My question is to the Minister for Aboriginal Affairs and Reconciliation. Can the minister update the house on the status of the general manager's position on the APY lands and what progress has been made?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:08): I thank the honourable member for his question and his daily continuing interest in matters to do with APY.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: The interim general manager has recently been Ms Lesley Johns. She informed the APY Executive of her decision to resign that position, which I think is effective at the end of this week, if my memory serves me correctly. My office and my department have been working with APY and I have had numerous telephone conversations with the chair, deputy chair and others on the APY Executive and we are providing as much support as we can in the process of a new general manager being appointed.

I think it is very close to that happening. It is a very important position, the general manager of APY. It is one under the legislation which the minister has to agree to the terms and conditions of a general manager being appointed. I am working closely and I am confident that we will have a new general manager in the very near future, but the Aboriginal Affairs department will continue to work with APY to make sure that they have what they need to carry out their duties.

APY LANDS, GOVERNANCE

The Hon. T.J. STEPHENS (15:09): Supplementary question: minister, are there any unusual work conditions being requested at the moment with regard to the appointment?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:09): Not that I am aware of. I will check and bring it back if there is, but I am not aware that there has been a request with the formal conditions put to the minister for sign-off. Once there is, I will undertake to let the honourable member know, regardless of whether parliament is sitting at the time or not.

ABORIGINAL REGIONAL AUTHORITY POLICY

The Hon. J.M. GAZZOLA (15:10): My question is to the Minister for Aboriginal Affairs and Reconciliation. Can the minister inform the council about the government's Aboriginal regional authority policy?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:10): I most certainly can, and I thank the honourable member for his question. I note the honourable member's longstanding interest in this matter and long service to the Aboriginal Lands Parliamentary Standing Committee. Around the state, Aboriginal people are seeking a more open relationship with government and a stronger voice in government decision-making. To do this, we need a new vehicle to bring together existing organisations and communities to harness community strengths for the common purpose they have, which is to represent and serve the Aboriginal community.

We believe it is important that we support Aboriginal communities to set locally developed and supported priorities and policy directions. We also recognise the need to strengthen the authority that Aboriginal organisations have to speak for country and the Aboriginal people they represent. We listened and pledged to continue to work towards the establishment of Aboriginal regional authorities. We have invited Aboriginal people to help design this policy to ensure it meets the needs of Aboriginal communities.

The Aboriginal regional authority model seeks to strengthen and recognise Aboriginal representative structures at the regional level to assist with enhanced community decision-making and to create a new relationship between government and Aboriginal people. We have taken notice of the evidence, both in Australia and overseas, which suggests that community-driven regional

governance can deliver real benefits to Aboriginal people, and we know that strong governance is essential for effective representation, advocacy and coordination of service delivery.

We already have very good examples of Aboriginal community-based governance structures operating in South Australia that manage community businesses in a way that is effective and accountable to the communities they represent. The Ngarrindjeri Regional Authority, for example, is making good progress in establishing a strong voice in their community. I was pleased a couple of weeks ago to visit Camp Coorong and speak to the Ngarrindjeri Regional Authority, and I am very impressed with the work they are doing.

Aboriginal regional authorities, which we envisage would represent particular geographical areas of the state, much like native claimant areas do at the moment, could undertake a range of functions on behalf of their represented communities. It would be necessary to have a high degree of flexibility in the work that Aboriginal regional authorities could take on, given the differing circumstances that these bodies operate in. It is envisaged that Aboriginal regional authorities will be key drivers of economic development and play a central role in the delivery of the state's Aboriginal economic participation strategy, which is currently under development.

Aboriginal regional authorities might also be in a position to deliver or manage services, undertake a land or natural resources management function, or manage heritage and native title matters for their represented communities. However, first and foremost, Aboriginal regional authorities of this nature would have a representative function.

In July 2013, the government began a consultation process which led to some vigorous discussions on the Aboriginal regional authority model. Following this, an expression of interest process was initiated in late 2013 to select four Aboriginal trial groups to participate in an independently facilitated workshop program to test various aspects of the Aboriginal regional authority (ARA) model.

The following Aboriginal groups participated in the concept testing process: the Narungga Aboriginal Corporation Regional Authority and Narungga Investment Company, the Ngarrindjeri Regional Authority, the Port Augusta Aboriginal Community Engagement Group, and the Kaurna National Cultural Heritage Association. However, more detailed statewide consultation is now being undertaken to ensure that the policy appropriately meets the needs of South Australia's Aboriginal peoples.

We are nearing the end of this second round of consultation on a draft policy with Oodnadatta, with the final of 15 sessions being held tomorrow. So far, almost 300 people have contributed to this second round of consultations, with good turnouts at all the meetings. A crucial part of consultation is hearing a voice from all sections of our community, and the meetings, so far, have had a very wide range of voices contributing.

We have had strong representations from Aboriginal communities, with community leaders and elders speaking for their communities. We have also heard from other groups such as Aboriginal health, support and advocacy services, and local, commonwealth and state government officials. Around a dozen groups and communities have requested further meetings to either allow further discussion about individual parts of the Aboriginal Regional Authorities policy, or to bring people who are unavailable for the first sessions to contribute to the discussion. I understand that details of these follow-up meetings are now being worked through.

The feedback to date that has been received from all those involved will be incorporated into the final development of the policy scheduled for release in the second half of this year. Following the release of the final Aboriginal Regional Authorities policy, legislation will be drafted to implement this policy and formally recognise eligible organisations as Aboriginal Regional Authorities.

MEDIA STANDARDS

The Hon. D.G.E. HOOD (15:16): I seek leave to make a brief explanation before asking the minister representing the Attorney-General a question in relation to media standards in Australia and, therefore, South Australia.

Leave granted.

The Hon. D.G.E. HOOD: Members would probably be aware that Free TV Australia is seeking to change the times at which certain classifications of programs can be aired and, specifically, to change the times at which the classification applies. By example, the M-rated time slots would apply from 7.30 instead of 8.30 currently; the MA-rated time slots would apply from 8.30 instead of nine currently; the PG-rated time slots would apply all day, which essentially eliminates specific children's viewing and G-rated programs, or eliminates the need for the specific classification; and there would be the entire removal of the AV classification.

If introduced, these changes would mean that there would be more violence, sex and swearing viewed throughout the day including, potentially, during children's times (or what have been traditionally children's times), and it also means that alcohol advertising would be brought forward from 8.30 to 7.30 in a number of circumstances.

Members may or may not be aware that it is already legal to use the F-word and similar language during the middle of the day, at 12 o'clock, on commercial television, and these changes, as far as I am concerned, seek to erode standards further. My question is: what is the government's position on this proposal, and will the government make a submission to the Classification Board in order to state their position?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:17): I thank the honourable member for his most important questions and will refer them to the Attorney-General in anther place and bring back a response.

Ministerial Statement

PLANNING REFORM

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:17): I table a copy of a ministerial statement relating to planning reforms made earlier today in another place by my colleague the Deputy Premier, Hon. John Rau.

Question Time

TEACHER EDUCATION

The Hon. A.L. McLACHLAN (15:18): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question regarding education students in South Australia.

Leave granted.

The Hon. A.L. McLACHLAN: It was reported in *The Advertiser* in February this year, that South Australian universities have voiced concerns over the government's policy of forcing education students to obtain master's degrees. They have warned that, if a compulsory master's pathway is enforced, many more students could end up studying for longer but, potentially, gaining less practical experience. The head of the School of Education at the Adelaide University, Jan Keightley, has called upon the government to address the need to introduce a diversity of pathways for teaching students. My questions for the minister are:

1. To what extent was the minister's department consulted and had input into the decision to impose a compulsory master's pathway?

2. What evidence or research did the government review and consider when deciding to introduce a compulsory master's pathway?

3. Does the government intend to review the current practical teaching requirements of the master's program in light of current public comment?

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) (15:19): I thank the honourable member for his most important question. Indeed, this government has made its position quite clear about its desire to improve the quality of teaching here in South Australia.

From 2020, all new South Australian teachers will be required to have a master's qualification, with further qualifications required for preschool directors and school principals. The South Australian public school system will be the first in Australia to work towards such high standards across the board. Outside of parent support, the most effective way to lift the quality of our children's education is to lift the quality and the status of teachers and educational leaders, and that is a well established fact.

It is our vision that South Australia have the highest quality teaching workforce in Australia. To help this along, the government is offering 240 scholarships between 2015 and 2020 to enable teachers already in schools to undertake a master's. The state government is constructively working with the universities and the Teachers Registration Board to implement the policy. We have also been consulting with the schooling sectors.

What is clear is that we will require federal government support for additional commonwealth-supported postgraduate places from 2017. In our dialogue with the universities, some of the universities have identified that that could be a considerable impediment for them and could disadvantage master's positions from other disciplines, and so we have indicated that we are prepared to pursue commonwealth government support. The state government is currently in the process of formally approaching the commonwealth government to seek these additional commonwealth-supported postgraduate places on behalf of the three universities, and if I recollect correctly, that correspondence has already been sent.

This initiative is part of the state government's high-quality education policy, and success with both of these tasks requires strong cooperation and support from the universities and, most importantly, the willingness of the federal government to lift the caps on those postgraduate places that are required for entry to a profession.

A recent national review of our education sector was conducted, and it was extremely disappointing. Some of the findings in that show a less than desirable standard of teaching across the nation. It was a very disappointing finding and a real wake-up call to us to do something about elevating teaching standards across the nation, and, if the nation is not prepared to do it, then our Premier, Jay Weatherill, has made it very clear that this state will lead the way.

Matters of Interest

COMMUNITY ORGANISATIONS

The Hon. G.A. KANDELAARS (15:23): I rise today to talk about two organisations that are developing community capacity and resilience. They are the North East No Interest Loan Scheme (NILS) and Riverland Foodbank. Late last year I attended the AGM of the North East NILS. For members who do not know, NILS was established in 1983 by the Good Shepherd Sisters to provide micro-lending facilities for those on low incomes. North East NILS was established in 2007 to service the north-east suburbs of Adelaide. NILS is based on five values: justice, respect, trust, empowerment and advocacy.

Its aim is to provide safe, fair, affordable credit; to support as many people as possible on low incomes to access NILS; and to enable people to drive their own wellbeing. National Australia Bank has played a crucial role in NILS by providing funds to enable the likes of the North East NILS to provide loans to applicants who meet their criteria. The NAB is to be congratulated for their support of NILS.

Last financial year, North East NILS provided over $45,000 in loans to 47 clients. Last year, NILS issued 24,378 loans across Australia, with 1,016 in South Australia. Typically, NILS are for amounts under $1,000 and, in the case of North East NILS: 23 per cent were for furniture, 18 per cent for refrigerators, 14 per cent for washing machines, 9 per cent for computers, 25 per cent for other appliances, 7 per cent for vehicle repairs and 4 per cent for health items.

North East NILS has established a relationship with local businesses who offer NILS clients competitive prices on their purchases. One major benefit of NILS is offering clients an alternative to

other sources of micro lending, such as payday lenders and pawn brokers, whose fees and charges can be quite exorbitant.

Another organisation I wish to talk about today is the Riverland Foodbank and, in particular, the establishment of their new distribution centre at Berri, which I visited recently. I was shown around the Berri facility by Mr Leigh Royans, Foodbank South Australia's General Operations Manager, and Mr Peter Smith, Foodbank's Riverland manager. The company is well respected and a highly efficient food relief organisation, and its Riverland project is well supported by local government, welfare agencies and community groups.

