

LEGISLATIVE COUNCIL**Wednesday, 9 December 2015****The PRESIDENT (Hon. R.P. Wortley)** took the chair at 10:16 and read prayers.*Parliamentary Procedure***SITTINGS AND BUSINESS**

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) (10:17): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers, question time and statements on matters of interest, notices of motion and orders of the day, private business, to be taken into consideration at 2.15pm.

Motion carried.

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

That standing orders be so far suspended as to enable notices of motion and orders of the day, private business, to be further postponed and taken into consideration after orders of the day, government business No. 10.

The council divided on the motion:

Ayes 5

Noes 11

Majority 6

AYESGago, G.E. (teller)
Malinauskas, P.Kandelaars, G.A.
Ngo, T.T.

Maher, K.J.

NOESDarley, J.A.
Hood, D.G.E.
McLachlan, A.L.
Stephens, T.J.Dawkins, J.S.L.
Lee, J.S.
Parnell, M.C.
Wade, S.G.Franks, T.A.
Lucas, R.I.
Ridgway, D.W. (teller)**PAIRS**Gazzola, J.M.
Vincent, K.L.

Lensink, J.M.A.

Hunter, I.K.

Motion thus negatived.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (10:24): Mr President, while I do have a range of questions on the establishment of the planning commission, I did talk to the minister yesterday about business to avoid the debacle we have just had, where we had police officers here to handle a bill and other members were not here. I asked the minister what her plan was for the other three or four government bills I know the government is keen to progress, and I think the decision was to do the Firearms Bill tomorrow morning.

I would like the minister to think about it and give us a bit of an answer. Are we going to do ANZAC walk and all those other little bills that the government is keen to get done tomorrow morning, so that our people, and people like the Hon. Robert Brokenshire, have more than 10 seconds' notice

so that we can actually do it? I know you are very keen to progress the business of the day, but we are now at 25 past, so 10 minutes has been wasted because the Hon. Robert Brokenshire—

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: I asked you a question yesterday. So I am asking the Leader of the Government if they are prepared to give all the crossbenchers and the opposition some indication of when they will do their other government business.

The PRESIDENT: We gave the Hon. Robert Brokenshire a few minutes to put a better tie on, and a jacket.

The Hon. G.E. GAGO: I do not think we can—

The Hon. D.W. RIDGWAY: So you are actually not committing to giving us a little bit of notice of when you are likely to do government business?

The Hon. G.E. GAGO: No; I am happy to give notice. I am just not able to give it at this point in time. I will give as much notice as I can.

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Committee Stage

In committee.

(Continued from 8 December 2015.)

Clause 17.

The Hon. D.W. RIDGWAY: We have an amendment moved by the Hon. Mark Parnell, his amendment No. 11 to clause 17, which removes one of the provisions; he wants to delete subclause (6). I guess this is an opportunity to ask some questions around the establishment, because that is what this section does, if it is for the establishment and constitution of the commission.

It is interesting to note that three or four years ago the opposition released a discussion paper on an independent planning commission based around a Western Australian model. Brian Hayes, who was chairing the expert panel, was on radio saying that this was modelled on the Western Australian model, and I think I said, in my second reading speech, that I was delighted that Ian Henschke from 891 had recalled that this was the same bit of legislation in Western Australia that we had modelled our discussion paper and policy on and that, if we had been fortunate enough to win the election, we may well have been in a similar situation with a piece of legislation before the parliament.

The bill provides that the commission is subject to the general control and direction of the minister; that is what this bill says. In the Western Australian act I believe that any directions by the minister to the commission are to be laid before the parliament. This legislation essentially depoliticises the planning system; therefore, in stating that the commission is under the general control and direction of the minister, are there any circumstances where such a direction would not be made public?

The Hon. G.E. GAGO: I am advised, as with most statutory bodies, there are usually regular meetings between the chairperson or the commissioner and the minister. There are often verbal reports, and there are sometimes written reports associated with those meetings. There is also usually a flow of correspondence between the minister and the authority. The authority will also be required to provide an annual report, and that report would be tabled in parliament. There is also further amendments or clauses that deal with particular aspects and reports that will be required to be published online—and we will get to those later on—and, of course, unless there was some sort of exceptional circumstance, they are also subject to FOI.

The Hon. D.W. RIDGWAY: The minister did not answer the question in relation to the circumstances with the ministerial direction. Will that be published in the annual report, the ministerial

direction? You talked about certain decisions and conversations. It is something the opposition feels reasonably strongly about, and there is a whole range of other examples. If the minister issues a direction—and I will use the Minister for Police—that is tabled in parliament, it is the opposition's view that in the same circumstances that direction should be tabled in parliament. I flag it now, and I know that the government is keen to see this bill passed, and we do not have amendments drafted to that—

The Hon. M.C. Parnell: We could do it on the run.

The Hon. D.W. RIDGWAY: Well, we could do it on the run, but—

The Hon. M.C. Parnell interjecting:

The Hon. D.W. RIDGWAY: Well, we might be able to talk to them to do something. Mind you, it is not something that has been through our party room, but from the conversation last night and today we seem to think that that may be something worth pursuing. I am just interested to know if ministerial directions will be published in the annual report, but I add that we think it probably should go somewhere further and it should be tabled in parliament.

The Hon. S.G. WADE: On that point, in the context of the Hon. David Ridgway's remarks, I appreciate the minister's comments yesterday that this commission will not be a public corporation. My understanding is that public corporations are particularly for commercial trading enterprises. In support of the comments of my leader, I draw the minister's attention to a very similar ministerial control provision in the Public Corporations Act, section 6, particularly subsections (4), (5), (6) and (7).

As my leader rightly points out, it is very unusual for a ministerial direction to a statutory body not to be made public, and particularly subsection (5) envisages that a ministerial direction to a public corporation would result in a 'notice in the *Gazette*' and, 'tabling the direction in both Houses of Parliament' and the 'annual report'. So, in support of my leader's comments, I would ask the government why a similar level of transparency would not apply in relation to the commission.

The Hon. G.E. GAGO: Thank you for those questions. Just going back to the issue of control and general direction, I just draw to your attention to the fact that for the students of statutory governance such a clause is not unusual and is qualified immediately by subclause (5), which makes it clear that the commission is independent in its functions of giving advice and exercising discretions directly vested in it.

A ministerial direction it is not required to be either reported by the commission or tabled in parliament. We believe that the provisions that we have already outlined—that is, the meetings, the correspondence, annual report, the reports that will be required to be published online—warrant a thorough enough accountability. However, in saying that, it is highly likely that, if a ministerial direction was given to the commission, the commission would include that in their report, but the bill as it stands does not require that to occur.

The Hon. S.G. WADE: In relation to the first point the minister made in terms of these ministerial control and direction powers not being uncommon in statutory corporations, let's be clear, the opposition has no qualms in relation to the general control and direction power and we appreciate the point the minister made that this general power is limited by proposed clause 17(5); it is only in relation to transparency.

The minister's comments that the corporation might well choose to mention in its annual report, with all due respect, I do not think the executive has any right to expect the parliament to trust this executive in relation to transparency. We have seen in relation to the MAC and the request and counteroffer scenario in relation to the transfer of revenues the whole point of these statutory frameworks is to ensure transparency. I support the comments of my leader that the parliament would normally expect these matters to be transparently declared. In that regard, I think the parliament should consider a clause such as that in Public Corporations Act, section 6(5), and look at one or more ways of early declaration of directions.

The Hon. M.C. PARNELL: I would like to pursue this idea of transparency a little more. The crux of this matter I think is that, when you have a body that is supposedly independent, if there are

any breaks or restrictions on their independence at all, then the community has a right to know about it. I fully support what the Hon. Stephen Wade and the Hon. David Ridgway were saying in relation to any particular direction that might be given by the minister. I think the community has an absolute right to know what marching orders a statutory authority such as this has been given.

The issue is the same in relation to the amendment that is before us: the amendment that I have moved. I did pose a number of questions last night which have not been satisfactorily answered, in my opinion, and they relate to marching orders as well, if you like, or instructions that might be given. Whilst they might not be absolute directions, the wording of subclause (6) states:

- (6) The Commission must, in the performance of its functions, take into account—
 - (a) a particular government policy; or
 - (b) a particular principle or matter.

When I asked the minister what sort of things might that include, she raised the very good example, I think, of the government's carbon neutral policy, and I responded to say, 'That's great. I think that should be taken into account.' But the question that I asked and have not got answer to yet is, first of all, why should not such an important, overarching policy make its way into a state planning policy so that it becomes a statutory instrument that must be taken into account by all decision-makers under the planning system?

The Hon. G.E. GAGO: I thank the Hon. Mark Parnell for his question. I guess the answer is that it may well one day become a state planning policy, but for the time being we do not have one and so therefore the effect of this clause that we are dealing with is to ensure that our policies are backed up and considered in this particular way. Currently, we do not have a state planning policy, and I am not aware that there is any intention at this point in time—I do not know the thinking of the minister, but we may very well one day have one.

The Hon. M.C. PARNELL: I thank the minister for her answer. I also ask, in relation to the transparency issue, if the government does draw the planning commission's attention to particular government policies, principles or matters, will the community know that that has happened and how will the community know? Another way of putting it is: is the government going to maintain a list of government policies or particular principles or matters that the decision-maker is obliged to have regard to? Where will the community find that information?

The Hon. G.E. GAGO: I would envisage that the way for such a desire for a particular policy to be considered would be through correspondence—the minister writing to the commission. If the commission is required to give a report—and there are a number of clauses where that is dealt with—then that report would reflect, not the directions, but the fact that the minister has asked them to consider a particular policy.

The Hon. S.G. WADE: On that last point, would the minister mind identifying where that requirement is in the legislation? In other words, in a report on a particular matter, what part of the bill requires the report to include reference to any ministerial 'take into account' suggestions?

The Hon. G.E. GAGO: The advice that I have received is that there is clearly ambiguity in this area and what the government agrees to undertake is to look at the possibility of using regulation to ensure that where a commissioner has been given direction to consider a particular policy or matter, that the commission is required then to report on that, either in the annual report and/or any of the other reports that they may be required to furnish. Clause 32(2) is the provisions around the annual report, but I agree that it is not as clear as it could be and so we give an undertaking to use regulations to make that much clearer.

The Hon. M.C. PARNELL: I thank the minister for her answer and for that undertaking that she has provided. I do not believe it goes quite far enough and I am going to briefly explain why. One of the principles that certainly is in some of the amendments that I have before this bill is this concept that where you have genuine community engagement, one of the fundamental principles is that the person who is seeking to engage must have available to him or her the same information that the decision-maker has. It is a really fundamental provision.

This planning commission is going to be responsible for making a range of different decisions including development assessment decisions. If you think it through, what would be untenable would

be for a third party, for instance, going along to a planning commission meeting and making a submission about whether or not a certain development should be approved. The third party—a local resident, for example—will have in front them the planning scheme, the policy and design code, they will have the state planning policies in front of them, they will have all these documents in front of them which they know the decision-maker must have regard to.

But what they will not necessarily have in front of them is a secret direction or a secret policy or a secret instruction that the minister has obliged the planning commission to take into account. It might not be a direction to the effect of 'you must' but it certainly does say in the bill that you must take it into account. You get an unequal situation where representers before the commission do not know what is going to be taken into account.

The minister said that maybe in a regulation they could oblige the commission to list these particular government policies or these particular principles or matters, perhaps in an annual report. That is fine but it does not help the representer who has fronted up to a planning commission meeting and will not know, and will not have any way of knowing, whether there is a set of considerations that the planning commission is obliged to take into account; and the representer knows nothing about it. That is where the rubber hits the road; that is the practical consequence of this. I think that on top of the concerns that the Hon. David Ridgway made in relation to subclause (4) which provides:

The Commission is subject to the general control and direction of the Minister—

and that some accountability or transparency measures ought be included in that subclause, I think in the interests of advancing debate today that this clause 17 is a classic candidate for recommittal later on because clearly there are a number of things that need fixing up. I have moved my amendment and will put that to the test but I would also like the minister if she can to agree that, of the clauses being recommitted, this be one of them.

The Hon. G.E. GAGO: I made it clear right at the beginning, and I do not need to do it clause by clause, that the government is willing to have clauses recommitted, and the opposition has also given the same commitment, so we need to just get on with it.

The Hon. M.C. Parnell: Any clause? Any clause, okay.

The Hon. S.G. WADE: Could I humbly suggest to the government that when we are considering how to improve clause 17, we might want to think about the need for transparency in clause 17(6)—in other words, the matters taken into account. The Hon. Mark Parnell perhaps prompted by the minister's example of the carbon neutral policy has been focusing on statewide policies, but I think it is quite conceivable that subclause (6)(b) could lead to quite specific matters.

The Hon. Mark Parnell rightly said that, as I understand it, it is only fair that information before the decision-maker should be before other parties. One can envisage quite specific matters that the government might require the commission to take into account which could undermine that principle. Let me use as an example the government's current proposal to transfer Ward 17 from the Repatriation General Hospital to the Glenside health campus.

It is now abundantly clear that the government had decided to close the intermediate care centre on that site and that Renewal SA was well advanced in discussions on the redevelopment of the Glenside site that would now mean that the northern boundary and the western boundary had townhouses up to three storeys high. It is not inconceivable that if this bill had been in place at that time the government might have said to the commission, 'When you are approving our development, be aware that we intend to do this and this on the site,' but anybody else who wanted to comment on the proposal would not be aware.

I think the Hon. Mark Parnell raises a very interesting point in terms of proceedings before the commission. I must admit I do not understand the intricacies of how the statutory regime will work, but in the context of a general direction—I am not exactly sure what to use as an example, but if you like, an overarching management principle that will guide the commission going forward—it might be quite reasonable to have that tabled in parliament within 14 sitting days and gazetted in due course.

But if we are talking about transparency on particular matters, which to my mind could almost take the form of a direction, we should be looking at similar transparency requirements to those that I suggested in relation to clause 17, subclause (4). Considering the specificity that clause 17(6)(b) could envisage, perhaps we need even more expeditious transparency on these matters. I am not expecting a response from the minister now. I am happy to hear if she had any thoughts. I would just ask her and ask the government to consider those matters as the bill is considered in due course.

The Hon. D.G.E. HOOD: I rise to indicate Family First's position on this amendment. The effect of the amendment is to delete clause 17(6). As we have gone into some detail, the clause actually says:

The Commission must, in the performance of its functions, take into account—

- (a) a particular government policy; or
- (b) a particular principle or matter,

specified by the Minister (subject to any relevant principle of law).

That is what this amendment seeks to delete. If you look above that, subclause (4) of clause 17 states that 'The Commission is subject to the general control and direction of the Minister,' which in my view is a more overarching statement, as opposed to subclause (6). Really, subclause (6) is talking about the commission having—I do not want to verbal it, but having—

The Hon. M.C. PARNELL: 'take into account'.

The Hon. D.G.E. HOOD: —'take into account'. Thank you, Mr Parnell. I can see nothing wrong with that. Would we expect a commission to not take into account government policies or general government directions in certain areas? Governments at the end of the day are elected by the people to determine things like planning laws and regulations, and the commission being a loose instrument of government—I agree, theoretically independent at least—surely must take into account a particular government policy or a particular principle of the matter specified by the minister subject to the principle of law. I see nothing wrong with that.

I think we can spend a good deal of time—not that I am critical of that; I think we should be spending a lot of time on this—thinking about things like community participation. It is important—I make no bones about that—but I think we also need to have some context around that. If we keep some perspective about that, the reality is that—I will give an example.

In the council area that I live in, the Adelaide City Council, they have just had a vacancy, created in fact by a Greens member—now Senator Robert Simms—going to the Senate and vacating his seat in the Adelaide City Council. There was quite a large campaign about electing a replacement for him. If you lived in the area that was affected, Adelaide and North Adelaide—the Adelaide City Council area—there were corflutes all over the place and street corner meetings. I had several candidates push our button to get in through our gates and knock on our door. They were very keen to see the people inside, and it is not easy to get into some of these houses.

The Hon. M.C. Parnell: Democracy in action.

The Hon. D.G.E. HOOD: Democracy in action; I am all for that, sir. In reality, despite that really quite substantial focus, with a lot of articles in the local press, even a number of articles about it in *The Advertiser*, we have had a voter turnout of about 20 per cent. They are actually saying that is a good result. That means that 80 per cent of people could not care less, frankly, they could not be bothered voting.

So, I think we need to have some context around this. There will be some who are interested, and that is important. I know that is a long bow, talking about elections as opposed to the actual commission itself, but I think the principle is the same: most people will not get involved in these sorts of things and they will be happy with the general direction the government sets. There will be times when they are not and that is when the other provisions in the bill will be important. For those reasons, we will not be supporting the amendment.

The Hon. R.I. LUCAS: I am not sure we have progressed too far from last evening, other than we traversed these issues of 17(6). I guess I am disappointed because last night the minister did indicate, when we put the proposition to the minister that it did not seem unreasonable that there

should be some public notice through some mechanism of any direction under 17(6) of the proposed bill, that she would take that matter up with minister Rau. Clearly, the minister's response this morning would seem to indicate that minister Rau and the government were not prepared to look at some amendment to this particular provision to ensure greater transparency and accountability.

I think the initial statements the minister made this morning were in relation to there were meetings and it might be referred to in a decision and it could be referred to in a report. Nothing, of course, was provided. Subsequently, the minister has then talked about the possibility of some change through a regulation from that viewpoint. I think, as the debate has transpired this morning, it has really reinforced the views that were being expressed last evening; that is, it is probably going to require, on recommittal, consideration of an amendment which requires transparency in relation to it.

The Hon. Mr Parnell has talked about almost a contemporaneous, you know, as you issue it you put it online or on the planning portal or something like that. I think probably the least satisfactory would be putting it in the annual report because, as we all know, the annual report does not arrive until many months after the end of the financial year. This decision might have occurred at the start of the financial year, so, potentially, it could be 18 months after the actual direction (if that is the word we want to use) might occur.

I think the two most logical options are the one which has traditionally been used, not just in the Public Corporations Act but in other statutes as well, the requirement to table within a certain number of sitting days by a minister in the house. The other option is the option, which I do not know that I have seen, there might be examples in statute, but in essence a requirement to put it up on some website or portal.

I think that could be a policy position with the government of the day, but ultimately the parliament has the option of looking at a legislative provision and that is more likely to be as a fail safe, a tabling in the house within a certain number of sitting days. If the government, in addition to that, agreed, as a policy initiative, to put it up on a planning portal, or whatever else it might happen to be, then that would be an additional element of transparency and accountability. I think that is to be resolved at another stage.

My general response to the Hon. Mr Parnell, and with the greatest of respect to the Hon. Mr Parnell there are two points to make. One is the issue of recommittal. I would just suggest that the Hon. Mr Parnell counts the numbers in the committee. It is a decision, I would have thought he would understand, for a majority of members of the committee to determine. You do not need to seek assurances from either the minister or, indeed, me in relation to that issue. Ultimately, it is a decision to be decided by members.

We indicated earlier, on behalf of the Liberal Party, that we believe there are a number of issues that would need to be recommitted and I do not think we need to tick them all off at this particular stage as we go through—and I agree, to that extent, with what the minister has said—clause by clause and saying: this is one that definitely will be or will not be. The only other point I would make, and the Hon. Mr Ridgway has indicated the party's position in terms of the particular amendment, is about clause (6).

Having listened to the debate, I guess the Hon. Mr Parnell has asked whether it would not be better to go down the path he is suggesting, that is, require every planner involved in the decision to take heed of the government decision, like the carbon neutral decision. That seems to go a step further than the statute. The statute says, as the minister has pointed out, that the commission must take it into account but is not required as a planner to sign up to it and abide by it. It has to consider it, as I understand the minister's legal interpretation of this provision, but in the end it can make its own independent judgement in relation to it.

As I read the Hon. Mr Parnell's alternative, he seemed to be suggesting that maybe planners right through the system would be required to take that particular policy, or whatever it is, and in essence implement it as part of their planning decisions. I think that goes a step further. Certainly, I would be uncomfortable with that, if that is what the Hon. Mr Parnell is suggesting. As the Hon. Mr Ridgway has indicated, the Liberal Party is not supporting this amendment, albeit that we

are very open (we have not had discussions in the party room) to the issue of transparency and accountability.

The Hon. M.C. PARNELL: To respond very briefly, the Hon. Rob Lucas has understood pretty well what I am trying to achieve, but the one bit he has misunderstood is that I am not suggesting that clause 17 is a vehicle for a government policy to become effectively mandatory for all decision-makers.

My question was: if something like a carbon neutral policy is so important to government, if the government itself were to elevate it to the status of a state planning policy, which is in a different part of the bill, then that would in effect make it an obligatory consideration for all decision-makers. So, that was my point. It arose because I asked the government what sorts of policies might fall within the gamut of subclause (6). What was offered was the carbon neutral policy, to which my response was, 'Yes, I like that. Why don't you elevate it even further?'

The final point I make on this is that the mechanism I have put in my amendment is crude and it is not necessarily the best; in fact, I do not think it is the best. I think we need the transparency arrangements that we have spent the last half hour talking about. Without reagitating the debate around why we are doing this bill in such a hurry, I have to say that, having been told the optional planned sitting week was not on, and having to come up with quick amendments to 230 clauses of the bill, what really required detailed analysis and reform has become 'strike it out'. I do not think I am Robinson Crusoe there: I have looked at quite a few of the Liberal amendments as well, and they go down the same path.

I take some comfort from the fact that we will certainly be recommitting clauses that need it, and again I hope that the government will accept that there is a level of goodwill in this chamber for planning reform, and I for one am interested in clause 17 in incorporating accountability mechanisms rather than simply striking out the ability for the government to help dictate the planning future. Clearly, as the Hon. Dennis Hood said, they are the government, they are a key stakeholder, but it does not mean that they always get their own way. I will not divide on my amendment, but I look forward to coming back and, hopefully, fixing both subclauses (4) and (6) to incorporate some accountability measures.

Amendment negated; clause passed.

Clause 18.

The Hon. D.W. RIDGWAY: I have some questions on the constitution of the commission, and I am not quite sure whether the Hon. Mark Parnell has a number of amendments. This has been modelled somewhat on the Western Australian Planning Commission. The first subclause here states that the commission should consist of:

- (a) at least 4 and not more than 6 persons appointed by the Minister...

Brian Hayes QC said it was modelled on the Western Australian Planning Commission. When you look at the Western Australian Planning and Development Act 2005, the Planning Commission is to have a board of management consisting of up to 15 members. It includes an independent chair and then directors of six government agencies, and representatives from economic, social and environmental areas, local government, regional development and coastal management. I am intrigued as to why the government has chosen to have between four and six members, given we have a model that most people believe works particularly well in Western Australia. I am just intrigued as to why the government has come to that landing of four to six.

The Hon. G.E. GAGO: The first point is that what we are proposing is not modelled on the Western Australian experience. It is similar to, but is actually not modelled on it. If you look at the expert panel's report, and I am reading from it now, it states, 'Feedback on this reform', and the first thing to note is that the:

- membership of a State Planning Commission should be based on expertise, not sectoral representation

They were of a strong view that it should not have government agents represented. They were also very clear on suggesting the expertise that the commission's membership needed to contain, and they identified five areas of expertise:

- planning, building, urban design or development
- the provision of infrastructure or services
- legal, social or environmental policy
- local government or public administration
- economics, commerce or finance

They are the elements that we have sought to highlight in the way that we have formed the commission.

The Hon. D.W. RIDGWAY: I understand the minister is saying that the expert panel made that recommendation, although I do not think they actually recommended for there to definitely be an urban growth boundary but, clearly, the government of the day decided they would like to have one. The comment I would make around expertise on the panel is that so often we see in South Australia a new road being built and then, within a few months or a year or so, SA Water comes along and digs it up to fix up a main or it is dug up to put in a new gas main.

One of the things that was a standout in the Western Australian commission is the way that they coordinated the delivery of infrastructure by having the heads of a number of government departments. I think they had Education, Transport, Water and Energy. They had all of the heads of those agencies, who were actually brought to the table so that you did not have this, if you like, silo approach to the delivery of infrastructure. With the long-term planning and delivery of infrastructure, if there is a bit of land to be rezoned, suddenly, the education chief executive knows that, one day, they are going to have to provide for an extra school. It is the same with transport, water and gas—all that provisioning and thought process for the chief executives is in place very early in the process.

Of course, since you and I, Mr Chairman, have been living in this state, we have seen Adelaide go from being the third-biggest city in the nation to now the smallest mainland capital. We were behind Melbourne and Sydney but Perth and Brisbane were way behind us. Okay, Western Australia has had a mining boom over the last 20 or 30 years—a couple of decades—but they have had this robust planning regime in place to be able to deliver the benefits to the local community. So I am intrigued as to why the government has not seen fit to follow that model where you have the heads of those agencies at the table, because it seems logical to me that that would be a much better way of bringing that information to the table so that, in the end, we do not have this happening.

I will quickly indulge people with some information about the highway that went past our farming property. There were people collecting seeds to revegetate the roadside. There were staff, probably from DEWNR back then—I do not know who it was—collecting seeds. They harvested the seeds and then planted the verge of the road. The electricity line was moved off the side of the road out into the paddock. Then they obviously decided it was too hard to get to the electricity line, so they moved the line back to the edge of the paddock and then they poisoned all the trees because they were underneath the electricity line. There was no thought or coordination.

I think that is something about which the South Australian community scratches its head every time they see a section of road that was resurfaced only a year or two ago being dug up because we need to fix a water main, put in a gas main or do some electricity work. Why has the government not adopted a similar model? We do not have to copy it exactly, but it certainly was a standout feature of the Western Australian Planning Commission.

The Hon. G.E. GAGO: There are a number of provisions that ensure good planning and coordination across government and also across local government. Clause 16 is a general provision about government agencies and councils being required to cooperate and coordinate. Clause 22, subclauses (5), (6), (7) and (8) give the minister the power to direct agencies on the advice of the commission. Clause 29 enables the commission to establish committees and, again, they can involve various agencies and bodies where it is determined that better cooperation, coordination and communication is needed.

The Hon. M.C. PARNELL: Before I move my four amendments, I have some general questions on the constitution of the commission in clause 18. I say at the outset that this is the most important body under the new regime. For people who are familiar with the current regime, we have

the Development Assessment Commission and the Development Policy Advisory Committee. This new body will effectively take on the powers of both of those. The Hon. David Ridgway and I have attended many happy evenings at meetings of the Development Policy Advisory Committee, and I have attended a few meetings of the Development Assessment Commission as well.

The ability of the minister to appoint absolutely anyone that he or she thinks is suitable is in here. It is an unfettered discretion to appoint anyone. The requirement in subclause (2) basically says that it is up to the minister's opinion as to whether a person has the right sort of qualifications, knowledge, experience or expertise to be on the commission—so unfettered ministerial opinion—but subclause (3) obliges the minister to take into account appointing people who have certain qualifications or experience.

So I would say that as a matter of law it is unfettered. The minister can put whoever he or she wants into the commission but the minister is legally obliged to at least give consideration to these qualifications. With that as background, my question to the minister is: what particular process does the minister expect might be followed?

I will just segue. For example, the Hon. Rob Lucas has often talked about what he saw as inappropriate appointments to statutory bodies, and the question has often been asked in this place: what is the process? Is there an advertisement in the newspaper seeking expressions of interest for people to serve on this body? Will there be an interview panel of any sort? Will there be criteria publicly set out as to what the process is, or will it simply be a series of captain's picks by the minister? My question is about the process of filling these positions.

The Hon. G.E. GAGO: In relation to the Hon. Mark Parnell's question around it being unfettered, that is not quite right. He qualified it by saying 'the matters that the minister by law had to consider', so that is hardly unfettered. I also draw your attention to the fact that this has been drafted in a similar way to most other statutory boards—for example, the Natural Resources Management Act section 25(1) and (2)—so there is nothing unusual about this provision; it is quite common. Just like most other statutory boards, the usual process is that an expression of interest is put out and an appointment is made. That is a very common process that has occurred in the past and stood us in very good stead.

The Hon. M.C. PARNELL: I thank the minister for her answer, and I accept that similar provisions apply in relation to other statutory appointments. What I was looking for was at least some commitment to a process that has a level of transparency. The first part of a transparent process is that eligible people at least know that there is a job going—that is the first thing—and the minister said that is what they would do. In terms of how you then sort through the list of people who have lodged expressions of interest, we have had no response—presumably that is up to the minister.

I am not sure whether this is going down the wrong path or not, but I refer to some comments that were made by the Local Government Association. It queried why these appointments were being made by the minister rather than by the Governor. My understanding has always been that whenever we read in an act of parliament the words 'the Governor' we always know that it means 'the government' and that it is not His Excellency making some sort of independent judgement, that they act on the advice of the executive.

Given that the Local Government Association has actually urged us to replace 'appointed by the minister' with the words 'appointed by the Governor'—and I have not moved an amendment in that form—I at least want to give the minister the opportunity to put on the record and explain the difference between appointments by the minister and appointments by the Governor so that we can determine whether there is any practical consequence of that distinction.

The Hon. G.E. GAGO: The question asked is why the minister has responsibility for appointment, rather than the Governor and I am advised—and reminded—of the time when the Premier sought to streamline and reduce the number of government boards and committees. We had an unwieldy number at the time and not all of them could really demonstrate a lot of benefit from their being.

At the time when we made those reductions, we got rid of some of the boards and reduced in size most of those left. We also at that time moved the provision for appointments from the

Governor to the minister and that was really just for administrative ease, so that we could more quickly and easily manage the process. This is in line with that.

Although this has not been formalised, I understand that minister Rau has put some considerable thought into the commission. His thinking so far is that he is after an extremely high-level, high-calibre group of people and he is even of a mind to perhaps conduct a national search. Again, he has not landed on that; this is just the way he is thinking. He wants, as I said, a very high-power, high-level group and he is prepared to search high and low to get the right people to do this job justice.

The Hon. D.W. RIDGWAY: I have a further question on the calibre of the people. I notice that later in the bill—and I do not know quite where it is—there is a requirement for disclosure of interests. Does it also require them to disclose any political affiliations they either have or may have had in the past?

The Hon. G.E. GAGO: My understanding is that that is not a requirement for any member of a statutory body except the Electoral Commissioner.

The Hon. M.C. PARNELL: I am just testing whether there are any other general questions on appointments to the commission and, if not, I will move the amendment.

The Hon. G.E. GAGO: Can I just make a quick correction? I referred to section 25 of the Natural Resources Management Act, and I said (1) and (2): it is actually (1) and (4). I knew you would find me out eventually.

The Hon. D.W. RIDGWAY: I have a question on the make-up of the committee. Clause 18(4) provides that the minister will appoint one member of the commission to chair the meetings of the commission. I know the minister has said that minister Rau says that he wants a very high-calibre type of person. The success of this planning commission will depend on having the right leadership. Assuming that this bill eventually passes at some point, what is the time frame for constituting the commission and appointing that chair? Given that we are talking about all the regs and policies taking two or three years to be established, what is the time frame on selecting four to six members—which seems a small number—and then choosing a chair?

The Hon. G.E. GAGO: If we are able to complete this bill before the end of the year, it would most likely be in the first half of next year or the first part of next year. It will be one of the first things that we seek to implement.

The Hon. D.W. RIDGWAY: The minister and minister Rau's advisers have spoken about introducing a further bill next year. Will that further bill be required before the minister is able to appoint the commission?

The Hon. G.E. GAGO: No, is the short answer.

The Hon. M.C. PARNELL: I will move to the amendments now. There are three amendments—12, 13 and 14—which effectively are to do with the same issue. I will deal with my amendment No. 15 separately. My amendment Nos 12, 13 and 14 are to implement a request from the Local Government Association to try to make sure that local government's expertise is ranked higher than it is in the current bill.

We have already referred to subclause (3), which is a list of the areas in which the minister must give consideration to finding people who have expertise or qualifications, knowledge or experience. There are six things on the list, and you have to get down to paragraph (f) to where it says 'local government, public administration or law'. There is no doubt that all those areas are important in a body such as the planning commission, but the Local Government Association makes the point that its sector is, in fact, important enough to warrant its own 'head', if you like, its own paragraph.

So what I have effectively done in this amendment is to separate paragraph (f) out so that it is not 'local government, public administration or law', but is separated into two paragraphs, local government being one and public administration or law being the other. That might seem to be nit-picking, because the minister might think, 'Well, it's all in there anyway,' and the minister is committed

to finding a high-powered, high-level group, but I think these things are beyond the symbolic. I think they do actually give a flavour to government's intentions.

I should say there is an equal argument for dividing paragraph (e), 'social environmental policy or science'. As I have said before, one of the criticisms of the bill has been that social and environmental issues are playing second fiddle to economic issues, and when you look at that list of areas of expertise I think that is borne out. The social and environmental areas are sort of dumped in together towards the bottom of the list. I have not moved that particular amendment; I guess we need to draw a line somewhere

However, the Local Government Association has specifically asked that there be a separate paragraph referring to local government expertise; further, and this is my amendment No. 14, to add an additional requirement that one person appointed under this section must have specific experience in the area of local government, and the minister must take reasonable steps to consult with the LGA before this appointment is made. Again, basically that is to add emphasis to the importance of local government.

I know that the minister disagreed with my terminology that ministerial discretion was 'unfettered'; I see ministerial discretion that is 'guided', which is a bit different to being 'fettered'. This does in fact 'fetter' the minister; this requires the minister to find someone with local government experience and requires the minister to talk to the Local Government Association before making the appointment.

So whilst I maintain that the minister will have pretty much open slather to find anyone else to form part of this four to six person group, I want to make sure, and the Local Government Association wants to make sure, that that most important stakeholders group—and remember, ultimately local government has to manage the consequences of development, they are the ones who need to provide most of the services—is given, or allowed, a voice, if you like, in terms of finding an appropriate person to be one of four or one of six members. They are not asking to be in a majority on the state planning commission; they are just asking for a greater voice to be able to suggest the appointment. If I can, I am happy to move those amendments together.

The CHAIR: We will deal with just amendment No. 12 as a test case; we will deal with just the first amendment, No. 12. Apparently No. 13 can stand alone.

The Hon. M.C. PARNELL: I move:

Amendment No 12 [Parnell-1]—

Page 31, line 1—After 'subsection (2)' insert '(but subject to subsection (3a))'

The Hon. G.E. GAGO: The government rises to oppose all of these amendments (Nos 12, 13 and 14) and we are happy to have No. 12 as the test. The first three amendments seek to restructure the commission to include a local government representative. The commission is not intended to be a representative body; and I have already spoken about that and talked about the expert panels, report and the recommendations that it found, and it expressly considered that it was not appropriate for the commission to be a representative body. We cannot support that proposal.

Also, there is absolutely no justification. If you are going to represent one organisation, body or level of government, however you want to look at it, you would simply open up the door to a whole raft of others. For instance, why would you not represent Business SA? Why would you not represent SA Unions? Why would you not have the Property Council represented? The list goes on. This is not to be a representative body and, therefore, it is not appropriate to have local government represented.

However, my amendment, No. 12, goes on to make sure that local governments and other appropriate stakeholders—but this expressly talks about the LGA—must consult with the LGA before an appointment is made, so the LGA has an opportunity to have input into the people, but it is not to be a member of. In our view it is not justified for any group to reserve a position on the commission. It simply then opens up the question: if this body, why not someone else? Instead, the government's amendment No. 12, as I said, is an alternative to that requirement for the local government to be consulted.

The Hon. D.W. RIDGWAY: I quickly indicate we are sympathetic to what the Hon. Mark Parnell is trying to do. From the comments I made earlier about the composition of the Western Australian Planning Commission I think there are some deficiencies, and this again might be one of those issues that we maybe revisit and recommit when we have had some further discussion. I have some further questions that I will ask the minister maybe at the amendment to clause 8, which is her amendment No. 12; but I indicate at this point in time the opposition will not be supporting the Hon. Mark Parnell.

The Hon. M.C. PARNELL: I thank the minister for her response, and we will have a look at the minister's amendment No. 12 in due course. I just want to make the point that my amendment does not seek to make the person a representative: it just ensures that the Local Government Association is consulted. People might think it is a fine line if you have to consult someone, because therefore you are obliged to put their nominated person forward, but I do not think that is the case.

The point that I just make it that one of the great dilemmas that we face with these statutory bodies is that your head tells you one thing but your heart tells you something else. I will just elaborate. It makes sense for most of these bodies to be expert-based—it makes sense. You work out what is their job, what is their function, and find the best people who have got the qualities that you need to fulfil that function.

Yet, what has often happened is that the most inappropriate appointments have been made: jobs for the boys. As a consequence, what you often find is that stakeholders, even though their head tells them that an expert-based body makes sense, often they are so frustrated by the nature of the appointments that are made that they say, 'Forget it, we want one of our people on.'

However, I do accept the minister's point. I do not think this should be a representative body, but all ministers need to understand that if the calibre of appointments that they make, using expert-based criteria, falls short of what stakeholders think is necessary, then the stakeholders are going to start clamouring for representatives.

There is no shortage of acts of parliament where, for example, a farmers group has a representative, local government has a representative, and there are a few where the Conservation Council has a representative, but I do accept that that is not ideal in most circumstances and that expert based is better.

Really, the government just needs to pay close attention to appointing people who are of sufficient calibre and respect in the community that they actually do credit to the position, otherwise we end up with the sorts of debates we have had here, where personalities are dragged into it and the inappropriateness of appointments is raised.

I just make that observation, that I am supportive of it being expert based, but when key issues are not acknowledged you can understand why people get frustrated. I am happy to leave it at that. I have moved the amendment as a test, and we will deal with the minister's in due course.

Amendment negated.

The CHAIR: The Hon. Mr Parnell, do you accept that your amendment No. 13 is superfluous now?

The Hon. M.C. PARNELL: Yes, I do not need to pursue that now.

The Hon. D.W. RIDGWAY: What about Mr Parnell's amendment No. 14? It is 13 and 14 that we are—

The Hon. M.C. PARNELL: I think I suggested that amendments Nos 12 and 14 could be packaged; 14 is the same subject matter as the minister's amendment No. 12. This is about consulting with the LGA, so they are pretty much the same issue.

The CHAIR: Are you happy, Mr Ridgway?

The Hon. D.W. RIDGWAY: I am, Mr Chair.

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

Amendment No 12 [EmpHESkills-1]—

Page 31, after line 9—Insert:

- (3a) In making an appointment that is relevant to the operation of subsection (3)(f) insofar as it relates to local government, the Minister must take reasonable steps to consult with the LGA before the appointment is made.

This is ensuring that in making an appointment that is relevant to the operation of subsection (3)(f) insofar as it relates to local government, the minister must take reasonable steps to consult with the LGA before the appointment is made. That is very different, we believe, from the position the Hon. Mark Parnell has indicated: he was suggesting that the person appointed must have specific experience in the area of local government and then went on to say 'and consult with the LGA before the appointment is made' as well, so there are two parts to it, in my understanding. This only picks up the latter part, which is to consult with the LGA.

The Hon. D.W. RIDGWAY: I have a couple of questions, but I indicate that the opposition will be supporting the minister's amendment. Looking at the skill set of people listed, I note:

- (3) Without limiting subsection (2), the Minister must give consideration to appointing persons so as to provide a range of qualifications, knowledge, expertise and experience in the following areas:
- (a) economics, commerce or finance;
 - (b) planning, urban design or architecture;
 - (c) development or building construction;
 - (d) the provision of or management of infrastructure or transport systems;
 - (e) social or environmental policy or science;
 - (f) local government, public administration or law.

I think there is a glaring omission there, that is, the regions of South Australia and regional development. Of course, the minister opposite was a minister for regional development in a past life. We are in a jobs crisis: we have a quarter of a per cent predicted jobs growth in the Mid-Year Budget Review. Regional South Australia is where our food industry and food sector are particularly strong, and obviously it will have the ebb and flow of mining and resources development. I am just surprised that there is no mention in that list of qualifications, knowledge and expertise, of regions.