Foodbank South Australia is a not-for-profit, non-denominational charitable organisation that sources, stores and then redistributes food donations to welfare groups that feed an estimated 120,000 to 140,000 people in need across South Australia every year. In addition to its head office at Edwardstown, Foodbank South Australia services the Limestone Coast, Whyalla and Upper Spencer Gulf through small regional warehouses which are located at Mount Gambier and Whyalla.

To address the needs of 35 to 40 welfare groups and schools, the Riverland Foodbank currently services the Riverland and surrounding regions, including the Sunraysia area of Victoria. Food is warehoused at its Berri facility, then packed to order and distributed to welfare agencies, schools, low-income meal kitchens, etc., operating within the region and, I said, within northern Victoria as well.

Additionally, the Riverland Foodbank operates as an export centre to distribute surplus Riverland farm produce to the rest of South Australia. Mr Royans also told me about how, with the assistance of volunteers and the support of local growers, Foodbank SA operates a food packaging operation at Sunlands, near Waikerie.

Foodbank SA was awarded over $296,000 from the Riverland Sustainable Futures Fund towards the establishment of their centre at Berri, which included the purchase and fit-out of premises, communications systems and plant equipment as well. In addition to generating two FTE jobs and creating additional work for a large number of volunteers who play a crucial role in the organisation—

The ACTING PRESIDENT (Hon. A.L. McLachlan): Hon. Mr Kandelaars, I would ask you to complete.

The Hon. G.A. KANDELAARS: It is a brilliant organisation. I congratulate North East NILS and Foodbank South Australia for their community capacity and resilience building.

QUEEN ELIZABETH HOSPITAL

The Hon. S.G. WADE (15:29): Mr Acting President, I rise to fulfil an undertaking I gave to a community meeting last night. The meeting was convened by Kevin Hamilton OAM (former state Labor member for Albert Park) and his wife, Maureen Hamilton OAM, and was held at the Semaphore Port Adelaide RSL. I was asked by the meeting to convey their views to the parliament, which I am privileged to do. Mr Rod Sawford, the former federal Labor member for Port Adelaide, chaired the meeting of more than 100 people opposed to the Weatherill Labor government's downgrading of The Queen Elizabeth Hospital.

Presentations were made by Dr David Pope and Ms Bernadette Mulholland from the South Australian Salaried Medical Officers Association. The SASMOA representatives made it very clear that health professionals have been marginalised by the Transforming Health process and that few SASMOA members support the Transforming Health proposals. They were incredulous of government claims that 95 per cent of clinicians support the proposals. The Hon. Robert Brokenshire, Ms Vickie Chapman and a number of local government councillors attended the meeting, and messages of support were received from a number of leaders, including one from the Hon. Kelly Vincent, which I read in part:

> It has been increasingly clear to me, through my conversations with many professionals in the health sector as well as community organisations and individuals, that the data being used to support Transforming Health is grossly misleading and the consultation process has been rushed and narrow. To create a health system that genuinely meets the needs of South Australians, the government must have a mature and honest discussion with South Australians about all of the options rather than putting Transforming Health forward as a fait accompli.

Former Labor and Independent Labor members of parliament Murray De Laine and Norm Peterson also sent messages of support, and former deputy premier Ralph Clarke attended the meeting. The key concerns that were aired by community members related to the downgrading of the emergency department at The Queen Elizabeth Hospital, the increased travelling time for people in an emergency, and the capacity for the new super sites to accommodate the increasing caseload.

The meeting passed four resolutions: one calling for the full restoration of The Queen Elizabeth Hospital emergency department; one calling for the Repatriation General Hospital to remain open; another calling on the Mayor of Charles Sturt to withdraw her support for Transforming Health and to call a public meeting; and the fourth was condemning Transforming Health in its entirety. At the meeting, I was presented with yet more petitions, which I have with me today: 503 petitioners called for the maintenance of existing services at Noarlunga and the Repat; 20 opposed the closure of the Repat; and 244 opposed changes to The Queen Elizabeth Hospital emergency department.

I was also provided with copies of two letters to the Minister for Health, one from a resident of North Haven and one from a resident of Peterhead. Both letters emphasised that, during near-fatal emergencies, medical staff had indicated that, had the patient needed to travel to the Royal Adelaide Hospital, it is more than likely that they would not have survived. A recurring theme in correspondence and at community meetings has been the anger of residents of the western suburbs at being marginalised and treated as unimportant by the government and the Labor Party.

This was the second community meeting in relation to The Queen Elizabeth Hospital, and at neither meeting have any current serving Labor MPs attended. On radio this morning, the minister's explanation for their absence was that, when he sent a public servant to the first meeting, they were howled down. I was at that meeting, and Professor Keefe's first response to a question was indeed howled down, but the immediate and strong response of the chair and the meeting itself was to insist that Professor Keefe be heard in silence. Professor Keefe was able to answer a series of questions at length, and my clear recollection is that, in toto, she had more time to answer questions than any other contributor.

Labor members also snubbed a public meeting convened by the Mayor of Onkaparinga in February. Not only did not one Labor MP turn up but also, coincidentally, SA Health organised a community event at the same time as the community meeting. This government is so arrogant and out of touch with its communities that it will bombard the western suburbs with DL cards, fact sheets, television and radio ads and social media but will not engage their communities in communication that does not cost the taxpayer a cent, that is, public meetings. The meeting last night reiterated the general community feeling that the Snelling health plan is ill-conceived and dangerous. In closing, I thank the Hamiltons for their hard work in organising the meeting and giving the community a voice.

CRYPTOPARTIES

The Hon. T.A. FRANKS (15:34): I rise today, as many members in this place do, to talk about an event I have recently attended. The event was my first CryptoParty. I suspect that I will be going to a few more. For those of you who, like me, have never heard of a CryptoParty, think of it as a global movement for people who want to teach their neighbours how to use cryptography to protect themselves from snoopers, especially from government surveillance. Think of it as a Tupperware party for learning crypto. It was actually kicked off by @Asher_Wolf, who is well known to Twitter followers with regard to her concerns of how to respond to the broad sweeping Australian internet surveillance bill which we have seen pass the federal parliament today.

We have seen people around the country, and indeed around the world, throwing CryptoParties. What is a CryptoParty and what did I learn? I certainly enjoyed the company of a packed house in a local Balmain pub with hosts Senator Scott Ludlam, Greens member for Balmain, Jamie Parker, the potential new member for Newtown, Jenny Leong, and local people who have skilled themselves up on how to protect their personal information from government snoops, sharing that information over a beer at a pub with the USBs, the laptops, the phones and the mobiles out.

They need to do so because, of course, we have seen legislation pass today in the federal parliament that I believe is quite a disgrace which will now see entities required to keep metadata of Australian citizens for up to two years and for that metadata to be able to be accessed without a

warrant. It treats ordinary law-abiding Australian citizens as criminals, not the other way around. The bar should be that if the government wants to snoop on you it should get a warrant. Simply put, if you are not doing anything wrong you should not be afraid that the government is snooping on your information.

We have seen the Prime Minister, Tony Abbott, give incorrect information about what metadata was to Channel 9 on the *Today* program last year and then have to correct that. We have also seen Attorney-General Brandis stumble his way through an ABC interview that was worthy of a sitcom. What we also see as worthy of a sitcom is the legislation itself, a little like the cone of silence in *Get Smart*. In fact, other than the CryptoParty, we have also seen journalists, such as Laura Tingle, hand out advice to people who might like to leak to journalists from hereon in about how to get around these new laws. She gives some advice and says:

> For people wishing to leak to Fairfax journalists, you should know that our fairfaxmedia.com.au email addresses are now hosted on Gmail.

Because, of course, Gmail will not be subjected to the ability of an Australian jurisdiction to access that metadata. She goes on to say that she has a little trouble accessing her own Gmail, which indeed I do too with the new interface. But you can rest assured that if you are using Gmail you will be protected from the snoops of the Australian government. You can also use Facebook Messenger or Twitter direct, Senator Scott Ludlam advises. Indeed, if you use a provider that is based overseas, such as, say, Skype, which is based in Estonia, you will also escape these new Australian laws of super snooping.

The cone of silence did not work. Indeed, with a little education the Australian public and the Australian media will make sure that the snoops will not be able to access the Australian citizens' metadata that they seek to. The legislation is a joke but it is an expensive joke. It is a joke that will cost Australian businesses a vast amount of money for little gain. There have been arguments put up that this is to protect Australians against terrorism or to strengthen child protection, but what we have actually seen is that those claims are flawed. Indeed, I should suspect that both a paedophile and a terrorist would take themselves, not necessarily to a CryptoParty but certainly to educate themselves a little on how to protect themselves from the accessing of their metadata and take those very few steps to do so.

I think we should be partying like it is 1984 because today in the federal parliament it has been 1984. I will certainly be hosting some CryptoParties in South Australia, no Tupperware required. I would hope that members of the media will be joining me and I will also be inviting members of this parliament to ensure that their constituents are able to protect themselves against government snoops.

AUSTRALIAN SERVICES UNION

The Hon. J.M. GAZZOLA (15:39): I rise to acknowledge the 115th anniversary of the Australian Services Union and amalgamation of the FCU, MOA and MEU. Over a century of advocating for workers' rights and the union is going strong under the current great leadership team of Joseph Scales and Abbie Spencer. The Australian Services Union provides industrial support for workers in many industries, including clerical and administrative positions, within the private and public sector, airlines, call centres, community service, local government, finance, legal and energy.

Joseph and Abbie are focused on creating a truly democratic member-led union. They have worked hard to establish more meaningful communication with members and modern, professional, accessible and engaging updates and resources. Representatives from the ASU team have just completed three months of visits to work places, including the Northern Territory, the Iron Triangle, the South-East, the Mid Murray, the Riverland, and the Fleurieu Peninsula, to talk with as many members as possible about their draft three-year strategic plan.

This year Joseph and Abbie have spoken with hundreds of members about the future direction of the union, about how the union can modernise and stay relevant to a new generation of workers, how they will build power in work places and the community and how they can create a strong and financially sustainable union. This draft strategic plan will go out for final endorsement to all members this week. The ASU leadership team will then regularly report against this strategic plan to the branch council.

In October last year, they conducted an electronic member survey requesting feedback about how union staff and elected leaders could improve their service and support of members. The ASU received thousands of responses, with the results published in the December 2014 *State of the Union* magazine.

Joseph and Abbie have created a series of industry round tables for ASU members, where workplace representatives and members from across South Australia can come together to discuss the major issues facing their sector and to develop the union's response to these issues. This concept was awarded the South Australian union's 2014 award for innovation in trade unionism.

The first round table was held in October last year for local government members. The round table was launched by the Premier and included a Q&A session with the Independent Commissioner Against Corruption, the Hon. Bruce Lander QC, and the then president of the Australian Local Government Association, Felicity-ann Lewis. It was hugely successful, with delegates from almost every council in this state attending. The next local government round table will take place on 1 May.

In February this year the ASU held its first round table for social and community services members. In a time when the sector is facing substantial challenges, it was crucial to bring ASU members together to build the union's response to these challenges. Members resolved to begin a major campaign to lobby both state and federal governments to:

- stop the cuts to community services and Aboriginal services;
- end competitive tendering in the social and community services sector;
- provide secure funding for five years with indexation;
- support independent women-led services in domestic violence;
- keep community services not-for-profit only;
- fully fund workers' wages and conditions in the NDIS to protect high-quality services; and finally
- to ensure members continue to have fair pay, secure jobs and entitlements for community sector workers.

In July this year the ASU will hold its first energy round table. Members will come together to discuss important issues, such as nuclear energy and the union's submission to the state government's royal commission and how the union can support members during the transition to more sustainable, renewable energy streams. The ASU has the benefit of covering industries that are strong and growing. Community service is one of the fastest growing industries in Australia.

The ASU SA&NT branch membership is growing for the first time in a decade. The new leadership team perfectly reflects the new generation of workers and potential members of the ASU. It is timely to have such a fresh, modern and enthusiastic leadership team. Joseph and Abbie have built a great new team. There is a genuine buzz in the movement about the ASU. People want to join the new team and staff are excited to work for a modern, dynamic union.

The ASU is seen as a union that generally focuses on members. Members are at the heart of every decision, as they should be. Joseph and Abbie have prioritised professional development and training of staff. Morale in the office is at an all-time high. Joseph and Abbie have worked exceptionally hard to rein in expenditure, build membership and ensure that the union's finances are in a much healthier position to ensure that the ASU can continue to fund and resource campaigns into the future. I am an always proud and sometimes loud ASU member, and I wish the ASU well for at least the next 100 years.

WORRALL, MR. L.

The Hon. R.I. LUCAS (15:44): Yesterday I asked some modest questions about the government's continued employment of Mr Lance Worrall. I pointed out that he had been appointed from his former staff position to a CEO position on more than $300,000. He was then demoted to the position of a deputy chief executive and kept his salary. He was then demoted further, from the deputy position to a project position at the University of Adelaide, and still kept his CEO salary.

It was at that stage that the three government ministers in this house started frothing at the mouth like rabid dogs. I was called a disgrace, a despicable man, a despicable low life, told that I should be ashamed of myself, and a variety of other unflattering descriptors, and also 'the usual gutless attack on individuals who are not here and cannot defend themselves' and 'a baseless gutless attack on an individual'.

The first point to make is that anything I said in this house I have said publicly and am happy to say again publicly. Certainly what is on the record there was reasonable and unexceptional and backed by fact. I point out also to members that Mr Worrall, of course, and anyone else, has the capacity for a right of reply if they feel they have been offended by any member. I also point out that Mr Worrall has appeared before the Budget and Finance Committee himself in the early stages of questioning with his first demotion to the position of deputy chief executive.

Whilst he was there in front of the Budget and Finance Committee I asked his then new chief executive officer, 'What about that huge amount of money we are paying Mr Worrall—has that been reduced?', to which Mr Worrall said, 'You've been so nice to me so far.' I then asked again the chief executive, 'Are you going to renegotiate the sum to reduce that extraordinary amount of money we are paying Mr Worrall?', again, whilst Mr Worrall was there and able to respond, should he have chosen.

In further evidence to the Budget and Finance Committee, I asked the then chief executive, 'What is the department's rationale in continuing to employ a deputy CEO that you no longer need?' Then Mr Knight said, 'That contract is not between myself and Mr Worrall; the contract has been between Mr Worrall and the Premier.' I asked him, 'So ultimately, the only person who can terminate his position, if he so chooses, is Mr Weatherill?', and Mr Knight said, 'Correct'. So, it is quite clear that Mr Knight, who was the then CEO and subsequently lost that position, made it quite clear that he did not have the power to terminate Mr Worrall, and that the only person who could was Premier Weatherill.

The questions I actually ended up putting to the minister yesterday related to what were the total costs to the taxpayer in the current arrangements. I will not go through the detail of those—they are on the public record. One of the reasons is that we do know that the remuneration for Mr Worrall is about $300,000, but from an FOI it would appear that there are some other costs, and the FOI was identifying costs to the department for the secondment of Mr Worrall to the University of Adelaide. In that document there are a range of costs that would appear to be paid by the department.

Taxis and vehicles hire is one example here (there are a number) where Mr Worrall claimed $306.60; accommodation and meals, domestic, one claim for $379.09; mobile phone expenses, $766.50; and publications, books and papers are being claimed, evidently, by Mr Worrall. There are further claims for meals, air fares, of course, domestic air fares and also something referred to as 'staff amenities'—I am not sure what they are—and an individual claim for $159.50, together with a range of other claims for staff amenities.

So the purpose is a genuine one to find out how much money taxpayers are actually paying for the secondment of Mr Worrall to the University of Adelaide in addition to his remuneration and salary package. These are genuine questions. Certainly we take a view that, in the circumstances that have been outlined, the capacity was there to terminate Mr Worrall's position. These are reasonable questions in the interest of taxpayers in trying to minimise the waste and financial mismanagement of the Weatherill Labor government.

ILLICIT DRUGS

The Hon. D.G.E. HOOD (15:49): Australia, and South Australia in particular, is awash with the use of illicit drugs. In 2013 approximately eight million (or 42 per cent) of the population of Australia at that time aged 14 years or older reported having used illicit drugs. Of those eight million people, almost three million had done so in the past 12 months, and this is a substantial increase—more than 10 per cent—from 2.7 million people in 2010 just two years earlier.

The AIHW's alcohol and other drug treatment services in Australia report from 2012-13 showed that the principal drugs of concern were cannabis and amphetamines. South Australia's amphetamine use in 2012-13 was almost double that of the national average with almost one in four

(24 per cent) episodes compared with the national average of one in seven (14 per cent). Australia-wide there have been reports of increased use of pharmaceutical opioids as well, which could open the way for greater use of illicit opioids, the report says.

The National Coronial Information System reports that opioid drugs were found to have made a primary contribution to death in 4,102 cases reported to an Australian coroner across a five-year period between 2007 and 2011. This averages over 820 deaths a year, of which 71 per cent were deemed to be unintentional. The number of death would, of course, increase should you factor in other drug related deaths. This is a tragic number of needless deaths which must be addressed by governments and parliaments across this country and by this one in particular. The societal cost in relation to illicit drugs was estimated to exceed $8 billion in the 2004-05 financial year and had a net cost of $201.7 million on the Australian healthcare system, and that is a very conservative estimate.

The number of drug and alcohol treatment agencies increased by 8 per cent Australia-wide and South Australia reported an increase of 56 to 93 publicly funded agencies—this is nearly double the number of agencies in just one year. Whilst at one level one can take some encouragement that support is being provided, the rate at which these services are growing is deeply concerning. It also begs the question: how many more people are falling through the cracks in the system? If we double the number of agencies in one given year, the problem must be very substantial indeed.

The burden placed on hospitals in relation to illicit drug use is also an area of significant concern. About 113,000 hospital separations with a drug related principal diagnosis were reported Australia-wide in 2012-13. The Australian Hospitals Statistics report said that, for public hospitals alone, drug related separations cost in the order of $127 million. In South Australia, same-day separations in 2011-12 for drug and alcohol use and induced mental disorders was 881 in that year alone, with overnight separations increasing to 1,920 in public hospitals and 254 additionally in private hospitals. The report considers injuries, poisoning and toxic effects of drugs which also report staggeringly high statistics on all of these fronts.

In 2013, 8.3 per cent of the population reported having been the victim of an illicit drug related incident. Whilst abuse was the most frequently reported incident, the seriousness should not be underestimated. A high proportion also experienced physical abuse by someone under the influence of illicit drugs, increasing significantly from 2.2 per cent in 2010 to 3.1 per cent in 2013. Every statistic says that illicit drug use is on the rise and that the impacts are increasingly serious and severe.

Obviously, there is a cost and time burden placed on policing these issues as well. The ABS reported an increase of 3 per cent finalised drug matters by police for the year 2013-14. It is without question that South Australia has very serious problems with illicit drug use and, while some inroads have been made, there remains a significant way to go in order to reduce the burden on society created by illicit drug use and to address the reasons why people turn to drug use in the first instance. I see it as a priority to focus on this problem in the future.

Time expired.

SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION BOARD

The Hon. A.L. McLACHLAN (15:53): This is going to be a cautionary tale of dyslexia and bureaucracy. I would like to take the chamber on a journey of bureaucratic endeavour at its poorest where process rather than outcomes was the order of the day. It is the true story of a family and its struggles with the South Australian Certificate of Education Board.

The couple are fortunately blessed with children and the father is a corporate lawyer, and the importance of this will become apparent later in this story. One of their daughters was diagnosed with dyslexia in her 11th year of study. Dyslexia afflicts up to 10 per cent of the Australian population. Individuals who suffer from dyslexia have trouble with reading and spelling despite having the ability to learn but, with appropriate instruction aimed towards specific learning needs, many can overcome their difficulties and live a productive life.

However, the ongoing stress and emotional effects that dyslexia sufferers encounter can be more detrimental to the child than the actual dyslexia on its own. Dyslexia is recognised in the Australian federal legislation Disability Discrimination Act and by the Human Rights Commission and, again, that is significant for the purposes of this tale.

The parents, on understanding that their daughter had dyslexia, immediately began to research the opportunities for some sort of assistance during their daughter's examination period, particularly for the following year of Year 12. They navigated, with the assistance of the school, the SACE Board guidelines and its policies. The SACE policies set out that:

> The SACE Board…is committed to providing all students with opportunities for success in completing the South Australian Certificate of Education.

The board also states in its 17-page policy that it recognises that individual students, under certain circumstances, may receive special provisions to access specified learning and assessment requirements. In essence, this is the opportunity for alternative arrangements for their assessments for those students who are eligible, such as extra time or the opportunity to take breaks. It can take many forms.

These parents, both tertiary educated, sought the assistance of their school. The school attempted to manage their expectations. Apparently, the opportunity for children with dyslexia receiving special provisions from SACE is rare, or at least that is what they were advised. They found the application process extremely bureaucratic. This placed extra stress on their child and was despite the fact that their child had a clinical diagnosis supporting their application.

I say to the chamber that this is a parent who had sophisticated qualifications and experience in corporate law. The fact that he found it excessively bureaucratic should give you an indication of how other parents—less educated and probably from a less advantaged family—would find this process with their own children who were suffering dyslexia. Despite this, they proceeded in a situation where the school was trying to manage their expectations that they would not receive any specific arrangements for their child.

In the year of matriculation, they lodged their application, and that was in February. They did not receive a decision until May. One can imagine the stress on the child and the parents. This response back was to deny any extra time in the exams. The response came only two weeks before the child's mid-term exams. An appeal was lodged: a seven-page intricate and complicated appeal with further supplementary clinical support. It is estimated by the parents that, given all the time of SACE, the teachers of the school, the parents and the doctors involved, the cost of this would probably be around $10,000.

Eventually, the appeal was granted, but the lesson for us all in this chamber is that, despite our best intentions in this place, ultimately our wishes will need to be interpreted by the state bureaucracy. We must be ever vigilant that the bureaucracy's love of process over outcomes does not undo the good we are trying to achieve in this chamber. Whilst I acknowledge the need for proper assessment processes and policies, I encourage the SACE Board to review its application of its policies and the impact on the families, especially our youth.

Parliamentary Committees

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: WORKERS REHABILITATION AND COMPENSATION (SACFS FIREFIGHTERS) AMENDMENT BILL

The Hon. G.A. KANDELAARS (15:59): I move:

> That the report of the committee on the referral of the Workers Rehabilitation and Compensation (SACFS Firefighters) Amendment Bill be noted.

The committee's report is in response to a referral from the other place, on 16 October 2014, on the question that this bill now be read a second time. The member for Newland moved an amendment to the question, namely:

> That all words after 'be' be left out and the words 'withdrawn and referred to the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation for its report and recommendation' be inserted in lieu thereof.

The Workers Rehabilitation and Compensation (SACFS Firefighters) Amendment Bill was introduced by the Hon. Tammy Franks of this chamber on 7 May 2014 to provide volunteer firefighters with the same presumptive protection for 12 specified cancers, as is already available to career firefighters,

without the need for them to prove which carcinogen, toxin or hazard of a fire scene they had been exposed to during their voluntary firefighting career.

CFS volunteer firefighters' cancer is taken to have been caused because of their firefighting and is, therefore, work related. The committee has worked diligently and undertaken its responsibility in this matter seriously in order to provide a report in a most thorough and timely way.