We all accept that South Australia is probably the most urbanised state in the nation, and one of the government's strategic priorities is the regions' premium food and wine from a clean environment. I highlighted those problems yesterday, around the Hills Face Zone and family businesses that are trying to get on and make a quid and struggling because of the strange red-tape burden. We see the same with other developments. I know there are some concerns, and minister Rau was scheduled to meet with the member for Flinders around some proposals for the barging facility at Lucky Bay. Again, there are some concerns. That is very much a regional development issue.

I would like the minister to explain why, if all these other expertise and knowledge areas are good enough to be mentioned in the bill, we do not have even the addition of one onto one of the lines. We finish at paragraph (f), so why not have a paragraph (g) that says 'and somebody with regional development and regional experience'?

The Hon. G.E. GAGO: We simply followed the advice of the expert panel in relation to the knowledge and experience or expertise identified as being necessary to fill the commission position.

The Hon. D.W. RIDGWAY: The minister has just followed the advice of the expert panel. Of course, the expert panel said that they could consider an urban growth boundary, not that we actually had to have one, so it is interesting that the government and the minister follow the advice of the expert panel when they choose to and then at other times choose not to.

Would the minister consider—and again this might be something we might look to if we revisit this bill and recommit some of the clauses—taking on notice the addition of someone with regional expertise because it is quite different? Of course, in the Western Australian model one person is nominated by the regional minister.

I know that in the Western Australian model—and it is a much larger geographical state—they have a metropolitan LGA representative on their planning commission and a regional LGA representative or local government representative on their planning commission. It is a body of some 15. It is a person nominated by the regional development minister, and I think that, given the importance of our regions, it is an important consideration. I wonder whether the minister would be prepared to indicate whether the government might consider that.

The Hon. G.E. GAGO: I thank the member for his comments and I am happy to pass them on to minister Rau and draw his attention to them for his consideration.

The Hon. D.W. RIDGWAY: I have one other quick question, and I apologise, as it may be in the bill; I have not digested it all. In relation to gender, will there be a requirement for the government to have some sort of gender equality on the planning commission as well?

The Hon. G.E. GAGO: It is not a legislative requirement, but there is a government policy requirement for gender equity on boards, committees and other bodies.

The Hon. D.G.E. HOOD: I have two quick points, if I may. I have a process point which I can perhaps ask of you, Mr Chair, but respectfully of the minister and the shadow: can we mention the amendment and who is moving it? We have three sets of amendments, as I understand it, from both the government and the opposition. The Hon. Mr Parnell has done it beautifully, I must say, and prepared it wonderfully, and you really cannot get lost. It is not easy to work out which piece of paper we are using, so can I ask that the minister and the shadow, if it is possible, or maybe you, sir, when you talk about the amendments, to mention amendment No. 1 [Ridgway-3], for example.

An honourable member: And the set number.

The Hon. D.G.E. HOOD: That is right. It would make things a lot easier. That is my process comment, but my substantive comment to the amendment is that I think one of the very clear overarching positions of this bill, or the thing the bill is trying to bring to fruition, is that the role of local government is being changed substantially by this bill. There will be people with different feelings on that, but we are now at a point where some of the fundamental aspects of what has always traditionally been the realm of local government—that is, planning in essence—are being absorbed, if you like, or relocated, whatever the word is, to this state planning commission in a general sense. Yes, there are exceptions, but in a general sense. We are not opposing that—in fact, I think there is some merit in it—and we will support that thrust.

We are now at a point where the obvious questions start emerging: what are the implications for local government should this bill pass? It looks like it will. If planning becomes the realm predominantly of another entity, what is the role of local government? Those are significant questions that I think are for the government and for this chamber to consider, maybe not as a consequence of this bill although obviously this bill is impacting on it substantially, but next year it needs to be considered in an opportunity to address exactly what that whole level of government needs to look like moving forward. That is another discussion. Coming back to the amendment, I think it is appropriate that government at least makes an attempt to consult local government and for that reason we will support it.

The Hon. M.C. PARNELL: I put on the record that the Greens will be supporting the government amendment.

Amendment carried.

The Hon. M.C. PARNELL: I move:

Amendment No 15 [Parnell-1]—

Page 31, after line 14—Insert:

- (6) In addition, a person may only be appointed as a member of the Commission or a deputy if, following referral by the Minister of the proposed appointment to the Statutory Officers Committee established under the Parliamentary Committees Act 1991—
 - (a) the appointment has been approved by the Committee; or

- (b) the Committee has not, within 7 days of the referral or such longer period as is allowed by the Minister, notified the Minister in writing that it does not approve the appointment.
- (7) Despite the Parliamentary Committees Act 1991, the Statutory Officers Committee must not report on, or publish material in relation to, matters referred to the Committee under subsection (6) except to the extent allowed by the Minister (but this subsection does not derogate from section 15I(2) of the Parliamentary Committees Act 1991).

This also relates to appointments to the state planning commission. Again, it flows from the submission made by the Local Government Association where they have quite reasonably suggested that appointments to the commission should be subject to parliamentary oversight. The mechanism for the parliament to oversee appointments to statutory bodies is set out in the Parliamentary Committees Act, division 2—Functions of Statutory Officers Committee.

Before I go through that process, the reasons why I have moved this amendment and I agree with the Local Government Association's position is that, as the minister has said, this is such a vital body for South Australia. It looks like there is going to be a global search to find appropriate persons to fulfil these roles, and that says to me that the parliament would be an appropriate body to have a bit of a look at it as well.

When you look at section 15I of the Parliamentary Committees Act where it sets out the functions of the Statutory Officers Committee, you will see that the main requirement is in relation to certain positions where the position is filled by the parliament—in other words, a position that is filled by appointment on the recommendation of both houses. The Hon. Rob Lucas will no doubt correct me but I am thinking we have the Electoral Commissioner, the Ombudsman, I think the Auditor-General, and I cannot remember which others, but they are appointments that are made—

The Hon. J.A. Darley: The ICAC Commissioner.

The Hon. M.C. PARNELL: Thank you, the Hon. John Darley—the ICAC Commissioner as well. The powers of that parliamentary committee are not limited to those appointments because the functions of the committee also include in subsection (1)(b) to perform other functions assigned to the committee under this or any other act (or by resolution of both houses but that is not relevant). It is functions assigned to the committee under any other act, and any other act would be the bill that is before us. So, I do not think that this is a particularly onerous provision but it would at last provide for these important roles to actually be subject to a bit of scrutiny outside the minister's office. The minister has so far only accepted that there will be a call for expressions of interest but we have had no undertaking as to any other part of the process, so in the vacuum that that presents, I have put this amendment forward, giving the relevant parliamentary committee a role in finding appropriate people for this commission.

The Hon. G.E. GAGO: The government rises to oppose this amendment which would set up an extraordinary process for appointing members to the commission. The Statutory Officers Committee have advised that there are only three appointments they consider, being the Electoral Commissioner, the Ombudsman and the ICAC Commissioner. You will note that there is a multitude of public officers who are not included in this very short list, such as the Auditor-General. If they are not worthy for inclusion that sets apart the state planning commission to such a degree it should be elevated to this status.

There are no government boards or committees where membership of the relevant board or committee is determined by the Statutory Officers Committee. The government believes that the commission should be appointed in line with the existing guidelines for the appointment of the government boards and committees and be accountable to the minister, in line with the Westminster tradition. Involvement of a standing committee of parliament is completely not appropriate, nor is it necessary.

The Hon. D.W. RIDGWAY: I rise on behalf of the opposition to indicate that we will not be supporting the Hon. Mark Parnell's amendment, although he did spark some comment from one of my colleagues when he talked about a global search for people on the planning commission. The Hon. Rob Lucas suggested maybe Laura Lee or Fred Hansen or somebody might be likely to come.

The Hon. R.I. Lucas: Some names for you.

The Hon. D.W. RIDGWAY: Yes, names from the past and there are plenty of others, I suspect, that we could dig up from the thinkers in residence time frame. I am wasting 30 seconds of the time. We are not going to support—

The Hon. G.E. Gago: That's 30 seconds you will never get back.

The Hon. D.W. RIDGWAY: Never get back; yes, 30 seconds we will not get back. Of course, if you had actually told us about getting the police here this morning, we could have saved 10 minutes. Anyway, we are not supporting this amendment.

Amendment negatived; clause as amended passed.

Clause 19.

The Hon. M.C. PARNELL: This is a provision that allows for, if you like, the co-option of additional people to serve not on, but with, the state planning commission. In the other place, Mr Griffiths asked the minister what sort of circumstances might require an additional person or persons to be appointed. The minister's response was that he did not have anything in mind but he thought that it might be useful to have a general co-opting power.

My first question to the minister is whether there has been any more thought given to it. It strikes me as a sensible section, which I will be supporting, but to be a bit more specific, the commission is going to do all these different jobs—there are advisory jobs, in other words, making recommendations and providing advice; and there is the job of making decisions about development applications. At the broadest level, does the government see that these co-opted people would be part of the commission's advisory function or part of its decision-making function in relation to certain sorts of developments?

The Hon. G.E. GAGO: I am advised that either. It will be determined, basically, by need, that is, the final skill set complement that is appointed to the commission. There could be areas where there might be gaps, so they could be co-opted for that, or a person might be co-opted for the special consideration of a high-tech matter or very specialised matter, to give expert advice in relation to that. So, it has not been determined.

The Hon. M.C. PARNELL: I thank the minister for her answer and I agree, I think either of those functions may well benefit from having additional people on. Just in terms of, I guess, the process, the minister is required to establish a list. My guess would be, but I will get the minister to confirm, that, again, an expression of interest process would invite members with expertise in certain topics to offer to make themselves available. Is that how the process would work? In other words, how does the minister pull this list together?

The Hon. G.E. GAGO: I would imagine the process would be done in a similar way. As I said, there is not a great deal of detail that has been dealt with at this point in time, but it would probably be something like an area of expertise is identified as being useful, an expression of interest might go out, or a number of people might be able to recommend a series of experts that they know and they are then approached and a selection is made.

The Hon. M.C. PARNELL: I thank the minister for her answer. It states in clause 19(2)(e) that a person appointed is not to be considered to be an appointed member of the commission. I take that to mean they are not going to be counted as one of the four to six. In other words, someone does not have to step down to make way for the expert. I am just interested in terms of the process of the commission. If they were required to vote on something—and it might be a matter of: do we approve of this development or not—would these extra people get a vote? There seems to be no limit on how many experts could be appointed. For example, you might have four permanent members of the commission and you might have 10 experts appointed, would they all get a vote?

The Hon. G.E. GAGO: There is a limit, there can only be one or two, that is clause 19(1). They do get a vote, I am advised, but only on the matter they have been appointed to consider. This is modelled on the provisions of the Development Assessment Commission.

The Hon. M.C. PARNELL: I think this is my last question on this point. It is stated in subclause (2)(c) that the person will be appointed and they will remain on the list on terms and conditions determined by the minister and they are eligible for reappointment. I am interested to know

what terms and conditions does the government have in mind? I am thinking in particular, a retainer? I mean, someone gets themselves appointed to—let us say they are the acoustic engineer expert on the list, are they paid anything by way of a retainer? I expect that if they were called to do work there would be some hourly rate or some payment for attending decision-making meetings, but is there likely to be a retainer as well?

The Hon. G.E. GAGO: My understanding is that this has not been prescribed. However, what is likely is that they would be paid sessional sitting fees. A retainer may or may not be considered, but I would imagine it could be considered where a person is a particular guru on a particular area and then they might pay additional (through a retainer) for that.

The Hon. D.G.E. HOOD: I might say that the Hon. Mark Parnell has stolen a few of my questions, but credit to him.

The Hon. D.W. Ridgway: Obviously they are important questions.

The Hon. D.G.E. HOOD: Indeed, they were. This is a key aspect of how this will all work, hence members' interest in the matter. I express a note of concern. If the government wants to establish a state planning commission (and we support that—we have supported it throughout this debate), and then there is talk about how many should be on that, and I think four to six people will be appointed to the commission (and I see nothing wrong with that as it seems like a manageable number), but the question arises when you have one or two persons 'to act as additional members of the commission for the purposes of dealing with any matter arising'.

It is very unusual for those individuals to be given voting rights. Certainly the standing members of the committee, if you like, the four to six original or permanent members would have voting rights, which seems perfectly in line with normal practice for how these things run, but to have so-called experts consulted to have voting rights is very unusual. I express that as a note of caution.

It is perfectly reasonable to consult their expertise and draw on their expertise and knowledge in order for the committee to formulate its final decision, but you can change the voting dynamics quite substantially if, for example, only four members are available for a particular meeting, and two so-called experts have been co-opted in to add to the panel. If they have voting rights, that is a third of the voting block. I raise that flag with the government that it seems unusual to me and it needs to be further examined.

The Hon. G.E. GAGO: The sort of provision where an expert has the capacity to vote on matters pertaining to their expertise is not unusual. I have been advised that we have taken it from the Development Act 1993, section 10A, which has a similar provision.

The Hon. D.W. RIDGWAY: Just a couple of questions: I assume it might provide an opportunity for that regional expertise to come in, I would assume. I read the bill quickly, and I cannot recall seeing it, but will the commission have a quorum, a minimum number of people who need to be there to constitute a meeting of the commission?

The Hon. G.E. GAGO: You are absolutely right: having these positions available would lend themselves most suitably to ensure that, for instance, country expertise was available. Clause 27 deals with the quorum, which is required.

The Hon. D.W. RIDGWAY: What is a quorum? It might deal with it. I have a range of questions, but can you tell me what is a quorum?

The Hon. G.E. GAGO: Half plus one.

The Hon. D.W. RIDGWAY: If it is half plus one, is that half of four plus one, half of six plus one, half of the formal members of the planning commission plus one, or half of those at the meeting plus one?

The Hon. G.E. GAGO: It is half plus one of voting members.

The Hon. D.W. RIDGWAY: Thank you, minister. So my understanding is that a few moments ago you indicated that somebody who has been appointed to this, as consistent with the Development Act, would have a vote.

The Hon. G.E. Gago: On some matters.

The Hon. D.W. RIDGWAY: Yes, on some matters, but on matters that they are there for. Under this clause 19, the commission may appoint one or two persons to act as additional members. Can I just clarify whether, if the commission is four members, you could have a situation where you have two additional members, so the actual half plus one is four. Effectively, you could have your two additional votes and only require two of the regular commission members to then constitute a quorum. Is that accurate?

The Hon. G.E. GAGO: Yes, that is correct.

The Hon. D.W. RIDGWAY: Does the minister or her adviser envisage any circumstances where it would be likely that you would have two experts or two additional people on a reasonably consistent basis, when you will be needing to bring in experts all the time?

The Hon. G.E. GAGO: Obviously, it is untested, but the advice I have received is that you could foresee that, particularly where there is, for instance, a very complex environmental issue occurring that requires high levels of specialist expertise.

The Hon. D.W. RIDGWAY: I have a final question. I know the minister said it was government policy—and they are not mandated to have gender equity—but, if we were a male short on the commission or a female short, in relation to government policy, could this provision be used just to top up so that the government policy has been adhered to?

The Hon. G.E. GAGO: The additional positions are only to provide expertise.

The Hon. D.G.E. HOOD: I just seek a point of clarification from the minister, if I can. We are dealing with clause 19, obviously, but subclause (2) paragraph (c), states that, right at the end, at the expiration of a term of appointment, that individual is eligible for reappointment. It does not say how many times that reappointment can occur. Potentially, it could be reappointment after reappointment, and they effectively become a permanent member of the committee and, therefore, the four to six number that is originally envisaged could in practice be eight people on a virtually permanent basis. Would the government like to comment on that?

The Hon. G.E. GAGO: The honourable member is looking at this through the most cynical of eyes, I have to say. We had not contemplated such a high level of cynicism. The bill is silent on that level of detail. It does not indicate how many appointments, but the custom and practice is generally that reappointment usually means once or twice at the most—that is the general convention on boards and committees.

The advice I have received is that, if it were to be manipulated to fill a permanent position in an ongoing way and this was challenged in court, the court is likely to read the thing in the spirit of intention in which the bill was written, and also with general custom and practice in mind and general convention in mind. Although you have drawn attention to the fact that it is not explicitly addressed, I do not believe that the government, at this point in time, feels particularly threatened by such a possibility. We certainly have no intention of allowing those positions to become de facto permanent positions.

The Hon. D.W. RIDGWAY: In the light of that then, I think that having some sort of regional expertise on this commission, I would say on a permanent basis, would be better than just bringing them in ad hoc. I know the minister said she would speak to minister Rau. I reiterate that I really would appreciate her speaking to him because it is something which I think the opposition would consider amending, when we have had a chance to talk about it, to maybe add that regional expertise to the list of provisions, or even increase it from five to seven members, rather than four to six.

The Hon. A.L. McLACHLAN: I ask the minister to confirm just for purposes of clarity, that all members of the commission will be subject to the jurisdiction of ICAC.

The Hon. G.E. GAGO: Yes.

The Hon. A.L. McLACHLAN: And it is not the government's intention in regulations or any other provision related to this act to remove them from the jurisdiction of ICAC?

The Hon. G.E. GAGO: I am advised, no.

Clause passed.

Clause 20.

The Hon. D.G.E. HOOD: I have a question on clause 20, and it is actually just a reiteration of my previous question, but this clause also refers to the fact that there is no specific end point and no maximum number of times somebody can be reappointed. I presume the government's response will be the same in this case.

The Hon. G.E. GAGO: That is right.

The Hon. D.G.E. HOOD: Thank you.

The Hon. D.W. RIDGWAY: In relation to this, people can be appointed for a term not exceeding three years. Why did the government land at three? Why not two or four? What is the attraction to three?

The Hon. G.E. GAGO: Three is the general standard in the statute books for statutory authorities.

The Hon. D.W. RIDGWAY: Is it contemplated that there may be some, if you like, staggered membership? Often with these committees, boards and commissions, people build up a bit of corporate knowledge and to have some sort of staggered membership, rather than everybody leaving, to me would make sense and I wonder whether that is the intention?

The Hon. G.E. GAGO: Yes, we are mindful of the benefits of staggering membership and that has been considered. No decision has been made yet but it is certainly under consideration.

Clause passed.

Clause 21.

The Hon. M.C. PARNELL: This clause provides for allowances and expenses to be paid as determined by the minister. In the other place, Mr Griffiths asked about that. The Hon. John Rau responded that he had not determined what the pay would be for these people. He said:

I have not really turned my mind to that properly yet. This is a body which is at least as responsible as the DAC, so you would expect that that is some guide as to what we are talking about, but we have not really worked it out.

The additional information that we have had today is that the planning commission will be high level and high calibre, that it may well be a broad search, and so, as a starting point—and even if we can get just a little more guidance than the minister was able to provide last time—my question would be: what do members of the Development Assessment Commission currently get paid, and is that an annual payment or a sessional payment?

That is my question, and while the adviser is looking that up, as I said before, this new body is a merger in some ways between the DAC and the DPAC. As some members know, I was very briefly a member of the DPAC some years ago. I think I am the shortest serving member; I think I lasted six months before I was shown the door. But my recollection is that the payment was around \$7,000 a year for DPAC, but that was some 15 or more years ago. So given that the new body is a merger of both DAC and DPAC, what is the indicative range of pay that these people might get for serving?

The Hon. G.E. GAGO: We do not have the exact figure with us in the chamber today but it is believed that it would be in the vicinity of \$24,000 per annum—something like that. There may also be modest sessional payments made in addition to that; I am not sure.

There could also be an attraction allowance; some members may also be given an additional attraction allowance if, as I have said, they have a particularly high level of expertise that is difficult to come by. The presiding member usually receives slightly more than that, as well. I refer to Circular 16—Remuneration for Government-Appointed Part-Time Boards and Committees.

The Hon. D.G.E. HOOD: Can I just clarify that that \$24,000 per annum is for a full-time member of the committee or an—

An honourable member: They don't work full time.

The Hon. D.G.E. HOOD: Yes, I understand that. I meant a permanent member.

The Hon. G.E. GAGO: A permanent member for their role, according to the act.

The Hon. D.G.E. HOOD: Thank you, minister, for that answer. How many meetings is it anticipated that they would attend on a 12-monthly basis?

The Hon. G.E. GAGO: I do not believe that has been determined as yet, no, but generally speaking you would expect them to sit at least once a month. Particularly at the beginning, there might be a significant body of work, so they might need to sit more often than that. Of course, there is also likely to be work that is done through committees so that the whole of the commission is not having to sit to do specific role functions. That is generally the run of the mill.

The Hon. D.G.E. HOOD: If they do sit more often, is it envisaged that the \$24,000 would be increased? Is it on a meeting basis or an annual payment?

The Hon. G.E. GAGO: As I have outlined previously, often—not always, as there are different permutations and combinations—there is generally a fee per annum, a flat fee per annum. For DAC, we think it is around about \$24,000. There is commonly also a sessional fee that is paid in addition to that, so the more often you sit the more you are paid. The sessional fees, I have to say, are usually extremely modest (the ones I have seen), and they tend to vary. Individuals who might have a very rare and high level of expertise that is quite important and highly valued by the commission may receive an attraction allowance as well. It is a combination of things.

The Hon. R.I. LUCAS: Payments for board and committee members is a subject I have had some interest in over the years. I must say that, in my experience, it is highly unusual to have a situation where they might be paid \$24,000 plus a sitting fee or a sessional fee. Normally, it is either an annual payment or a sessional fee. I am not going to swear to the fact that there might not be the odd example where you get both, but generally, particularly when the numbers start getting up to \$24,000, it is an annual payment and the sessional fee is an alternative mechanism, which might be some \$100 per meeting or something.

As I said, I cannot swear to the fact that there is not an example, but in my experience, in going through boards and committees over the years, it is an either/or set of circumstances. Certainly, for example, boards like the WorkCover board, where the money comes in, you get paid whatever it is—\$30,000 a year for a board—and then, as the minister has indicated, you might have a subcommittee and you get paid another \$5,000 or \$10,000 for being on that subcommittee. Some board members might be on two or three subcommittees, so you get the board payment for WorkCover and you are on their investment committee and you are on their compliance committee and you get another \$5,000, so you get an aggregate of payments in that way.

The minister is suggesting that possibly, with the planning commission, there might be a similar structure, where you get a board payment as a member of the commission and maybe there are specialist committees that operate under it, for which you might get additional payments. As I said, I think it would be unusual to get \$24,000 and then to get sessional payments over and above that.

Given that it is highly likely that we will come back in February, we should have an answer to my next question by then. Normally, the set of circumstances is that there is a classification or a category given to boards and committees by DPC as part of the cabinet submission. When minister Rau took the bill to cabinet and had it approved for drafting, he would normally have referred to the category.

I do not know what they are now called, but it used to be called either category 1 or 2 or classification 1 or 2. The best categories, like a WorkCover, get the highest payments and the lower categories get the lower payments. I would be surprised if the planning commission would not have already had cabinet authorisation for a particular level of category, which would therefore give the bounds within which the payments would be paid.

My question to the minister is: is it the case that the government approval has already categorised the planning commission? While she might not have that available immediately, can she take that on notice and see, whilst we continue the debate today and tomorrow, whether or not there

is further advice she can provide to the committee in relation to what category it is and therefore what range of payments might be anticipated?

The Hon. G.E. GAGO: The advice is that as yet the commission has not been appointed a classification or a class. The Hon. Rob Lucas is quite right: the boards and committees are designated at a particular category or class or level. The DAC is currently classified level 3, which is mid-range. Currently, its members receive \$24,765 per annum and the chair receives \$37,148 per annum. The DAC is set at that, and the thinking is that the commission will sit at the same level as the DAC, so they will be applicable.

The Hon. R.I. LUCAS: I thank the minister for that advice because certainly I think whatever category 1 is, if that is the highest, you are generally looking at a range of board payments around about \$50,000 and the chair being paid \$70,000 to \$75,000 and, as the minister has indicated, on rare occasions, there is an extra allowance paid for particular people.

I came in at the tail end of the earlier discussion in relation to the expert panel people, about whom there was a lengthy debate earlier. It is an unusual set of circumstances. Is the minister in a position to provide advice as to what their level of payment would be? Clearly, that would be different from being a commission member and it would be more likely to be a sessional fee, I imagine, or a sitting fee for the number of meetings. If the minister does not have any immediate information on that, can she take it on notice and in due course provide advice to the committee?

The Hon. G.E. GAGO: We do not have that answer; it has not been determined. It is likely to be some sort of sessional fee, though.

The Hon. D.W. RIDGWAY: My question probably relates back to the previous clause regarding the position of chairman. In the Western Australian model—and I know that the minister says we have not actually followed it, but we have used it as a guide—the chairman is viewed as a very senior member of the planning structure. My recollection is that the chap I met when I was there was Mr Gary Prattley, who is well regarded right across Australia and New Zealand. I just looked on the internet on my phone, and I see he has 45 years' experience.

He has now gone off into some private sector role, but 45 years of experience is significant and the sort of expertise that the minister was saying minister Rau is looking at hunting nationally. The Hon. Mr Parnell talks about a global hunt, and even the Hon. Mr Hood.

Nonetheless, what is the role of the chair of our planning commission in the structure of government and the planning hierarchy? Certainly, Mr Prattley was seen as a particularly high level, almost public servant, and it was a full-time position. I have a schedule of the fees that the Western Australian Planning Commission have paid, and the position of chair is just negotiated. So I am intrigued as to where the minister sees the role of chair and the likely level of remuneration.

The Hon. G.E. GAGO: It has been described to me as more like a board of directors, where the board requires a chair and a chief executive. It would not be seen as a full-time position. It would be more akin to the chair positions of, say, the EPA or the Economic Development Committee.

The Hon. D.W. RIDGWAY: I notice that clause 21 provides that an appointed member is entitled to fees, allowances and expenses determined by the minister. Given that we are likely to have a national search for these people—even though it is a reasonable amount of money, maybe \$30,000-odd, or \$24,000 and maybe add a bit more for committees—if they reside in another state, what level of expenses does the minister see as being reasonable for these members to be entitled to receive? Clearly there would be travel, accommodation.

The Hon. G.E. GAGO: Again, this level of detail has not been prescribed, but it is highly likely that they will be covered by those arrangements made available to other boards and committees. That usually means reasonable expenses or, for individuals, it would be negotiated at the time. For instance, if it were someone from interstate coming over for meetings, then at the time it would be negotiated for travel and accommodation, etc. So those matters are negotiated at the time. For general matters it would be covered by the provisions available to other government boards and committees.

The Hon. D.W. RIDGWAY: I guess this relates to expenses. I know that in the Western Australian model the planning commission often has regional meetings; it goes out into the regions

to have meetings and to get some understanding of regional issues. Under this model, is it envisaged that the planning commission itself will have regional visits, regional meetings, around the state?

The Hon. G.E. GAGO: That level of detail has not been considered. It would not be unreasonable but, as I said, that level of detail has simply not been dealt with yet. Also, I think the commission itself would probably have a view about how it would best manage its work.

The Hon. D.W. RIDGWAY: They obviously have, in Western Australia, regional members on their planning commission from the very north of the state. We may not have the same issues here, but certainly I know Mr Prattley, in my discussions with him, said that it was very beneficial to take the planning commission to some of the regions to get a better handle on the issues. Will there be any additional staff appointed in a secretariat sense to provide support to the commission who are not already in existence?

The Hon. G.E. GAGO: I am advised no.

The Hon. D.W. RIDGWAY: Are there any estimations or provisions in the forward estimates for the funding of the planning commission and, if so, what is the budget for the proposed new state planning commission?

The Hon. G.E. GAGO: I am advised that we believe it will be budget neutral. It will be taken from within existing resources.

Clause passed.

Clause 22.

The Hon. M.C. PARNELL: Clause 22 sets out the functions of the state planning commission. It effectively is two full pages—quite a lengthy clause. I want to ask the minister specifically about the submission that was made by the Local Government Association where, in their submission, they thought the functions of the commission listed in subclause (1) of clause 22 should be expanded to include the approval of regional plans unless a joint planning board has been appointed; secondly, development and approval of amendments to the planning and design code; and, thirdly, that they should work with local government to develop the community engagement charter.

My question is: no doubt the minister is aware of this request, so what response does the minister have? In fact, I will just say one more thing. In the other house I think a similar question was put by Mr Griffiths certainly in relation to the approval of regional plans. The minister's response was that he would be happy to think about them:

On the face of it they do not sound crazy, but we have to take some advice on it. My main worry is red tape. It is not the principle of having anything to do with the LGA; it is how much red tape we are creating.

That was the minister's response in the other place. Does the minister in this place have anything to add to that?

The Hon. G.E. GAGO: I have been advised that, given the minister is accountable to parliament, we believe we have got the balance right and that there is no need to change that.

The Hon. D.W. RIDGWAY: This clause is about the function and powers of the planning commission. There is a number of provisions in here. I am just interested to know because in a previous answer it was all to be cost neutral. This is a significant change. As I said, the opposition supports the principle of an independent planning commission, but it just seems that there will be some resources required, and I am concerned that this is going to be a body set up that really just does not have the resources to deliver the expectations of both the expert panel and the opposition. I know the Hon. Mark Parnell and others see this, by and large, as a sensible reform, so I am just intrigued as to how the minister can say it will be cost neutral. It will be a new initiative.

The Hon. G.E. GAGO: I am happy to take that up with the minister. I am sure he would love to have more money.

The Hon. D.W. RIDGWAY: It is probably at some other point in the future, but the e-planning provisions that will be in this bill, there might be some questions about it later, but that is why I am intrigued as to whether they will be cost neutral—the Planning Commission itself, and the actual

reforms that this bill is delivering. The e-planning component of it I am told could be \$20 million or \$30 million that will need to be implemented over the next three, four years. Could the minister give us a guide of what the government's expected cost will be for the e-planning system and over what time frame, and is there being money set aside in the budget to provide for that?

The Hon. G.E. GAGO: We believe that the commission itself and setting it up and running it will be cost neutral. In relation to the e-planning, we anticipate that a budget submission would need to be developed and that go through the normal budgetary process. That is anticipated.

The Hon. D.W. RIDGWAY: This bit of legislation, in a perfect world, if it had been progressed a bit earlier we probably would have passed it last week, but there has been no budget work and no preparatory work done to say, 'This e-planning system is going to cost X. We have to wait until a bill goes through, but once it is through, we can then make a budget submission.'

The Hon. G.E. GAGO: I have been advised that there has been a great deal of preparatory work around the budget implications for the e-planning system but, as yet, a final budget proposal has not been developed, but it is anticipated that one will be completed and go through the normal budget process.

The Hon. D.W. RIDGWAY: One further question on that particular issue. I think we have some questions later on around cost shifting to local government, but what will be the expectation for local government contribution to e-planning?

The Hon. G.E. GAGO: We have consulted with the LGA and will continue consultation through further development of the e-planning system. I am advised that there will be provision for cost sharing with local government and state government; however, my understanding is that the view of local government is that they will make overall significant savings from the e-planning developments and implementation.

The Hon. D.W. RIDGWAY: There is the old saying, 'Don't ask questions you know the answer to,' but I certainly have no idea of the answer to this one. Are there other e-planning systems in place in other states in Australia and, if there are, are we going to look to take an off-the-shelf type model (although I know every system is slightly different) or are we going to have another one of these—

The Hon. G.E. GAGO: Design models?

The Hon. D.W. RIDGWAY: No, another one of these IT projects initiated by government that cost four times as much as what was budgeted and never deliver.

The Hon. G.E. GAGO: Obviously, we have looked at what is happening in other jurisdictions, and there are other examples. A decision has not been made as yet, but it would appear at this stage that we will be purchasing an off-the-shelf model and then customising it to meet our own particular needs.

The Hon. D.G.E. HOOD: This is obviously a very significant clause. It deals with the functions and powers of the new body to be created. My first question is quite a generic question and just for the sake of clarity. What happens to local government as a result of the formation of this new body? Specifically, what is it local government does now that it will not do as a direct result of the creation of this new entity?

The Hon. G.E. GAGO: I am advised that local councils will no longer have their own local development plan, instead they will have regional plans and they will also have planning and design codes. They will work with the commission in relation to both their regional plans and their planning and design codes.

The Hon. D.G.E. HOOD: That is my understanding of it. At face value that then suggests that—I am not sure that local government would agree with this, they may or they may not—the creation of the state body, if you like, the State Planning Commission, may create a sense of excess capacity at local government level. Has the state government engaged with local government as to the possibility of that and as to what changes may ensue if that is indeed the case?

The Hon. G.E. GAGO: We think that the great strength and benefit that local councils would bring to this particular system is their engagement with local communities around the regional plans.

In terms of their net work and their skill and expertise, local councils are demonstrated to have very strong close connections with local communities. We think that would ensure that we have a high-quality level of input for the development of the regional plans, and we think this will be a great strength to the system.

The Hon. D.G.E. HOOD: I am moving on to another topic in the same clause, if I may. Again, it may be as I expect it to be, but just for the sake of clarity, under clause 22(3) it reads that:

The Commission may, in relation to providing advice under this Act, act on its own initiative or on request.

Could the minister provide some examples to the chamber of what circumstances may require the commission acting on its own initiative?

The Hon. G.E. GAGO: It could be that the commission, either whilst undertaking its work or simply the fact that it is engaging with various organisations and members of the public, has an issue come to its attention that it actually has not formally received a request to consider or take action on so it is able then, if you like, to self-refer.

Clause passed.

Clause 23 passed.

Clause 24.

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

Amendment No 13 [EmpHESkills-1]—

Page 34, lines 30 to 33—Delete paragraph (b)

It is a technical amendment and it is quite straightforward.

Amendment carried; clause as amended passed.

Clause 25.

The Hon. M.C. PARNELL: Clause 25 is headed 'Minister to have access to information'. In a nutshell this clause provides that any information that the commission has needs to be provided to the minister with one exception, and the exception is set out in subclause (3) as follows:

However, the Minister is not entitled to obtain under this section information that the Commission considers should be treated for any reason as confidential so long as the Commission does not adversely affect the proper performance of ministerial functions or duties.

My question is: what are the circumstances in which that subclause might come into operation? Is it trade, commercial, confidential information in relation to individual development applications, or is it general information that might be provided by a witness to a commission inquiry? What work does the government believe this clause will do?

The Hon. G.E. GAGO: Firstly, this has actually been copied from the Western Australian legislation, so I am sure the Hon. David Ridgway will be delighted about that. Secondly, the type of information that might be captured by this exemption could be, as the honourable member has already mentioned, commercial-in-confidence information, information that might prejudice court action or in some cases it might be details of legal advice, depending on what that advice is. They are just some examples.

Clause passed.

Clause 26.

The Hon. D.G.E. HOOD: I think this will be a very quick and easy one for the minister to answer as well; in fact, I will put the answer and she can tell me if it is correct. A quorum indicated here would be 50 per cent plus one. Is that correct in this case as well?

The Hon. G.E. GAGO: It is half plus one.

The Hon. D.G.E. HOOD: Half plus one, yes, thank you.

Clause passed.

Clause 27.

The Hon. M.C. PARNELL: Clause 27 relates to the proceedings of the commission and it does cover issues that have been agitated already such as a quorum and how voting is to be undertaken. It gives them the ability to meet by telephone or audiovisual means, and it requires them not unreasonably to have accurate minutes kept of its proceedings, but otherwise the commission will determine its own procedures.

Given that an important role of this commission is to replace the current Development Assessment Commission, one of the things that I would be anxious about is that some of the procedures that have been developed in that body might be lost in translation to the new body. What I have in mind in particular is that I think the Development Assessment Commission, whilst it has made many decisions that I do not agree with, it has had pretty reasonable processes, especially in relation to access to information. For example, if you go onto the Development Assessment Commission website, you can get the current agenda for their next meeting and the agenda includes things such as the report of the planning officer who is advising the Development Assessment Commission, especially in relation to category 3 developments.

There are often many dozens, or even hundreds, of pages of information provided as part of the agenda. It is part of the practice of the commission to provide the agenda, I think it is at least three days, from memory, before the actual meeting is held. The importance of that is that, as I said in a contribution to an earlier clause, if you are a representer who is fronting the commission to give your view on whether a certain development should go ahead or not, you at least have the advantage of knowing what advice the commission has received, because the staff planner who is advising the commission has his or her report up online on the agenda.

Similarly, at the end of each meeting—my recollection is that they are on Thursday mornings every two weeks—the previous minutes are put, in a fairly timely manner, up onto the website, and so you can find out exactly what decision they made, what conditions they might have attached to a development approval that they have granted. In fact, I think it is a very good system; it is open and it is transparent. As I say, I do not always agree with the results that they come up with, but I think the process is fairly good.

There is no obligation in this clause 27 for them to be as open as the Development Assessment Commission currently is, and it would seem to me that the new planning portal is an obvious vehicle for the planning commission to publish its agendas, its reports and the minutes of its meetings. My question to the minister is—it may well be somewhere else in here and I have missed it—is it a requirement, and would the minister make it a requirement, for that level of transparency and publication of documents?

The Hon. G.E. GAGO: Again, the act does not prescribe that level of detail, nor do we think it should, because then the thing becomes overly prescriptive and too unwieldy, but at the moment the current DAC, as you outlined, does publish these things routinely. I would imagine the commission would continue with similar practices. I cannot imagine any reason for it not to do that, but it would be a matter for the commission to decide how it wants to manage its own affairs. As I said, we would be reluctant to legislate any requirements at this stage, but it would seem reasonable that they would follow similar sorts of practices to DAC.

The Hon. M.C. PARNELL: I thank the minister for her answer, and I accept it. I have not moved any particular amendment to require it. I also make the observation that when we get to, I think it is clause 44, the community engagement charter—I can never remember the actual name; it changed a few times during consultation—I would have thought that that document would be the type of place where it sets out not only the rights of citizens to engage in the planning process but also the expectations on statutory bodies in relation to things like the provision of information. Does the minister agree that that charter is perhaps the spot to put the requirement for the publication of routine information by the planning commission, just as DAC currently does?

The Hon. G.E. GAGO: I think that is a most reasonable suggestion.

Clause passed.

Clause 28.

The Hon. M.C. PARNELL: Thank you, Mr Chair, one of the most efficient chairs of the committee of the whole that I have seen for some time—very efficient. Clause 28 is headed, 'Disclosure of financial interests'. It is a very short clause. It states:

A member of the Commission must disclose his or her financial interests in accordance with Schedule 1.

When you look at the schedule, schedule 1, there is quite a bit of detail there about what needs to be disclosed. The aspect that I am not so certain about is whether that disclosure regime is limited to what we are calling the permanent members of the planning commission or whether it would also apply to the panel of people who may be co-opted, from time to time, to sit on the planning commission. The reason I am uncertain is that if we go back to clause 19, which we dealt with before, clause 19 is the co-opting power. If we look at clause 19(2)(e) it states:

A person appointed under that subsection is not to be considered to be an appointed member of the Commission under the other sections of this Subdivision.

So, my question is really quite simple: does the requirement to disclose financial interests apply to co-opted members of the planning commission? My initial reading is that it does not and if it does not then I think we have a major problem because these people are going to be sitting on the decision-making body that decides whether or not developments get approved or not.

The Hon. G.E. GAGO: I am advised that both are captured by the requirement to disclose financial interests.

The Hon. M.C. PARNELL: I need a little bit more than that, and the minister's adviser should be able to help. I actually need chapter and verse. I need to know where that is set out because it states, under 19, that these people are not members of the commission, and my quick look at schedule 1 does not illuminate the matter any more. I may well have missed something, but I do need chapter and verse on that.

The Hon. G.E. GAGO: I am advised that the key wording in clause 28 is that it refers to a 'member of the commission' not an appointed member of the commission, so therefore both are captured by being a member.

The Hon. S.G. WADE: I would ask the minister whether this requirement under proposed clause 28 dislodges or supersedes the requirements which I presume would be on the commission under the Public Sector (Honesty and Accountability) Act 1995 where the duty to disclose is much broader, it is to include a direct or indirect personal or pecuniary interest, not merely a financial interest.

The Hon. G.E. GAGO: I have been advised that we will need to take that on notice to get precise advice.

The Hon. M.C. PARNELL: On the same thing. I can stop whenever.

Members interjecting:

The Hon. M.C. PARNELL: It is a question, yes, and it does relate to the same thing. I thank the minister for her answer to my question. I see that there are the words 'member of the commission', which is different from an appointed member of the commission. Again, if the minister wants to take this on notice, that is fine, but it strikes me that one of these people on the list of potential appointees the minister is going to refer to, and every so often will appoint one or two of them to the commission, do not become a member of the commission until appointed.

Being on the list is not being a member of the commission—you are on a list of people who might be called on. So, my question is: when compiling the list, will the minister require all the people on the list to disclose their financial interests, even though they may never be called on to actually serve in that capacity? Secondly, does the minister envisage that there will be a process for updating those disclosures of interest?

We have seen that people can be on the list for five years, I think, and reappointed once or twice. First of all, would they at all need to have their disclosure done just because they are just on the list and, secondly, how often would it need to be updated? I appreciate that that is a technical question and I am happy to wait until later for the response.

The Hon. G.E. GAGO: I will take those questions on notice and also note that we are happy to look at clarifying, if need be, the wording around the declaration of interests applying to both members and non-members. It was certainly our intention that both be captured, and if there is ambiguity there we will seek to have that clarified.

Progress reported; committee to sit again.

Sitting suspended from 13:00 to 14:15.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

ENERGY PRICES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:17): I seek leave to make a brief explanation before asking the Minister for Manufacturing and Innovation a question about electricity.

Leave granted.

The Hon. D.W. RIDGWAY: The Premier and this Labor government have spent a considerable amount of taxpayers' funds pushing renewable energy as an option for creating employment in the future, and we have seen the significant development of renewable energy, particularly in wind farms, during this government's term. The way that they have pushed these renewable technologies has had several unintended consequences. The most important is, namely, energy costs rising and the over-reliance on the intermittent source of energy for our baseload power generation. My questions to the minister are:

1. Is the minister aware that several South Australian-based food manufacturers are paying almost twice as much for electricity in South Australia as are similar manufacturing operations interstate?
2. What impact is the state government's decision to focus on renewable energy having on electricity prices in South Australia?
3. Can he explain why South Australian food manufacturers are paying more for electricity here in South Australia than they are interstate?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:18): No, I am not aware of a food manufacturer who was paying double the amount—was it previously or what they are paying interstate—

The Hon. D.W. Ridgway: Right now.

The Hon. K.J. MAHER: —for their electricity prices. I regularly talk to food manufacturers. In the last month, I have probably been out to see half a dozen food manufacturers. In terms of the way energy is used and generated, there is no doubt we are in transition at the moment. We are seeing a transition from fossil fuels to different methods of generating electricity, and we will stand well in the future as this transition is made.

I have to say, there is a huge amount of gall coming from the opposition talking about manufacturing and jobs in manufacturing. This week marks two years that the Hon. David Ridgway's colleagues in the federal parliament chased Holden out of the country. Two years ago this week, Joe Hockey and Warren Truss dared Holden to leave, and the next day they did, so questions coming from this lot about manufacturing jobs ring very, very hollow. They chased a major manufacturing industry in this state and out of the country and now they wonder why there are difficulties in manufacturing.

ENERGY PRICES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:20): Does the minister concede that South Australian energy is much more expensive than for other competitors interstate?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:20): I already answered that, Mr President.

PUBLIC SECTOR EXECUTIVE SALARIES

The Hon. R.I. LUCAS (14:20): I seek leave to make a brief explanation prior to directing a question to the Leader of the Government on the subject of pay increases for chief executives and ministerial staffers.

Leave granted.

The Hon. R.I. LUCAS: There has been significant public concern expressed—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: There has been significant public concern expressed at the revelation that the Premier had secretly given very significant pay increases to a small number of chief executive officers, in particular the CEO of SA Health, Mr David Swan, a \$67,269 a year pay rise; and the CEO of the education department, Mr Tony Harrison, who received a pay increase of \$51,675; and the new Under Treasurer, David Reynolds, who received a pay increase of \$71,746 when compared to his predecessor.

Of course that comes after the Premier gave his own CEO a total salary package increase of \$150,000 to be the CEO of the Department of the Premier and Cabinet. At the end of October, I asked a question of the minister, which she took on notice, which was whether or not the cabinet had approved a salary increase for CEOs of government departments and agencies and, if so, what was the level of that increase and was it made retrospective to an earlier date?

In addition to that, the Liberal Party has been informed that cabinet took a decision that ministerial staffers will get that same general increase, which we are advised was 2.5 per cent for the general increase, and the suggestion was that it, too, was made retrospective to 1 July as well. My questions to the minister are:

1. Given that the question was asked back in October, has the minister had the opportunity to check whether or not that information was correct?

2. Can the minister clarify whether or not the CEO of SA Health and the CEO of the education department received these 2.5 per cent salary increases in addition to the salary increases highlighted on the front page of *The Advertiser* today? If that was the case, then the CEO of SA Health's salary would jump by a further \$12,500 to \$512,500, if that was correct.

3. Is the minister in a position to be able to clarify whether any general increase applied to CEOs was applied to the CEO of SA Health and the CEO of the education department and the Under Treasurer; and also whether or not it was made retrospective to some earlier date such as 1 July?

4. Finally, is the minister able to confirm whether or not ministerial staff have been given a general salary increase? If so, was it 2.5 per cent and was it made retrospective to 1 July?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:23): I thank the member for his questions. I am not in a position to provide any further information in relation to these salary matters. I have not been able to gain any further information in relation to the questions asked some time ago, and I'm happy to put these questions on notice and to bring back a response. So the answer is no, I am not in a position; and, no, I am not able to clarify.

VOCATIONAL EDUCATION AND TRAINING

The Hon. J.S. LEE (14:24): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about the VET sector.

Leave granted.

The Hon. J.S. LEE: The National Centre for Vocational Education and Research has today released a publication detailing the financial information of the VET sector in South Australia in the 2014 calendar year. This publication shows that the amount of recurrent funding provided by the state government fell by more than \$29 million last year. This decrease in funding preceded an increase in the state's unemployment rate from 6.7 per cent to over 7.7 per cent in trend terms. My questions to the minister are:

1. At a time when South Australia's traditional industries are declining and our workers are in desperate need of new skills, why has the state government cut almost \$30 million in funding from the state's VET sector?
2. Can the minister explain how workers are supposed to gain employment in new industries if the state government is providing less funding for their retraining?
3. Does the minister acknowledge that this cut in funding has contributed to the rise in unemployment in South Australia since then?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:25): I thank the honourable member for her question. In answer to her last question about unemployment, no, indeed, in fact it is quite the opposite. Training very much supports employment efforts so I am very pleased to provide that answer.

In relation to the financial information, the honourable member is quite correct: the NCVET has released financial information for 2014 and it provides general information about government-funded VET systems throughout Australia and shows where money is being spent. The NCVET operating revenue figures, however, are not able to be reconciled with our South Australian state budget figures because the NCVET figures are reported for the calendar year and budget figures are reported for the financial year, as we know.

NCVET figures include revenue from other sources, other than just government, so there are some discrepancies there. However, South Australians are very much still receiving the training that they need. The total VET activity released by NCVET shows that there were 242,000 students receiving 46.4 million hours of training activity in South Australia during 2014 and this equates to approximately one in five South Australians aged 15 to 64 years being enrolled in VET in 2014; 30 per cent of this delivery was provided under fee for service, non-government funding arrangements.

WorkReady ensures that the public investment in training is aligned—and I have spoken in this place before on several occasions about this—to strategic industry sectors. Training courses and employment initiatives are linked to our state's emerging industry and priority growth areas, and WorkReady will connect training directly to jobs. I have spoken at length about the particular programs that do that in sectors that offer the greatest possibility for economic transformation in this state.

The figures are also distorted because some of the funds that this particular report includes are the tail end of that once-off additional funding that was made available under Skills for All. That was a large amount of additional money spent over a number of years to enable us to reach our target of 100,000 additional training places—which we did achieve. Of course, those moneys now have been fully expended. One of the additional effects that that additional money had was that it significantly increased the number of participants—people in the system.

It significantly increased the number of enrolments and the number of completions, so it is not surprising—given that those funds now have been fully expended and the tail end of that is still being reflected in some of these figures—that we see that South Australia has undergone some

significant changes to our financing and some of our statistics, because they have been caught up in, as I said, the tail end of that once-off additional funding.

As I have advocated in this place on many occasions, WorkReady is a very powerful training vocational education instrument. It is very closely linked—and much better connected than Skills for All—with industry and with real jobs and assists in connecting local people with local jobs. It also has a much stronger focus on completion rates and co-investment responsibilities.

WORKREADY

The Hon. T.T. NGO (14:30): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about training and employment.

Leave granted.

The Hon. T.T. NGO: We know that successful employment relies on matching people to the right jobs and supporting them to ensure that they have the skills to succeed. My question is: can the minister tell the chamber about recent announcements in relation to WorkReady, the government's education and training policy?

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) (14:31): I thank the honourable member for his most important question. Members in this chamber will be aware of the state government's new skills and employment initiative, WorkReady, which I have already been speaking about today. The state government's new skills and employment initiative, which was launched on 1 July this year, will help ensure that training investment is targeted to meet the skill needs of strategic industry opportunities.

Today, I was very pleased to announce a boost of nearly \$8 million (\$7.9 million, to be exact) in additional funding for the training sector—a boost that will greatly benefit particularly private training providers in South Australia to help them deliver more training and employment services. Up to 1,500 people are expected to obtain jobs, supported by 2,600 new training places that this money will help fund over the next two financial years.

When WorkReady was introduced in July, the majority of training places funded through the Subsidised Training List, as we are all aware, were allocated mainly to TAFE, while private providers were able to apply for funding rounds through Jobs First. We did this at the time because we needed to ensure that TAFE was supported to become more sustainable and to help it transition through the significant reforms ahead of it, and it needed to become a more competitive system, as well.

As I have indicated before, more new subsidised training places will be progressively offered on a competitive basis between TAFE and private providers as WorkReady is implemented, and I am very pleased that the state government has been able to reprofile this funding over the next two years specifically to benefit private providers. This brings the total number of new training places for private providers in 2015-16 to more than 10,000—double the number of new places released at the start of this year, so it is a very pleasing outcome indeed.

I am also pleased to report that, through Jobs First funding arrangements, we have committed \$6.4 million over two years for 2,250 new training places and other support services offered through Jobs First STL Projects and also Jobs First Employment Projects. Members will recall that the Jobs First element of WorkReady funds training courses and employment projects where there is a direct connection to a job.

Jobs First is submission based, with projects delivered through WorkReady providers who have a track record of quality outcomes, links to jobs and strong industry connections and also a track record of good completion rates. Projects have agreed targets for completions and transitions to jobs.

Focus areas include aged care, disability, early childhood care and construction, but training in other areas will be supported where there is a direct link to a job. There's also \$1.5 million over two years for 350 training places with private providers for selected high value traineeships with a training contract offered through the subsidised training list. We really value the importance of being able to roll those out. These places will be available to private training providers on a competitive

basis, where a contract of training has been entered into. These high value traineeships with a training contract include courses in agriculture and horticulture, health support services, printing and graphic arts, and also telecommunications.

I would also like to take this opportunity to update the chamber on the work that the Training and Skills Commission (TASC) has been doing. Yesterday, the commission released to industry an interim report that identifies industry priority qualifications. It is this body of work that will assist to guide the development of training that the government subsidises in the future. South Australia has all the elements and resources necessary to create the high skills, high value economy identified by our economic priorities.

I have to congratulate the Training and Skills Commission, particularly Adrian Smith, the former chair (he has had to stand down due to ill health) for the amazing work that they've done in relation to this report. It is a unique analysis. They underwent a rigorous process with industry stakeholders to provide this report. It is quite unique. Other states are looking at it with great interest. We are providing real leadership in terms of really understanding the qualifications that industry needs to be able to advance their businesses and improve productivity.

WorkReady will ensure that South Australia is put in the best position in the future by having the skilled workforce that is needed and specifically focuses on improving the link between skill development and job opportunities. I thank the member for his question and again congratulate TASC for their remarkable work.

PUBLIC SECTOR EXECUTIVE SALARIES

The Hon. T.A. FRANKS (14:34): My question is to the minister representing the Premier on the health CEO's salary package increase, and it is: how can this government endorse a \$67,269 pay increase to a salary package of half a million dollars for the SA Health chief exec, when the expert panel on PTSD, charged with considering the fate of the Repatriation Hospital, wasn't even afforded a minute-taker to facilitate their important work? Is this an indictment on the government's consultation priorities? Is it a matter of declare, defend and don't leave any minutes?

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) (14:37): I thank the member for her questions and will refer them to the Premier in another place and bring back a response.

MARALINGA TJARUTJA LANDS

The Hon. S.G. WADE (14:37): I seek leave to make a brief explanation before asking questions of the Minister for Aboriginal Affairs and Reconciliation in relation to Maralinga Tjarutja.

Leave granted.

The Hon. S.G. WADE: Each year, the government provides funding to the Aboriginal Lands Trust, the Anangu Pitjantjatjara Yankunytjatjara and Maralinga Tjarutja. This funding is provided to enable these statutory bodies to properly administer the lands they hold under their respective enabling legislation. Both the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act and the Aboriginal Lands Trust Act 2013 include reporting provisions that provide the government with an opportunity to examine how the funding it provides is being spent and acquitted. For example, section 13A of the APY Act states:

The Executive Board must, no later than 31 December in each year, prepare and submit to the Minister an annual report on the operations of the Executive Board during the financial year ending on the preceding 30 June (and must provide a copy of the audited accounts for that financial year with the annual report).

The Maralinga Tjarutja Land Rights Act 1984 does not contain a similar provision. My questions for the minister are:

1. What steps does the government take to ensure that any funding it provides to the Maralinga Tjarutja to administer its act is properly spent and acquitted?

2. Does the minister consider that the accountability of Maralinga Tjarutja could be strengthened, in a similar way to the arrangements with the APY Executive Board and Aboriginal

Lands Trust, if it was to be subject to a statutory requirement that it provide the minister with an annual report and a copy of its audited statements?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:39): I thank the honourable member for his question and his interest in Aboriginal Affairs and in this area in general. The Maralinga Tjarutja lands are located in the far western region of South Australia, as the honourable member is aware. There are two bodies on the MT lands that are responsible for providing and administering services and money. There is the Maralinga Tjarutja Council that administers the lands vested in Maralinga Tjarutja and there is the Oak Valley Council, which is the major community on the Maralinga Tjarutja lands.

About six weeks ago, I spent some time in Oak Valley and was pleased with what I saw in terms of the functioning community, particularly the health services, the aged-care service and the newly restarted arts centre. I was pleased to be told by the community that some of the commonwealth funding for the new work-for-the-dole type provisions are being used by artists to work in the arts centre, producing some very high quality art and providing an income stream for the community.

In terms of governance arrangements, I am always open to any ideas that will improve governance arrangements in our Aboriginal communities. Certainly we have seen some large steps being taken forward for APY over the course of this year in terms of governance arrangements, and I am happy to look at the arrangements with MT and any improvements that can be made. I thank the honourable member for his questions and I certainly will take them into account and discuss them with my department.

BUSINESS TRANSFORMATION VOUCHER PROGRAM

The Hon. G.A. KANDELAARS (14:41): My question is to the Minister for Manufacturing and Innovation. Can the minister update the chamber about the most recent round of business transformation vouchers?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:41): I thank the honourable member for his question and his strong and continuing interest in manufacturing in South Australia. The state government's Business Transformation Voucher Program was established in 2014 to support South Australian companies to improve their productivity, efficiency and international competitiveness. This program is aimed at companies to assist them in accessing specialist expertise to undertake or to better undertake management training and mentoring, export readiness, marketing and brand strategy, and business model development and business planning, and to identify business and manufacturing process improvements and implement business review recommendations.

It is the case that transforming our economy will rely on the ability of local manufacturers to adopt new ways of doing things and develop high value products and services using advanced technologies. I can advise that, in the most recent round of grants, \$155,000 of funding was awarded to four South Australian manufacturers to grow and diversify their businesses. Kennewell CNC Machining is a machining business based in Murray Bridge that has been operating for some 20 years, providing precision parts and machining services to the manufacturing, resources and after-market four-wheel drive motor vehicle industries.

I understand that, in 2006, the company began to diversify by establishing a business to sell their after-market products for four-wheel drive vehicles. These products are machined by Kennewell and sold largely over the internet to the customer. The business transformation voucher grant will enable Kennewell to partner with Kingsgrove Consulting for a project that will involve a strategic review of the company's business operations with the goal of identifying new business opportunities that will assist the business to grow and introduce new high value manufacturing processes.

Also, KJM Contractors was established in 1992 and is a South Australian owned family business that provides remote accommodation and hire; logistics and maintenance; food services; and engineering, manufacturing and modular buildings. KJM is located in Adelaide's northern

suburbs and currently employs around 300 full-time equivalent employees. KJM Contractors was successful in receiving a grant of \$50,000 for a project with SAGE Automation to develop and implement a new innovative manufacturing process to increase productivity and reduce costs. This will support the company to diversify its products and customer base.

In addition, Krix Loudspeakers design and manufacture loudspeakers for the commercial cinema and consumer hi-fi markets. The business was established in 1974, and those who regularly play in bands and who are interested in these sorts of things would well know Krix Loudspeakers.

The Hon. D.W. Ridgway: It is a family-owned business and very good.

The Hon. K.J. MAHER: I am pleased the Hon. David Ridgway is endorsing the government's programs and what we are doing in terms of providing Krix Loudspeakers with an ability to grow. The company was granted \$50,000 for a project with a focus on reviewing the company's current manufacturing and packaging processes and to identify opportunities for greater efficiencies and capacity. Skara Smallgoods also received a grant. They were established—

The Hon. D.W. Ridgway: I've been to their factory as well.

The Hon. K.J. MAHER: Unsurprisingly, the Hon. David Ridgway has been to a factory that makes food. It is a family owned and operated business—that is still surprisingly in business after the Hon. David Ridgway visited the factory—that supplies a range of fine European-style smallgoods and meats. The company operates from a purpose-built facility. Whereabouts, Ridgy?

The Hon. D.W. Ridgway: The factory is in behind Mount Barker.

The Hon. K.J. MAHER: Mount Barker. It is the only producer of smallgoods in Australia that is free-range certified.

The Hon. D.W. Ridgway: Do you like the shopfront they've got? Have you been there?

The Hon. K.J. MAHER: I am sure it is great. The company was awarded \$50,000 for a project with a focus to review the current manufacturing and packaging processes and to identify opportunities for operational improvements and capital investments required to make the company more efficient. I am pleased to say that it is not just with the Business Transformation Voucher Program that we are seeing some of our food manufacturers receive grants to succeed. I know that with the former federal industry minister, former Liberal and now National, Ian Macfarlane, we announced a joint commonwealth-state grant to Mexican Express recently for a Mexican value proposition to keep their food manufacturing evolving.

The Business Transformation Voucher Program continues to support companies that are committed to transforming their businesses to improve their efficiency, productivity and international competitiveness. I congratulate these companies on their successful applications. I might add, to save the Hon. Andrew McLachlan asking me tricky questions in his lawyerly way which I will have trouble answering, that the grant recipients are selected on the basis of merit for their proposal aligned with the program guidelines I have here and I could go through in great detail. There is a panel comprising people both from industry and from government. I am happy to talk to the Hon. Andrew McLachlan about who they are and how they are awarded.

BUSINESS TRANSFORMATION VOUCHER PROGRAM

The Hon. A.L. McLACHLAN (14:47): With this Father Christmas activity of giving away money, how does the minister know that the moneys are acquitted in accordance with the application?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:48): I thank the honourable member for his very perceptive supplementary and his demonstrated leadership qualities that he is showing us all again on display here.

Members interjecting:

The Hon. K.J. MAHER: We see the tryout for the leader of the opposition. We hear the rumours about the leadership rumblings in the lower house.

The PRESIDENT: The honourable minister, can we—

The Hon. K.J. MAHER: I wouldn't be too worried about that. I would be worried about up in this chamber.

The PRESIDENT: The honourable minister—

The Hon. K.J. MAHER: We have some very good backbenchers who are trying—

The PRESIDENT: Honourable minister, take your seat. It is totally unacceptable to see this rabble in front of me. The Hon. Mr Maher, you are a minister and you should uphold a certain amount of decorum. The opposition should—

The Hon. T.J. Stephens interjecting:

The PRESIDENT: The Hon. Mr Stephens, we don't need any contribution from you. Have you finished your answer?

The Hon. K.J. MAHER: I am not sure actually. It was in relation to—

Members interjecting:

The Hon. K.J. MAHER: With the rude interjections and the tryouts from the backbench, I had almost forgotten the question.

An honourable member: It was about the leadership.

The Hon. K.J. MAHER: Yes, it was about the leadership. Certainly, the department have funding agreements with—

The PRESIDENT: Address the Chair.

The Hon. K.J. MAHER: —milestones in them to make sure the money is being—

The PRESIDENT: The honourable minister will address the Chair.

The Hon. K.J. MAHER: —used for the purposes to which it was expended.

The PRESIDENT: The Hon. Ms Vincent—I hope you treat the Hon. Ms Vincent a little bit better than you have treated the Hon. Mr Maher.

WOMEN ON BOARDS AND COMMITTEES

The Hon. K.L. VINCENT (14:49): Thank you, Mr President. We can only hope. I seek leave to make a brief explanation before asking questions of the Minister for the Status of Women about women on boards, particularly women on boards of peak sporting associations in South Australia.

Leave granted.

The Hon. K.L. VINCENT: South Australia has traditionally punched above its weight when it comes to participation, elite athletes, school and elite coaches, and administrators in relation to women in the sport of rowing in particular. We have had women on the Rowing SA board for many years, had a woman as head coach of the elite rowing program at the South Australian Sports Institute in the 1990s, have had multiple female coaches coaching crews to world championship medals and titles, and have had several women serve as chief executive officers of Rowing SA.

A South Australian public school girl crew won the first ever contested School Girls 1st VIII title at the rowing national titles in 1992, and girls began competing in the sport in the Head of the River in the 1970s in this state, including the inclusion of 1st Vllls for girls in the late 1980s. Australia's first gold medal at the Olympics in women's rowing was achieved by the women's pair at the 1996 Atlanta Olympics. Half of that two-person crew was South Australian Kate Slatter.

Rowing has had more than 50 per cent participation of women and girls, so it seems concerning that there are not more women in board, administrative and coaching roles at present. The composition of the Rowing SA board has come to Dignity for Disability's attention in recent weeks. We understand that there are zero women on the board appointed several months ago for 2015-16. We also understand the newly appointed chief executive officer of Rowing SA is also male

and that very few women are now coaching or directing school or club rowing programs in this state. My questions are:

1. Is the minister aware that there are zero women on the Rowing SA board for 2015-16, despite the fact that the sport has over 50 per cent female participation?
2. Will the minister undertake to speak to the Minister for Sport about this issue?
3. Is the minister concerned that the involvement of women and girls in sport might be compromised by the lack of women in positions of authority?

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) (14:52): I thank the honourable member for her most important question and, indeed, the representation of women in leadership positions in particular and on boards and committees generally is something that this government has focused a great deal of attention on.

What we have sought to do is to be a model employer. Obviously there is little we can do about the board constitution of private organisations but what we have sought to do is to set ourselves a target of ensuring that there is 50 per cent representation of women on all government boards and committees. We have also set ourselves a target for there being 50 per cent of chairs who are women on government boards and committees.

As I said, we have sought to provide leadership by being a model employer. I know that the Liberal opposition do not believe in targets but I am of the strong view that they are the only reason that this government has been able to achieve 48 per cent of our positions now being women on government boards and committees—48 per cent, and it is still not 50 per cent, granted. Nevertheless we have made significant achievements and I think we are still the leading jurisdiction. We have the highest level of representation on government boards and committees around the nation, so we are very proud of that. There is just no way we would have achieved that if it were not for the fact that we were brave and bold enough to set ourselves a target and to be publicly accountable for that target. As I said, as of 1 December, women held 48 per cent of the positions on state boards and committees.

We are not doing as well with chair positions. We are sitting at 37.64 per cent. Nevertheless, I think we are still leading the nation there as well, and of course we continue to try to reach our target of 50 per cent. One of the ways that we have been able to do that is through our Premier's Women's Directory. That is a database of women and their capabilities that can be easily searched, so if someone is looking for a particular skill set or particular experience they can easily do a search and find a suitable woman.

Sport is another challenging area where we are not so much under-represented—netball, of course, which is the most highly participated in sport in the nation, has a strong representation of women—but in terms of things like the status, pay and prizes, there are huge discrepancies between what can be achieved by male sportspeople and that by women. Part of that is the fact that these are mainly private sporting organisations run by their own boards and committees, and they are largely dominated by men as well, who continue to feed a culture that provides barriers to women being able to achieve equity.

In response to that problem of the way that women are under-represented in the higher levels of sport, the Office for Women has obviously developed quite a strong relationship with the Office for Recreation and Sport, and we continue to work with them on increasing the recognition of women in sport and their participation in sports leadership. The Office for Recreation and Sport has always set diversity and inclusion as one of its key areas, and it continues to include increased participation and recognition of women in sport as a priority. In May 2015, ORS released 'Words into Sporting Action. A Practical Guide to Achieve Gender Equity in Your Sport and Recreational Organisation and Improve Performance'. That is a guide to help organisations to achieve better representation of women and men, particularly women, in senior leadership roles.

The South Australian government has established a Women in Sport Task Force. That is led by parliamentary secretary to the Premier, Katrine Hildyard MP, and the Office for Women is

obviously a member of that task force. The task force includes representatives from ORS, as well as high profile sportswomen, sporting body representatives and people like event managers. The group aims to increase the number of spectators both at venues and on television for women in sport. It has other aims, but that is one of the things it seeks to achieve.

The report released by the Australian Sports Commission showed that women's sports make up just 7 per cent of television and print sports coverage. Although the vast majority of stories—85 per cent—were positive, 58 per cent of people surveyed felt that there was not enough coverage dedicated to women's sport. The task force also aims to close the pay gap between male and female athletes and attract more sporting events to Adelaide. I think it was the Hon. Tammy Franks who brought in the issue of the pay gap between sporting athletes, and I have spoken on that in this place before.

There is a range of things that the task force is doing, but in terms of women in sports governance, we are in the third year in a row now of funding 25 board training scholarships for South Australian women to attend introductory level governance training delivered by the Australian Institute of Company Directors (AICD). The total so far is 75 scholarships. Preference for the scholarships is given to women of disadvantage who might not readily have access to this sort of training.

In addition, this year, preference was also given to women on the board of a sporting organisation in recognition of some of the problems in that particular area. This is in recognition of the national focus on increasing women's participation in sports governance. As with previous years, the Office for Women has managed the applications, and the feedback has been fantastic. Women still stop me in a range of public places and say, 'I was one of the women who was a recipient. I can't tell you how wonderful the experience was and the change that it has made to my life and how it has really helped empower me.' So, it is a very worthwhile training experience.

Also in April 2015, the Office for Women supported the Office for Recreation and Sport's Business Meets Sports network event. That was held at the Adelaide Town Hall, where businesswomen interested in sport met with sporting organisations looking to increase the participation of women on their boards and committees. Approximately 50 members of the Premier's Women's Directory, who have been identified as having experience or an interest in sports and sports governance, were also invited to the event.

In May, the From Diversity Comes Innovation and Growth conference was held and attendees heard an inspiring keynote address from journalist Rebecca Wilson. Bernard Salt drew a picture of what South Australia's sport and recreational landscape might look like in the next decade. They are just a couple of the initiatives we have to help improve the representation of women in sport and the recognition of female athletes.

WOMEN IN SPORT

The Hon. K.L. VINCENT (15:01): Supplementary arising from the original answer. Does the minister realise that the Rowing SA board is in fact not private, as it is heavily funded by government through the department for sport and recreation, and therefore government does have the ability to put in place requirements for gender equity on boards, and will the minister make representation to the Minister for Sport in particular with regard to this issue to put in place more requirements for gender equity on the Rowing SA board?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:02): I thank the honourable member. I am not aware that Rowing SA is a government board. We might provide funding to it but I am actually not aware that it is a government board. It may well be, and I am happy to look into that. In terms of the government's commitment, we have set ourselves the target that 50 per cent of our boards will be women, and I am more than happy to look further into Rowing SA to try to ensure that they meet with our commitment.

ABORIGINAL TOURISM

The Hon. T.J. STEPHENS (15:02): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation questions about Aboriginal tourism.

Leave granted.

The Hon. T.J. STEPHENS: I note that the Aboriginal tourism venture took out an award at the recent South Australian Tourism Industry Awards, and I congratulate all involved. My questions of the minister are:

1. How many successful Aboriginal tourism ventures are there in South Australia?
2. Does the minister agree that much more effort must be made in this area?
3. Is the minister aware of other successful models interstate that South Australian Aboriginal communities could replicate?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:03): I thank the honourable member for his questions and his longstanding demonstrated interest in Aboriginal affairs. Certainly, around Australia, there are some good examples of Aboriginal tourism ventures working quite well. Of course, Yulara Resort, in the centre of Australia, is Aboriginal owned and controlled. There are a number of Aboriginal owned and controlled tourism operations in South Australia that combine cultural awareness and cultural training with tourism.

Ones that I have been to recently include places like Camp Coorong (just outside Meningie in the South-East) and Iga Warta (in the Upper Flinders Ranges), which provide not only tourism but cultural awareness training opportunities. There are opportunities but the remoteness of many of our Aboriginal communities in South Australia do make it difficult and there are significant challenges.

Just off the highway, as you go through the APY lands, there is one arts centre that can be visited, but the remoteness of many traditional Aboriginal communities makes tourism a difficult task. But, there are opportunities, and I have been working with a couple of different Kurna proposals for tourism closer to Adelaide. Tandanya is a stand-out institution that many visitors visit when in Adelaide that promotes and showcases Aboriginal culture to tourists in Adelaide.

There are a number, but we could always do more, and certainly the Northern Territory is recognised as a leader as a destination for cultural tourism, and many other places have Indigenous culture and tourism as parts of an overall package, but I acknowledge that more could be done.

ABORIGINAL TOURISM

The Hon. T.A. FRANKS (15:05): By way of supplementary question, has the minister had any conversations with his counterparts in either the Northern Territory and/or federally about the opportunities of an arts centre in Marla, which is more accessible by road, as he would know, for the APY arts centres?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:05): I thank the honourable member for her question. I have not had a conversation about Marla in particular, but certainly with my federal counterpart I have regular conversations and certainly we have discussed opportunities that may exist for arts centres and tourism more generally in remote communities.

INTERNATIONAL EDUCATION

The Hon. P. MALINAUSKAS (15:06): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about international education.

Leave granted.

The Hon. P. MALINAUSKAS: We know that international students bring energy and diversity, which enrich our local community as well as generate economic growth and prosperity. With the value of international education exports rising, can the minister inform the chamber of the

current status of the value of the international education sector in South Australia, and what the state government is doing to grow the sector even further?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:06): I thank the honourable member for his most important question. Last year more than 30,000 international students chose to study in South Australia, and the benefits of these students extend beyond those of just the institutions in which they study. South Australia's international education exports, as measured by the Australian Bureau of Statistics, have been increasing in the last three years, and have risen to an all-time high of \$1.127 billion in the 2014-15 financial year.

South Australia looks forward to welcoming even more international students. Year to date September 2015 enrolments have increased 5 per cent over the previous year, and South Australia's largest market, China, is experiencing a 10 per cent growth. We know that more than 30,000 international students enrolled to study in South Australia. This supports around 8,000 local jobs. Our international students invest in property, shop in our local businesses, visit our tourist attractions and promote South Australia to family and friends back home.

The international education sector is extremely competitive, and that is why this government is committed to investing in this growing sector, to drive economic prosperity. In 2015-16 the state budget includes \$5.7 million over four years for a new campaign that will market South Australia as the destination of choice for international students. The Destination Adelaide campaign will boost South Australia's competitiveness in attracting international students from key Asian markets to our education institutions, while linking with tourism and also trade opportunities.

The Destination Adelaide campaign will focus on, among other things, marketing South Australia to key Asian markets, including China, India, Malaysia, Singapore, Vietnam and Hong Kong; developing scholarship and incentive programs; better aligning Study Adelaide campaigns with the South Australian Tourism Commission to maximise their impact; and expanding on the Qingdao ambassador campaign to Shandong.

As members may be aware, the first student Qingdao Ambassador campaign, which was launched in October last year, was a huge success. It received more than 170 million online views and attracted applications from 800 students. It was one position and 800 applicants from that region into China.

As part of the Destination Adelaide plan, the second student ambassador campaign has commenced, and it has generated over 2,200 applications. A key feature of the second campaign was the use of a video showcasing the study and lifestyle experiences of the winner of the first student ambassador, 21-year-old Wang Dan from Qingdao. This generated over 800,000 video views. It's just astounding, isn't it? There were 800,000 video views of a clip.

In early 2016, two new student ambassadors will be selected—one from Qingdao and one from the Greater Shandong province—to coincide with the 30-year anniversary of South Australia and Shandong's sister state relationship. This government is committed to growing our international student numbers, and the implementation of the Destination Adelaide campaign will mean greater exposure of South Australia to millions more potential students who, hopefully, will market South Australia as their preferred destination of study choice.

KANGAROO ISLAND AIRPORT

The Hon. D.G.E. HOOD (15:11): My questions are for the minister representing the Minister for Tourism:

1. What is the budget to upgrade the airport on Kangaroo Island, as has recently been announced in the media?
2. Is that amount to be shared with the Kangaroo Island Council or will it be fully funded by the state government, by the state taxpayers?
3. When is it expected that the development will be completed and the new airport will be fully operational?

4. What, if any, at this stage—although I am sure there has been some work—are the projections for interstate flights in particular to the island, perhaps on a weekly basis?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:11): I will refer those questions to the minister in another place and bring back a reply for the honourable member about the exciting opportunities for Kangaroo Island.

MICRO FINANCE FUND

The Hon. A.L. McLACHLAN (15:11): I seek leave to make a brief explanation before asking the Minister for Manufacturing and Innovation a question regarding the South Australian Micro Finance Fund.

Leave granted.

The Hon. A.L. McLACHLAN: I was fortunate enough this week to receive a response to a question without notice, and I thank the minister and his staff for the two short paragraphs. My question was in relation to who the members of the pool of independent experts are, and the response had the following paragraph:

The Department of State Development advises it does not publicly name the external industry experts to protect their independence and to prevent any lobbying or undue influence by applicants...

My question to the minister is: is this a policy instituted at the direction of the minister, and does the minister know the identity of the individuals and their competencies?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:12): No; no.

INDIGENOUS REFERENDUM COUNCIL

The Hon. J.M. GAZZOLA (15:13): My question is to the Minister for Aboriginal Affairs and Reconciliation. Can the minister update the chamber—

Members interjecting:

The Hon. J.M. GAZZOLA: Am I asking the question? Are you right?

Members interjecting:

The Hon. J.M. GAZZOLA: Am I asking the question?

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

The Hon. J.M. GAZZOLA: Hear, hear!

Members interjecting:

The PRESIDENT: Order! Go.

The Hon. J.M. GAZZOLA: My question is to the Minister for Aboriginal Affairs and Reconciliation. Can the minister update the chamber about the referendum council that has just been established by the commonwealth government?

Members interjecting:

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:13): Thanks. I thank the honourable member for his question and interest in this area. Yesterday, the Prime Minister announced the establishment of a referendum council to advise the federal government on the progress towards a referendum to recognise Aboriginal and Torres Strait Islander peoples in the Australian constitution. I know the federal opposition and certainly this government welcomes the establishment of this council and all the efforts to have our founding document for this country finally recognise our first Australians.

I think one of the most significant things in recent times that this council has done was in March with the passing of the Constitution (Recognition of Aboriginal Peoples) Amendment Bill in this chamber which formally amended the South Australian Constitution Act to recognise Aboriginal South Australians. I am pleased that South Australia is at the forefront once again when it comes to these important matters.

I welcome the appointment of the council this week, and the appointment of professors Patrick Dodson and Mark Leibler, who will be the co-chairs of the referendum council to progress the national reforms. The 16-member council are names that will be very familiar to a lot of people: Pat Anderson, Megan Davis, Andrew Demetriou, Murray Gleeson, Mick Gooda, Kristina Keneally, Jane McAloon, Michael Rose, Natasha Stott Despoja, Noel Pearson and Amanda Vanstone, amongst others.

I am also very pleased to say South Australia's own Tanya Hosch has been appointed. As many would be aware, Tanya Hosch has been joint campaign director for RECOGNISE for several years now and I am very pleased to see a South Australian of such calibre on this reform council. Tanya's strong South Australian voice will guide the significant national discussion that will now take place to hold consultations and community forums on how we can best recognise Aboriginal and Torres Strait Islander people in our nation's founding document, as South Australia already did a couple of years ago.

I strongly support the work of the Referendum Council and I look forward to the national constitution following what South Australia has done. I endorse the progress that has happened to date, and I look forward to a referendum being held in the very near future.

WOMEN IN SPORT

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) (15:16): I have an answer to the question that the Hon. Kelly Vincent asked in relation to sporting governance. Very briefly, I have been advised that Rowing SA is an NGO; it is actually not a government board or committee. It is a not-for-profit incorporated association. The South Australian government may or may not provide some funding to it; I have not been able to find out, but I have been advised that it is definitely not a government board. Nevertheless, it does not detract from the message of the question asked and the answer that I gave. All of us can do better in that space.

DOMESTIC VIOLENCE HOME SECURITY

The Hon. J.S.L. DAWKINS (15:17): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question relating to support for victims of domestic violence in public housing.

Leave granted.

The Hon. J.S.L. DAWKINS: As a long-term White Ribbon Ambassador it was worrying to see in *The Advertiser* on 3 December that the number of public housing properties that have been modified to include door and/or window screens and locks due to domestic violence in 2014-15 had doubled over the previous 12 months to 68 properties, a number which is over triple the number of properties modified for this purpose in 2007-08. The reasoning for these modifications was due to, and I quote from *The Advertiser* article:

...reported cases of women being attacked in their homes by abusive ex-partners, including a woman who was raped by a violent ex-partner who broke into her home and another whose ex-husband broke down her front door and damaged her garage door.

These concerning numbers are further inflated when taking into account the State Merit Award-winning Staying Home Staying Safe program run by the Victim Support Service, which also provides home security upgrades for victims of domestic violence, with the number of people accessing assistance increasing to 1,020 in 2014-15, more than double the 475 clients in 2011-12. The budget allocation for the government's own program has apparently risen by almost \$100,000 for 2015-16, indicating the predicted rise in women needing to access this vital program.

I commend the government for offering this assistance, and its partnership with the federal government to reduce the occurrences of domestic violence; however, it is also important to remember the significant emotional and mental impact these appalling experiences have on the victims and the necessity to offer adequate support to these women in need. My questions are:

1. What other support is the government offering women who have become victims of domestic violence in public housing beyond structural additions and alterations to their residence, such as financial, emotional and mental health support which is critical for women who have been through such appalling experiences?

2. What support does the government offer to non-government programs such as those offered by the Victim Support Service, and other organisations that offer these home security upgrades, and financial, emotional and mental health support?

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) (15:20): I thank the honourable member for his most important questions. Indeed, we have seen an increase in public awareness around issues dealing with violence against women and children and a change in public attitude in terms of the level of tolerance for that sort of behaviour. What we have seen is a significant increased reporting of this violence, so I am not surprised to hear the figures that the Hon. John Dawkins outlined. We know that domestic violence has no limits; it knows no socioeconomic boundaries or cultural or ethnic limitations. Unfortunately, it is rife throughout our community.