Firefighters are usually the first responders in the event of fire (or other emergency situations) and while many of us run away from danger these brave and highly-respected men and women run towards it. The most recent bushfire at Sampson Flat (which was one of the worst in the state's history), and its devastating effects, are still being felt by many in the local community, including volunteer firefighters.

It is a sad reality that while protecting the community from fire, chemical spills and other emergencies, firefighters put their own lives and safety at risk. We hear news of reports about injuries and fatalities arising from work performed by firefighters, but we do not hear a lot about the long-term health risks, such as cancer.

Following a Senate inquiry in 2011, the commonwealth government introduced legislation to provide presumptive protection for firefighters who contracted any one of 12 specified cancers. Whilst career firefighters in the commonwealth jurisdiction no longer have to prove that a specified cancer arose from their employment, the same protection was not provided to volunteer firefighters.

The Senate inquiry found that, whilst there was sufficient evidence to provide presumptive protection for career firefighters, there was insufficient evidence to provide the same protection for volunteer firefighters. This was influential in a decision by the Deputy Premier when he introduced the Workers Rehabilitation and Compensation (SAMFS Firefighters) Amendment Bill 2013 into the parliament in June 2013 to provide presumptive protection for SA career firefighters only.

It is now internationally recognised that both career and volunteer firefighters are potentially exposed to the same cancer risks. International research has demonstrated very clear links between the work that firefighters perform and certain specified cancers. Firefighters are at a greater risk than the rest of the community in contracting 12 specific cancers including brain cancer, bladder cancer, kidney cancer and leukaemia—to name a few.

Many countries, including Canada, provide the same presumptive protection for volunteer firefighters as career firefighters. In 2013, Tasmania became the first Australian state to enact presumptive legislation for the benefits of its 300 career firefighters and 5,000 volunteers. Western Australia, which has had presumptive protection in place for career firefighters since 2013, extended protection to volunteer firefighters in 2014, but some other states continue to debate this issue.

In recognition of increased awareness of cancer risks to both career and volunteer firefighters, last year the Deputy Premier, together with the Minister for Emergency Services, announced that South Australian CFS active volunteer firefighters will be provided with automatic compensation if they are diagnosed with one of the 12 specified cancers. Therefore, the Workers Rehabilitation and Compensation (SACFS Firefighters) Amendment Bill has been superseded since this announcement, which resulted in changes to section 31 of the Workers Rehabilitation and Compensation Act 1996 and schedule 3 of the Return to Work Act 2014, which is yet to commence.

Whilst inquiring into this matter the committee found that the Australian Fire and Emergency Services Authority Council, which represents both career and volunteer firefighter agencies in South Australia and New Zealand, had commissioned Monash University to undertake a health study of Australian firefighters. The research was led by occupational hygienist, Associate Professor, Deborah Glass, who released the final report in December 2014.

The research found that firefighters are a healthier cohort than the general population but their length of service as firefighters can increase the risks of contracting several types of cancer. However, the risk estimates reported are uncertain and should be interpreted cautiously. Professor Glass recommends a follow-up in five years.

For members' interest, I will just expand on some of the findings of the Australian Firefighters' Health Study report by Monash University. The overall risk of mortality was significantly decreased

for firefighters, with almost all major causes of death significantly reduced for male paid firefighters and for male and female volunteer firefighters. The study states that this is likely to be the result of the strong and healthy worker effect and the likely lowering of smoking rates amongst firefighters compared with the Australian population.

Male firefighters did not have an overall increase in the risk of cancer compared to the Australian population; however, there was a trend of increased cancer risk with the number and types of incidents attended. The likelihood of cancer would increase for a volunteer with the number of fires attended. There was an increased risk of prostate and testicular cancer for male firefighters and a decreased risk of lung cancers. There was an increase in the death rate for full-time firefighters, but this was still lower than the overall Australian population.

For male volunteer firefighters, the mortality rate for cancers was reduced with increased years of service; however, the report states that the numbers were too small to draw a firm conclusion. Overall, cancer incidence for female volunteers was similar to that of the Australian female population. There were statistically more melanomas, but the excess did not appear to relate to the service duration or the number or types of incidents in internal analysis. The report stated that there was no overall trend by duration of service, although it should be noted that the report also said:

> For female career full-time firefighters there were too few deaths or cancer cases for meaningful analyses. The limited data suggests that their risks were not higher than that of the comparable members of the Australian population. For female part-time paid firefighters there were also too few deaths for meaningful analyses but there was no observed overall increased risk. For part-time paid female firefighters, there was a statistically significant increase in brain cancer, which was based on only three cases.

The report states that a number of cancers now have a good cure rate, so incidence is a better measure of disease than is cancer mortality. Due to this, the report did not analyse mortality for separate cancer categories. I reiterate that the report was uncertain in many of the risk estimates and, as a result, the report should be interpreted cautiously. The report recommends a follow-up report in five years, which would increase the statistical analysis and provide more accuracy on the risks of cancers amongst firefighters.

In conclusion, I extend my sincere thanks to the Presiding Member of the committee (Hon. Steph Key), and all other members of the committee: the Hon. John Dawkins, the Hon. John Darley, Nat Cook (member for Fisher), and Stephan Knoll (member for Schubert)—I should also mention the former member of the committee, Katrine Hildyard (member for Reynell)—for their contribution and the commitment they demonstrated to this task. I would also like to thank the committee's executive officer, Sue Sedivy, for her consistent and untiring work. I commend the motion to the council.

The Hon. J.S.L. DAWKINS (16:11): I rise to support the motion, and I thank the Hon. Mr Kandelaars for his extensive summary of the work of the committee in relation to this matter. I should say that the report actually provides what I think is an excellent history of the bill and the related matters. Some of it could be seen by people outside this system as being quite bizarre. There was a situation where some parts of the government thought it was very clever to move that the private members bill in the lower house be referred to the Occupational Safety, Rehabilitation and Compensation Committee to—and these are my words—get rid of it for a while, and to stall.

We have seen those sorts of activities on behalf of the government in the lower house in the past. Then, of course, within days, some other arm of the government that obviously had not been talking to the one that referred it to the committee decided to come up with legislation which superseded the referral. So, I do recommend that people have a look at the report, as it actually summarises that rather bizarre set of events.

I suppose, as we move around this building, we sometimes pick up some information that is not always available to everybody. I became aware that some elements in cabinet wished that the committee might just ignore the referral and not bring up a report. I have got to say, I am very pleased that the committee unanimously determined to fulfil its responsibility to bring a report to the parliament. I personally thought it was offensive that elements in the executive of this government, having initially deemed it appropriate to flick this off to a committee to take it away and look at to get

rid of the issue, then suddenly decided to fix the issue and then told committee members, 'Oh, well, just forget we ever sent that to you.'

Well, that is not the way a good parliament works, it is not the way the Westminster system should work. I am one who very much supports the committee system, and I have to say that I am proud of the fact that the committee determined that it was absolutely inappropriate for us to go away and forget that we ever got the referral. I am pleased about that.

In conclusion, I should indicate that I would particularly note the detail in the Presiding Member's remarks in the report, and I also commend the conclusion of the report for those who are interested in the detail of this matter, and many in the community are obviously very interested in the welfare of the voluntary firefighting workforce.

Like the Hon. Mr Kandelaars, I also thank the Presiding Member, the Hon. Steph Key, for the manner in which she chairs that committee. I thank all other members of the committee, particularly the hardworking sole staff member of the committee, Ms Sue Sedivy. I commend the report to the council.

The Hon. T.A. FRANKS (16:16): It would come as no surprise that I rise to speak to this motion and, indeed, in support and to thank the committee for their work. This is an issue that has been long before this parliament. The bill that was referred to the committee by the member for Morphett mirrored the bill that I brought to this place many years ago and continued to bring to this place in the form of both private members' bills and, indeed, amendments to government bills.

I am pleased to see that, with the return to work debate, we have finally seen this issue addressed in government amendments to that particular bill, which have now become law. It does seem odd to a bystander to see this report now coming back to a parliament to recommend something that we have already now done as a parliament.

Of course, the complexities of the story are far greater than that, and this is an issue that has now ended not with a bang but with a whimper. It is an issue which I think will continue to go on, because it is an issue which goes to the treatment of CFS volunteers by this government: the lack of respect accorded to them and afforded to them, that this government did not take heed of the Senate inquiry into this issue, did not take heed of the fact that, internationally, volunteer and career firefighters have already been afforded this presumptive treatment under the laws of various jurisdictions. They did not want to listen to those particular perspectives, particularly in that the South Australian volunteer fire force, by its very nature, fights structural fires which are the subject of the studies that show that there are these causal links between certain types of cancer and the act of firefighting.

We are very privileged to have the CFS volunteer fire force we have in this state. As climate change continues to impact and create increased and more extreme climate changes for us as a state, we should be even more grateful. But what does the current minister do, according to *The Advertiser* front-page story of this week? He threatens to sue people who give him bad publicity when they point out that perhaps it was not the most appropriate time for him to be doing a photo opportunity just after one of the most recent emergencies in our state.

I would say to that minister that he should heed the lessons of this report, that he may be coming in here in future times perhaps with a different perspective on his emergency services reform if he does not listen to the CFS and the SES volunteers. Let's hope that their voices are heard by the government well before a posthumous report needs to come back to this parliament. With those few words, I support the report.

Motion carried.

Bills

EMERGENCY MANAGEMENT (AUSTRALIAN SIGN LANGUAGE INTERPRETER) AMENDMENT BILL

Introduction and First Reading

The Hon. K.L. VINCENT (16:19): Obtained leave and introduced a bill for an act to amend the Emergency Management Act 2004. Read a first time.

Second Reading

The Hon. K.L. VINCENT (16:20): I move:

That this bill be now read a second time.

The intent of this bill is a very simple one; that is, to take an initial step toward ensuring that vital information is available in as many accessible formats as possible so that all people can have the information they need to have their basic right to safety in times of emergency, such as bushfire or flood. As I have discussed previously in this place, following the bushfires at Sampson Flat earlier this year Dignity for Disability has been consulting with the community about how to improve access to evacuation information and other information relevant to emergency. To that end, we recently held at public meeting at Parliament House, which was very well attended.

A variety of groups and individuals with varying degrees of involvement with a range of disabilities were in attendance. In particular, there was a large representation from the Deaf community. I am going to talk more about that meeting shortly, but first I want to put on the record my thanks, on behalf of Dignity for Disability, to all those who attended this meeting and began this very important conversation. Before I go on, I also want to put on the record my gratitude to Ms Karen Walker from parliamentary counsel who drafted the bill we now have before us.

As I am sure members can imagine, the Sampson Flat bushfire event raised a number of questions for Dignity for Disability regarding the equality and, indeed, quality of the information provided to South Australians at that time. The issue around sign language interpretation for emergency broadcasts during the Sampson Flat bushfires was first raised with me when somebody told me they had noticed that no interpreter was present at the first television conference the government held during the fires. They complained about this and an interpreter was made available for the broadcast of subsequent conferences.

Whilst it is great when we try to look out for each other as a community, I think most members would agree with me when I say that it should not be up to individual community members to make sure that services are available to everyone every time, particularly in an emergency situation when people already have many of their own priorities and concerns. This is why I put forward the proposal that Auslan interpretation become a part of the state emergency management plan, to ensure consistency and to ensure that people can focus on ensuring their safety and the safety of those around them in a practical sense at these difficult times.

Before I go into more detail about the bill itself and Dignity for Disability's campaign around the issues of access to assistance in emergencies, I want to talk briefly and generally about Auslan to assist some members who may not have had much experience with it or with the Deaf community. Australian sign language, more commonly known as Auslan, is recognised as the official sign language of Australia. It was first recognised by the Australian government as a community language other than English around the 1980s and 1990s, although of course the language itself predates this recognition considerably.