In relation to women in public housing, they have access to the full menu of services that all women in this state have—and there are a number of them: state, federal and also a number of services run through NGOs, from our Family Safety Framework to the MAPS database and court assistance. There is a whole raft of services.

As the Hon. John Dawkins mentioned, Staying Home Staying Safe is a scheme that, coupled with intervention orders, helps remove perpetrators from the family home and secures women and their children in the home, and there is a range of measures that women have access to through that. For instance, they can have the locks changed; they can have a security door installed; they can have sensor lighting put in place; they can have someone come in to cut back trees and plants so that there is easy sight of anyone who might be lurking in bushes and what have you, particularly if someone is known to be a bit of a stalker.

There is a whole raft of measures that are available to assist women and their children to stay safe in the family home. I would certainly urge those women who need assistance to be brave and to come forward and make sure that they access the supports they need to assist them.

Matters of Interest

UYGHUR COMMUNITY

The Hon. T.T. NGO (15:23): I rise to speak about a small but significant group of people in our community, the Uyghur community. Uyghurs have a history of more than 4,000 years. This predates Islam and whilst the vast majority of Uyghurs are Muslim they have a culture which is distinct to its own people.

There are a number of different festivals that the Uyghur community celebrates. Other than Islam festivals such as Eid al-Fitr and Eid al-Adha, known as Rozi Heyt and Qurban Heyt to Uyghurs, there are many festivals that Uyghurs celebrate which are non-religious but specific to their culture in accordance with their Turkish origins. In March South Australian Uyghurs will celebrate Nawroz, which is their new year, celebrated according to the Turkish calendar marking the coming of spring.

A significant part of Uyghur culture is its music, particularly the Twelve Muqam, a large-scale suite of songs, instrumental and dance music. The Twelve Muqam has been recognised as a part of the world's intangible cultural heritage by the United Nations Educational, Scientific and Cultural Organisation.

To complement the music, Uyghurs have other traditional forms of entertainment such as mashrap. This is a traditional communal gathering to celebrate Uyghur culture through musical and drama performances. Another type of performance is dawaz, which is aerial tightrope-walking.

The manufacturing of traditional items is also of cultural importance to the Uyghurs. One particular product sought the world over is their rugs. Uyghur rugs have been produced for more than 2,000 years. Another is the Yengisar qalamtirash or small knife, a traditional and famous handcraft. It is beautifully shaped, neat and bright and its hilt is carved with different decorative patterns.

Like you, Mr President, and many honourable members here, food often lights up our eyes, especially dishes from many cultures. Uyghur cuisine is distinct through its richness of variety. Uyghurs are famed for producing fruits such as melons, peaches, apricots, grapes, pears, apples, figs and pomegranates. Many of these fruits are dried and served as a snack.

Uyghurs also consume many grain products such as rice pilaf, noodles and bread. The type of bread that Uyghurs enjoy is known as naan, which has been made for more than 7,000 years. Naan is baked in a stove called a tonnir that has a big stomach and a little mouth and is made from sun-dried bricks.

Uyghurs in South Australia have been practising their culture since their settlement in the late 1970s. The Uyghur community established the Uyghur Language School in 1992, which has been an important source of education for countless students, particularly here in South Australia. Established for the greater East Turkistan community, the Uyghur Language School has sought to teach in an engaging way the language and customs of East Turkistan.

The school participates in a number of cultural activities such as dancing, plays and sports—particularly soccer—in order to unite people interested in East Turkistan culture and language. The philosophy adopted by the school is truly admirable. Its philosophy is to:

Foster a sense of identity among the people of East Turkistan, work to sustain and develop our language and express and share our cultural heritage for the benefits of the wider Australian community.

This philosophy fits nicely with South Australians' disposition towards supporting our multicultural communities because we are aware of the benefits they provide to the broader Australian community. I will take this opportunity to thank Mr Abdulghafur Momin, President of the East Turkistan Australian Association, and the Secretary, Mr Nurmuhhammad Majid, for promoting their culture to the wider community. I look forward to working with them and attending many cultural events of the Uyghur South Australians in the future.

LATVIAN BUSINESS DELEGATION

The Hon. J.S. LEE (15:28): I am delighted to rise today and speak about the visit of the Latvian business delegation to Adelaide on 8 December 2015. Thank you, sir, for welcoming them into the chamber yesterday when they were here. It was a great honour for me to host a lunch forum and welcome the Latvian leaders to Parliament House in South Australia.

As the parliamentary secretary for multicultural affairs and trade and investment, I have come to know the Honorary Consul of Latvia in South Australia, Dr Valdis Tomanis, very well. He is a wonderful community leader. In early November, Dr Tomanis informed me that a delegation of high-calibre Latvian entrepreneurs would be travelling to Australia, New Zealand and Singapore at around this time. These delegates were travelling with His Excellency Mr Andris Teikmanis, Ambassador of the Republic of Latvia to the UK, Australia and New Zealand.

The objective of the business delegation was to understand the Australian economic and business climate, to establish strong relationships with trading partners, to exchange information and collect market intelligence on the industries, and to collaborate with like-minded business entrepreneurs. I would like to thank Dr Tomanis and my staff Haley Welch and Cynthia Breiksa (who is of Latvian heritage) for working with me to ensure a successful business forum was organised, in a relatively short time, to provide a platform for an introduction and discussion of a possible collaboration between Latvian delegates and South Australian businesses.

I would like to put on record the delegates from Latvia. They included His Excellency Andris Teikmanis, Ambassador of Latvia to the UK, Australia and New Zealand. He is a remarkable diplomat

with a wealth of knowledge about what is happening in the world. There was also Mr Normund Bergs, Chief Executive Officer of SAF Tehnika, a modern wireless data transmission technology company; and Mr Martins Lacis and Mr Juris Bikis from Latvijas Finieris, a large producer and supplier of plywood in the timber industry.

There was also Mr Janis Butkevics, an expert sitting in the Latvian Chamber Of Commerce and Industry; Ms Inese Cvetkova, Executive Director of the Latvian Electrical Engineering and Electronics Industry Association; Mr Henriks Danusevics, President Of the Latvian Traders Association; Ms Julija Marcinska, Project Manager for the Investment and Development Agency of Latvia; Ms Inese Olafsone, economics expert with the Employers Confederation of Latvia; Mr Edvards Selsers, representative in Asia for Euro Rail Trans Ltd; and Mr Ola Stene-Johansen, Director for International Development, Riga Commercial Port of Latvia.

These delegates then met with the local representatives: Dr Valdis Tomanis, the Honorary Consul of Latvia in South Australia; Mr Andrew Croft, Co-chair, Electronic Sector Advisory Group from the Technology Industry Association; Mr David Haynes, Deputy Director of the South Australian office of the Department of Foreign Affairs and Trade; Mr Walter Lebedew OAM, Honorary President of the Russian Ethnic Representative Council of South Australia; Ms Irina Lyudviga, President, Russian-Australian Chamber of Commerce and Industry; and Mr Greg Walters, board member of Engineers Australia, who were the South Australian representatives for the business forum.

It was great to see the diverse conversations and the business exchange between the Latvian delegates as well as the South Australian representatives; I wish I had more time to spend with them but we had a really busy day in parliament yesterday. From my understanding, they spoke about the different industries they were in and were working out, between the different chambers of commerce, whether they could actually set up a collaboration between those chambers and exchange different information; perhaps a return trade mission from South Australia to Latvia can actually be formulated between now and next year. Overall it was a very successful business forum and I wish delegates from the Latvian delegation every success as they are travelling from Australia through the Asia Pacific region.

INCOME INEQUALITY

The Hon. P. MALINAUSKAS (15:33): I would like to talk about an important economic issue that I do not think we currently talk about enough in our economy, particularly at a time when our economy is facing a whole range of changes and challenges, and that is the issue of growing income inequality.

I want to be clear from the outset that there is absolutely nothing wrong with income inequality within itself. As I outlined in my maiden speech last week, I think I, like most Australians, have never questioned the idea that some people should be able to earn more than others. However more than that, and I want to add to that point today, when it comes to the distribution of wealth I actually believe that some inequality is a very good thing. Disparity in income helps incentivise hard work, but also it incentivises risk taking which in turn fuels investment, and this state desperately needs more investment if we want to see our economy continue to grow.

I understand that capital needs a return and that entrepreneurs need to be able to get a return in order to take on the risk and invest and employ people; but, what entrepreneurs understand probably better than anyone is that there has to be a market, there has to be demand within that market for them to be able to cater for before anything else can happen, and that is exactly what concerns me.

Australia is now overwhelmingly a consumer-driven economy. Compared to government expenditure, investment, exports and imports, consumption is probably the largest driver. For people to be able to consume they have to have the capacity to pay, and not everyone, in fact most people, are not in the position to be able to live off the returns of capital. It just does not work that way, as many people in this house would well know. So, I believe it is incredibly prudent for macroeconomic policymakers to keep an eye on what is actually happening to real wages and real wage growth within our economy, but particularly the real wages of working and middle class families.

I am concerned to note that things are not particularly pretty on this front currently within Australia. According to the Australian Bureau of Statistics and what their principal measure of real

wage growth is, the Wage Price Index, Australia is now experiencing the lowest real wage growth that has ever been recorded in the history of the Australian Bureau of Statistics recording it, and that goes back a fair way.

No one wants to see a wage price spiral take over the Australian economy, no one wants to see another spike in inflation, but we should note that currently within Australia inflation is already at record lows and we have had a period of sustained low inflation ever since the GFC hit back in 2008-09. It may well be the case that one potentially justifiable reason for such low real wage growth might be if labour is not delivering the level of output that one would reasonably expect, that is, if labour productivity is declining; but let's just look at the facts.

As I understand it, labour productivity has experienced 24 consecutive quarters of growth, which means that currently enterprises are getting more output for every single hour of work than has ever been the case before. I applaud that, I hope it continues. The only problem is that it appears as though increases in labour productivity may be disproportionately benefiting those who are already relatively well off.

The most universally accepted measure of income inequality in our society is the Gini coefficient, which measures the relative distribution of wealth within any given economy. Compared to the United States, Australia has always performed extremely well when it comes to a more reasonably fair distribution of wealth, but I am disappointed to inform the house that within Australia the Gini coefficient has been increasing, which means that income inequality in Australia is on the rise. I think that has some potential problems attached to it for two key reasons: firstly, in our consumer-driven economy, we need people to have the capacity to be able to consume. We need to ensure that there is demand in markets so that entrepreneurs do invest and employ to satisfy those markets.

The second reason is the issue of basic fairness. I am sure the ideals of fairness have been regularly debated in this chamber, and I do not intend to digress into a debate about what actually constitutes fairness; but for those who are concerned about populist policymaking, I would alert them to some of the substantial political risks that are attached to rising income inequality. One only needs to look at the 75 per cent, or the failed 75 per cent, super tax that occurred in France back in 2012-13 to see what sort of extreme policies can be cooked up when working people are not getting a fair return on labour, which has now never been more productive. I would encourage all policymakers at every level to pay attention to the issue of income inequality and more specifically to Gini coefficient when they start contemplating the sort of reforms that might address this scourge on our economy.

GOVERNOR'S SPEECH

The Hon. T.A. FRANKS (15:39): I rise to reflect upon the Governor's Address in Reply speech and the impact that that has had for sexuality equality in this state in this past year. Of course, as members know, the Governor's Address in Reply pens and pronounces the Premier's vision for our state, and it promised many, many things at the start of this parliamentary year. Well, we have seen driverless cars on our roads, but we still have parentless children. We began the year with the promise, in our 40th year since we proudly decriminalised homosexuality in this state (the first state to do so), and over four decades since the awful murder of Dr George Duncan, but we finish this year with very little on the books in terms of actual law reform.

I want to reflect on the privilege of hearing Stephen Fry speak just a week ago and commend the Dunstan Foundation for their inspirational event, which sold out within a matter of hours. There was an appetite in that community and that crowd there that day for true equality in terms of sexuality and gender identity reforms, and yet those celebrations and this fanfare that we have had around the 40th anniversary ring very hollow for many long-term activists who have fought for equality for so many decades and yet are still waiting. I am so frustrated I do not actually have words for this parliament, so I will use the words of Ian Purcell, who posted on 3 December of this year on his Facebook account:

GOOD TIDINGS OF COMFORT AND JOY IN PARLIAMENT TODAY—BUT NOT FOR ALL

There was joy in the House of Assembly today when a Liberal Private Member's Bill was passed unanimously. It was a matter of compassion which united the House. Changes to the law will now allow foster parents (as well as birth parents) to be named on the death certificate of a child for whom they had been caring when the child

died. The Attorney-General and his Departmental staff were thanked profusely for their unstinting advice and cooperation in wording the necessary amendments to the Act in question. There were congratulations all round for the way in which the major parties had put aside their differences to enable the passage of the Bill.

I add my congratulations. The death of a child is a terrible thing. However the law will now recognise the love and commitment of foster parents in a way which will provide at least some comfort to these families in their time of grief.

Unfortunately, under current state law, this comfort will not be extended to all families. In some lesbian families, the non-birth mother is not legally recognised. Her name cannot be added to the birth certificate of a child born into her relationship with the child's birth mother, and also therefore, in the extremely sad circumstance of the death of that child to whom she had given unconditional love and care, her name will not appear on the child's death certificate either. So what price, compassion, I have to ask the Attorney-General, and indeed all members of the House of Assembly, for unlike the foster parenting bill which was given swift passage through the House (and rightly so), a little bill which would remove the requirement for a same-sex couple to co-habit for three years before a non-birth parent is given legal recognition, has been allowed to languish in the House for weeks.

In fact, it was on the order of business in the House of Assembly today, but it was last on the list. Time ran out. It was not debated, let alone passed. It's not a contentious issue. Four years ago legislation was passed to allow both parents in a same-sex relationship to be on the birth certificates of their children, but with an anomaly that seems to have been overlooked, for under the Domestic Partnerships Act, a same-sex relationship is only legally recognised if the couple have co-habited for at least three years (no such restriction applies to heterosexual de facto or married couples).

Ian Purcell goes on to note, 'So why hasn't the bill been passed in the House of Assembly?' commenting on the fact that it in fact passed this Legislative Council many, many months ago. Ian Purcell puts forward:

The Attorney-General does not support this bill, unlike the foster parenting bill. The Labor MP, the Hon Katrine Hildyard, was refused permission to sponsor the bill in the House of Assembly, so Liberal MP, the Hon David Pisoni, did so. Then the Attorney-General tabled an amendment that would see a separate registry established for same-sex couples with children! Tammy Franks was compelled to post on her Facebook page, 'For all the talk of Sexuality and Gender Identity law reforms for equality in South Australia this year, this one little bill that removes the requirement for a same sex couple to cohabit for 3 years to gain recognition to protect their child still languishes in the lower house. Dear SA Labor, equality law reform—just do it!'

But they didn't...In the meantime, Elise and Sally and their young son Tadgh are just one family living with this continuing legal discrimination. There will be no good tidings of comfort and joy for them from parliament today. In this Christian season which celebrates the birth of the boy-child Jesus 2000 years ago to mother Mary and step-father (?) Joseph, Elise has posted some questions—

and actually urged the Attorney-General to do the right thing, step out of the way and allow this year that had such promise to end not with a whimper, but with a bang of equality.

TRADE UNIONS

The Hon. G.A. KANDELAARS (15:44): The preselection and appointment of the Hon. Peter Malinauskas has brought public focus to this place and its red leather. It has brought focus on people in this place, especially the government benches. Media outlets and the opposition seem to have taken great pleasure in reflecting on the fact that many government members in this place were once, like Mr Malinauskas, union officials. It has been noted that I too was a union official.

I joined my union within days of starting work as an apprentice for the then PMG department in 1972. I have also had decades of experience in the telecommunications industry; advocating on behalf of local communities and organisations; and sitting on a number of boards and committees, including nine years on the largest Australian corporate superannuation fund where I worked closely with some of the highest profile names in Australian business. But, ultimately, yes, I was a union official and I am prepared to stand up and say it, and I say it loud and proud.

Of course, the union movement has fought many battles over the years for working Australians. Sometimes we have worked together with businesses—good businesses—to advance the Australian economy in a fair and sustainable manner, and sometimes we have had to go out on our own to fight: to fight for shorter hours, to fight for compulsory superannuation, to fight to retain penalty rights and a fair economy, to fight against John Howard's WorkChoices, and to fight Tony Abbott and Malcolm Turnbull's governments for 12 submarines to be built in South Australia. It is, certainly, something those opposite have done precious little of.

I have represented thousands of men and women working primarily in the telecommunications industry throughout South Australia and the Northern Territory. I have represented a woman who, having just returned from maternity leave, was directed that if she were to express breast milk she needed to go and do so in the toilet. I secured her a private and respectful area to do so.

I have represented a worker who, merely weeks after being stretchered from a worksite with a migraine that caused paralysis down one side of her body, was cautioned and given a formal warning for leaving to seek immediate and urgent medical help when she felt the onset of the same symptoms. I have represented a worker who was selected for compulsory redundancy on the basis of having taken a legal entitlement to sick leave because he had a serious heart condition.

I have represented workers in matters of work health and safety and in matters of enterprise bargaining. I have experienced good employers and bad employers, and good workers and bad workers. I have played social worker and counsellor for distraught members doing it tough, and I have publicly backed employers where they were prepared to do the right thing. I have seen a lot in my life and have broad professional experience. Being a union official has given me many of those experiences.

So, they may call me a union hack, but no amount of mockery or ridicule from those opposite will ever change the fact that I was a union official, that I have been a member of the trade union movement for over four decades, and that I will be a union member until the day I die. Union official: like the CEPU badge I wear on my lapel, the term is and always will be to me, a badge of honour.

LABOR GOVERNMENT

The Hon. R.I. LUCAS (15:49): I want to talk about an arrogant and out of touch government by referring, in particular, to three examples of a sneaky and tricky premier in relation to some recent issues.

The salary package issue has attracted outrage in the community, questions today in the parliament in relation to the salaries of chief executive officers, but the sneakiness and trickiness of the Premier has been that in none of this has he been transparent and accountable. The only way these massive increases to chief executives were ever revealed was through a whistleblower within the Public Service blowing the whistle on the Premier saying, 'You need to have a look at these particular chief executives, the Premier has been doing sneaky and secret deals with some of them and giving some of the less competent performers massive salary increases.' The fact that some of these people are earning two and three times the salary of hardworking members of the backbench on both the government and the opposition side is an interesting point in and of itself.

In addition to that were the questions asked today. Has the Premier again in a sneaky and tricky fashion snuck through another salary increase for David Swan and Tony Harrison and the other CEOs over and above the \$67,000 pay increase that has now been revealed? Have they been given another 2.5 per cent increase? Again, this was a question I asked minister Gago in October, and there was no answer then, no answer now, and it is now an issue that hopefully the media will pursue with the Premier to flush him out and at least be transparent and accountable about it. If you are going to give salary increases to chief executive officers, be prepared to stand up and defend them. Indeed, we have had that debate in relation to members of parliament recently, and at least on that particular issue members in this parliament were prepared to stand up and say, 'Okay, here it is, it is now up to an independent tribunal to make a decision.' It will not be a decision being taken by a sneaky and tricky premier, it will be a decision taken by an independent tribunal.

The second area is the issue of the camera crew accompanying the Premier through Europe. Questions were asked by the opposition two weeks ago of minister Hunter when it first became apparent that a camera crew was travelling with the Premier. Minister Hunter refused to answer the question. It was pursued by ABC Radio on that following Friday and they were told by the Premier's media adviser Jarrad Pilkington that, no, there was not a camera crew travelling with them. The impression was given that it was a freelancer who had been picked up in Europe to assist. What has happened, of course, is that local media identities seeing some of the professionally produced film production that has been sent back to media outlets noticed that people from 57 Films, a film production company—not a roustabout stringer company hired in Europe, but a film production

company that operates out of Glenside and out of South Australia—was producing these packages for the Premier.

What has now been clarified and the Premier's media advisers say, 'Shock, horror, there must have been some miscommunication,' now that they have been caught out. This particular crew had been employed at taxpayers' expense, were doing other jobs in Europe and are now following Premier Jay around as Premier Jay's travelogue. Not only have packages been sent back for news reports where the Premier's own media staff are asking tough questions but Premier Weatherill stands there answering the tough questions that either Chris Burford or Jarrad Pilkington put to the Premier about how wonderful he is and how important his trip is in Europe. Of course, all of this self-promotion is going up on the Premier's Facebook site as well.

The third area is in relation to ministerial staffers. The government is required each year to *Gazette* the ministerial staffers and their salaries. Last year they did it on 11 December. This year they brought it forward to 12 November and the salaries are exactly the same. Why? Because soon after 12 November this year, salaries were increased and backdated for ministerial staff back to 1 July so that they will not then have to produce the new salary increases until the end of next year, 12 months after they get the salary increase, because it is a tricky, sneaky, deceptive device by the Premier to conceal the salary increases of a general nature and any bigger ones that might have been given to favoured ministerial staffers.

Time expired.

Motions

RADIO ADELAIDE

The Hon. T.A. FRANKS (15:54): I move:

That this council—

1. Expresses its support for Radio Adelaide, and notes that Adelaide will be markedly worse off if it were to be lost;
2. Notes that The University of Adelaide showed tremendous vision in founding and supporting Radio Adelaide, the first community radio station in Australia, and that it has been a key part of South Australia's public life for 43 years;
3. Notes a very large number of South Australia and Australia's journalists, media and creative professionals, and musicians, have received training and experience from Radio Adelaide, and that this station is critical in supporting these industries;
4. Notes that Radio Adelaide has provided a diverse range of communities with unique access to the airwaves, including the music industry, the arts, ethnic and multicultural communities, educational bodies, and many others;
5. Notes that Radio Adelaide has provided fantastic opportunities for South Australian youth to gain working media experience and contribute to a vibrant creative arts environment in Adelaide;
6. Notes that Radio Adelaide reduces the 'brain drain' of young people leaving Adelaide to seek opportunities elsewhere; and
7. Notes that Radio Adelaide focuses on South Australian issues, stories and music in an environment where this is particularly important given the shrinking Adelaide media sector.

I move this motion on behalf of the Greens in state parliament today to recognise the outstanding contribution made to South Australia's cultural life by the community broadcaster Radio Adelaide, and to highlight the incredible campaign of support that has emerged following the announcement that its home at 228 North Terrace has been sold to facilitate the building of a new medical school facility by the University of Adelaide.

The university has opened a brief consultation period following a review of Radio Adelaide which has outlined five options for its future. Radio Adelaide believes that three of these options would see the station close, either immediately or soon after. Radio Adelaide urges the university to commit to a three to five year staged transition, consistent with their independent review option 2. The campaign is encouraging supporters to write a submission before the closing date of 11 December, that is this Friday.

Radio Adelaide is Australia's first and longest-running community radio station. It was founded by the University of Adelaide 43 years ago, in 1972, and aims to inform, engage and entertain audiences through its around 70 programs which are presented by the community for the community. The name 'Radio Adelaide' barely captures the innovation at the station; its reach is so much broader than our capital, and it was one of the first radio stations in Australia to have a website, some 21 years ago, back in 1994.

It is the first community radio station in Australia to broadcast live on the internet. In fact, when I listen to it digitally, I always cringe at the fact that it comes up with the tagline, 'For older listeners, young at heart'. I think they need to change that tagline, because it does not make me feel very good, but I am sure that they were well meaning when they crafted that one.

It is powered by some 400 volunteers, some of whom, I am sure, are both young at heart and young in age, and all of whom bring a passion and enthusiasm for their community. It is an innovative community station operating at the best.

The Greens believe in community media and community broadcasters, and we work to support them, because they are an absolutely vital part of our media landscape and provide services that include, in this case, specialist music, Indigenous media, multicultural and non-English programs, and community access. Their contribution is enormous and immensely important to civil society. Radio Adelaide has contributed to this civil society in a number of ways. For the benefit of the members in this council, I will highlight some of Radio Adelaide's achievements, but I do know that other members are also eager to make a contribution today as well.

First and foremost, Radio Adelaide provides a platform to up-and-coming media professionals as an avenue to access hands-on media training. All too often we hear of the younger people of our state heading to Sydney, Melbourne, or even overseas, to pursue creative careers. We know that South Australia needs to build on our new industries and emerging industries and provide jobs. South Australia needs organisations that provide people with a chance to stay in South Australia, to learn media production skills here, to build these creative industries and to generate future jobs. Radio Adelaide does and is providing these opportunities.

The station is a registered training provider and it offers accredited cert. III training in media. I have been advised that independent media organisations, or any commercial media for that matter, envy the opportunities that Radio Adelaide has been able to create. Students who study media and journalism at the University of Adelaide say that the practical training offered through Radio Adelaide is a major attraction for them to study that course. The station provides training for aspiring journalists, training for other community radio stations and training for Indigenous media organisations.

I think this link between studying a media course and getting hands-on experience is so vital for our students. They should be able to receive training on how to conduct interviews, edit interviews, know where to look for a story and how to present a story, write up the interview cue sheets and then produce a high level radio segment. Radio Adelaide provides those students with the skills they will need for their future careers.

Radio Adelaide supports our local musicians and artists. Members would be aware that this week's *The Advertiser* featured the ARIA nominated rock band *The Beards* giving their support to Radio Adelaide. Like so many other local South Australian and Australian musicians, they benefitted from Radio Adelaide's focus on local music and live music. Every week the station has a feature album, and this year 85 per cent of those albums have been by Australian artists. This highlights Radio Adelaide's innovative vision and its support for Australian musicians and artists.

As many of you know, I do have a passion for the arts sector and I am so proud to know of the work that Radio Adelaide continues to do in support of the arts. It is an area that needs further investment from governments around the country, which have failed to properly see and invest in its importance. Radio Adelaide is a long-term supporter of artists and gives exposure to younger artists, not just the big names or people who are already successful. I would like to refer members to a quote from the Adelaide Festival artistic director, David Sefton, who says:

We've always had a fantastic relationship between the festival and the station and I can't imagine doing the festival without Radio Adelaide as a partner. The idea of an Adelaide without Radio Adelaide is completely unthinkable.

The South Australian Writers Centre says:

Radio Adelaide has for many years been the key media supporter for the arts in South Australia and has provided comprehensive arts coverage, covering stories other media outlets ignore, and bringing to light the breadth of arts activity here in the state and beyond—from blockbuster authors to tiny but vital community arts projects.

Radio Adelaide covers untold stories, giving a voice to marginalised members of the community. You will also hear ordinary people talking on the radio, telling their stories and sharing their experiences and passions. This is deeply valued by many across South Australia. For example, the Victim Support Service says:

Radio Adelaide has played a vital community role in helping the Victim Support Service to connect with victims and let them know how we can help, particularly at a time when a traumatic experience may have left them vulnerable, confused and devoid of confidence. In recent times the Station has been especially helpful in assisting us to connect with victims of family and domestic abuse and to raise awareness of this issue in the community.

The South Australian Council of Social Service (SACOSS) says:

SACOSS was dismayed to learn that Radio Adelaide's future is in jeopardy. No doubt South Australians concerned about poverty, inequity or injustice and who have connected to our broadcasts through Radio Adelaide will be equally concerned.

Despite these great achievements, Radio Adelaide now finds itself about to be without a home. It is a part of the University of Adelaide and I know just how proud the staff, volunteers and listeners are of the university's vision some 43 years ago in establishing the station. The station's supporters seek a continuation of that vision for decades to come. The #SaveRadAd campaign has garnered broad support and has been seen by more than 5,035 people, who have signed a petition calling on the University of Adelaide to keep the station on the air. I would like to take a little more of the chamber's time to read out some of the testimonials from dedicated volunteers. The first story states:

I would not be where I am today without Radio Adelaide. The station not only gave me a start in radio but as a young person it gave me a start in life, it gave me confidence as a young woman, opportunities to lead, an outlet for my voice to be heard and exposure to arts, culture, community and people from all cultures/communities. I have gone on to be an international correspondent but have never forgotten Radio Adelaide. I now work with the UN in Tanzania where we are building community radio as a key pillar of democracy and have used Radio Adelaide training materials.

The second story reads:

Back in 1997-98, I used Radio Adelaide to train 30 Aboriginal people from the Pitjantjatjara lands for a radio network called Radio 5NPY Anangu Winkiku Satellite Network (translation: The People's Radio). This station is still operating today and originally spanned 30 communities in an area the size of Germany. Radio Adelaide won an award for this training to add to the dozens of other awards it has won over the last 30 years. More recently, Radio Adelaide has provided my daughter Amber (and many others) with the opportunity to develop skills in radio production to a very high level. It has developed so many good programs and trained hundreds of students, many of whom have gone onto the ABC, community radio and commercial networks.

The third story reads:

I joined Radio Adelaide when I was still a media and communications student at the University of Adelaide, 10 years ago—back in 2005. The station shaped who I am and the contact I have had with over 400 volunteers from all walks of life—as well as the listeners helped me to become a better member of society and hopefully a more conscious and conscientious citizen. Now working at the University of Melbourne, and having also completed a Journalism degree here—I can wholeheartedly say that the University of Adelaide will do itself and the South Australian community a great disservice if it chooses to close Radio Adelaide. It is an irreplaceable platform for community engagement and citizen journalism, a National training ground for future journalists and, above all, a community that gives Adelaide and South Australia a unique voice.

The fourth story reads:

I am amazed to see how much more Legacy's work is acknowledged in the military, government and general communities because of the Legacy Hour (a program on Radio Adelaide). I am constantly told how members of the Legacy Family are now tuning in to listen to Radio Adelaide, or listening to the various podcasts. Not just the elderly widows sitting at home in rather isolated situations, but their children and grandchildren too.

There is always a solution. Let's look for a good solution, but one that doesn't involve shutting down Radio Adelaide or reducing it to an unworkable condition. It is a powerful tool for the University and for South Australia. Let's keep it strong!

The final story that has been provided to my office for reading today and sharing with members is:

I'm signing the petition because Radio Adelaide has been part of my life since I volunteered there in the 1980s. I continue to listen to it. The latest series, *Riding the Long Wave*, was a great example of community radio with the interviews with such a range of people united by a creative take on those of us who are ageing. I also love tuning in and hearing such a range of languages. Where will all these communities groups go if the station ends?

I would like to briefly reflect, as is my wont, on some of my favourite Radio Adelaide programs and give a special shout out to *The Aqueerium*, now lost but certainly much loved, which aired every Saturday morning for 10 years. Listeners were invited 'to take their ears for a swim in the clear, queer waters of *The Aqueerium*'. Between 2001 and 2011, the team interviewed many gay, lesbian and bisexual activists in Adelaide and across Australia, and many from overseas as well.

I commend them for their longstanding work and note that it has been ably taken up more recently by one of my other favourite programs, *Pride & Prejudice*, much later at night. Podcasts are a great invention because they mean that not all of us have to stay up to the wee hours to hear alternative voices, and *Pride & Prejudice* is the only LGBTIQ radio show in Adelaide currently—queer communities and culture presented by a team from Adelaide's three universities, dissecting the political and cultural boundaries of queer people.

The volunteers' highlights of running this program have been having members of parliament interviewed on their show about the current gender and sexuality laws, and the show provides a platform to artists and stories that have no other outlet in South Australia—for example, Feast and Dino Hodge's books. The show features segments that give exposure to queer people that would not be suitable in any other program.

The Scrutineers, with a peering into the ballot box for a close-up review of elections from around the world and at home, go inside the election process. I know that members here might be interested to pay attention to that one, should they not already be across it. They look at everything from how we elect federal governments to local councils, from corporate boards to acting awards, and each week Casey and Dianne rifle through the returns and dive deep into our democratic systems.

Your Rights at Night, which is a longstanding show of Radio Adelaide—now, sadly, lost this year—has been operating since 2006, and it was part of the Your Rights at Work Campaign. It was designed to help cut through the traditional barriers presented by mainstream media, and over the years it has been hugely successful in achieving these aims. The program was built entirely from the ground up by committed union activists and featured prominently as part of the Your Rights at Work Campaign which was so successful. It ended in July 2015, sadly, but for almost 10 years it provided a great source of alternative news from the perspective of working people. The primary objective of this program was to shed light on the important campaigns being run by unions in South Australia and indeed across the nation.

Radionotes gets a special plug because John Murch, who does this late at night, has been a long stayer at Radio Adelaide. Indeed, my earlier interactions with Radio Adelaide used to include being a regular interviewee of John Murch on his morning program, which at that time was produced by Natasha Stott Despoja. She noted in her article in *The Advertiser* this week that she used to get that first train from Glenelg on a Monday morning, but I always remember that on a Sunday afternoon she would be the first to leave the pub so that she could get that first train from Glenelg.

I have often heard it said of Natasha that we all want to change the world but that Natasha Stott Despoja would get up early to do so. She got up early for that radio show on Radio Adelaide on Monday mornings for many, many years and she has obviously gone on to wonderful things. Her understanding and work with the media, I think, was very much honed by Radio Adelaide. *Radionotes* is the current incarnation of John Murch's show, and I would like to give him a plug. I certainly enjoy listening to that when I can catch it.

I hope that the campaign encourages our community members and the station's supporters to write submissions. We know that the University of Adelaide is considering a number of options for the future of Radio Adelaide. We urge the university to secure Radio Adelaide into the future, regardless of whether or not it continues to operate the station directly or transitions it to a new entity.

I also encourage members in this place, and in the other place, not only to support this motion today but to show their support for Radio Adelaide by joining the campaign and, indeed, subscribing

to Radio Adelaide. Radio Adelaide and community media are important because, at a time when the control of the mainstream media is increasingly concentrated, alternative voices provided by community broadcasters are more important than ever, not just to our democracy but to our cultural fabric.

My final shout outs—and I know that other members will be commenting on this—are to a couple of programs: *Local Noise*, which promotes South Australian local music, and of course the very important work of the Paper Tracker. The Paper Tracker, of course, is well known to many in this place and the source of many questions in this place. Indeed, it tracks the promises made by particularly state government but by all governments to Anangu. The Paper Tracker program makes it easier also for Anangu to understand what governments are saying and doing in their communities. Parts of each radio show are broadcast in Pitjantjatjara and Yankunytjatjara; other parts are broadcast in English.

Paper Tracker provides access to information in remote Aboriginal communities where, in fact, information is limited, so the role of this community radio show and the important information that the Paper Tracker provides are not just important but, I think, vital. We cannot afford to let this communication channel be shut down, just as we cannot afford to lose Radio Adelaide. With those words, I look forward to contributions by other members and certainly look forward to another 43 years of Radio Adelaide flourishing in this state.

The Hon. J.S. LEE (16:13): I rise today to express my support for the motion moved by the Hon. Tammy Franks. Certainly, in my mind, Radio Adelaide has been part of South Australia's public life for 43 years. In 1972, the University of Adelaide had the vision to start and then support the first educational community radio station in Australia. Since then, thousands of volunteer program makers have passed through the studio, speaking for South Australia's diverse community. Many have gone on to achieve amazing things in the media and in public and cultural life, and we have heard the many success stories from the Hon. Tammy Franks.

I would also like to take this opportunity to place on the record my acknowledgement of the great vision of the University of Adelaide in starting the first community radio station in Australia. Radio Adelaide was established by the University of Adelaide as a distance education medium in 1972. It became the first community radio station in Australia and provides highly diverse talk and music radio services to the Adelaide metropolitan community. It is also a media production and training entity which is a registered RTO and serves the practical placement needs of the university media program.

The benefits of community radio cannot be underestimated. Not-for-profit community radio offers the public access to a more diverse range of music, information, news and views, than would otherwise be available from commercial or government based stations. It also provides communities with locally produced content that is immediately relevant to their daily lives. It allows individuals and community groups to participate in producing their own programs and to maintain their local culture.

Having a very strong local culture to me is so important because it is our identity and the South Australian identity. As the shadow parliamentary secretary for multicultural affairs, I recognise that Radio Adelaide's commitment to multiculturalism is a long-term and consistent one. It was the first to broadcast community language programs, with five going to air in 1974 immediately after restrictions on so-called foreign-language broadcasting were lifted.

The station's commitment has continued throughout; 14 communities currently broadcast in community languages, mostly new and emerging communities, and almost one-third of the station's 400-plus broadcasters (volunteers) speak a language other than English at home. I fully support a key objective in their strategic plan which is to be 'A Place of Cultural Diversity and Understanding', that is, to develop systems and processes so that all station activities, including programs, the roles that they play and the structures, support their commitment to cultural diversity and inclusion.

Twelve specific strategies support that aim, and one of those remarkable projects that I would like to highlight today is that Radio Adelaide created a series of 'Welcome to Adelaide' on-air messages promoting acceptance of diversity, language, learning and multiculturalism that are played at three regular times a day on an ongoing basis at 11am, 2pm and 9pm, and sit alongside the longstanding 'Welcome to Country' radio spots.

Growing up in a migrant family, I can confirm the personal experience that I had with my family and all my aunties and uncles living in multicultural communities and how they can relate to Radio Adelaide broadcasting many programs in different languages, because coming up from a migrant family, language is the core value that we hold dear to our hearts, and when we listen to those languages as broadcasts, we feel that Adelaide welcomes us, Australia welcomes us, and that is a very special feeling when we are listening to those in our own language. In terms of this 'Welcome to Adelaide' project, each message starts with the voice of a Radio Adelaide broadcaster, saying in English:

Welcome to Adelaide, where cultures meet

Where the unique stories within us all

Have a place, and a voice.

Welcome to Radio Adelaide.

This is followed by one of 16 language translations. I would like to take this opportunity to congratulate so many hard-working volunteers and a huge team that help put it together with 34 people participating, 16 multilingual broadcasters, and another 16 English-speaking station workers from a wide range of backgrounds: male, female, young, older, young at heart (as the Hon. Tammy Franks already mentioned)—

The Hon. T.A. Franks interjecting:

The Hon. J.S. LEE: Every one of us is young at heart, aren't we? The messages were translated and recorded into the following languages: Latvian, Slovak, French, Hindi, Persian, Japanese, Italian, Vietnamese, Swahili, Lingala and Mashi, Mandarin and Malay, Polish, Spanish and Nepali with coordination by Deborah Welch and Jennie Lenman.

The Welcome to Adelaide project has been successful, receiving positive feedback and recognition as a finalist in the 2015 Community Broadcasting Association of Australia's National Awards for Excellence in Ethnic and Multicultural Broadcasting presented in November 2015. With 90,000 regular weekly listeners to the FM and digital radio services, it has a broad reach within Adelaide, providing assistance to all members of the community regardless of background.

Therefore, I believe that Radio Adelaide's legacy must go on—so many years of contributions, so many ways across so many communities. I totally and wholeheartedly support this motion. In my concluding remarks I would like to convey my best wishes to Radio Adelaide and also to the University of Adelaide for looking at workable viable options for this radio station to go on because our legacy, our community and our identity of local cultures and communities must go on. I commend the motion to the house.

The Hon. J.M. GAZZOLA (16:20): I rise to offer the government's broad support for the motion. The government acknowledges Radio Adelaide's role in the community and in particular its contribution as a multicultural broadcaster. On 3 December I said publicly that Radio Adelaide has also been a critical outlet for up-and-coming local artists to get their music played. Community broadcasters such as Radio Adelaide present the only real opportunity for young people to gain the necessary skills to carve out careers in the media. Indeed, in Radio Adelaide's 43-year history—and I remember it as 5UV so that might age me—

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

An honourable member: How old are you?

The Hon. J.M. GAZZOLA: Order! Oh, no, sorry, that's your job! It has assisted many South Australian artists, technicians and broadcasters to go on to a fulfilling career in South Australia and indeed Australia. To lose a community broadcaster based in the city and within the university does not assist the government's agenda in creating and maintaining a vibrant city.

The government acknowledges that the University of Adelaide is responsible for Radio Adelaide and the university operates within its own legislation, independent of the government and is free to make its own decisions. The university is currently seeking responses to its paper on the

future of the station. The paper sets out five options for consultation and it is my understanding that only two of the options are viable for Radio Adelaide to continue.