Auslan is its own language, separate from English. Unlike the archaic signed English, Auslan has its own syntax, grammar and nuances which are not based on English. In the same way that many Aboriginal Australians might speak Pitjantjatjara, Kaurna or some other Aboriginal language as a primary language, for many deaf Australians Auslan is their primary language and English and other languages come second. In fact, article 24 of the United Nations Convention on the Rights of Persons with Disability, the article that deals with equal access to education, states:

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:…

b. Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;

It is somewhat difficult to obtain the exact figure, but Australian census data and other data from recent years suggests that about 7,000 Australians use Auslan to communicate at home or as their primary language and that most deaf people (around 82 per cent) use sign language every day to communicate.

The Deaf community has developed a very strong sense of identity and culture over time. Many deaf people—in fact, I would go as far as to say most deaf people—do not see themselves as having a disability but, rather, a distinct cultural background. I hasten to add here that I understand and respect this distinction but, for the purposes of this speech, I will use the umbrella term 'people with disabilities' for the sake of clarity and expediency.

Some members may have heard Young Australian of the Year Drisana Levitzke-Gray talk about the concept of deaf gain as opposed to hearing loss. Drisana is an amazing young woman who is living proof of the benefits of recognising and promoting Auslan, and I strongly suggest that members look her up if they are interested in learning more about Auslan and about Deaf culture.

As for Auslan interpretation, a person gains their professional accreditation as an Auslan interpreter through the National Accreditation Authority for Translators and Interpreters (NAATI) in order to become a professionally recognised interpreter. When this bill was originally drafted, parliamentary counsel had left the definition of what constitutes an interpreter open to be simply 'a person fluent in the language of Auslan'.

However, at the public meeting held shortly after the first bill, the first draft of this bill became available. It was obvious from members of the Deaf community present that there was unanimous support for restricting this definition to 'an accredited Auslan interpreter' to avoid a situation in which someone without the correct level of training might attempt to provide the service, meaning that people who rely on Auslan interpretation might get inaccurate information. We have restricted the definition of an Auslan interpreter accordingly in this iteration of the bill.

Whilst I am on the subject of interpreters, I think it is important to talk about something that will be vital to the success of this bill if it is passed into law. Ensuring that Auslan interpreters are used for emergency information broadcasts not only means making sure that only professionally accredited interpreters are used, but we must ensure that existing professional interpreters also get adequate additional training to help them understand the nuances of the jargon that is sometimes used by emergency services workers to describe the gravity of events to ensure that this information is interpreted accurately and to avoid overstating, or indeed understating, what is actually happening.

I would particularly like to thank Ms Amber Venner of Communication Republic for helping me to understand the particular needs of professional interpreters in this regard. Similarly, the training of the media, such as camera operators, will be of great importance. This has been raised with me several times by many people. Some members may recall that there was an issue during the Queensland floods involving an Auslan interpreter who was provided during those emergency broadcasts. The camera kept zooming in on the then premier Anna Bligh when she was speaking, thereby cutting the interpreter out of the frame and out of view.

I would like to thank Mr Brett Casey, CEO of Deaf Services Queensland, for getting in touch with me about how this issue has been addressed from a policy perspective in that state. I look forward to continuing that conversation to ensure that the interpretation provided under this bill would be of the highest standard. But, of course, this bill is not a fix for all the barriers which deaf and hard of hearing people continue to face in our society. In particular, Dignity for Disability would like to see Auslan promoted as a language other than English in more schools across South Australia so that more people have the opportunity to learn Auslan and the many special benefits that can provide.

As one example, a recent media report from Queensland related to an incident where a car crash occurred in Sunnybank in Queensland, and 11-year-old Emmett Fisk was quick to offer his assistance to paramedics when he realised that one of the drivers was Deaf. Emmett, whose grandparents are Deaf themselves, used his sign language skills to relay the driver's injuries to paramedics. That is just one example of the many benefits that learning Auslan can provide in broader society.

Dignity for Disability has chosen to move forward with the Auslan component of this bill first. Because of the measures that have been suggested in our consultation thus far, this component has the simplest legislative solution. But, of course, that is not to say that the Deaf signing community is the only one not having its needs met with regards to emergency information.

The need for captioning to also be available as part of these broadcasts was raised as an important measure to assist people who are not deaf but hard of hearing, since that is an ever-

increasing segment of the community as our population ages. It was also suggested that captions may be of assistance to some people whose primary spoken language is not English, such as people who have come to Australia from other nations.

I have had some preliminary discussions with professional caption providers, and it is my understanding that, given that the majority of the types of broadcasts to which this bill would relate, such as the media conferences held during the Sampson Flat bushfires, and since the majority of these conferences are scripted, it would not be very difficult to implement comprehensive and accurate live captioning as part of the process by providing caption providers with a copy of that script.

I thank Mr Kyle Miers from peak advocacy body Deaf Australia for making very strong representation to me about his belief that, if captioning is to be provided in these broadcasts, it should be opening captioning so that the captioning is an intrinsic part of the broadcast rather than closed captioning, which means that the captions are only valuable if an individual's television is caption enabled and that person deliberately selects for captions to be displayed on the television. I quite agree that this is preferable, and we will continue to pursue this option.

Other matters that were raised with me related to the use of technology. Smartphone apps and text messaging were suggested as a great way to communicate information to people who are deaf or hard of hearing, for example, but at the same time these methods were described as being not necessarily readily available for some of the elders in our community for whom technology is not necessarily a big part of everyday life.

So, it is clear that the need for a variety of options and formats in which to access this information will be vital, as well as having it in languages other than English, for not only the deaf but also for culturally and linguistically diverse communities. Dignity for Disability believes that people with intellectual and cognitive impairment have also been neglected in this area. It is vital that information be made accessible in formats such as easy English and using visual prompts to assist people with low literacy. We are in discussions with the CFS about this issue in particular, and I understand that the CFS is currently in the process of developing these kinds of resources. I look forward to being able to report to members on the progress of the development of those resources very soon.

As I have already raised in this place, there were also suggestions from the Physical Disability Council of South Australia in particular that the government develop a register to allow for people who may feel particularly at risk during emergencies to be identified so that emergency services personnel are aware prior to arriving at a person's residence that they may require some extra assistance and what form that assistance must take.

As a starting point, Dignity for Disability is investigating the possibility of expanding the existing Telecross REDi program which is already used to monitor and maintain contact with people who may be at risk during a heatwave. I would like to take a moment to thank the CFS and in particular CFS firefighter Justin Baxter who is also captain of the Dalkeith station who attended the public meeting and I would like to thank the CFS for the goodwill and open-mindedness that they have shown so far in this project. I am confident that we will be able to work together to make long-lasting positive change.

This is by no means an extensive or exhaustive list of the issues regarding emergency planning and people with disabilities. Dignity for Disability is also eager to look at how we can allow for safe and accessible physical evacuation processes as well as information sharing. However, we put this bill forward and start this dialogue today in the hope that it will begin the journey towards genuine access and comprehensive safety planning for all.

It is easy and, frankly, lazy to believe that people with disabilities are putting burden on society by requesting special treatment or that we are simply vulnerable by nature. As Dignity for Disability has done with the Disability Justice Plan, we must recognise that the barriers people with disabilities face are not intrinsic. They are the result of a society and systems which have failed to keep up with the rapidly growing diversity of the people they are supposed to serve and it is up to all of us here today to change that. I commend this bill to the chamber.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

Motions

MOTIVATION AUSTRALIA

The Hon. K.L. VINCENT (16:38): I move:

That this council—

1. Notes the contribution that Australian non-government organisations make to improving the welfare and quality of life of disadvantaged people living in less resourced settings in developing countries, including our near neighbours such as the small island nations in the Pacific region;

2. Notes the South Australian non-government organisation, Motivation Australia, works in partnership with local organisations in the Asia Pacific region and rural and remote Australia to improve the quality of life of people with mobility disabilities in the Asia Pacific Region;

3. Notes that over 100 million people globally have a mobility disability. Currently it is estimated that only 5 per cent to 15 per cent of people who require mobility equipment can access it. Across the small island nations in the Pacific region, there are more than 150,000 people in need of a mobility device, with this number set to rise due to the diabetes epidemic. There is a heavy reliance on inappropriate donated equipment; and a desperate lack of rehabilitation staff and services; and

4. Notes and commends Motivation Australia's work, increasing access to mobility devices to enable people with a mobility disability to be active, contributing participants within their family, community and broader society.

I bring this motion to the chamber today as ambassador of Motivation Australia and to acknowledge their important work that they do but also the work that other non-government organisations do to improve the quality of life of people with disabilities or who are disadvantaged in some other way in developing countries and in our region. I also bring this motion to this place because it is timely, given Cyclone Pam has just ripped through the Pacific, or specifically Vanuatu, damaging some of the services which Motivation Australia provides or assists in providing for people with disabilities in these remote island communities.

I will start by talking a little bit about their work in Vanuatu with the Vanuatu Society for Disabled People (VSDP). The Vanuatu Society for Disabled People has a long history of working with children and adults with a disability in their community, providing services to help enable those people to participate as fully as possible in community life in Vanuatu. VSDP services include an early investment program for children and a community-based rehabilitation program.

This year, Motivation Australia and VSDP have also commenced a project to provide walking aids, funded through the Australian government and also involving the Frangipani Society and physiotherapists from Vila Central Hospital. The loss of VSDP's main building, caused by Cyclone Pam, has severely disrupted the services that VSDP is able to provide, at a time when children and adults with disabilities most need their support.

Motivation Australia is now running a fundraising appeal to help VSDP get back on its feet so it can replace its lost rehabilitation and office equipment, meet the immediate needs of its clients, contribute towards rent of a temporary space while VSDP seeks support from large donors to help rebuild its original building, and work toward the ongoing strengthening of VSDP and its services to assist people with disabilities in Vanuatu.

With this fundraising appeal, it should be noted that Motivation Australia's administration and accountability costs are being funded separately by Motivation Australia so that all moneys go directly to the people and services that need it most: with VSDP in Vanuatu.

On the general work of Motivation Australia and its background, Motivation is a not-for-profit development organisation, a registered charity and a member of the Australian Council for International Development. The organisation works in partnership with local organisations to enhance the quality of life for people with mobility disabilities specifically in the Asia-Pacific region, including rural and remote Australia.

Motivation Australia is based right here in Adelaide. Locals passionate about international development and the rights of people with disabilities sit on its board, and the countries which

Motivation Australia currently do work in include Fiji, Kiribati, Papua New Guinea, Samoa, Thailand, the Solomon Islands, Tonga, Timor Leste and, of course, as previously mentioned, Vanuatu.

As the motion I have put forward today suggests, using World Health Organisation statistics, we can estimate that there are over 1 million people globally with a mobility-related disability. Assistive devices, such as wheelchairs, prosthetics and walking aids, increase mobility and reduce the impact of mobility impairment and reliance on government services and charity. With the aid of these devices, people with a mobility disability are better able to live independently and participate in their societies.

It is no secret that my personal campaign to get an appropriate-sized wheelchair for myself is one of the reasons I ended up in this place as a member of parliament. That in modern-day Australia our existing ability to access adequate mobility devices in a timely fashion is still such an issue gives you an idea of what challenges must be faced by people with the same needs in a developing country.

It is, therefore, very saddening to learn (but not surprising) that, in many low income and middle-income countries, the World Health Organization report on disability estimates that between only five and 15 per cent of people who require mobility equipment can actually access it. Again, as my motion notes, Motivation Australia estimates that across the small island nations in the Pacific region alone there are more than 150,000 people in need of a mobility device, with this number rising as a result of a worsening diabetes epidemic.