It is appropriate that the university's process of genuine consultation continues which will inform the university in its eventual decision about the station. The university review of Radio Adelaide is timely given the reality of new technologies making it simpler and more efficient to create quality radio and audio streaming services for local and global audiences.

There is a diverse range of community radio stations currently providing specialist and niche programs in South Australia. I urge all stakeholders to take the opportunity, through the university's consultation process, to either put forward their own options or to make submissions and/or nominate their preferred option of the five outlined in the university's paper for the future of Radio Adelaide.

I have stated publicly my support for Radio Adelaide's campaign to urge the university to commit to a three to five-year staged transition to an independent organisation in a new location. South Australian universities provide a range of qualifications in communications, media, media arts and journalism, and some of these programs include internship arrangements which provide valuable technical experience in workplaces.

As said earlier, our media and communications graduates are adventurous and entrepreneurial and are well regarded by employers here, interstate and overseas. That is a positive reflection of the quality of education in our state and the role that Radio Adelaide has played in the industry. I note the broad support for Radio Adelaide to continue and I offer my support and hope that the university and the Radio Adelaide management, students and volunteers decide upon a model for the station to continue its valuable presence on the local airwaves of South Australia.

The Hon. S.G. WADE (16:24): I rise to indicate my support for the motion, and thank the Hon. Tammy Franks for bringing this matter to the attention of the council. My colleague, the Hon. Jing Lee, has already expressed the Liberal Party's support for the motion; in doing so she has highlighted the extraordinary contribution that Radio Adelaide has made over the past 43 years to the life of this state, a contribution that it continues to make today.

I do not intend to repeat those observations. Instead, I would like to highlight Radio Adelaide's particular contribution to South Australia's Aboriginal communities, in particular, the role it plays in celebrating and strengthening Aboriginal culture and languages through the production of four distinctive radio shows. Those shows are:

- *Aboriginal Message*, a weekly half-hour program produced by South Australian Native Title Services;
- *Nunga Wangga*, a two-hour program which airs each Monday night and which explores local, national and international issues of importance for Aboriginal listeners and showcases Aboriginal and Torres Strait Islander music;
- *Nganampa Wangka*, an hour-long weekly examination of the state of South Australian Aboriginal languages and the steps that Aboriginal people are taking to maintain, revive and reclaim that fundamental part of their identity and heritage; and
- *The Anangu Lands Paper Tracker*, a half-hour weekly show that covers issues of importance for South Australia's remote Anangu communities and shines a spotlight on the way governments fund and deliver services and programs to the APY and Maralinga Tjarutja lands and to Yalata and Umoona communities.

These four shows provide Aboriginal people and the broader community with information and insights not usually available via other media outlets. In the case of the Paper Tracker program, these insights and information are delivered in the first languages of the shows' target audience, the Pitjantjatjara and Yankunytjatjara communities. No-one should underestimate the capacity for these radio shows to hold the government of the day to account or reinvestigate some commitment that a government agency has placed in the proverbial too-hard basket.

A recent case in point is the way a series of interviews recorded for the Paper Tracker radio show uncovered how the Weatherill Labor government had broken its promise to have the APY Lands Steering Committee—a committee comprising representatives from state and federal

government agencies and the APY Executive—monitor the ongoing implementation of the recommendations of the 2008 Mullighan inquiry into child sexual abuse on the APY lands.

Those interviews not only confirmed that the APY Lands Steering Committee had not met for more than a year, they also revealed that, when it came to the important matter of child protection on the APY lands, the Minister for Education and Child Development was not on top of her portfolio or, at best, was being poorly advised. Subsequent to those interviews going to air, the matter was discussed in both houses of this parliament and picked up by other media outlets. Even better, the APY Lands Steering Committee has now reconvened after not meeting for 12 months and I am told that for the first time in two years child protection issues were on its agenda.

I should add that it is not only government ministers and bureaucrats who are held to account by the Paper Tracker and other Aboriginal radio shows produced at Radio Adelaide. For example, in the run-up to the 2014 election, Radio Adelaide's Paper Tracker program broadcast interviews with representatives of five political parties: the Australian Labor Party, the Liberal Party, Australian Greens, Dignity for Disability and Family First.

Those interviews provided voters living on the APY lands and in other remote Anangu communities with a much better understanding of each party's platform and position in relation to issues of critical importance to these communities and highlighted real and significant points of difference across the party political spectrum. And, of course, all that information was made available to Anangu voters in their first languages—Pitjantjatjara and Yankunytjatjara. In closing, I reiterate my support for the motion and acknowledge the unique and important contribution Radio Adelaide makes to the life of this state.

The Hon. R.I. LUCAS (16:28): I rise to speak briefly to associate myself with the motion and the remarks of other members. I do not intend to speak at length or to repeat the comments they have made. I just want to acknowledge from my own personal viewpoint the many young people over many years who have gained experience through 5UV—or Radio Adelaide, as it is now known—and who have gone on to productive careers, whether it be in the media or other occupations where their experience in community radio nevertheless has added to the skills and the skill set they have in their chosen careers.

As I said, I only intend to speak briefly. The University of Adelaide is an institution with which I have had a long-time connection as a student many years ago, as a member of the council for a brief period of time and, since then, as a member of a number of organisations associated with the university. I acknowledge, as the Hon. Mr Gazzola has said, that this is a decision for them as an independent organisation, but I believe that this motion will be unanimously supported by all members and parties in this chamber as an indication of the broad support that there is in the community—in this case in particular, in the parliament—for, hopefully, the university to find a way for Radio Adelaide to continue for many more years than the 43 years it has served the community thus far.

The Hon. A.L. McLACHLAN (16:30): I too wish to lend my support to the passing of this motion in the chamber. The motion has seven limbs; I do not propose to read them out but, to paraphrase, the motion expresses support for Radio Adelaide, acknowledges that it has been a key part of South Australia's public life for 43 years, notes that it provides a diverse range of communities with unique access to the airways and, as has just been pointed out to the chamber by the Hon. Rob Lucas, has provided countless opportunities for young men and women to enter the media sector.

It may not be well known in this chamber, but I actually underwent announcer training at 5UV many, many years ago when I was a student, but I never went on air. Other things transpired, and I was unable to do between two o'clock and three o'clock in the morning, which was the slot offered.

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Interjections are out of order.

The Hon. A.L. McLACHLAN: I am very concerned that Radio Adelaide may not have a future, because it is one of those things I thought I would always come back to, and return and complete the training. However, I do remember that I was reasonably competent at cutting tape and refitting the reels, which I am not sure they do anymore at Radio Adelaide.

Even when I was at university I was an avid listener of Radio Adelaide, and I have always believed it made a sizeable contribution to the life of the university and the South Australian community. It is my view that it is an integral part of the life of the university. The university is often identified—outside of, obviously, academic excellence—with sporting excellence, but what I suspect is not broadly understood in the wider community is the contribution that the university and its teaching staff and its students have made to the arts, particularly the humanities.

I think the fantastic programs that immediately come to mind are those mentioned by other members, such as Paper Tracker and the broadcasting in English and traditional languages across remote communities, not only providing them with entertainment but also informing them of important matters. So it is a powerful educational tool, not just for the listeners but also for those putting on the programs, and it has a very large volunteer base to draw upon, which is a credit to the management and enthusiasm of all those associated with Radio Adelaide.

It is disturbing to learn of its possible closure and, like the speaker before me, I encourage the university to explore ways in which Radio Adelaide can survive and thrive. I am heartened, to some extent, by the comments made by the Vice Chancellor, saying that he was reasonably optimistic and suggesting that more financial support from the public may be a possibility. Whatever the mechanisms I wish them well, and they have my support.

Having said that, I do appreciate that universities that host and sponsor cultural and community activities are increasingly faced with difficult choices, balancing the need to provide advanced teaching and research with other programs. This is certainly the opening sentiment in the university's briefing paper inviting response from key stakeholders, entitled '5UV: Radio Adelaide and the future.'

However perhaps the university, in working through this dilemma, may have regard to what is happening at Macquarie University. Macquarie University has launched an ambitious project to expand its Big History program into a multidisciplinary approach to solve real-world problems in business and public policy. This program unites sciences with the humanities to tell a story and investigate how to solve current day problems. In essence, the humanities are not being left on their own, or disregarded, or being overridden by the sciences or health sciences, but integrated.

I think that the work of Radio Adelaide is an important part of the humanities and arts and should be seen as an important component not only of university life but maybe as a means of integrating the arts with the other faculties. Perhaps there should be greater science programs or other aspects and not seen as a particular, siloed activity. In other words, I have always believed that humanities and community engagement are integral to the life of a university, and in particular Adelaide University.

I would encourage the university not to turn its back, not to turn in on itself. We need the university to look out and face the future challenges together with the people of South Australia, as it is the people of South Australia who have built and supported this university over time. I commend the motion to the chamber.

The Hon. K.L. VINCENT (16:35): Please bear with me a moment: I would like to say a few words to indicate my support for this motion and thank the Hon. Tammy Franks for bringing it to the parliament. Radio Adelaide is a very important contributor to the voice of our city and our state. It provides an invaluable training ground for young journalists and has seen many go off into proud stellar careers.

In fact, one of my very first interviews after I was appointed to this place following the 2010 election was with Radio Adelaide. This interview was conducted by Jessie Wingard, who has since become one of my dearest friends. Jessie completed a double degree in journalism and law and now works for an English language television and radio program in Germany, so she is representing Australia on the world stage of journalism, so to speak. Jessie's story is just one of Radio Adelaide's many successes.

Radio Adelaide also fills an important gap in having several programs in languages other than English, showcasing the diversity of our state, which is just one of the many things that make our state great. Almost a third of Radio Adelaide's more than 400 broadcasters speak a language other than English at home, and 14 of its programs are broadcast in languages other than English.

As an example of this, I would like to make particular mention of the Paper Tracker, which has already been mentioned and which not only discusses issues of importance to many people in Aboriginal communities but also actually tracks the record of government in delivering on its promises and meeting its obligations to Aboriginal people. As a person with disability, I know what it is to receive lip-service and know how vital it is that we have avenues to track government and put pressure on the government to deliver support, funding and programs which benefit us all.

I would also like to thank Radio Adelaide for its interest in the arts, particularly productions by small and medium community arts organisations and emerging artists. Lastly, I would like to note that Radio Adelaide recently undertook a program called Access All Areas. This was a training program for young people with a variety of disabilities. Radio Adelaide is one of the important, and one of the few, avenues amplifying the voices of people from many backgrounds and genuinely aiming to reflect the true diversity of our great state. For these reasons, I support the motion.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The Hon. Ms Vincent, because of the nature of that presentation, could you just clarify for the record that that was your presentation, your submission to the motion by the Hon. Ms Franks?

The Hon. K.L. VINCENT: Yes, sir; I wrote every word myself.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Thank you, very much. I now call the Hon. Mr Ridgway.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:39): I also rise to support the motion and thank the Hon. Tammy Franks for bringing it to the council. I want to make a relatively brief contribution, and it is really around my first real interaction with Radio Adelaide when it was Radio 5UV and with Mr Keith Conlon. As a number of members would know, I was involved in an organisation called Rural Youth. It had a state executive, of which I was chairman at one stage, but it had an advisory council over the top of it. There were a number of people on that advisory council, and one of them was Mr Keith Conlon. Sadly, another one was Mr Rory McEwen, so I certainly rate Mr Keith Conlon much higher up the ladder of respect.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The Hon. Rory McEwen, I believe.

The Hon. D.W. RIDGWAY: The Hon. Rory McEwen.

Members interjecting:

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

The Hon. D.W. RIDGWAY: Thank you for your protection, Mr Acting President. I thought he actually had something to offer to the community at that point, but I was sadly disappointed.

Members interjecting:

The Hon. D.W. RIDGWAY: I am being distracted.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): I think you should return to the debate, and two particular members on my right should cease to interject.

The Hon. R.L. Brokenshire: Sorry, sir. It just stirs me up when I think about them both.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The Hon. Mr Ridgway should proceed.

The Hon. D.W. RIDGWAY: Thank you. It was my interaction with Mr Keith Conlon and the work that he did and the valuable work that (at the time) Radio 5UV and now of course Radio Adelaide does that I think has provided such a wonderful opportunity for a vast number of people. I look at Keith Conlon as an example. I am not sure of his exact role, but he may have been there when it first started as Radio 5UV. Of course, we still see Keith Conlon on television shows, etc., today, so it certainly gave him an opportunity, and many other young journalists and presenters have had an opportunity.

It has also been a great voice for a whole range of people who are given the chance to get their message out. Often I have had the privilege of being invited down there for interviews in the studio on issues that are not necessarily mainstream, or perhaps drilling into an issue in more depth.

I know that I had a long discussion several years ago around planning reforms, and that is the reason I wanted to make a couple of comments today. This topic we are dealing with, grinding our way through a bit of planning legislation, reminded me that I was invited down to talk about planning reform—Mount Barker, Buckland Park and some of the other disasters of the Labor government.

With those few words, I certainly hope that the university is able to find some way of progressing so that Radio Adelaide can continue its great work and the opportunity continues for hundreds of young people to be presenters and learn another skill. With those few words, I support the motion.

The Hon. M.C. PARNELL (16:41): I also rise to support this motion, and I congratulate my colleague, the Hon. Tammy Franks, on putting it on our agenda today. As this debate proceeds this afternoon, Radio Adelaide is broadcasting a program called The Range, which is their alternative drive-time program. The Range has different presenters each weekday evening, featuring new music from outside the mainstream. According to the Radio Adelaide webpage:

From the latest international acts to emerging local bands, you'll hear it on The Range. Get up to speed with the local gig guide and interviews with touring and local artists. At the end of the week, turn up the volume and hear bands performing live from our studio on The Friday Sessions.

Whilst The Range is always good listening, I particularly enjoy the Wednesday edition of The Range, featuring Galen Cuthbertson and Ellie Parnell. Normally, at this point, I would have to declare a personal family interest—my daughter works at Radio Adelaide—but as members have realised by now through the previous contributions, the vast bulk of the 400 presenters and producers are volunteers, including my daughter, so there is no declaration of interest to make.

I know Ellie was keen to hear what I had to say about Radio Adelaide this afternoon, but she is on air, and she is talking, no doubt, to a lot more South Australians than we are. Both the parliament and Radio Adelaide are streamed live on the internet, but I would be amazed if we have 1 per cent of the audience that Radio Adelaide has. We need to do better in encouraging the people of South Australia to stream the Legislative Council's live proceedings.

Radio Adelaide is an iconic South Australian institution. As members have said already, it is Australia's longest-running community radio station, established back in 1972, the year I started secondary school. It is an institution that enriches the South Australian community with its presence. The university is now considering shutting down the station, directly or indirectly, by ceasing funding and support from June 2016, which would be a huge loss to this state.

The motion urges the university to consider a model that allows Radio Adelaide to thrive into the future. Of the five options suggested, only two give Radio Adelaide the future that it deserves: continued funding for the current amount by the university, or a three to five-year staged transition period to see it transferred to a new entity, location and operation.

Radio Adelaide contributes enormously to The University of Adelaide and the wider community. Many media and journalism students get their first real relevant work experiences at Radio Adelaide, making them competitive graduates and valuable employees. Radio Adelaide also broadcasts research and ideas coming out of the university through a range of programs from architecture to science.

But Radio Adelaide is also something that Adelaide University students, regardless of what they study, can get involved in. My daughter, Ellie, first got involved in very late-night student radio programming, known as Midnight Static, where a small but devout group of listeners would enjoy her anecdotes, impeccable music selection and insightful interviews.

The Hon. S.G. Wade: Mum and dad.

The Hon. M.C. PARNELL: The Hon. Stephen Wade interjects 'Mum and dad.' I will say that yes, I was known to listen, but rarely live and nearly always on the podcast because, like most mums and dads of my generation, I am usually tucked up in bed by the time Midnight Static goes to air. Anyway, I digress.

Whilst my daughter is not a media or a journalism student, Radio Adelaide has given her the opportunity to develop skills and confidence in presenting, production and editing, which are great skills applicable to a wide range of vocations. I note the Hon. Andrew McLachlan's contribution where

he got to the first stage in his training and, whether it is a post-parliamentary career or at some stage in his life, I do urge him to go back and follow through with getting the microphone under control and going to air.

Radio Adelaide is also the voice of the community. It is radio made by South Australians for South Australians. Around 400 volunteers pour their heart and soul into the programs each week, and these programs are incredibly diverse. I have mentioned architecture, but there is also current affairs, jazz, research, mental illness, science, French music and culture, Aboriginal languages, youth issues, social justice, sports, local music, queer culture, women's issues, the arts, local films, peace, environmental news, Latin American news, Nepalese culture, and the list goes on.

Radio Adelaide, as others have said, is also the only station in Adelaide to have a queer (LGBTIQ) radio program, which is incredibly important, especially for queer young people. Radio Adelaide is also linguistically diverse. Programs are presented in 10 different languages, including Swahili, Spanish, Persian, Polish and Farsi, as well as a range of South Australian Aboriginal languages, including Kaurna, Pitjantjatjara, Yankunytjatjara, Narungga and Ngarrindjeri.

As an example of how important Radio Adelaide is to culturally diverse communities, the current published program guide features a cover story about former Bhutanese refugees broadcasting a radio program every week to help their community settle into Adelaide.

You simply need to scroll through the many hundreds of comments on the petition page to see just why this station means so much to so many people. It provides invaluable education and experience for media students; acts as a training ground for journalists and broadcasters who then go on to work across Australia and internationally; allows for marginalised groups to have a voice; fosters social connections; helps support unemployed youth through training and experience; showcases local arts and music; and for many local bands Radio Adelaide is their first airplay and exposure.

I saw in *The Advertiser* on Monday that the iconic Aria-nominated Adelaide band, The Beards, were supporting Radio Adelaide. Members might know of the band, The Beards, through their hit songs *If Your Dad Doesn't Have a Beard*, *You've Got Two Mums* and *Got Me A Beard*. According to band members, Facey McStubblington and John Beardman Jr, the station is imperative to nurturing and exposing local acts like themselves. Mr McStubblington said:

I've read that there is still hope so that's why we're getting behind it. It's not over—we need people to get on the petition and genuinely show support or listen to the station.

Mr Acting President, as a fellow bearded man, I have no doubt that you would take these words to heart. I agree with Mr McStubblington and John Beardman Jr. I agree with them wholeheartedly and I urge all members to support this motion.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): I call the Minister for Innovation and Manufacturing.

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (16:49): Thank you, the bearded Acting President.

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

The Hon. K.J. MAHER: I will not speak for a great deal of time. I will note some of the comments other members have made. The Hon. Stephen Wade gave a great summary of some of the Indigenous programs that Radio Adelaide broadcasts. Many of these are exceptionally important. I think I have appeared on the majority of these programs during the course of this year, and the importance of programs like Paper Tracker is not just holding government to account, which is a very important function, but it is also being able to get information across in a way that is very hard to do through any other medium. I think the information that Paper Tracker gets to people on the APY lands would not reach many people if it were not for that program. If that was the only thing that we were talking about, that would be worthwhile in itself.

Many people have spoken about the diversity of programming that appears on Radio Adelaide (and formerly 5UV) and certainly the individual stories are exceptionally important. The way

we see ourselves is reflected in the way we are able to hold ourselves out to other people and I think an avenue like Radio Adelaide gives people and groups of people an avenue to tell their stories, to explain to the community, what is important affects how they regard themselves, levels of self-esteem and their issues.

I think the diversity that Radio Adelaide has in their programming is absolutely crucial to South Australia. I might go on from the Hon. Andrew McLachlan's contribution. I note and I applaud the fact that he underwent radio training at 5UV and I must say, unlike the lack of follow-through that the Hon. Andrew McLachlan is able to demonstrate, I, too, underwent the training but spent a couple of years in the mid-90s co-hosting a show on 5UV. It was a lot of fun and I can remember—

The Hon. S.G. Wade: What sort of show?

The Hon. K.J. MAHER: A general variety show, and I am reliably informed that none of the reels, as they were recorded back then, survive to this day which is exceptionally fortunate because I do not think it was of particularly high quality. We had the younger brother of a friend who we let push the buttons because we did not think he was experienced or good enough to get behind the microphone, but he showed all of us and went on to a career with SAFM, Triple M and a number of other radio stations both on and off air. My chief of staff spent his formative years at university presenting shows on 5UV at the time, so I think for a wide range of people the diversity of our communities, particularly our Indigenous communities, and for people who got their start in public life through 5UV and Radio Adelaide, it is critically important. I congratulate the Hon. Tammy Franks for bringing this to the chamber.

The Hon. T.A. FRANKS (16:52): I want to thank sincerely those members who have made a contribution today: the Hons Jing Lee, John Gazzola, Stephen Wade, Rob Lucas, Andrew McLachlan, Kelly Vincent, David Ridgway, my colleague Mark Parnell, and the honourable minister Kyam Maher. We know that 5UV and now Radio Adelaide has been a digital pioneer but I want to acknowledge that we have just seen some digital pioneering in the contribution of the Hon. Kelly Vincent, so I look forward to reading that in *Hansard*. I know that those who are listening live to this debate—and certainly it is on the Twittersphere at the moment—will have appreciated that groundbreaking aspect of the debate today.

I have long been a fan of formerly 5UV and now Radio Adelaide. I enjoy listening to it. I did not do training in community radio at Radio Adelaide or 5UV. I did actually do training at 5PBA, and I used to have a student radio show for many years. In fact, it has just been brought to my mind that that is the first time I met the now Attorney-General when I interviewed him with senator-to-be Natasha Stott Despoja and then Senator Baden Teague during the 1993 federal election where Fightback! and education vouchers were the topic of my interview. I have long been interviewed and been involved with people who have been involved in community radio, particularly Radio Adelaide, but of course the other community radio stations. I must also acknowledge the work of the WIA, which is a community broadcasting national enterprise in which a lot of the work is done by Radio Adelaide volunteers and broadcast around the country. People like Catherine Zengerer have made their career transition into media from that platform.

One final show I did want to mention is a show that was probably as short lived as minister Maher's. It was student radio, *Naked Radio*. The late Lachlan Strapps and companions used to, in the wee hours of the morning, interview me when I was the National Union of Students state president. They would say that they were naked; we were never really sure, but I am pretty sure there were very few people in the station who could attest either way.

Certainly, I did the show from my home in my pyjamas or my trackie daks. *Naked Radio* back in the 1990s was a niche market, but a very good training ground, as was that training and community radio. So many people get their start or transition careers in this way. The voice of the people is too vital to lose. Adelaide University needs to make a decision that gives certainty into the future and allows Radio Adelaide to transition in a timely manner, not give them a death sentence seven months from now. With those few words, I commend the motion.

Motion carried.

HURN, MR B.

The Hon. R.L. BROKENSHIRE (16:56): I move:

That this council—

1. Expresses its deep regret at the passing of Mr Brian Hurn OAM, former mayor of the Barossa Council and former president of the Local Government Association; and
2. Places on record its appreciation of his distinguished service to local government and to the broader community.

It was with much sadness to many South Australians that unfortunately we learnt of the passing of Brian Morgan Hurn OAM on 18 October 2015. Brian Morgan Hurn was the loving husband of Gillian Hurn, now sadly deceased; the loved father and father-in-law of William and Sandi Hurn, Stephen and Jenny Hurn, and Joanne, his daughter now, sadly, deceased, and Graeme. He was the loving grandad of Shannon and Ashton, Jessica, Hannah and Laura, Harry and Mary, and the loved brother of Malcolm, Richard, Geoffrey and Lynette.

A number of members of parliament, as well as a cross-section of the community from right across the state, were there to celebrate and pay respects at Brian Hurn's funeral in Angaston, at his beloved church. It would be no surprise to anyone to know that Brian had a very strong faith and a strong belief in our Lord Jesus Christ. He actually not only had the belief but he carried out his life based on the teachings.

There were a couple of really significant eulogies for the 700 or 800 people who attended the service. As was said by Ashton Hurn, his granddaughter, a bright young lady with a huge future, 'It is a chance for all of us to reflect on the enormous contribution he made to many people from many walks of life.' Because Brian, sadly, knew that his days were numbered because of a terminal illness, he requested that Ashton read his eulogy; In fact, he organised his funeral.

He said, 'Ashton, I don't want you to waffle on about everything I've done in my life, but maybe you could talk about what a good bloke I was.' That is the sort of character he was—he was always there for a joke. He did not want any pomp and ceremony, but he would have been absolutely proud and honoured that Ashton, as one of his grandchildren, was to do the eulogy. Ashton said in the eulogy that:

Grandad was a standard bearer. He was a man who taught me—

namely, Ashton—

that regardless of your surroundings, regardless of your background—you have to stand for something, and whatever you do in life, do it with integrity.

He was a true gentleman, who proved that success in your career is a lot about how you hold yourself in life.

It was this conviction and moral fortitude that made him such a dedicated (and at times formidable) member of the Barossa Valley Council.

Grandad would say that his involvement in local government didn't necessarily come with natural ease, and that he simply listened to the issues and used what he called 'farmer's logic' to solve them.

Ashton goes on to say that:

I think that one of the things that always fascinated me about Grandad, was that in a world of bureaucracy, he managed to navigate through it with such precision.

I will talk more about that in a while. It continues:

He was a man who genuinely believed that you should listen more than you speak.

Not because he didn't have anything to say—let's be honest, he always did—but because he genuinely valued the perspective of others.

He had strong opinions, and liked to be right, but he used to say, '...for god's sake, just make sure your ears aren't painted on, you've got to listen in life.'

As Ashton says:

Ultimately, he was a man who simply loved the Barossa—

He also loved South Australia and Australia—

he loved everything about the place that he, and many of us call home, which is why he executed his role of Chairman of the Angaston Council for 10 years, and [the inaugural] Mayor of the Barossa Council for 17, with such compassion and a deep sense of conviction.

In fact, Brian remained in that job until almost 12 months before his very early and sad passing. He did not like to just be involved in things, he actually got involved because he wanted things done, and he always backed someone who was willing to give something a go. Ashton says:

Despite his profile, and maybe in spite of it, Grandad [in his own way] was a private man, who enjoyed the simple life—he valued his friends and family, enjoyed good conversation, Barossa wine—

Occasionally, if we could convince him over the times I spent with him, we could even get non-Barossa wine into him at a dinner, but he was very parochial and rightly so about the Barossa Valley. He worked hard. He worked hard in council. He worked hard to ensure that he supported his family. He worked hard for his passion as a farmer and he particularly worked very hard for the commitment and passion he had for community.

Brian Hurn had the same approach to sport as he did to local government: work hard, be a team player and always do your best, fairly good basics for achieving in sport. In fact, I know that Brian was very proud of all of his grandchildren and loved them immensely, but when it came to sport he was particularly proud of Ashton, who plays in the highest netball league in South Australia and is very accomplished at that sport.

Most of us would know of Shannon Hurn, Brian's grandson, who is probably one of the best kicks in the AFL competition. He went over when he was drafted to the West Coast Eagles at a very young age. He managed to wear all that and excel in the AFL, even though he came from the farm, missed his family and was initially boarded when he went to play for the West Coast Eagles. Now, he has become captain of the West Coast Eagles and played in the grand final this year against Hawthorn. I know for a fact, from the times that I spent with Brian, that he was incredibly proud of their sporting achievements.

In his early years, Brian travelled from Angaston to Adelaide to play cricket for what is described as, and rightly so, his beloved Kensington Browns. He played that standard of cricket well into his 40s. He was a member of the winning South Australian 1963-64 Sheffield Shield side, an achievement that we all know was a source of personal pride, although, as was always the way with Brian, he never bragged about it, in fact you had to drag out just what he did achieve in his magnificent cricket career.

Ultimately, sport as well as community life to Brian Hurn was about teamwork. In a sense, Brian Hurn was the ultimate sportsman. I might add that he was also an exceptionally good footballer in his own right, something that was genetically bred in through the family. He was captain of Angaston and I think he played in quite a few premierships and grand finals, as I understand. His son William went on to play for Central Districts. We know the great strength of the Central Districts South Australian National Football League side. I understand that Shannon, his grandson, went there before being drafted to the West Coast Eagles.

In recent weeks, just before Brian passed away, he often spoke about the camaraderie that would come from Shannon, his grandson, being able to captain the West Coast Eagles into an AFL grand final. In fact, I spoke to him the week before the grand final, and he was immensely proud, and rightly so, of Shannon being able to lead an AFL team into a grand final. Unfortunately, they did not win that grand final. At that point Brian was too unwell to travel, but I know he listened intently to the game.

I know that he was not a supporter of the Adelaide Crows, unlike many of us in this house, but I understand why he supported the West Coast Eagles. He said, 'Win it or lose it, you'll never forget it; the hard work and the blokes. I just hope they kick the thing, none of this handball stuff.' He was as proud as punch.

Brian Hurn's dry and often cheeky sense of humour sometimes got him into trouble and, despite being a man who took his various responsibilities seriously, he also recognised the importance of having a good laugh in life. My wife Mandy, myself, former mayor Kym McHugh, and

former president of the LGA and his wife Heather had the privilege, with Ashton Hurn, of travelling through Europe privately in August last year. We certainly had lots of good laughs during that three weeks period in Europe.

Brian was the man who every morning (and I can tell you factually that I did not indulge in this, but the rest of them were led by Brian) enjoyed not only having a laugh at breakfast time but, as you can do on those scenic cruises, you can drink Moët with your breakfast. Brian Hurn loved that glass or two of Moët with his breakfast on that cruise. As Ashton rightly said:

Each of us here today at the funeral will have their own special memories of their relationships with Brian.

A story that springs to mind for Ashton was when we visited Lords together last year. I remember that very well. We parted in Amsterdam and said goodbye to Brian and Ashton and they went on to visit Lords. Brian was very keen to go to that famous cricket ground. It was on his bucket list, and I congratulate Ashton, his granddaughter, for accompanying and organising that most memorable and special occasion.

During that occasion Brian Hurn was smiling from ear to ear. The tour guide kept reiterating that under no circumstances could anyone walk on the ground. Sometimes apparently you are able to, but at other times, I guess depending on the preparation of Lords as a cricket ground, they prohibited that. As they were walking down the steps to the fence of Lords, Ashton saw a little gate open and, as you would expect, Brian Hurn could not help himself—he just waltzed straight out on to the ground. When security asked him to remove himself from the oval, several times in fact, he shot back, 'But I've just got to measure out my run up.' He winked at Ashton and pretended to bowl at Lords.

Perhaps this was his final chance of remembering his cricket days, remembering that in his cricket days he had his best on field effort against England on Boxing Day at Adelaide Oval in 1958. He had a five wicket haul when he was just 19 years of age, playing first-class cricket for South Australia, not a bad effort for a bloke who was a farmer born and bred in Angaston in the Barossa Valley, South Australia.

He did not brag about this, but Sir Donald Bradman came to visit him at his home in Angaston a couple of times: the first was to convince him not to retire from cricket, and another to see if he would be interested in going on a tour of England—not bad for just a country bloke, as Ashton said in the eulogy.

Brian Hurn said he could not go because he was too busy on the farm, and this was of course largely reflective of the times, but I think more so reflective of the sense of responsibility that Brian Hurn had. He had a young family to provide for and, to him, that sense of providing for his family was more important. It was those values that have been such a strength to his own family and future generations, and a strength to the community of the Barossa Valley and also the broader community of South Australia where he still showed those values, which I will talk about a little later in this condolence motion, for all South Australians through local government.

Brian Hurn was a very proud family man who encouraged both his children and his grandchildren to give life a go and live it in your own right. He did not always say much when he spoke, but what he did say you took in. He left not only his family and extended family with many lessons reflective of his remarkable approach to life, but also his friends and his professional colleagues.

Brian Hurn once entertained the Queen when she visited the Barossa a number of years back but, in private moments, he would say to his family, 'I might have met the Queen of England, Ashton', but his wife was his true queen—again, just showing the strength of his love and passion for his wife. He was a man who cared about all members of his extended family and rejoiced in their achievements, no matter what they were.

As Ashton said in the eulogy, he had devotion for her father, William, and her uncle, Stephen. It was unwavering until the very end. Whilst he never overtly showed it, he often told Ashton Hurn how proud he was of them and that he hoped they enjoyed a good life. He was a grandfather to seven, and he was proud of each and every one of his grandchildren. He was a big brother to four, and he was thrilled that the family legacy was continuing and looked forward to it continuing for

generations to come. As Ashton said in the completion of her eulogy, there were still a number of questions that she would like to have asked her granddad:

...but, I never really got the chance in the end. I know that the answers would have been 'live without pretending, stand for something and enjoy yourself'.

There is no doubt, as Ashton indicated in the eulogy, Brian Hurn lived a wonderful, proud life and inspired many of us to be better people. He was a man of character with a mighty heart. It was a privilege to know Brian, and we can all learn from his teachings by actions rather than words.

There was a second eulogy delivered that day, by Brian's best friend, and that integrated well with Ashton's eulogy. I just want to touch on a few points in there, because this could take up many pages of *Hansard*. Again, listening to that friend, he talked about the fact that they were both involved in sport and in community service. He said that, if you had a look at Brian's life, he was indeed a great bloke and was very proud of all his family.

Brian's best mate met him when they were only 18 years old. He said Brian was a bit difficult to get to know in that he was always in a bit of a hurry, and that is because he had so much to offer the community. Already by then, he was a class cricketer and was developing into an excellent footballer, and it was through their football that they became good mates.

Brian Hurn joined the committee of the Angaston Football Club at a young age and served on it for many years. It was during this period that Angaston was very successful on and off the field, and this gave them the impetus to build the outstanding clubrooms that look out over the beautiful Angaston Oval and surrounds. They were both heavily involved in that project, and it was a proud day when another very great South Australian, Mr Max Basheer, opened what was then the new building for the sports club at the Angaston Oval in 1979.

Brian Hurn was also very actively involved in the CFS, and he knew the importance of a strong Country Fire Service. With several other farmers in his area, he formed and then ran what was known as the Tarrawatta Fire Organisation. These gentlemen knew that any outbreak of fire could be controlled reasonably well if you could get it at an early stage, so they set up a number of specifically-fitted small trucks. They carried a water tank, pumps and hoses and were on standby all through the fire season. They were responsible for saving thousands of acres and countless stock over many years. Brian and the other members were very proud of their record over these many years and it is a real credit to him and his colleagues in the CFS that they never lost a man on any job fighting fires.

I think about the tragedy in the Pinery fires and the threat to the Barossa Valley and surrounds and I think about Brian and how he would have strategically looked at trying to combat that fire. Whilst it was strategically combated and everyone involved did a good job, it was people like Brian Hurn, previously involved in the Country Fire Service, who were building that knowledge and that ethos that our magnificent men and women of the CFS offer to protect life and property in this state.

As I said earlier, Brian Hurn had a long career in cricket and was extremely successful. I mentioned that he played for Kensington into his 40s. He played a number of premierships during that time and twice won the Don Bradman Medal for the district cricketer of the year. He was also the Kensington club captain. Much is known about his cricketing career and I was pleased to see the Hon. Ian McLachlan and others, representing the South Australian Cricket Association, attending his funeral with pride and in recognition of Brian's outstanding commitment to cricket in South Australia.

He was an extremely proud member of the Sheffield Shield team and, as I said, he won with his mates in 1963-64. Brian Hurn never made much fuss about the fact that he played with some incredible cricketers, and I would like to put them on the record. One, who I always thought was arguably one of (and will be one of) the best cricketers ever in the history of cricket and knighted for it was Sir Garfield Sobers, known as Garry Sobers. Also, Les Favell, Ian Chappell, Neil Hawke, Rex Sellers, Barry Jarman and Ken Cunningham. But he was particularly immensely proud that he had been given and taken the chance to play with such great team members.

I think this is where the real focus of Brian the family man comes in again, and the fact that, above and beyond all of his incredible achievements, this was mentioned by his best mate in the

eulogy. I think the other important thing was that he could not have played cricket without the total and dedicated support of Gillian, his much-loved wife, because Brian was away from home a lot, as you would expect if you are playing cricket and practising in Adelaide and you are farming in the Barossa Valley.

He much appreciated the support given by Gillian because she kept the whole family outfit running looking after children, orphaned lambs, pregnant ewes and cutting apricots because, as we all know, they not only had sheep and cattle—wool, prime lambs and cattle—but they were involved and still are in horticulture and particularly viticulture today. She worked for the church, the school, the welfare club and various other organisations that needed her skills and dedication, and he could leave his family ably knowing that they were in the best of hands and care and love.

Once he retired from district cricket, he did not turn his back on cricket; he returned to the Angaston Cricket Club and played a role in supporting the club on and off the field. I know as the mayor of the Barossa Valley, not only the Angaston Cricket Club, but sport in general through his position as the mayor, was very much a focus of the Barossa Valley Council and I trust that that will continue into the future. He knew the importance of a healthy, active and vibrant community lifestyle and he nurtured it; and with Angaston Cricket Club he nurtured on and off the field.

In fact, only a few months ago, as I was travelling back through a little town on the edge of the Barossa Valley, I was talking to him on Bluetooth and said, 'Gee, there's a magnificent oval and facilities here.' He prattled off the name of that town immediately; he knew exactly what the council had done when it came to improving the grounds, the lighting, the water, the whole bit. He was a man who paid attention to detail.

Before Brian passed away he was still a member of the Angaston Football Club and, at this time, he still continued to play lawn bowls. It was a sad occasion that we had booked in on a Sunday—sad for me because we knew Brian's time was not going to be much longer on planet Earth and that he was to go to a better eternal life—and I had organised with my wife, Mandy, to catch up (as you do when you are friends and when you get a chance) at Lyndoch at a beautiful restaurant.

Unfortunately, they lost at bowls on the Saturday and Brian had to make a decision between having that lunch that he really wanted to have with us and going back in again to try to win the bowls game. Of course, there was really no question about it; the fact remained that he had to put his sport first. We knew that and, whilst he was not well, he still played his bowls, and was certainly a formidable bowler. In fact, he became a first division bowler and eventually the successful captain of the Angaston Bowling Club. He played in some 10 first division premierships—not a bad effort by any standards. He enjoyed not only the opportunities that bowls directly brings with it as a sport, and particularly being the captain (or the skipper as they are called), but he loved the social side of it as well.

They did not always do it easy and they probably still don't, like most farmers and their families. Brian Hurn's father, Morgan, was trying to develop their property and create opportunities for his boys in agriculture. When Brian was a young lad his father, Morgan Hurn, sent him up north for a time before he returned home to work on the family farm. This practice is useful because many young farmers think the old man is past it and out of touch. Brian was a good learner and his father Morgan was a great teacher so Brian became a first-class sheep farmer with excellent expertise in sheep husbandry. I might say he also had very good expertise in beef cattle husbandry. He could see a secure future in sheep and, therefore, as a very young man, he got stuck into the farm once he came back from the Far North. In fact, in the mid-1960s Morgan Hurn stepped back a little and Brian began to take on more responsibility for the day-to-day running of the farm.

Brian Hurn, I think, has left an incredible legacy for those of us who had anything to do with him and the privilege of associating with him. One that I want to put on the public record in this condolence motion is his understanding of looking after Mother Earth and his particular interest in planting trees. I understand that he planted several thousand trees even leading up into his last few years on his farm property in Flaxman Valley, not far out of Angaston. The improvement to this area is excellent. As those trees grow, they will still continue to provide enormous benefit to not only the stock on Brian's family farm but also, obviously, to the general environment. Brian Hurn knew that

you had to put something back onto the land which would last for many decades. It was a great investment and, as I say, legacy.

Brian Hurn was approached by Colin Angas, a man who I know well, a magnificent South Australian. We all know the great work the Angas family has done for South Australia. However, the fact that a man of the calibre of Colin Angas approached Brian Hurn to stand for the district council of Angaston in early 1978 says it all. He was elected to council and started his civic career on 1 July 1978.

Brian Hurn probably never thought early on that he would be involved for the next 35 plus years as a councillor. In his time, he was a councillor, a deputy chairman and then the last chairman of the district council of Angaston before the creation of the Barossa Council in 1996, during what were probably the first significant amalgamations of local government in the history of the state.

He was the inaugural mayor of the Barossa Council and his long service has rightly been recognised over and over. There was an enormous amount of goodwill and hard work necessary for the creation of this new council and Brian Hurn specifically acknowledged Robert Homburg—another well-known Barossa Valley name—for help and cooperation in bringing the project to fruition.

Not content with his leadership roles in Angaston and then Barossa, Brian was also involved in the LGA, rising to become its vice-president for four years and president for two years. His total involvement with the Local Government Association in South Australia and the Australian Local Government Association covered 21 years out of the 35 that he was in local government.

Twenty-one years is an enormous amount of 'over and above' time for the broader importance of the third tier of government—namely, local government—at the same time as keeping absolutely committed to his responsibilities and passion for the Barossa Valley and the Barossa Council. Rightly, in 1999, he was awarded the OAM and the Local Government Association's John Legoe Award in 2010, both of which acknowledged Brian Hurn's huge contribution in time and effort.

It is appropriate for me to mention here that I am advised that Brian Hurn actually read all the papers—stacks of papers. He did not just walk in and chair a committee meeting. He read the papers; he was blessed with a sharp mind and a very good memory and he often, I am advised, won an argument in discussions on what had been presented to council many months before.

As I mentioned, in Ashton's eulogy, his best mate says that one of the proudest moments of Brian's life was when he had to look after Queen Elizabeth at a civic reception provided by the Barossa Council. Of course, protocol prevented him from telling anything of that day, but he did say that Her Majesty was one of the most delightful people he ever met. She asked Brian the date when she was signing an attendance book. Brian told her the day and month and added the year for good measure, upon which Her Majesty Queen Elizabeth II advised him rather sharply that she was aware of the year.

Brian would sometimes cop a bit of flak about council decisions, as you do, but he would always take the time to listen to his constituents and try to explain why a decision had been made in a particular way. He realised, as he showed leadership in the Barossa Valley, that he had to balance growth and new opportunities with protecting and enhancing existing agriculture and tourism opportunities.

I knew about Brian Hurn for quite a while as a young MP, but I first met him officially soon after I became minister for emergency services, because at that point in time, Brian Hurn OAM was president of the Local Government Association and the CEO of the LGA was John Comrie, and they were a formidable team.

One of the challenges I had—and there were a few when we were bringing the emergency services levy through—was how we were going to negotiate the transfer of assets, because the assets belonged to the councils. Very few assets were actually owned by the state government back then. The assets were owned by the particular councils and the net worth depended on the wealth of the councils and also to a secondary extent on the actual commitment of those councils to the CFS and SES, but at the end of the day, we had to negotiate the transfer of all the emergency services assets from local government to state government. At that point in time, after the State Bank,

the fact was that councils had been hit pretty hard, because state budgets had to be tightened and they also had the issues of amalgamation before them from 1996.

Some of my colleagues—one in particular, whom I will not name—said to me, 'You'll be fine with Brian Hurn; he's one of us,' because I had said, if not just to the cabinet but to the party room, 'Please understand that this will not be an easy exercise, when you're wanting to have literally hundreds of million dollars worth of assets transferred from one tier of government to the other.' By that, what was meant was that Brian believed in the ideology of the Liberal Party and he would not give us too hard a time, he would be able to negotiate it through.

I will never forget that, because we started to negotiate, but what that person forgot was that over and above the fact that Brian had strong beliefs in conservative political parties and government, over and above that was his integrity, above that was his responsibility, and above that was the fact that he knew he was representing tens of thousands, hundreds of thousands, of people across the state with these negotiations.

As a young minister that was a great lesson for me, because as we started to negotiate through I thought I was actually gaining, and was about to go back to cabinet and report the progress and sign off fairly soon. However that was not to be, for the reasons I have just said. He had to put his party politics aside; in fact, I can tell you that he was of such integrity that he did not talk about party politics. He worked with whatever was the colour of the government of the day, because it was nothing to do with party politics for him. What he did not put aside, and rightly so, were his obligations to the people he represented.

So it was not an easy road for me, even though we were professionally friends. In fact, Brian Hurn achieved \$11 million more out of the state government at that time than I ever dreamt he would achieve, and way above what my instructions were. I can remember saying to the premier at the time, 'We've got a problem here, because we have the legislation through and everything is committed now and there are expectations of delivery and rollout, but we can't get tenure of the assets. He is not going to just roll over and he now wants \$11 million to do projects for local government that he felt were under threat.'

He won, and that did not surprise me, because he was such a professional. He was not a state Sheffield Shield premiership cricketer for nothing, he was not a great sportsman for nothing, he was not excelling in farming and in the community for nothing. So when I reflected on it I thought, 'Of course he's going to win, because he has me where he needs me.' We often had a chuckle over that in the years to follow. He was also a man who could not only work professionally but could also still work alongside you and respect you. Whilst he had a job to do, he would not do you over while he was doing that job. That was the man, Brian Hurn.

I want to finish this condolence motion on some of the final privileges I had with Brian. It is not very often that you get a chance to go overseas with a friend, with your own wife and other friends, and learn a lot more—in an integral sense—about someone you thought you knew a fair bit about. However, when you spend three weeks travelling in Europe, when you are together (apart from sleeping) for 24/7—

The Hon. D.W. Ridgway interjecting:

The Hon. R.L. BROKENSHIRE: We did sleep a little, not a lot. Hurnie never used to sleep that much, although he used to say to me, 'Robert, knock on my door in the morning so I can have a shower and I'll be there and I'll get the breakfast table for you,' because he also got the Moët every morning as well, which my wife loved.

The fact was that I had some special times with Brian then. When Ashton and my wife Mandy and Kym and Heather McHugh were going on a bike ride through Europe, we would go on the river cruise, because Brian was not that well at the time. In fact he was suffering immensely—and I knew that—and I was recovering from a hip replacement, so we used to do our own special little walks in the villages and just spend a bit of time together. That is when you really do learn about a friend and about the quality of an individual.

I had a most special and final joyous occasion with Brian, and that was his birthday, just a few months before he passed away. Thanks to Miriam Smith, another really close friend of Brian

Hurn, and Kym McHugh, we decided for old times' sake that we would go to the Cork and Cleaver for an afternoon. I will put on the public record, because Brian would love this, that by the end of that afternoon Brian was a little worse for wear. Notwithstanding that his health was not all that good at that time, we were there to celebrate his birthday, and he was not any worse for wear than the rest of us. He still had the capacity to front up at the crease and hit some pretty good sixes that afternoon.

To Brian's family, be very proud of Brian Hurn. He has been a magnificent contributor to South Australia. It is a privilege and an honour to be able to put part of a very incredible and packed condolence motion onto the public record in the South Australian Parliament for Mr Brian Morgan Hurn OAM, a man who absolutely loved South Australia and who was dedicated and committed to South Australia, and particularly the Barossa Valley. I commend the condolence motion to the house.

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

Bills

RESIDENTIAL TENANCIES (DATABASES) AMENDMENT BILL

Introduction and First Reading

The Hon. D.G.E. HOOD (17:36): Obtained leave and introduced a bill for an act to amend the Residential Tenancies Act 1995. Read a first time.

Second Reading

The Hon. D.G.E. HOOD (17:37): I move:

That this bill be now read a second time.

I rise to introduce the Residential Tenancies (Databases) Amendment Bill. This bill has come about through numerous circumstances, which I will explain momentarily, but predominantly from significant complaints that I have received regarding the operation of the now defunct Residential Tenancies Tribunal and complaints that I continue to get in my office, I should say more specifically, about its success at the SACAT. For members' reference throughout the speech I will refer to examples mostly regarding the Residential Tenancies Tribunal; however, I am hearing the same sorts of complaints about SACAT, the new organisation, the new arrangements for these types of tribunal issues.

This bill that I am introducing alters the criteria for when somebody can be placed on what is colloquially called the TICA database, that is, the database which records problematic tenants, in essence. This bill goes a fair way, I believe, and it actually creates a fair way in which we can begin to protect owners in the properties while still allowing tenants protections and oversight in cases of unfair or overzealous agents and owners.

As I have said in this chamber recently, the reliance upon the rental market is increasing. The recent Senate inquiry into housing affordability stated that we need to move away from the notion that rental properties are short-term accommodation, because the reality is that fewer people are able to enter the property market and many will remain lifelong renters. That is the situation that Australia now finds itself in, largely or at least partially as a result of planning policies which restrict the availability of land, quite relevant what we have been doing this week.

What we therefore need is to foster a tenancy environment where owners have rights over their property and also tenants have security and rights as well. When someone damages or refuses to pay rent towards the use of a property, the owner needs appropriate safeguards to ensure their interests are protected. I do not think anyone would disagree with that.

In a recent *Today Tonight* interview, which aired back in February, so relatively recent, a homeowner by the name of Tracy Coad aired her concern with how the system works, that is, how the SACAT system works at the moment. She says:

Any rights that the landlord had, has been taken away and I just feel helpless. There is nothing left. We are in a situation where you can't protect your property.

I think we need to listen carefully to landlords when they speak in those terms. This is a lady who has invested a significant portion of her life savings into a property to provide housing for the

community and yet, in her own words, she feels helpless and there is actually no way of protecting her property. It is not right and I believe it is untenable.

To give perspective to the financial investment that is home ownership these days, one need only look to the recent data. In June 2015, the median house price for metropolitan Adelaide was \$428,250—not an insignificant sum by any means. A mortgage of this amount with the ANZ bank—I picked one at random—according to their online calculator attracts a repayment amount of approximately \$2,290 per month.

The Australian Bureau of Statistics in May 2015 reported that the average total weekly earning for a South Australian who worked full time was \$1,397.80. Therefore, a mortgage on a median price metropolitan Adelaide house equates to approximately 38 per cent of a person's average total weekly earnings. It is a very high percentage, and therefore you can imagine how difficult that is for particularly low-income earners to ever buy a house at all. Hence the increasing importance of rental properties being available and, I might say, the service that landlords provide; it is sometimes underestimated.

Yes, they are making money out of it, and yes, they are acting out of self-interest, but out of that self-interest they are also providing accommodation for people who otherwise simply may not have any or, if they did, it may be substandard or an arrangement that does not suit them. Landlords provide choice and they provide suitable arrangements for people to put a decent roof over their head.

A home is an enormous investment for the average person. Our laws and the enforcement of those laws should provide the appropriate protection to an owner's investment. We believe this bill is the first step in providing owners with the peace of mind that they deserve. This is, of course, a delicate balancing act that is required to weigh the rights and expectations of tenants and owners, and I think that is a well-established balance.

As I recall in the 2013 debate on residential tenancies, it was widely noted that the rights of the tenant were disproportionately weighted against and to the detriment of owners. This is something that this chamber has had substantial debate about, and there have obviously been varying opinions across the board, which I think is completely healthy and appropriate. These things need to be debated properly, and I think the debate on that particular bill in this chamber was an example of exactly that.

Many in this chamber expressed hope that the Residential Tenancies (Miscellaneous) Bill would bring that necessary balance, but from correspondence I have received from agents and landlords, certainly in their view that has not occurred, and I must say I am inclined to agree.

Before I continue outlining the changes I am proposing under this bill that I am putting before the chamber this evening, I want to place on record the reason why I believe these changes are necessary, and I will outline some of the concerns that have been raised in doing so.

I think a good example of that occurred in a *Today Tonight* interview in February this year, where property manager Mark Leslie, who owns a large property management business, described an application to the tribunal, to SACAT, claiming unpaid rent and water debts. This particular individual had substantial unpaid rent. To be honest, I cannot recall the exact amount, but it was a substantial amount, and then water bills that were unpaid as well.

Remarkably, after he had gone through the process, lodged the appropriate forms, treated everyone with the appropriate respect, etc., even though clearly the landlord had done nothing wrong and the tenant was in clear breach—there was no dispute—of the rental agreement that they had with the landlord, he was told that the landlord would have to compromise, despite the fact that they were legally 100 per cent in the right position. So, essentially, the owner (that is, the landlord) was told to cover the costs of someone else's living expenses—that is, their water bills. For many mum and dad investors, if you will, they simply cannot afford this impost.

To Family First, this is unacceptable. It is simply unfair. Why should a landlord be made to cover the costs of someone else's living expenses when they have absolutely complied with the law in every way? That was even agreed to by the tribunal; the tribunal stated they had done nothing wrong. Why should they therefore be compelled out of some act of compromise or meeting in the

middle to pay someone's water bills? They are essentially paying for someone else's living expenses, and that just is not right.

In general, agents attempt to recoup the moneys owed to their landlords via the tribunal. However, as I have just outlined, and as I am told in other cases, when orders are made in favour of the owner they usually fall significantly short of the actual debt owed. I have sat in on the tribunal myself in order to see it in action, as I did not wish to talk about something I had not experienced. I have seen very favourable rulings towards very difficult tenants, rather than what I would consider fair and reasonable rulings that one might expect of a so-called independent arbiter.

It is not hard to see why many would accuse the tribunal of being, in their words, another arm of welfare. It is just not right. In a situation where a landlord ticks all the boxes, makes sure that their house is in good order and that they are fulfilling their end of the bargain, it is not unreasonable to expect the tenant to fulfil their end of the bargain as well. When something does go wrong, they should be able to go to the independent umpire and say, 'Look, the tenant has not met their requirements under the agreement.' I think most people would reasonably expect that the tenants would have to foot the bill. That is not what is happening, by and large; in some cases it does, and in a lot of cases it does not.

As I understand it, the process is that the landlord issues a notice when there is a breach of the act. The first notice cannot be served until a tenant is at least 15 days behind in the rent, so they are already just over two weeks behind before they can even issue a notice. Then an owner or an agent—that is, a landlord or an agent—can apply to the tribunal for a hearing. There are several listing delays at the tribunal, which can add anywhere up to four or five weeks and sometimes more (I have heard of cases where it has been up to seven weeks before they actually get a hearing), and then typically the tenant is given somewhere in the order of seven days from the tribunal appearance before they are evicted, assuming, of course, that they do not appeal the decision which, if they do, prolongs the process even more.

All the while during this process, it is actually costing the owners money because they get to a stage where they are about six, seven or eight weeks, depending on the actual time frame and the specific circumstances, out of pocket because they have not received rent for that entire time. Usually, a bond is for four weeks, so even if they are awarded a bond (which is no certainty in my experience), they will get their four weeks. In some cases, it can be five or six weeks, but generally they will get their four weeks, and they are out of pocket automatically just through the standard process, even if the process flows exactly as it should.

That is an unacceptable situation for landlords. I am talking about a model landlord here who does the right thing, and I accept that they are not all like that. When the landlord plays by the rules, ticks all the boxes and does the right thing, I think they have a reasonable expectation to come out of the process not out of pocket, yet the way the system works in its normal way of working—and this is the point I want to make, that this is not exceptional—often sees a good landlord out of pocket.

The government has been explicit that they do not consider that costs incurred during this process should be recoverable by the successful party to applications under the SACAT model, but again this becomes yet another unjust cost the owner is ultimately being required to cover due to the poor tenants and the tenants not playing by the rules, if you like.

I will just give members some insight into the TICA database. Essentially, it is a database that a tenant's name is listed on and then comments can be made about that individual tenant. This database operates now, it is nothing new, it is not something I am inventing in this bill and it works at the moment, but in a moment I will get to what I would like to see changed on it. If the TICA database worked properly, I believe that it would prevent a lot of these issues from arising and certainly limit the number of applications being made to SACAT. It would be a good thing for SACAT. They are overwhelmed with the number of cases being presented to them, so it would be a good thing from the administrator's point of view as well, but it would also, I believe, create greater fairness for the landlords.

Given the increasing reliance upon rental properties, we need to give serious consideration to protecting the rights of landlords, otherwise we may simply lose some of our much needed rental properties from the system as owners give up on the system which can, in some cases, severely let

them down. I think it is important for the chamber to consider the consequences of something like that happening.

If we had a situation where landlords decided that owning a rental property and renting it out to individual tenants was just too hard, the risk was too high, the chance of recovering their costs was too low, that it is essentially not worth the trouble, then the logical move for that individual landlord is to decide that they will no longer offer a property for rent. They will sell up their property or properties and decide to invest their money elsewhere. They may invest in commercial property perhaps, they may decide to go into the share market, there is a whole lot of things they can do with those funds, whether it is borrowed money or not.

Of course, the significance from a social aspect would be the impact on the housing stock available. We would see a decline on rental housing available and we know from past experience when rental stock decreases, the weekly rent averages increase; that is, it costs more to rent the same house when there are fewer of them available. It is a simple fact of supply and demand. I believe if we do not fix one of the problems, being the TICA database, which I will outline in a moment—if we do not fix this problem and if we do not create a situation that has a good balance between landlords and tenants, then we run the risk of a reduced supply of rental properties which would be tragic. Quite simply, it would price a lot of people out of the market. We would see increased homelessness, we would see terrible social consequences. Again, to restate it, I think it can be underestimated the social good that landlords provide by making available rental properties.

The Residential Tenancies (Miscellaneous) Amendment Bill inserted—and this is the one we dealt with a couple of years ago—the residential databases part 5A provisions which dictates when a person can be listed on the national database. The industry experts who have contacted me say that it is incredibly difficult to list bad tenants on the TICA database. It should not be so, but it is. The notion behind listing a bad tenant on the database is twofold. It can act as a deterrent to tenants to behave in a way which would get them essentially blacklisted from future tenancies, but also provides an important service by way of notice to future landlords that this person has caused damage or failed to pay the rent under a previous tenancy.

This is an important safeguard for landlords as it allows them to better vet their future tenants and thus protect their valuable assets which are often heavily mortgaged. We need to ensure that agents are able to appropriately use this database to convey timely information to other agents about the tenants that they have had renting from their properties. The original intention behind listing tenants on the database was to alert new agents and landlords to the attributes of the tenants, whether they be good or bad, so that an informed decision can be made as to whether or not to grant tenancy to that individual when they apply to rent their property.

Effectively the database was intended to be used as a referral system, thereby streamlining the application process for those applicants with a rental history and eliminating the need to place calls to past agents which is what happens at the moment and is not supposed to if this database worked properly. For example, where an agent had a reliable tenant, they would list them as highly recommended or, where the tenant caused damage to the property, they would note the damage on the database so that a future agent or an agent who has an application from that individual could simply go to the database, have a look and see that they paid their rent on time, kept the property in good order and say, 'Terrific! We will have them.' Alternatively, they will see that, no, they left the property in disarray and did not pay the rent and say, 'No, we do not want them to rent,' and it would be a pretty simple thing.

The incarnation of the TICA database that we have now falls well short of this ideal approach, and I hope this is something the government will commit to investigating more fully in due course, especially as it has the potential to ease the burden on SACAT. As I said, I think it is a win for government as well. For an agent to list a tenant on the TICA database at the moment, they must fulfil the elements of section 99F of the Residential Tenancies Act. From the advice I have received from agents, the tribunal has been interpreting the words 'has ended' in section 99F(1)—and this is referring to the end of their tenancy—to mean that the tenant is no longer residing at the premises as opposed to the lease ending due to a material breach, and I will explain that in a little more detail if that is confusing for members in a moment.

The problem with the current interpretation of the provisions, that is interpreting it that their lease has to have ended, is that tenants who damage properties and/or break leases then move into a new property well and truly—and this is the key point—before the landlord is able to list the tenant on the database. So a tenant, who has somehow avoided paying rent for months, can then move to the next unsuspecting landlord and repeat the same behaviour without any real consequences and with the new landlord being informed in a timely manner.

I guess the key point there, just to go through that in a little bit of detail in the few minutes that we have until we break for dinner, is that fundamentally how the TICA database works now is that an individual tenant is not able to be listed on the database, first of all for any good that they do—that has been excluded. They should be able to be listed on there if they have been a good tenant, for example; why not create a situation where their good tenancy can be recognised so that other landlords can be keen to even offer them a rental discount, perhaps, to have them rent the house.

At the moment, how it works is that a tenant can only be listed on the TICA database once the tenancy has ended; that is, once they have left the house. The problem is that they are usually in a new house by then and so the new landlord considering this individual tenant as a tenant in their property does not have the opportunity to refer to the TICA database to see if they are actually suitable to have as a tenant in their place.

The interpretation that has been carried over at the moment, the way the whole situation works, leads to a situation where agents, and therefore owners, are not alerted to the dangers of their potential new tenant prior to the signing of a new lease. They have already signed the lease when they become aware that they have just signed up a bad tenant. Owners are therefore denied this sensible safeguard for their investment, despite having a system in place which can actually fix it.

It is an absurd situation. Agents should be able to place tenants on the database at any time during their tenancy, in my view, if they have failed to repair a damaged property or failed to pay their rent. Equally, they should be able to put them on there if they have done the right thing, which would help them in their future, no doubt.

This bill provides that a person who is named as a tenant in a residential tenancy agreement, who has breached the lease and the breach (1) has resulted in the person owing the landlord more than the bond for the tenancy, (2) has resulted in the tribunal terminating the tenancy or (3) has been given an s80 notice of termination which has not been remedied, may be listed on the TICA database.

Simply, in the last few minutes that I have, these are the three ways that somebody will be listed on the TICA database. Just to go through them again: somebody has basically left the property owing the landlord more than the bond; or they have had their tenancy terminated for one reason or another; or they have been given an s80 notice, which is a similar thing. Under those three circumstances, they can be listed on the TICA database.

This bill provides a review power, whereby an aggrieved person may apply to SACAT to review the listing. That is, there is a right of appeal, if you like. SACAT can then order the operator to amend or remove the listing if they are satisfied that the breach was not sufficiently serious to justify termination. I believe this is an appropriate protection to ensure that tenants' rights are duly weighted against the rights of owners and landlords, and indeed future landlords for that individual. It also provides a protection against agents who may be overzealous in their listing of tenants as well. I think it strikes the right balance, is the point.

This amendment does not bring TICA in line with its original design. As I mentioned, you should be able to list good tenants on a TICA database and explain why they have been good tenants. As I said, I have asked the government to consider that option more thoroughly in due course. However, it does provide better outcomes for agents and owners in the screening of potential tenants. It is more timely; that is the point.

Whilst the bill does not cover the issue of domestic violence, I need to mention that I note there is protection provided for those affected by the domestic violence provision within the yet to be finalised Residential Tenancies (Domestic Violence Protections) Amendment Bill that we passed earlier this year. That bill created a 99F(1)(e) provision, which allows a tribunal to make an order preventing the listing of a person on the database due to domestic violence issues where appropriate.

In conclusion, an agent needs to be able to justify their listing should the matter be referred to SACAT, and under the current act an unauthorised listing carries a \$5,000 fine. Placing a tenant on the TICA database is not something an agent does lightly, and nor should it be. They would then be subject to a fine if they did it incorrectly or maliciously. That being said, listing poor tenants on the TICA database is the appropriate protection of an innocent and unsuspecting future landlord and agent. Why shouldn't they have that information available to them when they are leasing their very expensive asset to an individual?

This bill goes some way to balancing the rights of the tenants and the landlord, and it provides an additional layer of protection for landlords. I strongly believe that we need to create better protection for landlords, owners and agents. Ensuring that our landlords and owners are protected by tenancy laws is just as important as protecting those who are tenants. I support both of them. Industry has asked for this bill, and I believe that it is a reasonable and necessary change. I guess at one minute to six it is probably a good time to end, but I expect that this is something to be done relatively quickly, relatively easily. I suspect that it will have broad support; I certainly hope so and I commend the bill to the house.

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

Sitting suspended from 18:00 to 19:45.

Motions

NUCLEAR WASTE

The Hon. M.C. PARNELL (19:45): I move:

That this council—

1. Notes that three of the six sites shortlisted by the commonwealth government for a national nuclear waste dump are in South Australia;
2. Recalls the vigorous campaign fought by the Rann state Labor government over many years against a nuclear waste dump being imposed on the people of South Australia; and
3. Calls on the state government to again stand up for the people of South Australia by opposing the establishment of a national nuclear waste dump in this state.

On 13 November of this year, the federal government announced the shortlist of six sites nominated to store low and intermediate level nuclear waste. These six sites were among 28 who volunteered to host the so-called national radioactive waste management facility. The federal government is planning to select a single location by the end of next year. Federal government designs, commissioned in 2013, show 100 hectares of land will be required to house the national repository, which would involve about 40 hectares of buildings and other structures.

Landowners were asked to volunteer their land, with the government offering to buy it at four times the market value. Local communities are being offered \$10 million for local projects. Three of the six shortlisted sites are located in South Australia: Cortlinye, Pinkawillinie and Barndioota, while the other options are at Hale in the Northern Territory, Sallys Flat in New South Wales and Oman Ama in Queensland. The three sites in SA are in the electorate of federal Liberal government MP Rowan Ramsey, who is so supportive of the dump that he offered to build it on part of his own 2,400 hectare property at Pinkawillinie (near Kimba), but that was knocked back as a perceived conflict of interest.

This is not the first attempt by a federal government to create a national nuclear waste dump. Their previous attempts to dictate where they would build their dump were unsuccessful. Just last year, on 19 June, the government announced that it would not be proceeding with the nomination of Muckaty Station (120 kilometres north of Tennant Creek in the Northern Territory) as a site for a nuclear waste dump.

Under the 2012 act, the National Radioactive Waste Management Act, any proposed site must be voluntarily nominated and agreed to by people or groups with relevant rights and interests. However, this site had been nominated in 2007 and what followed was a vigorous campaign to oppose the building of a dump at Muckaty for the next seven years by the traditional owners, with support from national health and environment groups and trade unions. The traditional owners said

that they were not consulted before the site was nominated in 2007 and that the process had bypassed legal requirements set out in the Aboriginal Land Rights Act.

The legal battle reached the Federal Court in June 2014, before a settlement was reached and the federal government's plans were dropped. Even though the traditional owners were overjoyed at the outcome, it was not without huge cost; in particular, the creation of conflict and divisions within the community. Chief executive of the Northern Land Council, Joe Morrison, stated that:

The most concerning thing for the Northern Land Council was the divisions created through the litigation within the families of Muckaty Station, and it's on that basis that the offer of settlement was accepted.

There is great division that have been created through this.

The most pressing matter for the Northern Land Council is that we would focus on reconciling the families at Muckaty.

Traditional owner, Lorna Fejo, said that she had fought hard to protect the land for her children and grandchildren. She said:

I feel ecstatic. I feel free because it was a long struggle to protect my land. 'My grandmother gave me that land in perfect condition and other lands to my two brothers, who are now deceased', she said in a statement. 'It was our duty to protect that land and water because it was a gift from my grandmother to me.'

The Australian Conservation Foundation's Dave Sweeney said that the settlement was a tribute to the traditional landowners. He said:

For 'seven years' the Muckaty people have been under the pump, have said 'no', and that has been heard.

The Northern Territory dump land followed an abandoned proposal to dump radioactive waste in South Australia. In 1998 the Howard Liberal government announced its intention to establish a national nuclear waste dump in South Australia, and in May 2003 it announced its intention to build the dump on Arcoona Station north of Woomera. Mr Howard abandoned the plan in 2004, following strong opposition to the dump.

The Irati Wanti, which means 'the poison, leave it' campaign, was led by the Kupa Piti Kungka Tjuta, the senior Aboriginal women of Cooper Pedy, with fierce support from the state government, led by then Labor premier Mike Rann, as well as support from environmental groups, antinuclear groups and trade unionists, including the CFMEU, the Maritime Union of Australia, the Australian Council of Trade Unions and the South Australian United Trades and Labour Council. On that very day that the federal government announced the site for their national dump, 9 May 2003, Premier Mike Rann said on ABC radio:

We're going to fight them every step along the way because I don't believe this is in the interests of South Australians and neither do—

Members interjecting:

The PRESIDENT: Can the Hon. Mr Parnell keep it down a bit, I'm having difficulty hearing their conversation.

The Hon. M.C. PARNELL: Fair enough. The Premier said:

We're going to fight them every step along the way because I don't believe this is in the interests of South Australians, and neither do South Australians. All of the opinion polls show a massive majority of South Australians don't want us to be the nuclear waste dump site. We played our part for the nation during the Maralinga test series, and that's why I am going to fight it.

The South Australian parliament also passed legislation in 2003 banning the establishment of the national dump in this state and the transport of radioactive waste from interstate.

Even the ALP national conference, at its January 2004 meeting, committed a future federal Labor government to abandon plans for a new nuclear waste dump in South Australia. At that meeting Mike Rann successfully moved an amendment to the ALP's environment policy, condemning federal government attempts to compulsorily acquire land in the state for a nuclear waste dump. He said:

The South Australian government will continue to fight the imposition of a national radioactive waste dump. In the final analysis, at the end of the legal and the political struggle, I hope the will of the people will prevail.

In that case it did. The federal government abandoned its plans to build a single national radioactive waste dump in South Australia after a Federal Court ruling in June 2004 that the commonwealth's compulsory acquisition of land for a site in South Australia was unlawful. They then announced that they expected each state and territory to build its own waste storage site instead.

But, that did not happen, and now we see the federal Liberal government has changed tack again and gone down the path of seeking volunteers. In February this year the former chairman of the Australian Nuclear Science and Technology Organisation, Mr Ziggy Switkowski, said:

A nuclear waste dump in South Australia can earn the state billions of dollars in revenue if we accept not just domestic but international nuclear waste also.

He also said:

There is an awful lot of toxic radioactive material from civilian and nuclear programs that is being stored, probably imperfectly, around the world.

The following week saw South Australian Premier, Jay Weatherill, make a surprise announcement that a royal commission will be set up to examine the future role the states should play in the nuclear industry. Just three weeks later the federal government called for site nominations, giving landowners the chance to nominate their property to become Australia's first nuclear waste dump. Under their process, state and territories are not able to veto the decision, and that brings us to where we are now with three sites in South Australia being shortlisted.

Two weeks ago, I met with 30 of the local residents who have properties adjacent to or near the two sites at Cortlinye and Pinkawillinie, near Kimba. It will not be any surprise to anyone here when I tell you that they are not happy. They are strongly opposed to having their local area becoming the country's or possibly the world's nuclear waste dump. Grain farmer, Cameron Scott, whose property is adjacent to the land nominated at Pinkawillinie, and who, with his wife Toni, hosted our meeting at their home, said last month that:

The first thing that hit me was safety—we've got kids, we've been here for three generations and we want to look after their future. What will this do for our price of land, who wants to buy land next to a radioactive waste dump and what will happen to the price of our grain?

Toni Scott said:

We need to get our community to understand that this is for thousands of years, that once it's here it's forever.

The Government keeps saying it's a low-level waste facility yet it's not, it's low to intermediate. These fuel rods coming back from France, it's dangerous. It's frightening for the health of my children. I don't know that I'll feel safe living next to it. We are worried about farming next to it and what that could do to our industry.

Kimba council mayor, Dean Johnson, whom I had the privilege of meeting here in Parliament House just a few weeks ago, has acknowledged that farm owners closest to the proposed sites were worried about the potential impact. He said:

Our community and its well-being is our first priority...There's absolutely concern but nobody has been able to answer any questions for us yet.

The other site is at Barndioota in the Flinders Ranges, and that is a cattle station part owned, I think, by former Liberal senator, Grant Chapman, who nominated the site. Although no native title claim can be lodged over the area as the property is governed by a perpetual crown lease, Aboriginal heritage legislation does apply, and the Adnyamathanha Camp Law Mob have questioned which traditional owners have been consulted, saying they wanted no further expansion of the nuclear industry. Spokesperson Jillian Marsh, in a media release on 16 November, said:

Our involvement in this industry is nothing new. We were concerned by the government agreeing to uranium mining activities that have now permanently contaminated our land and our groundwater. We want no further expansion of the nuclear industry and we will continue to fight for our rights as Traditional Owners in respect of the wisdom of our old people that came before us.

That's what Traditional Owners do. We care for our country. We only wish governments and industries would do the same. Stop playing with our future and care for our country.

The Conservation Council South Australia chief executive, Craig Wilkins, said that the organisation was concerned that a national waste dump could open the door to high-level nuclear waste from power reactors around the world. He said:

Just because a landowner has offered their property doesn't mean the wider region, including those places along transport routes, are in favour.

The hosting of a national nuclear waste dump raises serious risks well beyond the dump-site. There are huge reputational risks for our state.

The government's claim that a national nuclear waste dump is needed for continuation of nuclear medicine in Australia has been publicly contested by medical specialists and experts, and it is this topic to which I wish to devote most of the remainder of my remarks. Radiologist Dr Peter Karamoskos has said:

It is at best misleading and at worst a lie to claim that a large-scale nuclear waste repository such as what is being proposed would be solely justified to handle the minuscule amounts of nuclear medicine waste generated in Australia.

Margaret Beavis, a GP and the national president of the Medical Association for Prevention of War, had a short opinion piece published in *The Sydney Morning Herald* last Wednesday on 2 December, and I want to refer to that article. I was pleased to host Margaret and a number of her colleagues in Parliament House several months ago at a round table in the Old Chamber, discussing amongst other things South Australia's future role in the nuclear industry. The article by Dr Margaret Beavis in *The Sydney Morning Herald* is headed 'Is Australia becoming the world's nuclear waste dump by stealth?' and states:

When it comes to justifying new nuclear waste storage, a lot has been said about it being essential for medical diagnostics and cancer treatment. This is misleading. It blurs two distinct components of nuclear medicine—the production of isotopes and the use of isotopes.

Australia's medical use of isotopes creates very little waste. In contrast, reactor production of isotopes generates considerable amounts, and ANSTO (the Australian national nuclear research and development organisation) is very quietly proposing to dramatically increase production to supply 30 per cent of the world market. This will significantly increase Australia's nuclear waste problems.

On the 'use' side, the vast majority of isotopes used for medical tests are very short-lived. They decay on the medical facilities' premises until their radioactivity is negligible. They can then be disposed of in the normal waste stream (sewers, landfill etc.) according to set standards. There is no need for a new nuclear waste facility for these isotopes. Most cancer radiotherapy uses X-rays which do not produce any waste at all. A very small proportion of cancer treatments need radioactive materials, which are also too short-lived to require a remote repository, or are legally required to be sent back to the (overseas) supplier once used up. There is a very small amount of legacy radium relating to cancer therapy in the past, however, this has not been used in Australia since 1975.

On the other hand, using a nuclear reactor to manufacture radio isotopes creates a significant amount of intermediate and low-level waste. ANSTO has recently unilaterally decided it will dramatically increase its production of medical isotopes at the Lucas Heights reactor to supply 30 per cent of the world's needs. This business decision assumes that it will not have to pay for the disposal of the waste produced, even though it will need securing for many thousands of years.

This decision ignores the reality of technology that enables isotopes to now be produced using accelerators and cyclotrons; i.e. without using a reactor and without generating large quantities of radioactive waste. This is fast approaching commercial scale and economic viability. ANSTO's decision contrasts with that of the Canadian nuclear authorities, who have for some years been actively phasing out reactor production, and pouring money into developing non-reactor technologies.

Canada, the world's single largest producer of medical isotopes, independently reviewed its nuclear industry in 2009 and decided not to build a new reactor. Several reasons stood out: investment in reactor production of medical isotopes would crowd out investment in innovative alternative production technologies both domestically and internationally, Canada did not want to continue being the radioactive waste site for other countries' nuclear medicine industries, it created supply vulnerabilities, and at no stage was it commercially viable without massive taxpayer subsidies.

The ANSTO decision represents vested interests entrenching a reactor-based model and crowding out development of other options. In many ways it is like the coal industry boosting production to stop wind and solar development. Like coal, the business model relies on not being responsible (financially or socially) for the waste it leaves behind.

We urgently need an open conversation about whether we want to pick up the world's waste tab when it comes to producing medical isotopes. This is a policy choice that will leave Australia storing waste from isotopes produced for international markets. The market price for these isotopes does not factor in the price of storing this waste, which falls to the taxpayer and the community unlucky enough to be landed with it. It is taking Australia down a path that Canada has rejected.

The bottom line is that storage of nuclear waste from reactors is difficult, requiring long-term isolation and security.

We need transparent, informed and clear discussion of what our choices are. We have an obligation to future generations to minimise the waste we produce. There needs to be a considered and open debate about where existing waste is most safely stored in Australia. And it needs to be absolutely clear to ANSTO that we do not want to be left holding the world's radioactive waste by default.

The Australian community is far from convinced about taking on more radioactive material on behalf of the international community. ANSTO needs to be much more explicit about what it is planning. As a government-owned entity it has a responsibility to be upfront and consult with the community.

When it comes to such long-term decisions about radioactive materials, sleight of hand is not good enough.

That is the opinion piece in *The Sydney Morning Herald* from Margaret Beavis, GP, and national president of the Medical Association for Prevention of War. Most of Australia's existing nuclear waste is kept at Lucas Heights in New South Wales and another historic facility at Woomera in South Australia. Friends of the Earth national nuclear campaigner, Dr Jim Green, has said that nuclear waste dumps pose serious risks to the environment and the health of those living nearby. Dr Green stated:

There's no obvious reason to be moving that vast bulk of radioactive waste and, in particular, Lucas Heights has the facilities, the storage capacity, the expertise and it simply does not make any sense to be moving the waste out of Lucas Heights.

I created an online petition a little while ago under the heading 'No nukes for SA' and I am pleased to say that 1,111 people have signed it so far. An additional new petition that I have put out called 'No nuclear waste dump for South Australia' has at present 41 signatures, more than half of those in the last eight hours. My expectation is that the number of South Australians who sign both those petitions in coming weeks and months will certainly exceed the 1,100 or so that we have obtained so far.

With those words, the Greens call on the South Australian government to again stand up for the people of South Australia, as former premier Rann did, by opposing the establishment of a national nuclear waste dump in this state.

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

SOLAR CITIZENS

The Hon. M.C. PARNELL (20:07): I move:

1. That this council congratulates Solar Citizens on its campaign to protect households with solar panels from discriminatory pricing structures sought to be imposed by power utilities; and
2. Calls on the state government to ensure that South Australians who embrace solar power will not be unfairly treated for doing their bit for the environment.

Solar Citizens is an independent, non-profit, community-based organisation working to protect and grow solar power in Australia. With chapters across Australia, it is becoming one of the most effective and influential consumer organisations in this nation. In South Australia, one in four households now have rooftop solar and the power generated from these solar households currently meets about 5 per cent of South Australia's total energy demand.

However, that is just the tip of the iceberg because the 190,000 solar households in South Australia producing 570 megawatts of rooftop solar power will, over coming years, be eclipsed by a massive boom in that industry. The Australian Energy Market Operator has said that this solar capacity could rise fivefold over the next two decades, meaning that rooftop solar could meet all of the state's demand on some days within a decade. By 2034-35, along with large-scale renewables such as wind energy and solar PV, renewables collectively could be providing the equivalent of all of the state's power needs.

So despite the environmental good that these solar owners are doing by reducing greenhouse emissions, earlier this year SA Power Networks applied to the Australian Energy Regulator to implement a residential solar tariff. This new tariff would end up costing solar households an extra \$100 more in network charges per year, and would subsequently act as a disincentive for people to install solar PV on their properties.

However, the Solar Citizens stood up against this discriminatory proposal from SA Power Networks, and they rallied community support by collecting nearly 3,000 signatures and letterboxing many solar households. They sent a clear message to the Australian Energy Regulator to reject SA Power Networks' residential solar tariff, which attacks those who are helping environment.

I would like to refer to an article that was published in the journal *Renewal Economy* back on 14 August under the heading 'SA Power Networks fights to charge solar homes \$100 per year more for the grid'. The article, by Sophie Vorrath, includes the following:

Solar Citizens national director Claire O'Rourke, says that the move to overturn the AER's decision on the special solar fee was just the latest attempt by SAPN to discriminate against solar homeowners. 'This is a brazen money grab from SA Power Networks who want to target solar homeowners, and are again trying to push through unfair fees onto the solar community by any means possible,' O'Rourke said...