There is a heavy reliance in these countries on inappropriate donated equipment and a desperate lack of rehabilitation services and other services including equipment provision. Therefore, Motivation Australia's work is focused on increasing access to mobility devices in order to enable people with mobility disabilities to be active contributing members within their families, communities and broader society. This disability-specific assistance is critical in enabling people with disabilities to benefit from existing Australian government funded and other mainstream aid and development programs. Motivation Australia will continue with a number of their projects across these countries. These projects include:

- improving the quality and affordability of mobility devices, such as rough-terrain wheelchairs which suit the rural environments that many wheelchair users live in;
- building sustainable services and working in partnership with government and non-government organisations;
- training local staff to be able to meet the needs of people with disabilities in their communities;
- empowering people with a disability to help and support each other through peer training projects, such as training people in how to use their mobility device to its full potential once they get access to one; and
- working with partner governments to develop and implement minimum guidelines on the provision of assistive devices.

As I have said, there are particular vulnerabilities that people in developing nations who require mobility equipment face. There are certainly exacerbated levels of the challenges that many people here in Australia now continue to face in the 21st century. That is why Motivation Australia works both in developing countries in the Pacific region and in rural and remote Australia to holistically address these inadequacies and to promote human rights with a holistic and global perspective because, no matter who you are and no matter where you are, your human rights should remain the same and be addressed accordingly.

If members are interested in learning more about the work of Motivation Australia, I encourage them to contact me, as their ambassador. I am more than willing to provide more information as the very proud Ambassador of Motivation Australia. I also encourage members to donate to the Cyclone Pam campaign to help the Vanuatu Disabled People's Association to get back on its feet. They can do that—and, indeed, members of the broader community can do that as well—

by visiting mycause.com.au and entering 'Motivation Australia' into the search terms to make sure that the money goes directly to that cause.

You can also join us at the Walk For Wheels event coming up in May, which is a walk of varying distances around the Aldinga region, and Aldinga Beach, which is modified on that day to be wheelchair accessible through the use of temporary tarmacs so that people with wheelchairs and other mobility aids can get onto the sand. It is a great event to raise funds for Motivation Australia's general work and I encourage all members to get involved with that particular event as well. I am certainly looking forward to attending it and promoting it as Motivation Australia ambassador.

So there are many opportunities available to get involved both in the Vanuatu cyclone recovery effort but also generally supporting people with mobility disabilities in the Asia-Pacific region and right here in Australia and I encourage all members to do what they can to do that.

Debate adjourned on motion of Hon. T.T. Ngo.

Bills

ANIMAL WELFARE (JUMPS RACING) AMENDMENT BILL

Introduction and First Reading

The Hon. T.A. FRANKS (16:50): Obtained leave and introduced a bill for an act to amend the Animal Welfare Act 1985. Read a first time.

Second Reading

The Hon. T.A. FRANKS (16:51): I move:

That this bill be now read a second time.

I introduced this bill today, for the second time in this place. Those members who were in this place at the time will remember that I introduced a mirrored bill in 2011. At that time, I raised awareness of the cruel practice of jumps racing in this state, and noted that Queensland abolished jumps racing in 1903 over 100 years ago.

In New South Wales it became a criminal offence through legislative reform in 1997; in WA they have not had a jumps race for over 70 years; in Tasmania it is now close to 10 years since they have had a jumps race; and, indeed, in the ACT and the Northern Territory it has never been a major part of the racing scene.

In 1991, a federal Senate Select Committee on Animal Welfare recommended the phasing out of jumps racing in all states over three years. Sadly, many key decision-makers in many jurisdictions ignored this recommendation and today we see South Australia and Victoria standing as the last two jurisdictions which hold jumps racing.

South Australia has an opportunity now to rectify this error, and it is an error that perpetuates animal cruelty, not just according to the Greens, but according to the Law Society's advice to my previous bill.

I will be issuing a request to the Law Society to provide similar advice on this bill, but I suspect it should come back exactly the same as it said last time, and recommend the passage of my private member's bill because (as the Law Society put it, but I will truncate it a little) it would clarify what they believe already to be an illegal act under the Animal Welfare Act.

They already believe that jumps racing is in contravention to the Animal Welfare Act, and that it is a cruel practice and is likely to be illegal, but it is difficult to prosecute those issues. So my bill, if passed, would simply make what they believe already to be a breach of the law a clear breach of the law.

Jumps racing has a small part to play in the South Australian racing industry. I note even this week, a race that was scheduled for Murray Bridge has been cancelled because there was only one starter. Very recently, the South Australian Jockey Club has come out and said that they do not want jumps racing at Morphettville, and, indeed, Morphettville remains the only metropolitan location for jumps racing in the country.

The stance of the SAJC has however been ignored by Thoroughbred Racing SA which intends to pursue jumps races at Morphettville this calendar year. I hope—and, certainly, this bill would ensure—that this calendar year (2015) will be the last time we see jumps racing take place, not just in metropolitan South Australia, but in regional South Australia as well.

It is an industry that accounts for I would say probably 1 per cent of the overall industry, but it certainly seems to accrue 99 per cent of the bad publicity that this industry gets. They only have to look at the greyhound racing industry at the moment to see that bad publicity is not something that any animal racing industry can sustain for an extended period. Jumps racing must go the way of dog fighting and cock fighting.

These two practices are currently banned in this state under our Animal Welfare Act, and jumps racing should be the same. These are outdated and cruel pastimes that have no place in a modern, civilised society. The extensive work of the senate committee back in 1991 raised serious concerns about the welfare of horses participating in jumps races:

> Those concerns are based on the significant probability of a horse suffering serious injury or even death as a result of participating in these events, and in particular, steeplechasing…

The concern was exacerbated by evidence suggesting that, even with improvements to the height and placement of jumps, training and education, the fatality rate would remain constant. The committee therefore concluded that there was an inherent conflict between these activities and animal welfare. Accordingly, the committee recommended that jumps races be phased out by the mid-1990s.

Many decades on, we are still seeing jumps races being held in South Australia, but we are seeing sponsors pull out as they do not wish to be associated with this practice, and we are hearing more and more voices against jumps racing. In the previous debate in this place, I note the words of the Hon. Ian Hunter, now the minister with responsibility for the Animal Welfare Act. He stated in his speech:

> Jumps races are very different to flat horse races—that stands as unquestionable. Jumps races are endurance events for both horse and jockey, run over much longer distances than flat races. Jumps races can be up to five kilometres long, compared with the average 1.5-kilometre flat race. In hurdles, horses jump lightweight frame fences with brush tops, and in steeplechases horses jump higher, more solid obstacles.
>
> Jumps racing jockeys are generally heavier than flat-race jockeys and often have less experience. Jumps horses are typically horses that have been bred for flat racing, trained to run at full speed, but have proven too slow to win on the flat…Those old, slow nags just do not return.

Minister Hunter, then a mere backbencher, went on to note the same statistics I have just given you with regard to the senate inquiry and, indeed, the phasing out of jumps races in other states. He noted with some concern that the previous Victorian government actually pledged $8.85 million towards jump racing in that state.

I note that Denis Napthine, the then Victorian Liberal minister, who went on to be premier, was indeed involved with the jumps racing industry and certainly had a particular perspective on keeping it going. Minister Hunter finished his speech to this council by saying that jumps races do not significantly contribute in terms of employment to this state, and went on to warn the jumps racing industry that:

> …if the jumps industry were serious, it would move to shorten the jumps races to being equal to flat racing in length and reduce the number of jumps accordingly, and it would have the same weight requirements for jockeys as flat racing. That would be a start. That would show that the industry is serious in addressing the very real problems inherent in jumps racing. If it does not, it should not be surprised if this parliament is again debating a bill to ban their industry some time in the future.

Well, this is some time in the future. The SAJC has indicated that they do not wish to see jumps racing in the metropolitan area of South Australia. The minister was quite right; as a backbencher, he looked into the crystal ball and saw that public sentiment would continue to grow in its force against the running of jumps races in South Australia, and, indeed, we would be seeing another bill before this place.

I have introduced this bill today with the support of many animal welfare groups, not least of which is the RSPCA, which is currently mounting a particularly strong campaign to see 2015 being

the final season for jumps racing in South Australia. The sponsors are hearing the public voice loud and clear. The industry is being propped up interstate by previous government moneys. I would hope that we will not see a similar performance by this government, and I doubt that we will see a propping up of this industry by the Weatherill Labor government.

I hope that this debate will be based on the factual evidence that this is a cruel industry. The legal advice we have previously received from the Law Society is that they believe this practice is illegal but, taking into account that it is very difficult to get a prosecution, even though they say that jumps racing is animal cruelty, we should clarify that law once and for all—end this industry within an industry which, for those members who do support the racing industry, is providing that 99 per cent of the bad publicity and damaging the industry those people say they love so much.

Since 2009, 15 horses are known to have died in South Australia as a result of jumps racing. The true death toll is, of course, believed to be higher: horses that die at trials are not added to the official statistics. Indeed, the number of jumps races that take place in this state is so small as to mean that the numbers, while they might seem to some to be quite low, are a real warning bell. The proportion of horses that die in jumps races compared with flats races is extraordinary. It should be an alarm bell to anyone who cares about the future of the racing industry in this state.

With those few words, I commend this bill to the council. I note that there will be a concerted campaign on this issue. I look forward to the Weatherill Labor government assessing this issue, judging it on its merits. Indeed, where they say that they have no control over the racing industry—where Mr Bignell has said that, because of previous Liberal regime changes, he has little power in this industry—I ask them to remember that they do have full control under the Animal Welfare Act, that the minister for the Animal Welfare Act, minister Hunter, sits in this house and that this government can act to end jumps racing this year once and for all.

Debate adjourned on motion of Hon. J.A. Darley.

LIQUOR LICENSING (ENTERTAINMENT) AMENDMENT BILL

Introduction and First Reading

The Hon. T.A. FRANKS (17:03): Obtained leave and introduced a bill for an act to amend the Liquor Licensing Act 1997. Read a first time.

Second Reading

The Hon. T.A. FRANKS (17:03): I move:

That this bill be now read a second time.

I rise to introduce a bill, which I have previously brought before this place, to amend the Liquor Licensing Act 1997, and that is to address the issue of entertainment consents. I do so with one small amendment to my previous bill, and that is to remove the entertainment consent requirements that I believe are unduly placed on liquor licensees between the hours of 11am and midnight. I do so knowing that the government, having previously voted against my legislation, has now announced, as of 18 February, that it will be progressing this way itself.

I note though that that is some five weeks ago and that parliament is about to go into a month's break so it will be many months before the government is going to act on this issue. So, tired of waiting, the Greens, again, will put this issue fair and square on the agenda of the parliament and do so with the support, not just of the Australian Hotels Association of South Australia but of MusicSA, those who care about live music in this state, the musicians' union and many other stakeholders who want to see not just a vibrant Adelaide but a vibrant state with a thriving live music and entertainment culture in our licensed premises.

We do so because we do not believe that liquor licensing enforcement should have anything to do with the culture inside a premises that provides alcohol, whether that is performing a poem or playing in a rock band. It should not matter to liquor licensing whether or not that band is playing folk or rock or grunge. Provisions in our liquor licences across the state which preclude, for example, heavy rock, heavy metal and particularly grunge, which is certainly something I have not seen a lot of in our pubs and clubs since the 1990s, should not be any part of our liquor licensing regime and should certainly not be being policed by those public servants who work in that unit.

It is an oddity that the Seven Stars Hotel is allowed to have four performers but not five on a stage. That has nothing to do with the responsible provision of alcohol. It is an oddity that should a venue wish to put on live music it is often required, with onerous provisions imposed upon it, to have a certain number of security on the door for the time of a performance or, for example, that the Dublin Hotel in Glenelg is restricted to only playing folk music and were then prosecuted when they put on a DJ one particular day.

South Australia needs to cut out the culture cops and it needs to cut out the culture cops now, not in a few months, not next year, but now. I give notice to the government that I will be progressing this debate and I look forward to the government's own legislation being presented in this place and I will wholeheartedly support it, should it arrive here in the next week of sitting. In the meantime, we are putting it on the *Notice Paper* and we will be ready for debate come May so that in the new financial year we would hope to see the culture cops eradicated from our licensed premises across the state.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

FAMILY RELATIONSHIPS (PARENTAGE PRESUMPTIONS) AMENDMENT BILL

Introduction and First Reading

The Hon. T.A. FRANKS (17:08): Obtained leave and introduced a bill for an act to amend the Family Relationships Act 1975. Read a first time.

Second Reading

The Hon. T.A. FRANKS (17:09): I move:

That this bill be now read a second time.

This is a bill that I bring before this place which in many ways addresses some of the issues of my previous bill that looked at the recognition of lesbian co-parents on the birth certificate of a child that a couple has conceived through artificial insemination. I note that that bill, when voted on in this place, had strong support, stronger than I expected. Indeed, I think it was recognition that these are children and families living in South Australia who deserve the protections that that particular bill and this bill today have both created and will increase.

Same sex headed families have certainly been the subject of a committee of inquiry. The Social Development Committee looked into it in great detail in previous years and reported back with a range of recommendations for law reform that I note have not been fully taken up. However, I welcome the words in the Address in Reply speech from Premier Weatherill that there will be a law review process this year and that we will see many issues of inequity addressed, be they on the basis of sexuality, sexual identity, gender identity or indeed gender. I look forward to that process. However, for some families that process will take too long. They are in the here and now and their rights are currently being impeded, and they are not able to be recognised under the law as the families that they are.

One particular family to which I have drawn this parliament's attention—and I will be hosting them in the Watarru Room this evening—is the family of Tadhg. Young Tadhg was born on Mother's Day last year. Sally's partner Elise gave birth to a beautiful baby boy. However, when they went to register his birth they were shocked to have their forms returned by Births, Deaths and Marriages with a demand to prove that they had lived together for three years before they conceived; not the question of whether they were in a loving, committed relationship (which of course they are and continue to be), not even whether Sally had consented to the insemination procedure, just whether they had been cohabiting for three years.

Of course, members in this place who have spent much more time in this chamber than I have would know that that three-year provision is a relic of a particular South Australian approach with regard to the treatment of certain partnerships. In any other state Sally and Elise would not have been required to have lived together for those three years. Indeed, many of the families who have now been able to benefit from a second or third child having been conceived in their partnership still have the first child, who was not conceived after the couple had been together for three years, not recognised as part of that family. So, not only are we denying parentage but we are denying siblings.

Sally and Elise are and were in a de facto relationship. They owned a home together. They have a shared mortgage and they are known by their family and friends to be a couple, but because they had not lived together for three years this just was not enough. If they had been born anywhere else in Australia, they would have both mums on Tadhg's birth certificate. In fact, opposite sex partners need not be in any form of prescribed relationship when they access assisted insemination via a donor. They can then register the resulting birth with the male partner's name as the father without question. The biology or technology involved is not deemed to be important.

Sally and Elise have been campaigning online and have been attending events. On their Facebook page they are pictured with shadow minister Penny Wong, who has noted on that campaign page that she was only afforded the rights by a slim timeline; in fact, if she had not been together with her partner Sophie Allouache for as long as she had, they would not have had their child recognised with shadow minister Wong on the birth certificate.

It seems punitive to treat same-sex couples differently from other same-sex couples based on a criterion that does not exist in any other state. When a couple conceives a child together, that is recognition of a de facto relationship elsewhere. It is certainly adequate for the federal government's processes, so it should be for the state government's processes.

Unfortunately, although it would normally be a fortunate event, for Elise and Sally, their baby was conceived on their very first attempt. Had they been unsuccessful at first they would not have fallen foul of this law. Because they had not lived together long enough they have found themselves in the unenviable position where Sally is now not recognised as Tadhg's parent at all. As the legally invisible parent, Sally cannot pass on her UK citizenship to Tadhg nor, when he gets older, sign school consent forms.

She cannot make medical treatment decisions for her son in an emergency or where Elise is either unreachable or also injured. Worse still, she would have to fight to keep custody of her own child if Elise were to die. Sally and Elise are now campaigning to have these changes made to the South Australian legislation; I am certainly happy to help them with that today. They have also lodged a complaint with the Human Rights Commission, and I note that that process is still in train. We will keep you updated, and I will provide further information on that particular complaint as it comes to hand.

Another couple who have contacted me with regard to supporting the bill that I place before you today are Rosalie and Kylie. Rosalie and Kylie do not have children at all, so you might wonder why they would want to have the advantage of the removal of the three-year rule. Rosalie and Kylie have been together for a very long time, but as Christians they have waited to get married before they moved in and lived together. So, on 17 April this year they went and married in New Zealand and now they plan to start a family. They wrote to me:

> Unfortunately we had to get married in New Zealand rather than Australia. Not only have they legally achieved marriage equality, but there are many churches there who are supportive. It was really important to us that we have a Christian ceremony, as we have both been Christians our entire lives, as well as a fairly traditional ceremony. We have followed other traditions, such as not living with each other until after the wedding. This means that we won't have been living with each other for three years when we want to start a family at the end of next year. It does not make sense to us that we won't be able to be both on the birth certificate under the current legislation. We want to do everything we can to provide stability for our future children.

These are both children who are indicative of other children, who are very much wanted, very much loved but are not afforded the right of the recognition of both their parents. I will be hosting in the Watarru Room in the dinner break this evening some of the families who would like to see this legislation passed and not wait until the end of the year when we get back the report from the law reform review. It is a small change, a change that is a peculiarly South Australian phenomenon of requiring the three years criterion, and is something in this place we can do with informed debate, but certainly with some haste, because we have seen that this legislation is working well in practice.

It is a small issue that needs to be addressed and one that we have the capacity to debate and pass through this parliament to ensure that Tadhg, by the end of this year, has both mums on his birth certificate, and that Rosalie and Kylie, should they be lucky enough to conceive and have a child in coming years, also have that legal protection not just for themselves but for their child and their extended families. With that, I commend the bill to the council.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

FREEDOM OF INFORMATION (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. M.C. PARNELL (17:19): Obtained leave and introduced a bill for an act to amend the Freedom of Information Act 1991. Read a first time.

Second Reading

The Hon. M.C. PARNELL (17:19): I move:

That this bill be now read a second time.

This bill is identical to one that I introduced on 12 November last year towards the end of the parliamentary session and, given the proroguing of parliament, I was not able to bring it to a vote so I am reintroducing it now. The origins of this bill go back to May 2013 when the South Australian Ombudsman released a report entitled 'An audit of state government departments' implementation of the Freedom of Information Act 1991 (SA)'.

The audit looked at how 12 government agencies are managing their responsibilities under the Freedom of Information Act, focusing principally on the 2012-13 financial year. It also draws in part on the Ombudsman's experience as a review authority under the act. To quote from the executive summary of the Ombudsman's report:

> Government-held information is a public resource; and the public's right to access to this information is central to the functioning of a participative democracy. Freedom of information (FOI) 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 agencies' 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 agencies' implementation of the act is wanting and demonstrates a lack of understanding or commitment to the democratic principles which underpin the act.

The audit 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 fail 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 agency's 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 agency's determinations. The audit also revealed that agencies' chief executives are not providing freedom of information or pre-information disclosure leadership. In nine out of the 12 agencies, there was 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 had ever released an exempt document despite the discretion to do so under the act.

The Greens believe that there needs to be an integrated approach to information access in this state, incorporating both freedom of information and privacy concerns. There should be an emphasis on the proactive release of information by agencies, with the formal freedom of information process becoming a tool of last resort. Of course, what goes along with that is adequate records management. At present agencies can hide behind poor record-keeping as a device to deny access to documents or to price it out of the reach of most citizens.

Since introducing this bill last year there have been further developments in the area of freedom of information that reinforce the need for law reform and, in particular, I want to refer to my

recent District Court case. As many members would know, until two weeks ago I was the respondent in the District Court in an FOI matter which related to the Walker Corporation's plans for the Festival Centre Plaza.

The way this case came about was as follows. I lodged an application on 18 April 2013. In summary, I was looking for all of the documents that related to the Walker Corporation concerning the development plans for the Riverbank Precinct or the Festival Centre car park. My having lodged the freedom of information application, the relevant agency (DPTI) failed to respond in the statutory time frame, so I lodged an internal review.

Again, they failed to even respond to the internal review, so I lodged an appeal with the Ombudsman. After some negotiation with the agency and the Walker Corporation, on 15 May 2014, the Ombudsman made a final determination upholding my right to copies of most of the documents caught by the request and the right to inspect other documents that were subject to copyright but were not exempt documents—in particular, the plans.

On 12 June last year, Walker Corporation appealed to the District Court against the Ombudsman's ruling. Once in the court system, there was the usual to-ing and fro-ing with directions hearings to set the dates for the trial and dates for the disclosure of evidence and outlines of argument. At a listing conference in September last year, the hearing of argument was set down for a two-day trial for 19 and 20 March, which was some six months hence, but now that we are in 2015 it was last week. Before the trial, Walker was ordered to lodge their outline of argument by 6 February, with my outline of argument to follow three weeks later.

I might just note here that the department (DPTI) was 'abiding the decision' and not actively involved in the case. This means that it was a fight between me and the Walker Corporation, with the agency playing no active role, other than being bound by any decision that was handed down by the court. It is also important to note in these cases that the Ombudsman is not a party to the appeal, which results in what I regard as a crazy scenario where everybody in the courtroom, including the judge, knows what is in the documents except me. That is an unlevel playing field, and it makes it very difficult to mount a defence without the active participation of the Ombudsman.

In any event, the Walker Corporation failed to meet the court-imposed deadline for lodging their outline of argument. When I challenged them over this, I was told by their lawyers that they were 'seeking instructions' from their client. Late last month on 26 February, I was told that the Walker Corporation had discontinued the appeal. The notice of discontinuance was filed in court. It was served on me and on the department, and so the matter is now closed.

As a result, the department has now provided me with the balance of the documents. I received them on 2 March and I was given the ability to inspect other documents, but not to take any photos or anything, which I undertook on 4 March, and there were other documents that were ruled exempt that I cannot access.

So, finally, some 10 months after the Ombudsman's determination and 23 months after my initial freedom of information application, I got to see the documents. Luckily, I had not incurred any legal costs, because I was representing myself, but even if I had I would not have recovered them, because the freedom of information jurisdiction is effectively a no-cost jurisdiction.

The take-home message from this example is that, if either the government or a third party wants to delay the release of documents, it is a simple matter of lodging an appeal, working the legal system, disregarding any court orders designed to expedite the matter, and then withdrawing the appeal at the eleventh hour, with absolutely no consequences other than paying for your own lawyers for their delaying tactics. I think this is an appalling abuse of process. It is simple, cheap and effective in undermining access to documents until they are deemed to be stale enough to be no longer embarrassing. I think this is a good example of how the freedom of information system fails the test of public accountability.