'When SA Power Networks first proposed these new taxes on solar homeowners there was widespread community outrage. South Australians sent a clear message that they would not accept this attack on solar homeowners and the AER listened and rejected the proposed fees. It's time for SA Power Networks to listen too, and to stop trying to penalise those in the community who are embracing renewable energy.'

'SA Power Networks can either attack or embrace the community energy revolution. This latest move indicates they intend to undermine the efforts of thousands of South Australians who have chosen to take control of their electricity bills by making the switch to solar... This is an unacceptable move by SA Power Networks and we call on them to put a stop to this witch-hunt,' said Ms O'Rourke.

The Solar Citizens' campaign was successful, as I have alluded to, and on 29 October this year the Australian Energy Regulator handed down its final decision, where it rejected SA Power Networks' unfair tariff.

However, it is not over yet. SA Power Networks has now applied for a judicial review in the Federal Court of the Australian Energy Regulator's decision. I am very pleased to say that a number of consumer groups have now joined that court case, in particular, the Total Environment Centre and also Solar Citizens. Another article from the *Renewal Economy* news service, this one by Giles Parkinson on 16 November this year, said:

Consumer groups have joined a court fight against South Australia's main utility over a proposal to slap increased network charges on households with rooftop solar. The consumer groups see it as a crucial line in the sand to stop other utilities from following suit, and slapping more charges on 1.4 million solar households across the country.

I mentioned that one of the groups involved in the court case was the Total Environment Centre. Their spokesperson, Mark Byrne (a former South Australian, if I am not mistaken), made the point that if SA Power Networks succeeds in introducing the charge, other network operators around the country would follow. To quote Mr Byrne:

We consider it likely that if SA Power Networks is successful in its appeal, other networks around Australia will seek to introduce similarly discriminatory tariffs on solar customers, increasing their costs and slowing the introduction of a decentralised and renewable energy-based electricity system.'

The Total Environment Centre, as I said, with Solar Citizens, which I did not mention before, has 90,000 members, so they are a big organisation, and they are funded by Energy Consumers Australia. I am delighted that their application to join the SA Power Networks court proceedings was approved back in mid-November.

It would be nice if that were the end of it, but clearly it is not. SA Power Networks have a number of other tricks up their sleeve, where they are trying to discriminate against solar customers, and in particular with their current ploy of moving customers onto so-called demand tariffs. Demand tariffs are an interesting beast that have a lot of merit, but they are also being used by electricity utilities to discriminate against solar.

In fact, I convened a round table here in Parliament House a few months ago with a number of small businesses, along with the Small Business Commissioner, to try to work out whether any action could be taken to prevent these small businesses being pushed onto a demand tariff, which effectively meant that if they installed solar panels it cost them more, which made no sense at all. People put solar panels on to reduce their demand for electricity from the grid and thereby reduce their costs; nevertheless, demand tariffs can act in a perverse way.

The introduction of demand tariffs by SA Power Networks would reduce the uptake of solar power in South Australia by about 50 per cent in coming years, although perversely it could accelerate the uptake of battery storage and thereby the disconnection of many customers from the grid altogether. The Total Environment Centre supports demand tariffs, but they argue that they should be properly structured. They prefer tariffs that are based on critical peak use, meaning that tariffs should be structured according to network peaks rather than individual consumer peaks, which may be at different times.

A good example is one group (I think it was a tennis club) that came to see me. The one day of the year that they used a lot of electricity was the day of their Christmas party. They had all the fridges running, they had all the lights on and probably the air conditioners because it was summer. That was the yardstick against which their tariffs were set. Their tariff was set as if they used that amount of electricity for the entire year; in other words, SA Power Networks used the peak and then made that effectively the price. The national director of Solar Citizens, Claire O'Rourke, said that the move by SA Power Networks was an attempt by SA Power Networks to 'gouge' solar homeowners, and to quote her:

[They] are again trying to push through unfair fees onto the solar community by any means possible.

That is where the story is at the moment. I will have more to say about this when the judicial review proceedings progress in the new year. For now, I seek the leave of the council to continue my remarks at a later date.

Leave granted; debate adjourned.

AGRICULTURAL LANDSCAPE WORLD HERITAGE BID

The Hon. M.C. PARNELL (20:18): I move:

That this council urges the state government to support the Mount Lofty Ranges Working Agricultural Landscape World Heritage Bid spanning the world-renowned food, wine and tourism regions of the Barossa Valley, Adelaide Hills, McLaren Vale and Fleurieu Peninsula.

The bid for UNESCO world heritage listing of the Mount Lofty Ranges agricultural landscape, which encompasses the Barossa Valley, the Adelaide Hills, McLaren Vale and the Fleurieu Peninsula, was first suggested by Professor Randy Stringer, an expert in global food economics at the University of Adelaide, in 2012.

The idea first came to public notice around the same time as the Barossa and McLaren Vale character preservation legislation was being debated here in state parliament. Before joining the University of Adelaide, Professor Stringer was chief of the Comparative Studies Service at the United Nations Food and Agricultural Organisation and had worked with UNESCO in Rome.

The world heritage bid, including the feasibility study currently underway, is funded by six councils in partnership with Regional Development Australia Barossa and the University of Adelaide. The councils are looking to form a regional subsidiary in 2016 to pursue, first, national heritage listing and then world heritage listing. The councils involved include the District Council of Mount Barker, Adelaide Hills Council, Barossa Council, City of Onkaparinga, and Alexandrina Council, and its affiliates include the District Council of Yankalilla and the McLaren Vale Grape Wine and Tourism Association.

Onkaparinga mayor, Lorraine Rosenberg, and Kurna Nation Cultural Heritage Association representative, Jeffrey Newchurch, have both been vocal in their support. Also involved in the bid is Margaret Lehmann (wife of the late Barossa wine legend Peter Lehmann), and a person I have not met called Patricia Michelle, who I am advised is Julie Bishop's sister, is also involved in the campaign.

What types of landscapes have been recognised by UNESCO as agrarian landscapes? The list is quite impressive—for example, the Loire Valley, in France; Cinque Terre and the Val d'Orcia, in Italy; and Tequila, in Mexico. Champagne and Burgundy apparently are also seeking UNESCO recognition, so we are in very good company.

What makes the South Australian bid relevant to UNESCO and to world heritage listing is an interesting story that melds both historical and current factors. The brochure provided by the Mount

Lofty Ranges world heritage bid team says the following about what makes the Mount Lofty Ranges a UNESCO world heritage area:

South Australia's utopian origins were shaped by some of the greatest thinkers of the colonisation era. Colonisation theorist and entrepreneur Edward Gibbon Wakefield, free market economist John Stuart Mill and philosopher Jeremy Bentham all had a say in the founding of the state. The international significance of that colonisation history forms the basis of our UNESCO bid, as we show how the innovations of the era continue to be reflected in the contemporary landscapes, settlement patterns and evolving rural land use policies of the Barossa, Adelaide Hills, McLaren Vale and Fleurieu Peninsula.

UNESCO World Heritage listing would celebrate our diverse and dynamic agricultural landscapes and allow them to evolve and develop under local and state planning control.

If successful, we would join an elite global club that includes landscapes in Tuscany, Cinque Terre, Champagne and Burgundy. Managed by a consortium of six councils in partnership with Regional Development Australia Barossa and the University of Adelaide, the bid has a core ambition to deliver real and lasting economic, cultural and environmental benefits to the region, regardless of the outcome.

If successful, the bid would lead to around 150,000 hectares from the Fleurieu Peninsula to the Clare Valley protected for its heritage, culture and agricultural sites. The possible benefits that could flow from UNESCO listing are numerous. I think at the top of the list would be the fact that this would be the biggest global branding opportunity this region will ever have. In fact, it would be an economic driver for the whole state.

It would be a massive public relations boost for our world-class food, wine and tourism destinations, and it would add value to the things we already produce. An interesting case study, in relation to that last point about adding value and creating a high-value niche market, is the example of the Cinque Terre region of Italy. According to the tourist brochures, this is:

...a string of centuries-old seaside villages on the rugged Italian Riviera coastline. In each of the five towns, colourful houses and ancient vineyards cling to steep terraces, fishing boats bob in harbours and trattorias turn out seafood specialities along with the Liguria region's famous sauce—pesto.

This area was inscribed on the World Heritage List in 1997. How do I know that it adds value? If we take, for example, lemons—organic lemons in particular—the price that they were able to obtain from lemons simply because they were grown in this region and not because they were of any different quality, was around €2.50 per kilogram, compared to the commodity price of €1.70 to €1.80 for the same product produced just outside the world heritage site, so there is a 68 per cent premium on that one product alone.

The world heritage listing would certainly raise the region's profile with overseas visitors because world heritage is something that is universally understood. Listing here would stimulate agribusiness and tourism innovation. It would attract investment to regional infrastructure, provide farmers with a greater return per hectare for their land, and it would also strengthen resilience in the face of drought and fire risk.

It is important to note that world heritage listing does not freeze the landscape in time and it does not stand in the way of development. To quote from the planning impact statement produced by the Mount Lofty Ranges world heritage bid team:

The bid is pro-development and pro-business, just as it is pro-landscape and pro-environment. The creation of character preservation for food production areas on their own won't facilitate development or drive investment. The character preservation designation is designed to protect existing character and constrain urban development, with a focus on what shouldn't occur rather than proactively supporting the prosperity of the region. Similarly, the provisions for environment and food production areas would essentially only create areas in which residential development cannot take place without effectively driving sustainable primary production and profitable economic activity.

I will just pause there. This is what we have been debating for the last couple of days under the planning bill, and that is the creation of these environment and food production areas. The point that the world heritage bid people make is that it does not drive development: it just tells you what you cannot do. For example, in particular, you cannot create new housing estates. Again, back to the planning impact statement:

UNESCO listing, on the other hand, works as an enabler and a celebration. Unlike legislation, which is generally restrictive in form, and which only comes into effect or has relevance if and when someone proposes to undertake development, National and World Heritage listing is expected to be an ongoing economic driver for alternative forms of development. It aims to stimulate owners and operators to invest, and to commence new

employment generating activities, some of which may comprise development guided by local policies, but some of which may lie outside the planning and development system.

I have mentioned the councils that are involved in the proposed bid, but the precise boundaries of any world heritage site will not be determined for some time yet and it will be done in conjunction with local property owners, state and federal government agencies, and heritage experts. National and world heritage listing will complement and enhance, not duplicate, the state's planning legislation and character preservation legislation. That is important because what we are debating at the moment in no way is undone or somehow devalued by this listing. It is complementary; it is not a replacement.

In terms of the nomination process from here, the bid is currently being progressed, as I said, by the consortium of six councils and their partners. There are two stages of the process—firstly, inclusion on Australia's National Heritage list, followed by a bid for World Heritage listing. The bid process has a core ambition to promote collaboration between all tiers of government and the private sector to deliver real and lasting economic cultural and environmental benefits to the region.

According to the project manager, Stephanie Johnston, the first draft of the bid is on schedule to be completed by January 2016, before we resume our work here. The consortium hopes to finalise the bid by the next call for nominations, but in order to make a bid for UNESCO listing the state government must support first their bid for National Heritage listing, and so far the state government on my advice has given the bid a lukewarm reception. Stephanie Johnston says they are currently talking to minister Hunter and Andrew McKeegan of DPTI on how to secure state government support for the bid. I am also advised that minister Leon Bignell is very interested as well.

Given the length of time over which this project will progress, it does need multi-party support. The state government's support, and planning minister John Rau's support, is essential if we are to successfully pitch to the federal government for National Heritage listing at the end of 2016. From start to finish, the UNESCO World Heritage listing process could take about a decade. It is not a short-term project.

I think this bid deserves all our support. Economically, environmentally and for posterity, the unique Mount Lofty Ranges Agricultural Landscape must be preserved for future generations as South Australia's food bowl and a major source of the state's tourism revenue and exports interstate and overseas. I mentioned that there is some action hopefully taking place in January of next year, so I do want to say more on this topic at a later stage. I now seek leave to continue my remarks.

Leave granted; debate adjourned.

CORONIAL INQUEST

The Hon. J.A. DARLEY (20:32): I move:

That this council calls on the Attorney-General to order, pursuant to section 21(1)(b) of the Coroners Act, a coronial inquest into the circumstances surrounding the death of Stefan Woodward and provide appropriate and adequate resources as required by the Coroner to carry out the inquest.

On Saturday 5 December, 19-year-old Stefan Woodward sadly passed away after allegedly consuming illicit substances at the Stereosonic music festival. This is a tragic event which unfortunately is occurring more often. Our kids are gambling with their lives and are increasingly losing. No parent should have to worry about whether they will see their child again if they head out the door to see live music. No sibling should have to grow up without their brother or sister because they died after experimenting with drugs.

An investigation is needed to examine the circumstances surrounding Stefan's death so that we can see what can be done to prevent this from happening to another family. The Attorney-General has declined to intervene thus far; however, this is a matter of great public interest and it is imperative that it is investigated properly. Not only is it of public interest but it is vitally important to know how and why Mr Woodward died. I must stress that the Attorney-General has explicit powers to direct the coroner to hold an inquest and that the current Attorney-General, Hon. John Rau, has declined to use these powers in the past despite repeated requests from the family.

An inquest is needed to look at the role of the organisers, security, police and to answer the many questions surrounding Mr Woodward's death. I understand that SAPOL tweeted a picture of

what was suspected to be a bad batch of ecstasy pills on Saturday. Were SAPOL or the organisers aware of these pills before the event? Was this communicated to patrons? Was there any collaboration between these two parties on these matters?

What information was provided to patrons with regard to seeking medical attention? What services were available to those attending? Where were they located at the venue? Was there an adequate number of medical staff and first aiders on site? The community has a certain expectation as to the way these events are run, and we cannot continue to lose our young people, our kids, because of any mismanagement.

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

Bills

CRIMINAL LAW CONSOLIDATION (SUPERVISION REQUIREMENTS) AMENDMENT BILL

Introduction and First Reading

The Hon. J.A. DARLEY (20:35): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935; and to make related amendments to the Child Sex Offenders Registration Act 2006 and the Victims of Crime Act 2001. Read a first time.

Second Reading

The Hon. J.A. DARLEY (20:36): I move:

That this bill be now read a second time.

This bill is part of a package of three bills which aims to address shortcomings of the criminal justice system when it comes to drug users. My remarks on the bills will be very brief today, as my intention was not to make my entire second reading today, but rather to introduce the bills so that they can be circulated and considered over the break.

In a nutshell, the bills will seek to address the current abuse of the use of the mental impairment defence, the need for mandatory drug rehabilitation for drug addicted persons at the request of their family members, and the evidentiary difficulties in establishing that intoxicated drivers who are involved in incidents occasioning death or grievous bodily harm ought to be convicted of dangerous driving. These are the basic principles of the bills.

As I said before, this is the first of a package of three bills. I will only be introducing two today; however, a further bill will be circulated during the break. It was very important for me to take this opportunity to introduce the bills into the place today so that all parties, particularly the government and the opposition, can use the break to consider the bill and consult with stakeholders. Of course, my office and I will be consulting with stakeholders and will be available to brief other members. With that, I seek leave to conclude my remarks at a later stage.

Leave granted; debate adjourned.

CONTROLLED SUBSTANCES (MANDATORY TREATMENT ORDERS) AMENDMENT BILL

Introduction and First Reading

The Hon. J.A. DARLEY (20:39): Obtained leave and introduced a bill for an act to amend the Controlled Substances Act 1984. Read a first time.

Second Reading

The Hon. J.A. DARLEY (20:40): I move:

That this bill be now read a second time.

This is the second bill in the package of three bills that I mentioned just before. I will not be repeating myself and seek leave to conclude my remarks at a later stage.

Leave granted; debate adjourned.

FARM DEBT MEDIATION BILL*Second Reading*

Adjourned debate on second reading.

(Continued from 2 December 2015.)

The Hon. J.S.L. DAWKINS (20:41): I rise to support the Farm Debt Mediation Bill 2015, introduced in this place by the honourable Leader of the Opposition. I myself have recently been contacted by individuals in the primary industries sector, who have expressed their opinions of the need for such legislation. One of those was Mr Charlie Goode, who is a very experienced rural financial counsellor from the South-East, but who has worked all over the state and worked considerably in the Northern Territory at the time of the ban on cattle exports to Indonesia. He is also well aware (given the proximity to the Victorian border of where he comes from in Naracoorte) of what happens in the Eastern States.

This bill will create a legally enforceable bank mediation mechanism for primary producers. A similar legislative framework is currently in place in Victoria and New South Wales. South Australia currently has no legally enforceable or compulsory bank mediation processes for primary producers. Currently, only two debt resolution facilities exist for farmers, being the Financial Ombudsman Service and the voluntary South Australian Farm Finance Strategy, which was originally written in 2007. This strategy is not legally enforceable, as it is essentially an agreement between financial and primary industry parties to provide access to independent advice for farmers, early recognition of financial problems, resolution of financial issues via negotiation and voluntary mediation.

In contrast, the legislative mechanisms available to primary producers in Victoria and New South Wales provide for an efficient, equitable and legally enforceable resolution to farm debt disputes. In fact, mediation is required before a creditor (generally a financial institution) can take possession of a property, or take some other enforcement action, under the terms of an unpaid farm mortgage.

As an example for the council, the New South Wales legislation ensures the following process takes place when financial hardship befalls a primary producer: firstly, the creditor must not take enforcement action against a farm mortgage holder until 21 days have elapsed and the creditor has given notice to the mortgagee indicating their intention to take enforcement action, and the opportunity for the holder of the farm mortgage to engage in mediation. Secondly, the farm mortgage holder then has 21 days to notify the creditor that they wish to take up the option of mediation. Thirdly, if the farm mortgage holder has given notice of their intention to utilise the option of mediation, the creditor must not take any enforcement action, unless an exemption is granted. Fourthly, if the creditor refuses mediation with the farm mortgage holder, the farmer may apply for a certificate of exemption from enforcement action.

The acts also establish the processes and functions of the mediator, their selection, rules regarding the representation of the parties, and the evidence which may be tendered during the mediation, as well as rules regarding any agreements which may come out of successful mediation. While there are slight variations between jurisdictions on the operation of these schemes, they have both proven to be extremely valuable to the primary industries sector.

A report into the operation of the act in New South Wales has found that 72 per cent of farmers utilising mediation with creditors reached a settlement. Of these settlements, 37 per cent of farmers refinanced their debt, 27 per cent of the creditors gave the farmer more time to pay their debts, 23 per cent of farmers' creditors paid off part of the farmers' debt, and 60.7 per cent of farmers felt positive after engaging in farm debt mediation, compared with just 17 per cent who felt negative.

Furthermore, the report stated that the majority of farmers and their overwhelming majority of creditors would engage in and recommend the use of farm debt mediation in the future. This shows why a compulsory system, as the one proposed by this private member's bill, would be far more beneficial to farmers than South Australia's current involuntary arrangement. The state's current system provides for no legal obligation for the financier to engage in mediation with a farmer before taking enforcement action. This bill will legally insert this step into the enforcement process, giving

farmers an opportunity to find a satisfactory outcome with their creditor before potentially losing all they have worked for.

I have noted that the federal Minister for Agriculture and Water Resources, the Hon. Barnaby Joyce, indicated at an industry round table in September 2014 his intention to take a national approach to farm debt mediation. While I am encouraged by this announcement, I still believe it is important for this parliament to take strides to provide the financial security this bill will create for primary producers across South Australia. I look forward to further debate on this bill in the new year and hope we will soon see a farm debt mediation scheme much like those already in place in Victoria and New South Wales operating soon in this state.

To emphasise that, I suppose a number of years ago when there was significant drought in this state and there were a lot of farmers under financial stress, I and other members of the Liberal Party parliamentary team met with a number of senior bankers, and there was a lot of sympathy for the voluntary methods that have been described. In some cases that worked very well. Unfortunately, any major business, major companies like banks, change their CEOs, change their regional managers, and sometimes when someone new came in from Sydney or somewhere else they were not as sympathetic to some of these measures, so I think that is why we need to go down the line of a compulsory mediation scheme. I commend the Hon. David Ridgway for moving this bill and commend the bill to the council.

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

Parliamentary Committees

**JOINT COMMITTEE ON THE OPERATION OF THE TRANSPLANTATION AND ANATOMY ACT
1983**

Adjourned debated on motion of the Hon. T.A. Franks:

That the report of the committee be noted.

(Continued from 2 December 2015.)

The Hon. J.S.L. DAWKINS (20:48): I rise to speak on the report of the Joint Committee on the Operation of the Transplantation and Anatomy Act 1983, of which I was a member. I understand from the Hon. Kelly Vincent's office that she is not going to speak and is happy for us to put it through.

The Hon. K.L. Vincent interjecting:

The Hon. J.S.L. DAWKINS: Thank you. The committee was established pursuant to a motion in this place on 25 March this year, followed by the concurrence of the other place on 6 May. The purpose of the committee was to inquire into and report on the operation of the Transplantation and Anatomy Act 1983, and whether or not it should be amended to combat potential human organ trafficking, and for other related purposes.

It is important to note that the act is now over three decades old, and the committee was a prime opportunity to consider whether it required updating to reflect the medical advances and social changes that we have seen in that time, such as family composition, media and the increased demand for organ transplants that have occurred, as I say, over that significant period of time.

The committee received evidence from a range of sources, including witnesses and written submissions, and generally a level of satisfaction with the current act was expressed. However, there were three particular areas of concern highlighted and these were, as quoted in the report of the committee:

1. The current requirement for Designated Officers to be medical practitioners has been identified as 'a challenge' in terms of timely completion of the donation process;
2. The requirement for Ministerial permission for participation in the Australian Paired Kidney Exchange Program (AKX); and
3. The dichotomy between the provisions for consent for donation under the Act and the provisions for 'protected persons' under the Guardianship and Administration Act, 1993.

What became evident to the committee from the submissions from numerous stakeholders was the increasing problem around the globe of harvesting and transplant tourism. I am pleased to say that,

while there is not currently any evidence of this within South Australia, the establishment of the committee provided an opportunity to update and futureproof the act so it may become a future deterrent to such activities in the state and demonstrate South Australia's solidarity with countries where this type of human rights abuse is currently occurring.

The committee looked extensively at the background of the state act and other related legislation as well as paying considerable attention to interstate, commonwealth and international approaches to the issue. This enabled us to make a number of recommendations for changes to the act relating to procedural considerations, patient considerations and ethical matters. Given the comprehensive work we had done during the life of the committee, it was also possible to make a number of recommendations in the areas of other state and commonwealth legislation in health service administration that, while outside the remit of the Transplantation and Anatomy Act 1983, had sufficient relation to its functions.

The establishment of this committee was particularly appropriate in 2015 as we celebrate 50 years of successful kidney transplantations in South Australia. Our state has also had the highest per capita organ donation rate amongst all states in Australia. What was clear during the evidence received by the committee was that South Australia has a proud tradition of facilitating best practice in transplant processes in Australia and around the globe.

The report of the committee made 19 recommendations. I will not dwell on all of those. Obviously, members can read the report at their leisure; however, in summary, some of these recommendations were procedural in nature, which reflect the requirement to update the act to fit modern definitions and practices in the present day, and others were ethical. It was the six ethical recommendations by the committee that I think are issues most in need of review by this parliament, and I encourage the minister to seriously consider these and other medical considerations in updating this act.

It would be remiss of me not to take this opportunity to encourage our federal colleagues to take heed of a number of recommendations of this report and to formulate a national coordinated approach to organ harvesting and trafficking. While these considerations are outside the jurisdiction of this parliament, I believe it is important that all Australians and the medical community come together to ensure our country does not become involved in this detestable international trade.

I would like to take the opportunity to thank the other members of the committee for their efforts in putting together this report: the Chair of the committee, the Parliamentary Secretary to the Minister for Mental Health and Substance Abuse, the member for Taylor in another place, Ms Leesa Vlahos; the member for Elder in the other place, Ms Annabel Digance; and my Liberal colleague, Mr Sam Duluk the member for Davenport, who was serving on his first parliamentary committee.

I must make sure that the Hon. Rob Lucas is aware that Mr Duluk enjoyed working on a joint committee. The Hon. Mr Lucas is not a great fan of joint committees, but I think it certainly demonstrated the different roles that the two houses can play in providing members of those committees. Also, of course, my colleagues in this place, the Hon. Kelly Vincent and the Hon. Tammy Franks.

It was a very good committee. It reported in a relatively short space of time. I think perhaps some of the evils that some had expected to find do not exist at the moment but, as I said earlier, I think it is an appropriate time for us to update an act that is over 30 years old. I commend the work of all of those on the committee and, too, the various staff that we had. We had two different executive officers due to maternity leave, but to all of those staff of the House of Assembly who serviced the committee, I pass on my thanks. I commend the report to the council.

Motion carried.

**STATUTORY AUTHORITIES REVIEW COMMITTEE: INQUIRY INTO THE STATE
PROCUREMENT BOARD OF SOUTH AUSTRALIA**

Adjourned debate on motion of the Hon. G.A. Kandelaars:

That the report of the committee's Inquiry into the State Procurement Board of South Australia be noted.

(Continued from 2 December 2015.)

The Hon. T.J. STEPHENS (20:57): It is with fair bit of pleasure that I rise to speak on this particular issue as I was fortunate enough to be a member of SARC for, I think it was about seven years, and I was certainly at the pointy end of when we started this particular inquiry. This inquiry came about because of a number of representations that I certainly had, but also many members of parliament, and primarily the issue was about the stationery contract that went out to many South Australian schools operated by a long-standing company by the name of K.W. Wholesale Stationers.

K.W. Wholesale Stationers is a cooperative owned by many of the small newsagents in South Australia and had an impressive and long history of providing outstanding service and very competitive prices, and generally there was a very amicable relationship between those involved in schools and those working at K.W. Wholesale Stationers.

So some genius comes along with a thought that perhaps it would be better to source stationery from an overseas-owned company that had very little representation in South Australia, jeopardising, I think it was, about 100 jobs. I had the pleasure of seeing and meeting with a number of those people, who had been long-serving, loyal employees, who spent a considerable period of time with what looked like an axe hanging over their heads with regard to employment.

During that time I can only say that Mr Grant Eckert, the general manager at K.W. Wholesale, showed outstanding leadership. The empathy that gentleman had for his employees was quite incredible. He was like a terrier dog that had grabbed hold of the bone and he was not going to let it go. I suspect Mr Eckert, with his credentials and his standing in the business community, could have probably moved on to another role with another group and do quite nicely for himself but there was absolutely no way that he was going to abandon his employees without one hell of a fight—and fight they did.

There were certainly deputations made to a number of, in particular, Labor lower house members who I know were really quite embarrassed. I attended an end-of-year barbecue at a time when K.W. Wholesale had a slight reprieve. I know that all were really concerned about the future, and that included a number of members of parliament who attended. I attended with a number of Liberal members of parliament who were really quite supportive in trying to ensure that K.W. Wholesale were not getting a leg up but that they had the opportunity to compete on an equal and level playing field.

One of the things that really disturbed me when we were taking evidence was, to me, the absolute apparent lack of empathy from senior public servants with regard to the decisions that they were making and what was actually going to happen to those people on the ground. Without being in any way disparaging, a lot of those people who were working at K.W. Wholesale probably were not going to rip off and head into another job quite easily. One of the employees, who had been a long-term employee, had a disability. The company worked around that person with a disability and they were absolutely shattered to think that they were going to be possibly just thrown on the scrapheap.

I was impressed because we had the union, the leadership and the workers all coming together really doing everything they could to have what was really a stupid decision revisited. I am not saying that the Statutory Authorities Review Committee should take all the credit for the reversing of that decision but I know that it actually gave some life to the debate. I certainly remember Mr Eckert coming in and giving evidence to the committee. He was extremely professional, extremely articulate and extremely dogged. He would not be bounced off the ball by other members on the committee who perhaps were not quite as sympathetic as me and the Hon. Rob Lucas. His evidence was compelling.

I believe that K.W. Wholesale are back in the game. I believe that all those people have kept the jobs—I am sure the vast majority have. I know that there is a fair bit of satisfaction amongst all of us who fought the good fight for a lot of really good people. On the whole, I commend the report to the house, and I do so with some pride. I did not have the pleasure of finishing this particular issue but I certainly watched it with a great deal of interest, and I certainly watched the outcome which was a great outcome for Grant Eckert and his team, and I wish them every success for the future. I also congratulate those members who served on the committee.

Motion carried.

NATURAL RESOURCES COMMITTEE: UNCONVENTIONAL GAS (FRACKING)

Adjourned debate on motion of Hon. J.S.L. Dawkins:

That the interim report of the committee, on its Inquiry into Unconventional Gas (Fracking), be noted.

(Continued from 18 November 2015.)

The Hon. G.A. KANDELAARS (21:04): I will be brief. The committee has continued to work diligently on its inquiry into unconventional gas (fracking) in the South-East. The committee has heard from numerous witnesses and conducted a number of regional visits to the South-East, taking evidence at Millicent and Robe, visiting Beach Energy's exploration sites around Penola, and also visiting the Ladbroke Grove natural gas processing plant, which is currently not in production.

We have also undertaken a two-day visit to the Bowen Basin in south-west Queensland, visiting Roma, Dalby and Chinchilla. I think that visit was invaluable in that it clearly indicated there is an ability for the mining industry to coexist with agriculture. Dalby was a very different type of environment to Roma, Roma being more a pastoral area and Dalby having quite intensive agriculture, with some of the biggest feedlots in Australia for beef.

The committee expects that the final report should be tabled in the first half of 2016. I should make a special mention of the committee secretariat—Patrick Dupont, the executive officer, and Barbara Coddington, the committee's research officer—who have worked extremely hard in making sure that things went smoothly with our inquiry to date. I will leave it at that.

Motion carried.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: ANNUAL REPORT 2014-15

Adjourned debate on motion of Hon. J.A. Darley:

That the 21st report of the committee, entitled Annual Report 2014-15, be noted.

(Continued from 18 November 2015.)

Motion carried.

*Motions***FEMALE GENITAL MUTILATION**

Adjourned debate on motion of Hon. J.M.A. Lensink:

That this council—

1. Commends the work of No FGM Australia in raising the awareness of the health and other risks to Australian women and girls of the illegal practice of female genital mutilation and its concerns that—
 - (a) there is a lack of awareness among Australian health and child protection professionals about FGM;
 - (b) no data is collected about prevalence of FGM in South Australian residents; and
 - (c) girls most at risk of FGM are those who come from FGM-affected communities and that in Australia, three girls a day are in the high-risk category;
2. Notes that the World Health Organisation has described FGM as a violation of the human rights of girls and women and constitutes an extreme form of discrimination against women;
3. Notes that FGM has no health benefits and can cause severe urinary, fertility and childbirth complications;
4. Notes the review and recommendations of the Australian government's 2013 Review of Australia's Female Genital Mutilation Legal Framework Final Report; and
5. Notes that Australia's first FGM prosecution is taking place in New South Wales for alleged offences on two young girls who were at the time aged only seven years old.

(Continued from 14 October 2015.)

The Hon. A.L. McLACHLAN (21:07): I rise to support the motion. As I have indicated to the chamber, I will be supporting the passing of the motion and I encourage members of the council to do the same. The Hon. Michelle Lensink in her motion refers to some startling and disturbing data. No FGM data states that for women born outside of Australia:

Australia has over 83,000 women and girls who have migrated to the country and who are likely to be survivors of FGM or at risk of FGM. This includes

- 5,640 girls under the age of 15—this group are at high risk of FGM
- 36,236 women of childbearing age (between the ages of 15-19)

They also assert:

Women born outside Australia who are likely to be survivors of FGM are estimated to give birth to around 1100 girls every year—that's around 3 per day. These girls are at high risk of FGM.

From my perspective, you only need to do a cursory search of the internet to identify those recent New South Wales cases, where police are charging individuals facilitating FGM for family members. From my reading regarding the issue of FGM, it has no health benefits and involves removing and damaging healthy and normal female tissue. It results in immediate complications and also has the potential to cause significant long-term health consequences.

It is reported that the causes of FGM include a mix of cultural, religious and social factors within families and communities. That is why this motion and the work of No FGM is so important to our community. What the data tells us is that we as community leaders must have serious regard to this issue and we must increasingly facilitate and assist our health professionals in educating sections of our community that FGM is no longer an acceptable practice.

I will finish off this short speech in support of the motion by providing the chamber with a quote from the writer Ayaan Hirsi Ali, who is a Fellow of the Kennedy School of Government at Harvard. A quote she has provided in an interview is as follows:

'It was done to me at age of five, and 10 years later, even 20 years later, I would not have testified against my parents,' she states. 'It is a psychological issue. The people who are doing this are fathers, mothers, grandmothers, aunts. No little girl is going to send them to prison. How do you live with that guilt?'

On that note, I commend the motion to the council.

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

BORDERLINE PERSONALITY DISORDER

Adjourned debate on motion of Hon. T.A. Franks:

That this council—

1. Recognises that the first week of October each year has been declared Borderline Personality Disorder Awareness Week; and
2. Acknowledges that the Australian Borderline Personality Disorder Foundation, through ongoing advocacy from Ms Janne McMahon OAM, Dr Martha Kent and Associate Professor Andrew Chanen, has been fundamental in promoting understanding of the disorder in the community and working towards better treatment options and quality of life for those affected by the disorder.

(Continued from 14 October 2015.)

The Hon. A.L. McLACHLAN (21:13): This motion, in addition to recognising that the first week of October each year has been declared Borderline Personality Disorder Awareness Week, also provides an opportunity to recognise the work of the Australian Borderline Personality Disorder Foundation and the professionals who have been active in promoting awareness in the community about the disorder.

The Australian Borderline Personality Disorder Foundation's mission is to promote a positive culture to support the recovery journey of people with borderline personality disorder as well as their families and carers. The foundation also supports clinicians, healthcare personnel and researchers working in this field, and acknowledges everyone who works towards a better recognition of this disorder, which is often misunderstood. On a practical level, the foundation aims to support and promote services which:

- provide high quality accessible, timely, responsible and appropriate services, treatment and care for people with BPD and their families and carers (this is something which has not been readily available in the past);
- provide high quality and accessible education and support for families and carers of people with BPD;
- provide high quality appropriate education for clinicians and front-line workers providing treatment and care for people with BPD and their carers and families;
- promote a positive culture for sufferers and create an environment of hope and optimism; and
- importantly, provide high quality scientific research about all aspects of borderline personality disorder.

Ms Janne McMahon has worked tirelessly to promote increased awareness and acceptance within our South Australian community of borderline personality disorder. I note that she was awarded a Medal of the Order of Australia in 2008 for service to the community in the area of mental health advocacy, particularly for private mental health consumers and carers.

Senior psychiatrist Dr Martha Kent was a lead author on two reports for the federal and South Australian governments on how to deal with borderline personality disorder patients. Dr Kent's reports highlighted major gaps in service delivery and found that patients are often treated poorly or not taken seriously by hospital staff. She has publicly exposed how sufferers are harming themselves and dying as a result. Her reports recommend setting up targeted services in each state and more training for front-line staff.

Professor Andrew Chanen is the Director of Clinical Services at Orygen Youth Health clinical program in Melbourne and Deputy Research Director at Orygen Youth Health Research Centre and Centre for Youth Mental Health at the University of Melbourne. Andrew's research, clinical and training interests lie in the prevention and early intervention for severe mental disorders, principally personality disorders. He developed and directs the award-winning Helping Young People Early program, a clinical research and training program that is focused on understanding, preventing and treating severe personality disorder in young people.

He has publicly highlighted how decades of research have established that borderline personality disorder is a valid diagnosis and that it responds to treatment, but that progress towards genuine service reform to meet the needs of sufferers has been slow and piecemeal. He has advocated for the genuine need to reform the services provided to sufferers and has called for a coordinated health system response to the disorder.

I acknowledge that the Hon. Kelly Vincent, the Hon. Stephen Wade and the Hon. Tammy Franks have renewed calls for a dedicated specialist service for borderline personality disorder as part of their commitment to borderline personality disorder awareness. They have done so because this is a diagnosis that affects somewhere between 17,000 and 68,000 Australians and they recognise that there are major gaps in the service provision throughout our state. This is particularly in rural and remote settings, but sadly also in the metropolitan area.

When the Hon. Tammy Franks introduced and spoke on this motion, she paid tribute to the lives lost: nine deaths at least in the last 36 months that we know of as a result of this condition. I also pay tribute to those sufferers who have sadly passed away and acknowledge the pain and suffering that would still be felt by their family members and friends who they left behind. We need to ensure that those people who identify with this disorder are treated with respect and compassion and, importantly, that they are able to access appropriate treatment. My hope is that there are no more lives lost to this disorder. I commend the Hon. Tammy Franks for introducing this motion and her dedication to this cause. I encourage other members of the chamber to support this motion.

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

*Parliamentary Committees***ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE: ANNUAL REPORT 2014-15**

Adjourned debate on motion of Hon. T.T. Ngo:

That the 2014-15 report of the committee be noted.

(Continued from 23 September 2015.)

The Hon. T.A. FRANKS (21:19): I rise to speak as a member of the Aboriginal Lands Parliamentary Standing Committee, one of three in this place. My colleague the Hon. Terry Stephens and I are happy to be presided over by our new Presiding Member, the Hon. Tung Ngo. I note that particularly because, of course, this has been the first full year of the operations of the committee where the Minister for Aboriginal Affairs and Reconciliation, who used to be the presiding member of the committee, has been removed under the act and replaced with a presiding member from this council. I note that this has been a positive move, not simply for the fact that it has been done in a cross-party and conciliatory way. I thank the minister, now that he is not on the committee, for his ongoing support, not only in the portfolio, but in communications, correspondence and responsiveness to the committee.

Other members of the committee from the other place are: the member for Napier, Mr Jon Gee; the member for Giles, Mr Eddie Hughes; and the Liberal shadow minister for Aboriginal affairs and reconciliation, Dr Duncan McFetridge MP, who is also the member for Morphet.

The committee is a diverse one. The work of the committee is sometimes complex and challenging, but it is also a real privilege to be a member of this committee and undertake some of the work that we do. I also, at this point, pay tribute to the former minister, the late Terry Roberts, for his commitment in establishing this committee in the first place. The vision I think that he had for this committee at the moment is being seen to fruition.

The committee travelled to many parts of the state, including in the APY lands: Pipalyatjara, Kalka, Nyapari, Murputja, Kanpi, Umuwa and Amata, but also to Port Lincoln, Ceduna and Coober Pedy in the time of the compilation of this report.

We heard from many witnesses but of most note, for the purposes of reporting back to this council, I would thank those members of the APY Executive, the DSD AAR, the Aboriginal Lands Trust, Wiltja Constructions and SAPOL for contributing to our understanding and information of the issues affecting Aboriginal people in this state and helping us discharge our duties under the terms of reference for the committee for those particular acts which this committee has some responsibilities for.

The committee also undertakes to show their support for Aboriginal Australians and we attended, collegiately, a number of events. I must say that one of the most memorable ones was the National NAIDOC Week Awards in this state and in Kurna country this year. I must thank both the federal minister, Nigel Scullion, and Dr Duncan McFetridge, the shadow minister, for affording the committee members an entree to that particular awards ceremony. Certainly, I know that members of the committee who were able to attend that not only enjoyed it, but certainly learnt a lot. I also commend the Hon. Tung Ngo for going above and beyond the call of duty that night in supporting some of the award recipients.

We have also attended the National Sorry Day Breakfast, the Adelaide Town Hall Aboriginal and Torres Strait Islander flag raising ceremonies and many other events of importance for Aboriginal and non-Aboriginal people in furthering the work of reconciliation in this country—most important work indeed. I will depart noting that all committee members welcomed the announcement of a stolen generations scheme and that in previous years that has obviously been one of the more intensive parts of the work of this particular committee. I think we all look forward to that scheme becoming a reality. With those few words, I commend the report to the council.

The Hon. T.J. STEPHENS (21:23): I am very pleased to speak on this particular motion and commend the Hon. Tammy Franks for her pretty comprehensive description of the work that we have done and, pretty accurately, the way in which we have gone about it. I do not need to repeat

verbatim the things that the Hon. Tammy Franks has said, but I do agree with her quite comprehensive coverage.