In relation to the documents that I did eventually receive copies of or access to, they show that the Walker Corporation's plans for the Festival Centre Plaza involved a massive privatisation of one of Adelaide's most important public spaces. There was to be not one but two tower blocks. The King William Road frontage of the Festival Centre Plaza was to be lined with a four-storey hotel, obliterating the view of the heritage-listed Parliament House and Railway Station. If members are

interested, they can read more about the documents that I discovered in an article written by David Washington in InDaily on 11 March.

But back to the bill: a key question that arises from the Ombudsman's audit is whether what is required is legislative or cultural change, or a combination of both. The Ombudsman's audit report came up with 33 recommendations, and some of them require legislation to be brought into effect. This bill addresses 10 of the 33 recommendations, and these are 10 amendments that require legislative change.

Given that the bill is identical to my bill from last year and that I made a lengthy contribution at that time explaining and giving a background of each of the clauses in the bill, I do not propose to take the time of the council now and, instead, I seek leave to incorporate the remainder of my second reading contribution into *Hansard* without my reading it.

Leave granted.

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.

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 determination s .

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 2013 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. J.M.A. Lensink.

COMMISSION OF INQUIRY ON WATER PRICING BILL

Second Reading

Adjourned debate on second reading.

(Continued from 11 February 2015.)

The Hon. G.A. KANDELAARS (17:30): Today, I will set out the government's reason for opposing this bill.

Members interjecting:

The Hon. G.A. KANDELAARS: In response to the extraordinary drought, this government undertook a wide—

Members interjecting:

The Hon. G.A. KANDELAARS: —if you want, I will start again.

The PRESIDENT: Order! The Hon. Mr Kandelaars has the floor.

The Hon. G.A. KANDELAARS: In response to the extraordinary drought that we had, this government undertook a wideranging review to ensure South Australia's water security. The result was the Water for Good plan which sets out a range of actions to ensure our water future. These actions include developing a state-based access regime and subjecting monopoly water and wastewater service suppliers to independent economic regulation.

The Legislative Council has before it another bill which will establish a state-based access regime; one that is consistent with the requirement of the National Competition Policy for certification. There is no need for this bill to establish another review on the merits of third-party access. The government accepts the merits and the recommendations that were contained in Water for Good.

Consistent with Water for Good, the government subjected SA Water to independent economic regulation by the Essential Services Commission of South Australia in 2013. The first price determination was made in May 2013, and the second is scheduled for 2016. ESCOSA (as it is commonly known) has applied the regulatory rules that form part of the National Water Initiative. That means the allowable revenue is determined by assessing 'building blocks' that make up the cost of SA Water drinking water and sewerage services.

ESCOSA has a very important job that it has undertaken rigorously and independently. ESCOSA considered in its first determination $1.4 billion of proposed operating expenditure and $1.1 billion of new capital expenditure. In its May 2013 determination, ESCOSA reduced SA Water's capital expenditure allowance by $165 million, or 14.4 per cent, and reduced SA Water's operating expenditure allowance by $145 million to 10.3 per cent.

There is no need for an inquiry about institutional arrangements that have served, and will continue to serve, South Australia well. There are two regulatory building blocks that could be considered further. These are the regulatory asset base for infrastructure in existence before ESCOSA became the independent economic regulator, and the regulatory rate of return.

Indeed, it is the regulatory asset base for existing infrastructure that has been the subject of much public comment. However, this government has followed the regulatory rule book for managing a transition from government price setting to independent economic regulation. Consistent with regulatory practice in other jurisdictions, the government has set the regulatory asset base and let ESCOSA be free to determine the regulatory rate of return. Consistent with the regulatory rule book and the practices in other jurisdictions it is standard practice for transitioning to independent economic regulation to involve an element of back-solving.

The outcome that the government was targeting was set out in the 2012-13 regulatory statement. It stated that CPI-like price increases for SA Water's drinking water services are expected from 2013-14. The government also took the view that at the time the benefits from reducing operating and capital expenditure should be passed on fully to consumers.

It is true the government's expectation was that this approach would lead to a reduction in the regulatory asset base, but the time between the draft and final determination saw significant reductions in observable rates of return which meant applying this approach actually led to an increase in the regulatory asset base. It was appropriate for the government at the time to ask ESCOSA to identify the impact of a range of different scenarios. Further, it was the government's role to consider these scenarios and balance the impact on customers and the budget.

The ultimate outcome of this process is that ESCOSA identified efficiencies that could be achieved in SA Water and the regulatory asset base was set in a way to ensure that customers benefit from these efficiencies through lower prices. In 2013-14, water prices fell by 6.4 per cent with CPI increases in 2014-15 and 2015-16. But consideration must be given as to what would be the impact of this bill on an investment environment in South Australia. It would signal to investors a willingness of the parliament to overturn key regulatory parameters which underpin investment in regulated utilities.

I understand such an approach is unprecedented in Australian regulatory practice and, as such, its impact would not be limited to the water sector. To competitors, it would signal that the cost structure of SA Water is uncertain, substantially increase the risk to new market entrants, and potentially discourage them. This runs counter to the government's policy intentions and objectives of the Water Industry Act of encouraging new entrants into the water industry.

In such a risky and uncertain environment, investors in the water industry and perhaps other industries would avoid South Australia unless higher rates of returns were available I urge the parliament to be careful in considering the impacts on investment from embarking on a path that potentially increases investors' perception of sovereign risk in South Australia.

My final point is that ultimately the inquiry contemplated by this bill is futile. What the commentators have neglected to identify is that ESCOSA's decision, which is influenced by the regulatory asset base, is one of the factors that influences the final price charged by SA Water. Another factor is that SA Water continues to receive substantial community service obligation payments from the budget amounting to over $650 million over the forward estimates. If the regulatory asset base is reduced, then the return to government will be reduced.

In conclusion, the institutional structure adopted by the government is based on sound regulatory precedent and is serving South Australia well. As I have demonstrated, ESCOSA has been successful in lowering South Australia's water and sewerage service prices. Whilst writing down the regulatory asset base appears attractive to some commentators, it would have serious impacts on the investment environment in South Australia and would materially challenge the ability of the government to fund water community service obligations and concessions. The best way to achieve a continued downward pressure on prices is to allow for ESCOSA to do its job.

The Hon. R.L. BROKENSHIRE (17:40): I was intending to be reasonably brief, and after the nonsense and trash in the contribution from the government I will be even more brief, because clearly we need to support this bill. Frankly, for a moment when I was listening to that I thought it was next Wednesday, 1 April. That is when I thought it was, but, sadly, it is actually 25 May, and therefore the government believe their own rhetoric and nonsense.

I will just say a couple of things. ESCOSA has never been independent. The community has been hit from left, right and centre on exorbitant price increases in water and sewerage costs over a significant period of time. The government saw fit to try and make their own direct balance sheet look better by flicking over $2 billion of core debt to SA Water in recent times. Tomorrow, we will probably debate third-party access, which is something I have heard being discussed in this parliament for over a decade.

They are not serious about any of this. This bill is an opportunity to actually open up long-term opportunity scrutiny and, hopefully, a better direction for South Australians on one of the exorbitant utility costs that they pay on a quarterly basis. I commend the member for moving the bill, and we will be supporting it. If there is a division, we will be voting with the opposition.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. J.M.A. LENSINK (17:43): I move:

That this bill be read a third time.

Bill read a third time and passed.

Resolutions

HUMAN ORGANS TRAFFICKING

Consideration of the House of Assembly's resolution:

That this house—

1. Appoints a joint committee to inquire into and report on the operation of the Transplantation and Anatomy Act 1983, and whether it should be amended in respect to the trafficking in human organs and any related matters;

2. In the event of a joint committee being appointed the House of Assembly shall be represented by three members of the House of Assembly, of whom two shall form a quorum of House of Assembly members necessary to be present at all sittings of the committee.

(Continued from 18 March 2015.)

The Hon. T.A. FRANKS (17:44): I move:

Amendment No 1—

Paragraph 1—Leave out 'That this house appoints a joint committee' and insert 'That in the opinion of this house a joint committee be appointed;

Amendment No 2—

Paragraph 2—Leave out 'it report no later than 3 December 2014'.

I move both of those amendments, first, because the other place cannot tell this place what to do, so we will remind them of their manners and, indeed, a joint committee, I understand, cannot be directed to report back by a certain date. Of course, we would hope that the committee will report back in a timely manner and that we will work positively in a cross-party fashion.

Members may not be aware, but this message comes to us to appoint this joint committee as a result of a briefing that was held in this parliament a few years back, where there were some concerns raised with regard to organ harvesting, in particular, organ harvesting tourism. A former attorney-general from Canada I do believe was hosted by the current Speaker, and that particular member for Croydon was very encouraging of cross-party alliances being formed to address this issue, and here we find ourselves today in furious cross-party support of ensuring that we take a look at this particular issue and look at ways to discourage Australians from participating in such an horrific practice. With those few words, I commend the resolution as proposed to be amended.

Amendments carried; resolution as amended agreed to.

The Hon. T.A. FRANKS: I move:

That in the event of this joint committee being appointed that this council will be represented on the committee by three members, of whom two shall form the quorum necessary to be present at all sittings of the committee and that members of the joint committee to represent the Legislative Council be the Hon. John Dawkins, the Hon. Kelly Vincent and myself, the mover.

Motion carried.

Bills

RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

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

STATUTES AMENDMENT (BOARDS AND COMMITTEES - ABOLITION AND REFORM) BILL

Introduction and First Reading

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

At 17:49 the council adjourned until Thursday 26 March 2015 at 14:15.

Answers to Questions

EYRE PENINSULA GRAIN GROWERS RAIL FUND

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

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Agriculture, Food and Fisheries has received this advice:

Early in 2013, Eyre Peninsula grain growers who contributed to the Fund were invited to participate in a survey regarding possible uses for the surplus. The survey presented three options: upgrades to Eyre Peninsula rail crossings; feasibility of a proposed grain port at Port Spencer and feasibility of a grain barging operation from Lucky Bay. Respondents could also nominate other options for consideration. A locally-based media campaign encouraged contributors to participate in the survey.

More than 180 survey returns were received when the survey closed, on 28 March, 2013. Of those, 166 responses came from grain growers and the analysis was based on those 166 responses. In summary:

- The Port Spencer option—with 106 (64 per cent) first preferences—was the most popular.
- Thirty five respondents (21 per cent) put forward options of their own.
- It was the view of 23 respondents (14 per cent) that the surplus should be used to upgrade rail crossings on the Eyre Peninsula.
- Two respondents (1 per cent) felt that the Lucky Bay option would be of most benefit.

$100,000 was subsequently allocated to supporting the development of a multi commodity port generally, leaving the option open for any Eyre Peninsula based multi-commodity port that may proceed, rather than being limited to the Port Spencer option.

FRUIT FLY

In reply to **the Hon. J.S. LEE** (3 December 2014). (First Session)

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Agriculture, Food and Fisheries has been provided this advice:

1. Three male Queensland fruit flies were discovered in a single trap in Hillcrest on Wednesday 26 November 2014.

2. Biosecurity SA informed landholders on 27 November 2014.

3. The pamphlet has been distributed to householders within a 200 metre radius of the detection site in accordance with the national Code of Practice for the management of Queensland Fruit Fly.

4. No incidents of maggot infestation have been reported or found. As a result, a fruit fly outbreak has not been declared.

5. Following the detection, residents were aware of the situation and asked to report any larvae found in fruit. Residences were visited and fruit sampled from fruiting trees to check for larval infestation. An additional 16 traps were installed around the detection site. At this stage no further fly detections have been made and no fruit fly larvae have been found as of 9 December.

6. In this particular case, we are following an increased monitoring protocol. As the triggers for a fruit fly outbreak have not been met, additional quarantine or movements restrictions are not required. The situation will be closely monitored and, if required, additional measures will be implemented.