What I wanted to say was that, personally, I am looking forward to the next 12 months. I am hoping we can move not only onto trying in a compassionate way to listen to the issues that Aboriginal people present to us, but I would really like to find and try to suggest some positive things where we can either suggest or encourage Aboriginal people to improve their lives and their employment prospects.

I asked a question in the house today about tourism opportunities. I would really like the minister, if possible, or his office to try to devote some time to explore some of the opportunities that surely other people are doing well in other states. I do not know that we have to reinvent the wheel but it would be fabulous if we could show people good examples of really good opportunities for them to present their story to people who I know, especially interstate and overseas people, who are really hungry to understand the bits and pieces of Aboriginal culture, so I think there is an enormous opportunity there that personally I would like us to explore. I would love to see us contributing to some really positive stories, if we possibly can, with Aboriginal people.

I commend the Hon. Tung Ngo for his leadership. He has learnt a lot in his short time on the committee and he is a pleasure to work with, as are the other committee members from this house: the Hon. Tammy Franks and those lower house members in Jon Gee MP, Eddie Hughes MP and Dr Duncan McFetridge MP. I think we all have a genuine want to make a good contribution to the lives of Aboriginal people. Sometimes we are obviously frustrated that we cannot turn the wheel quickly enough but I know that at times even to listen to some people's stories and to pass those stories on give some comfort.

I thank Jason Caire, the secretary of the committee. He is extremely diligent in the way he tries to organise the MPs on that committee. Sometimes it is difficult because we can be like herding cats, because we all have different things we need to do. I will put on the record that occasionally I tease Jason a little bit and stir him up but he takes that in good spirit and really does work hard to try to accommodate all of our needs and things that we need to work within with regard to trips and that sort of thing. I thank Jason and I look forward to continuing to serve on that committee. Let's hope that we can continue to work with the minister and improve the lives of Aboriginal people. I commend the motion.

The Hon. T.T. NGO (21:27): I take this opportunity to thank the Hon. Tammy Franks and the Hon. Terry Stephens for their contributions tonight. Also I thank the Minister for Aboriginal Affairs and Reconciliation and his office for their support to the committee and I look forward to working with him and his office in the coming year.

Motion carried.

Motions

WIND FARM DEVELOPMENTS

Adjourned debate on motion of Hon. D.W. Ridgway:

1. That a select committee of the Legislative Council be established to investigate wind farm developments in South Australia, with the following terms of reference—
 - (a) separation distances between wind turbines and residences or communities;
 - (b) the social, health and economic impacts of wind generators on individual landholders, communities and the state;
 - (c) the need for a peer-reviewed, independent academic study on the social, health and economic impacts of wind generators;
 - (d) the capacity of existing infrastructure to cope with increased wind power;
 - (e) the costs and benefits of wind power in South Australia;
 - (f) the environmental impacts of wind generators and wind power generally;
 - (g) the siting of wind generators in South Australia;

- (h) the approval process of wind farms in South Australia;
 - (i) the preparation of the State Wind Farm DPA;
 - (j) an assessment of the impact of wind farm developments on property values; and
 - (k) any other matter the committee deems relevant.
2. That the committee consist of three members and that the quorum of members necessary to be present at all meetings of the committee be fixed at two members and that standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.
 3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.
 4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.
 5. That the evidence and submissions given to the previous Legislative Council Select Committee on Wind Farm Developments in South Australia be tabled and referred to the select committee.

(Continued from 1 July 2015.)

The Hon. A.L. McLACHLAN (21:28): I thought I should speak in support of my leader in the chamber's motion. I am not going to read it out verbatim, although I am tempted. The Hon. D.W. Ridgway has put forward a motion to establish a select committee to investigate wind farm developments and there has been a previous select committee. He has indicated in his speech to the chamber that he is seeking a select committee that will not run for a particularly long time, but he wishes to take additional evidence which was not taken in the previous iteration of the select committee.

There was a recent television program about wind farms in France. We often hear about the success of wind farms in the European landscape and the renewable energy that they provide to their grids and their citizens. This was an interesting program, because it took a balanced view. It showed two French villages. One owned the wind farms, because they are more community based in their ownership structures, and they loved it because they had positioned them on a hill range some distance from their town centre, and they could not see them but they enjoyed all the benefits of ownership and the energy provided.

On the other side of the range was another small French village that did not get any benefit of the power or the income associated with the sale of the power, or any additional revenue they may have received, but which had all the disadvantages, they suggested to the reporter, of a scarred landscape and also, for those living closer to the wind farms, the noise factor.

Wind farms have become a significant energy source in South Australia over the past decade. As I understand it, as of 2014, the installed capacity was 1,473 megawatts, which accounted for 27 per cent of the electricity production in the state at that time. The rapid growth of wind power in South Australia has enabled the state to achieve its target of sourcing 20 per cent of electricity from renewable energy sources up to three years ahead of schedule.

I would suggest that in South Australia and elsewhere there is opposition to wind farm development driven by many personal concerns, especially from those living near the same. I would also suggest that one would potentially find a significant difference in attitudes towards wind farms in communities where there was genuine consultation and involvement, as has happened in contrast to where it has not around Australia. I would suggest that perhaps we should consider something similar to some European examples of community ownership.

There is also a large movement in Europe advocating for offshore wind power. There are very good reasons why offshore wind turbines are attractive. They can utilise higher and less variable wind speeds; there is often more suitable space to build wind farms in offshore waters than there is on land; and they are far less visible. Of course, there is a greater degree of capital investment required, and maintenance costs are also higher, but it is something we should also be considering in this state as part of our community drive for greater renewable energy.

With those few thoughts, I commend the Hon. Mr Ridgway's motion to the council. I think it is a sensible move to continue some of the select committee's work and better understand the impacts of wind farms, not only their impact on the community but also their advantages. With that, I commend the motion to the council.

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

THE JAM, THE MIX, THE GIG

Adjourned debate on motion of Hon. T.A. Franks:

That this council—

1. Acknowledges the extraordinary work of The Jam, The Mix, The Gig (The JMG)—a longstanding and successful community arts mental health program;
2. Notes The JMG's previous shared funding arrangement via the SA Mental Health and Substance Abuse program and Arts SA's Arts Organisations (Disability) Program;
3. Notes with concern that The JMG's application for funding through Arts SA has not been renewed; and
4. Calls on the government to work with stakeholders including Arts SA to explore alternative funding pathways to ensure that The Jam, The Mix, The Gig (The JMG) can continue this important program.

(Continued from 18 March 2015.)

The Hon. A.L. McLACHLAN (21:34): I rise to speak to this motion and encourage members to support the same. I thought I would start with a quote:

The thought of the eternal efflorescence of music is a comforting one, and comes like a messenger of peace in the midst of universal disturbance.

This motion has been moved by the Hon. Tammy Franks and acknowledges the extraordinary work of The Jam, The Mix, The Gig (collectively known as the JMG), a longstanding successful community arts mental health program. It notes the JMG's previous shared funding arrangement via the SA Mental Health and Substance Abuse program and Arts SA's Arts Organisations (Disability) Program. It also notes, with concern, that the JMG's application for funding through Arts SA has not been renewed and calls upon the government to work with stakeholders, including Arts SA, to explore alternative funding pathways to ensure that The Jam, The Mix, The Gig can continue with its important program.

The Hon. Tammy Franks moved this motion to acknowledge the important work of the JMG. The JMG is a South Australian community-based musical and mental health program that offers options to participants to enjoy playing music with others, whatever their level of musical ability, develop their musical and songwriting skills further and perform to the public as part of the JMG Band. I understand that the performance events are open to the general public and there are various performances throughout the year.

The JMG arts mental health program recently failed to secure the arts component of its funding necessary to keep its music programs operating. I understand it has secured the mental health component but, as I said, not the arts component. I understand it is a small amount of money, around \$26,000, which it requires for the music programs to continue. I agree with the Hon. Tammy Franks that we should make every effort to save the JMG program for its valuable work in our community.

The community has already responded to news that the program is in jeopardy, with almost 400 people signing a petition that was provided to minister Snelling in February, drawing his attention to the impact that the loss of The Jam, The Mix, The Gig will have. I note the Hon. Tammy Franks drew our attention to the work of musicians such as Chris Finnan and Heather Frahn, both well-known South Australian artists who have been involved with the program for a long time.

Across the Western world, music therapy and involvement in the creative arts is becoming increasingly common for the treatment of mental health illness. This approach is beneficial to sufferers as it encourages both self-expression, social interaction and a sense of achievement through personal skills development and working as part of a team. Music therapy has been shown

to be efficacious for mental healthcare clients with a range of disorders, such as schizophrenia, depression and substance abuse.

A large and comprehensive study conducted at Queen's University, Belfast, has also found that musical improvisation can boost self-esteem and reduce depression in children and adolescents with behavioural and emotional problems. It also provides a way for them to promote and progress in their journeys to recovery. It is not surprising then that the JMG has been an outstanding community program that has provided skill development, connection, creativity and opportunity to those who need it most. Its outreach has helped many people during their struggle with mental health issues and, in turn, has saved many lives over the years.

Given the proven benefit that music therapy has for those who suffer from mental health issues, we should do all that we can to explore alternative funding pathways to ensure that the important work of the JMG program can continue. For the benefit of members of this chamber, I might finish with another quote, specifically for you, Mr President, as it is a long evening for you as well:

Music finds its way where the rays of the sun cannot penetrate. My room is dark and dismal, a high wall almost excludes the light of day. The sounds must come from a neighboring yard; it is probably some wandering musician...Carry me away then once more, O tones so rich and powerful, to the company of the maidens, to the pleasures of the dance.

I commend the motion to the chamber.

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

Bills

STATUTES AMENDMENT (RIGHTS OF FOSTER PARENTS, GUARDIANS AND KINSHIP CARERS) BILL

Second Reading

The Hon. J.S. LEE (21:39): I move:

That this bill be now read a second time.

I rise this evening to speak about the Statutes Amendment (Rights of Foster Parents, Guardians and Kinship Carers) Bill 2015. This bill was introduced by the hardworking member for Hammond, Mr Adrian Pederick, in the other place. I take this opportunity to congratulate and pay tribute to the member for Hammond for the compassion, tenacity and hard work he has shown to handle this important legislative change on behalf of his constituents and foster parents.

I am very pleased that this bill received well-deserved support from my Liberal colleagues, Labor ministers and government members, and was passed in the House of Assembly. The member for Hammond advocated for Monica Perrett in introducing the bill. Monica lives in the electorate of Hammond and was the winner of the Barnardos Mother of the Year Award for 2014.

Please allow me to provide some background. For over 12 years Monica has been the mother of six children and a carer for the aged and disabled. She is also an active donor to a variety of different charities, especially those working with children or those whose lives are less fortunate. Reading about her contributions and remarkable efforts, Monica is a guardian angel, a crusader for people who are unable to speak for themselves. I learned that Monica almost single-handedly brought down a nursing home for severe abuse of the elderly. She is just an amazing lady.

Behind Monica's prestigious award is a moving story of an incredibly caring, loving and nurturing human being, a mother not only for her own biological children but also those she has chosen to foster, including her granddaughter and little Finn, who has sadly passed away. Monica fostered her nephew, little baby Finn, in 2014. Monica cared for him as her own son. When little Finn was born he was diagnosed with numerous medical conditions, including spina bifida, fluid on the brain and a hole in the heart. Finn was born in February 2014 and entered Monica's care in March 2014.

His biological parents gave permission for Monica to become little Finn's carer until he turned 18 years old, under the guardianship of the minister. In April 2014 Monica Perrett won the Barnardos

Mother of the Year Award in South Australia. In May 2014 she was to fly to Sydney for the national Mother of the Year Award. Monica kissed her little baby goodbye on that day, and she never thought that it was the last time she would see the baby alive. After her departure, she was faced with the heartbreaking news that little Finn had passed away 12 hours later, unexpectedly after an emergency admission into hospital.

The sorrow of a mother or foster parent losing a child that they love is unimaginable. To add to the unbearable pain and suffering, on 7 May Monica and the Perrett family found out they were not given the chance to say the final goodbye to their little baby. I have sat on many parliamentary committees, including the inquiry into foster carers and child protection.

I know full well, from foster parents I have come to know, the significant role of foster parents in a child's life. We have far too many children who have been taken away from their birth families for no fault of their own, and it is the cause of great pain to all of us. It is highly desirable that children who cannot be with their birth parents are able to grow up in a family setting, cared for by loving foster parents.

The current legislation states that only the biological parents are provided with the rights of the child, including details such as the cause of death and funeral arrangements. When dealing with Families SA, Monica was denied any information about the passing of her foster son, little Finn. The reason given by Families SA was simply the fact that she was not Finn's biological mother.

She was also advised that, although she was granted the right to be the foster parent of the little baby until the age of 18 years, she would not be involved in the funeral arrangements unless the biological parents, her brother and his partner, wanted her to be involved.

Initially, this was not the case, as the biological parents, who live in Queensland of no fixed address, denied this. Again, you can just imagine what Monica and her husband had to go through for the right to understand the cause of death, to make funeral arrangements and the right to say their final goodbye.

Currently, when a foster child passes away, all the rights the foster parents had with the child, all responsibilities and decision-making ability go back to the biological parents. This meant that Monica and her family were left in the dark with no say whatsoever. This rule applies irrespective of the child's age and the length of time the child has spent with the foster parent.

Monica has described this horrible ordeal as a 'living hell', battling Families SA rules under which biological parents regain first rights to a child who dies, leaving foster parents with no rights or access to information concerning the child who they loved and cared for. Departments such as Families SA are restricted in their ability to act in accordance with what they may perceive to be fair and reasonable in the circumstances.

Currently, legislation, including the Family and Community Services Act 1972, stipulates that there is no requirement for foster parents to be involved in the funeral process. The Births, Deaths and Marriages Registration Act 1996, in its current form, does not provide foster parents with the opportunity to be acknowledged and involved in viewing the body or being acknowledged on the death certificate.

In June 2014, Monica started a petition to raise awareness of the issues surrounding her battle with the bureaucracy, once little Finn passed away. This petition accumulated support from approximately 38,000 signatures, backing the grieving mother, Monica Perrett. The petition called for the government to change unreasonable procedures when a child in foster care dies.

The Families SA chief executive contacted Monica, asking her to meet with the minister responsible. In that same month, Monica managed to secure a meeting with the former minister for education and child development, member for Wright, the Hon. Jennifer Rankine, and the Premier of South Australia, to review the changes she had campaigned for on behalf of all foster parents.

The requests included expediting the viewing of the child's body by foster parents and including an addendum to a death certificate to recognise the role of foster parents in the child's life. However, my understanding from the member for Hammond is that Monica has since heard nothing from the government.

The member for Hammond then approached the new Minister for Education and Child Development, the member for Port Adelaide, the Hon. Susan Close, to address the government's promises because the former minister, member for Wright, made a promise on ABC radio on 13 June that she would look into contacting the Births, Deaths and Marriages department to see if they could add a statutory declaration to each death certificate of a child who dies in foster care. The member for Hammond persistently then reminded the minister and the Premier of South Australia that the promise needs to be given to foster parents so that these children do not go unnoticed or forgotten.

The Perrett family fought this issue because they do not want anyone else to suffer like they have, but they were also pushed to action when they finally received Finn's death certificate and discovered that only his biological parents were listed, not them. Monica is not alone in this situation. There are many other foster parents who will be faced with the same heartbreaking situation in the future if the legislation is not amended by this parliament. There are approximately 1,800 foster parents who will gain new rights as a result of the campaign fought and won by Monica, a South Australian Mother of the Year. The amendments agreed to in the House of Assembly:

- support the amendments prescribed in the Statutes Amendment (Rights of Foster Parents, Guardians and Kinship Carers) Bill;
- commit to increasing the rights of foster families in the involvement of funeral planning, as well as acknowledging foster parents on the child's death certificate; and
- affirm the rights of foster parents and legal guardians.

The amendment bill will seek to insert new section 38A into the Births, Deaths and Marriages Registration Act. Section 38A(1) proposes to allow foster parents and legal guardians to give notice to the registrar of a person who has died. Subsections (2) and (3) of the proposed new section 38A give the opportunity for foster parents and legal guardians to give notice to the registrar as soon as reasonably practicable after the death of the deceased in writing in a form approved by the registrar and include the information required by the registrar.

Finally, the bill proposes to insert new section 47A into the Family and Community Services Act 1972 to give authority to the foster parents to be consulted about the child's funeral arrangements, unless the foster parent indicates that he or she does not wish to be consulted. As a matter of custom, foster parents have not been given rights equal to the rights of the child's parents to contribute to funeral arrangements because there will be circumstances where it may not be appropriate for the foster parents to be making such decisions; for example, where the child has been in the care of the foster parent for only a short time or the parents have maintained a close and caring relationship with the child.

I commend the member for Hammond for the work that he did in pushing this bill through. It has been passed through the House of Assembly. I certainly hope that the passage of the bill will be smooth in this house as well. I commend the bill to the chamber.

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

ROAD TRAFFIC (ISSUE OF FREE TICKETS BY PARKING TICKET-VENDING MACHINES) AMENDMENT BILL

Second Reading

The Hon. J.S. LEE (21:51): I move:

That this bill be now read a second time.

I am delighted to rise today to sponsor this private member's bill and to congratulate the hard working member for Unley who listens to his community. He did a great job in introducing the Road Traffic (Issue of Free Tickets By Parking Ticket-Vending Machines) Amendment Bill into the House of Assembly which was passed with the support of government.

Please allow me to outline the background of this bill. Over the last five years in particular, I was informed by the member for Unley that many streets of Unley are turning into car parks. Unley is recognised as a metropolitan area that has many shopping strips and, consequently, operators and traders rely heavily on car parking availability in order for those businesses to have a healthy

flow of customers coming into the shops. However, anyone who has been to King William Road lately will see that there are a number of empty shops. This is not a good sign.

The parking issue must be resolved so that people are not deterred from parking their vehicles and using the facilities whether it be a cafe, fashion house, beauty salon or florist on King William Road. Recently, it has been reported that motorists found the system of free three-hour parking through obtaining a free ticket confusing. It is believed that the lack of certainty about the legality of this system may have, at least in part, caused this confusion.

My understanding is that around mid-2014, the City of Unley attempted to begin a 12 month trial of free ticket, time-limited parking on council-owned land. In this instance, it was the Boffa Street car park off King William Road. The trial would require motorists who use the car park to display a valid ticket on the dashboard, allowing them to park for up to 3 hours. The ticket was obtained through a parking ticket vending machine and provided free of charge to motorists.

After January 2015, the City of Unley Council and the council administration raised the issue with the member for Unley after learning that a motorist had disputed a fine that they received for not complying with the instructions at the car park and intended to take the matter to court. Subsequently, the motorist has decided not to take the matter further; however, the case demonstrated that the trial was possibly not legally defensible.

Upon receiving legal advice, the City of Unley determined that the car park could not be operated under the Private Parking Act because, despite the land being privately owned by the City of Unley, the car park is not used for parking of vehicles by persons frequenting the premises of the owner.

There are no council offices nearby, nor any venue used by the council, and the Australian Road Rules, together with the South Australian road rules do not permit a ticketing system where there is no payment. Advice from the RAA suggests that the main problem lies with the Australian Road Rules, part 2, rule 207—Parking where fees are payable, which states:

The driver must—

- (a) pay the fee (if any) payable under the law of this jurisdiction; and
- (b) obey any instructions on or with the sign, meter, ticket, or ticket-vending machine.

This implies a fee-free ticket is permitted. However, the RAA refers to the South Australian Road Traffic Act regulations 2014, where rule 22—Parking and parking ticket-vending machines or parking meters states:

For the purposes of rule 207(1) (Parking where fees are payable), if the word 'TICKET' is displayed on a permissive parking sign, the word is to be taken to indicate that a fee is payable by buying a ticket through the operating of a parking ticket-vending machine.

While the intention of rule 22 is to prevent people claiming that they did not realise they had to obtain a ticket, it unintentionally rules out the ability to provide time-limited parking, which is administered through obtaining a ticket from a ticket-vending machine without paying a fee. From what we understand, free-ticket parking was simply not a consideration at the time that the regulation in the South Australian road rules was drafted.

The City of Unley was attempting to provide car parking free of charge but also ensure that motorists abided by the sensible time limit and to avoid all day parking, which is of course a problem that residents in inner-city suburbs know all too well. What the member for Unley wants to advocate is to change the rules and make an amendment to the Road Traffic (Issue of Free Tickets by Parking Ticket-Vending Machines) Amendment Bill to make sure that the act provides the issue of free tickets by parking ticket-vending machines. That is a very simple amendment.

The minister in the other house has already approved it and it passed the House of Assembly. I encourage other members to consider this bill and make sure that it has smooth passage to ensure that the constituents living in Unley will not be affected and that it allows flexibility for local councils to administer their parking flexibilities as much as they can. I commend the bill to the chamber.

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

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL*Committee Stage*

In committee (resumed on motion).

Clause 28.

The Hon. G.E. GAGO: I have some answers to questions asked in relation to clause 28, if you would like me to put them on the record. Before we adjourned, the Hon. Mark Parnell and the Hon. Stephen Wade asked two questions relating to this clause. Firstly, the Hon. Mark Parnell asked for confirmation that this clause applies to both permanent appointed members of the commission and sessional members who may be co-opted from time to time. On advice from parliamentary counsel I confirm that this is the case. The government also indicates that although the requirement to disclose only crystallises upon formal appointment, as a matter of administrative convenience we would require disclosure to be made during the recruitment process for the list of sessional members.

Secondly, the Hon. Stephen Wade sought clarity regarding the interaction of the disclosure regime under this bill and the Public Sector (Honesty and Accountability) Act. Our advice is that these two acts operate concurrently but effectively apply the same requirements. It is important to recognise that the disclosures regime in this bill mirrors that already applying under the Development Act. The main reason it applies in this bill is so that these disclosures apply to members of joint planning boards and assessment panels who would not be covered by the Public Sector (Honesty and Accountability) Act.

The Hon. R.I. LUCAS: In relation to disclosure of financial interests, in any other clause of the bill or in this particular one, what are the integrity and accountability requirements for senior staff of the planning commission?

The Hon. G.E. GAGO: The staff, including senior staff, of the commission will be staff of the department, so they are basically public servants and are bound by the Public Sector Act, the Codes of Conduct, and also the Public Sector (Honesty and Accountability) Act.

The Hon. R.I. LUCAS: Just to clarify that, in terms of financial interests or pecuniary interests of senior staff in particular, or all staff, would it require a declaration of financial interests in relation to that? If they are treated as public servants, I am not sure that other public servants—with the possible exception of chief executive officers of departments and agencies, who might have a strict requirement in terms of financial interests or pecuniary interests—are required to declare, on a register in any way, their financial interests. Clearly they would have to declare a conflict if they were involved in something. So I seek confirmation or clarification of that.

Would the equivalent of the chief executive officer of the planning commission (if there is such a title or designation) have similar disclosure requirements as a chief executive officer of the justice department or Treasury and Finance, for example?

The Hon. G.E. GAGO: I have been advised that generally, in terms of public servants, you are right: it is mainly the chief executive who has disclosure obligations, and I believe they are annual. I do not believe any other staff are required to make disclosures, but we are happy to look at that. We could extend that further to other senior members of staff. We are certainly happy to consider it.

The Hon. R.I. Lucas: And the chief executive of the planning commission has that same requirement?

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

The Hon. D.W. RIDGWAY: I seek a little clarification. Earlier in questioning you indicated that the planning commission would be like an advisory body and that it would not be a full-time position. The Hon. Rob Lucas is talking about the chief executive of the planning commission but my understanding, from earlier in the debate, is that it would not be someone who was seen as the chief executive of the planning commission. You would obviously have a chief executive of DPTI or of planning, but the planning commission is an advisory body. I think that is what I recall you saying.

The Hon. G.E. GAGO: The Hon. David Ridgway is right; the commission will not have a separate position of chief executive. I am advised that the chief executive of DPTI will also be acting as the chief executive of the planning commission.

The Hon. D.W. RIDGWAY: In relation to staff, I know earlier in the debate you indicated that it would be funded out of existing resources, but I am sure that the government has some idea of the sort of staffing resources that would be required to properly support the planning commission. Are you able to give us maybe not a full FTE figure but the likely support that the planning commission will need?

The Hon. G.E. GAGO: I am advised that currently we have two statutory committees: one is called the Development Policy Advisory Committee and the other is DAC. Each currently have their own separate executive support. These will be merged into one, and we believe that it will be able to use that surplus executive support to assist the planning commission.

Clause passed.

Clause 29.

The Hon. D.W. RIDGWAY: Clause 29 is entitled 'Committees'. It provides that:

- (1) The Commission—
 - (a) must establish 1 or more committees in connection with its functions and powers as a relevant authority under this Act (to be known as *Commission assessment panels*)...

Why does it say 'must establish 1 or more'? Clearly, there is a number of committees that you need; so is it 'must establish one' or 'we must establish more'? It seems a little strange to me worded that way.

The Hon. G.E. GAGO: The reason it is one or more is that of the two powers given to the planning commission: one is advisory and the other is the assessment. In relation to its assessment powers, it is required to delegate its powers to a subcommittee. So it is actually required by legislation to do that, and that is why it must be at least one, and it can be more if it decides it needs other committees to assist.

The Hon. M.C. PARNELL: Reading through the *Hansard* of the other place and the amendments that they made, I see that the minister has done exactly what our minister just explained, and that is sought to separate the two functions of the commission to make sure that when they are assessing development applications it must be assessed by a committee rather than by the full planning commission; and I think that makes sense. Clause 29 says the commission must establish at least one of these commission assessment panels, and clause 30, as I understand it, says that having established that panel, they must then delegate to that panel their development assessment role. I think that is a useful reform that was made, and I think that is good.

The Hon. R.I. Lucas: But the committee could be the whole commission.

The Hon. M.C. PARNELL: That's right. That gets me to the next point, which is: who is going to be on these committees? Clause 29(2) has this curious sentence. It says:

A committee may, but need not, consist of or include members of the Commission.

I think what that means is that it need not include any members of the commission, and that raises the interesting question about who is going to populate these committees if not members of the commission. The only answers I can think of are you have some of these, as the minister called them, sessional members, so they will certainly be on a committee, or perhaps the answer is staff, because there is going to be staff in clause 31.

What I am nervous about is whether, having given the state planning commission development assessment roles, you might end up with people actually doing that work who have only a peripheral connection to the state planning commission. None of the actual members of the commission are going to sit on the committee. It could be just all staff, or it could be anyone—the car park attendant—who knows who gets dragged in off the street? Can the minister respond to the meaning of subclause (2) as to who is going to be on these committees?

The Hon. G.E. GAGO: I am advised that this provision is really a standard clause in relation to the composition of committees. For instance, it is currently reflected in the DAC at the moment. They can set up and delegate to a subcommittee that does not require any of its members to be on it, so that is the first thing. The second thing is, if you asked the question who is likely to be on a committee, you have clearly identified some obvious people: sessional professionals with specific knowledge, experience or skill set. One of the things we have done in the past is where, for instance, we needed some specific knowledge to do with a particular urban area, we actually asked the council to nominate one of its council assessment panel people who sat on the committee. So, we would imagine it would work pretty much the same way as it has been working in the past.

The Hon. M.C. PARNELL: I thank the minister for her answer and accept what she says if it is a fairly standard sort of condition. Other arrangements I have seen in the past have tried to keep a more formal connection back to the head body, as it were, by saying at least one member of a committee must be someone on the commission. I accept what the minister says if it is a provision that is currently being used; that is fine.

I am not proposing to take it any further, but I do find it a little bit curious that you could end up with a situation where the most important committee of the planning commission does not actually have any planning commission members on it. I think that would be an odd outcome. I do not know whether that is intended, but it might be something we revisit between the houses as to a minimum requirement for at least one commission member to be on that committee. I am less worried about the advisory committees than I am about the actual decision-making committees for development assessment.

In terms of accountability, something like 90 to 95 per cent of development assessment decisions are made by people under delegation, usually just employed town planning staff, so I think it is possibly not that big a problem, but I will have a look at it over summer and see whether we think it needs improving.

The Hon. D.W. RIDGWAY: In relation to the committees—maybe I have missed it somewhere—what size will they be? Two, three, five or 10? The minister made some reference to maybe council planning staff, and obviously the Hon. Mark Parnell talked about a lot of decisions and development approvals being given a delegation as such that it is a council staff member, but if they actually have to sit on a committee and they are not on the commission, will there be any level of remuneration, such as a small sitting fee or something, so that these people are compensated for their time?

The Hon. G.E. GAGO: I am advised that in terms of the numbers or the size of these subcommittees, it would be a matter for the commission to determine. In terms of remuneration, I am informed that it would be some sort of sitting fee or sessional fee, and we have talked previously about what those sorts of rates might look like.

The Hon. D.W. RIDGWAY: Is it possible that the commission could be somewhere between four and six people—let's say five—but you could have a subcommittee of six or seven that are delegated to do some work on behalf of the commission?

The Hon. G.E. GAGO: Yes, that is right.

The Hon. R.I. LUCAS: Can I just clarify what I thought I heard the minister say earlier and that is that one of the options available to the government under this, and one of the reasons for the drafting of this particular clause in the bill, is to allow in certain circumstances a local council member with expertise to be able to serve on one of these committees or commission assessment panels?

The Hon. G.E. GAGO: The example that I gave was where we have asked the council to nominate one of their council assessment panel members, so they are not a member of the council; it would be a professional.

The Hon. R.I. LUCAS: Just to clarify: the minister is referring to the fact that the minister would ask the council to nominate someone, but the restriction would be that it could not be a council member with expertise, it would be a council staff member with expertise.

The Hon. G.E. GAGO: I am advised yes, if it was related to an assessment matter.

The Hon. M.C. PARNELL: Just to tie up the loose ends: is the minister saying that the arrangement will be similar to, I think it is called the Inner Metropolitan Development Assessment Panel, which is a subcommittee of DAC, and that if the block of flats is in Unley council's area, then Unley would provide one of their panel members—not being an elected member, so one of the appointed panel members—to sit on this committee? Is that what the minister has in mind?

The Hon. G.E. GAGO: Yes, that is exactly the type of arrangement that could occur and that we have done in the past, not with Unley, of course, but another council.

Clause passed.

Clause 30.

The Hon. D.W. RIDGWAY: I want a bit of clarification in relation to delegations. It says:

- (1) The Commission may delegate any of its functions and powers.
- (2) A delegation—
 - (a) may be made—
 - (i) to a particular person or body; or
 - (ii) to the person for the time being occupying a particular office or position...

It then goes on to say a delegation must be made, if required by the minister, and it gets more specific. I am interested to know what delegation would be made to a person for the time being occupied in a particular office or position. Can you explain the necessity for that clause please?

The Hon. G.E. GAGO: I have been advised that this involves the potential to delegate to a senior person or position. For instance, from the department, it might be to execute contractual documents, and you might want the arrangement to be with the position, not a person, so when the person moves on you do not have to keep changing the name. The example that has been referred to in this place is Stuart Moseley who has moved on but what this allows is for the delegation to be made to the general manager of information services rather than, say, Stuart Moseley.

The Hon. D.W. RIDGWAY: If the planning commission is really just almost like an advisory board that sits to one side from the chief executive, what functions is it delegating to individual people? I can understand how it would establish committees that would do the work, but I am struggling to understand why they need to that with individuals.

The Hon. G.E. GAGO: I have been advised to remind honourable members that the commission would have a much broader role and function than just advisory, so it has a number of other functions, and it will have many administrative responsibilities. This provision allows for the technical expertise, if you like, of a departmental person, a specific function—for instance, a power to issue a practice direction. The decision might be made by the commission but the paperwork is obviously going to be done by a departmental service. The commission members are not going to sit around and fill out all the documents, and you need a level of specialised expertise to do that, so they could identify a particular staff member and delegate that to that position so that if that individual moves on they do not have to keep having to change the name of the person.

The Hon. M.C. PARNELL: Clause 30(2)(b) says a delegation:

...must, if required by the Minister, be made to a committee of the Commission designated by the Minister;

I note that when it comes to setting up committees, it says that the commission must establish any committees that are required by the minister. The minister can make sure that a committee gets established and then the minister can insist that certain matters be delegated to that committee. The Local Government Association in relation to this clause said:

The ability of the minister to dictate that delegations be put in place may undermine the independence of the commission. It is highly unusual for legislation to provide for the dictation of delegations.

They then go on to suggest the deletion of paragraph (b), the one that I read out. They also point out that the minister in the other place had agreed to look at it and see whether any changes were required. My question of the minister is: has the minister in the other place looked at it and determined whether any changes are required?

The Hon. G.E. GAGO: Again, I am advised that this is not an unusual provision. It is a provision that has been migrated from the existing act and it exists in the current act under section 20(2)(a). It is not unusual and it seems to have worked quite well without the roof falling in—at least that we know of.

The Hon. R.I. LUCAS: Can I just clarify that the minister can direct that a committee be established, but in that power to direct that a committee may be established, that is a certain committee, does the minister also have the power to direct the composition of the committee, that is, to say, 'I want these five people to be on the committee'?

The Hon. G.E. GAGO: I have been advised, yes, the minister can determine the composition of the subcommittee and that is already an existing similar provision within the current act, so we have simply migrated that provision into the new act.

The Hon. R.I. LUCAS: This is the sort of area where we had a similar debate earlier in relation to the need for transparency and accountability. It may well be that where the minister directs that committees be established, and in particular then directs that these five people should be on the committee, and then directs that a decision from the commission be delegated to that particular committee that he has constructed with the five people on it that he wishes, all of those issues potentially—and these are not matters that our party room has discussed—come within the broad ambit.

If we are talking as we were earlier in committee this morning, I think it was, about ministerial decisions and transparency and accountability, it would probably make sense to look at this sort of area as well, where, as I said, as the minister has just now indicated, the minister has the power to establish the committee and say, 'I want these five people to be on the committee,' and say, 'I want the commission to delegate all of its powers to these people I have just appointed to the committee.'

I would have thought in those sorts of circumstances there might be some interest in at least exploring whether that should be something which is transparent and accountable; that is, is immediately made public or, in particular, that sort of direction, as we would designate it, might need to be tabled in the house within a number of sitting days. We clearly do not have amendments, we have not discussed it as a party room, I have not even discussed it with the Hon. Mr Ridgway, but I think, as this debate has gone on, it does raise some interesting issues in terms of transparency and accountability.

The Hon. D.G.E. HOOD: I think the Hon. Mr Lucas has raised a very good point, and I do not think it is one that is lost on anyone, so I would ask the government: what checks and balances does the government see in place currently within the bill that would give members some confidence?

The Hon. G.E. GAGO: These provisions have been in place since 1993, or similar provisions—they might be identical. They are not secret committees. If the minister has directed that a committee be formed then the committee is formed. It exists. It is not secret and it is there for those who have an interest in it to ask questions or take an interest. As far as I am aware, there have been no problems identified with these arrangements in the past and I cannot imagine that there would be in the future. As I said, they are not secretly conducted committees.

The Hon. D.W. RIDGWAY: Just from my perspective, if I could have some clarification. I think one of the reasons the opposition, and probably all of us, are quite—

The Hon. G.E. GAGO: Cynical.

The Hon. D.W. RIDGWAY: No, not cynical at all—have been quite attracted to the planning commission model is that there was this level of independence from government.

The ACTING CHAIR (Hon. J.S.L. Dawkins): Order! There is too much noise to my right. I cannot hear the Hon. Mr Ridgway.

The Hon. D.W. RIDGWAY: Brokey, can you keep your voice down—the level of independence with the concept of having a planning commission. So, I am just intrigued by having a committee that the minister can appoint and also insist on who goes on that committee. It does not say it is some low level committee. Obviously, with some of these committees, the planning

commission will have a significant role to play in decision-making in relation to the planning commission.

The Hon. G.E. GAGO: I guess I can only reiterate or remind honourable members that the Development Assessment Commission is independent. It is its own authority and, as we have seen in the past with the current arrangements, a minister should—I mean, it is quite right and proper that a minister have the power to require an investigation if the minister deems that that is necessary, and this simply gives the minister the power to do that. As I said, this is not a new arrangement, a very similar provision has been in place since 1993, albeit by regulation, where this is ministerial direction, but it is minor.

The Hon. R.I. LUCAS: Briefly, I accept the point the Hon. Mr Ridgway has made, but the only point I would make is that I do not know whether there has been an argument about the minister not having the right or the power to do it. The issue only is, I suspect, given this new regime, the new powers, whether or not perhaps there should be greater transparency and accountability when the minister does use that particular power, establish the committee, put his or her members on the committee and then insist on a delegation to it. That was the only point that was being made, certainly by me.

Given that the minister has indicated that this power has existed under the current legislation for a period of time, do the minister's advisers have any indication as to whether the power has been utilised at any time by a minister and whether there is a recent example they can give?

The Hon. G.E. GAGO: To go back to the first point about transparency and accountability, the government indicates that it would be happy to look at, for instance, the possibility of publishing the formation of a committee. We could do that through our portal, through an annual report or something like that. We would be happy to look at that. The answer is, yes, they have occurred. The examples I have been given are the inner metropolitan committee of DAC, which involved a committee, the Port Adelaide redevelopment involved a committee, and I am advised that DPAC has several.

The Hon. R.I. LUCAS: To clarify, they are examples where the minister required a committee, but did the minister also nominate in those three cases the actual members the minister wanted to go on those committees?

The Hon. G.E. GAGO: I am advised that it does vary but, for instance, for the inner metro committee of DAC the composition was determined by the minister.

The Hon. A.L. McLACHLAN: I refer to clause 30(2)(d), which says:

(d) if the instrument of delegation so provides, may be further delegated by the delegate;

Does that include (2)(b), where the minister makes a request or directs for a delegation to a committee, and can also similarly request that that delegation to a committee provide for further subdelegation?

The Hon. G.E. GAGO: I am advised that potentially, yes, but it is a long bow. It would be hard to imagine, and I do not think any examples have ever occurred before of subdelegation—probably not is the advice I have been given. If you imagine the minister has a pressing issue and identifies that as needing attention, directs that a subcommittee be formed and directs who is on the subcommittee, you cannot imagine a circumstance where that in turn would need to be subdelegated, given that the minister has already determined what the matter is to be looked at and determined who is going to be on the subcommittee. It is very hard to imagine subdelegation, but I am advised that potentially, yes, that could happen.

Clause passed.

Clause 31.

The Hon. D.G.E. HOOD: I thank the Hon. Mr Ridgway for his generosity. Clause 31 deals with staff and facilities, and the very first subclause talks about the minister appointing such staff, and goes on to say that they will be public servants, etc. My questions are fairly simple, although I suspect that the detail of this has not been ironed out. To the extent that the minister can answer,

how many staff are envisaged at this point will be required and are they likely to be existing or new staff? That is, will they come from DPTI at the moment, or is the government envisaging that they will need new staff with different skill sets, etc.?

The Hon. G.E. GAGO: We have already gone to this a little bit previously. Clearly, the detailed staffing arrangements have not been worked out yet, except that they are coming from within existing resources and are likely to be departmental staff who are already there. Given the breadth and depth of skills that are already in the department, it is unlikely to warrant new people, but it could, potentially. I have already mentioned the executive support staff coming from the two committees that are folding into one. The executive support will be used from those resources. To remind honourable members, this is a fairly standard enabling-type clause.

The Hon. D.G.E. HOOD: Just to be absolutely clear, the government's plan at this stage is that this will not see the Public Service grow: it will be a reassignment of people within the Public Service?

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

The Hon. D.W. RIDGWAY: I note that subclause (2) provides:

The staff of the Commission will be public service employees.

It then goes on in subclause (3):

In addition, the Commission may—

- (a) by arrangement with the appropriate authority, make use of the services, facilities or staff of any government department, agency or instrumentality...

I guess that means they are seconded or come in for a period of time to do a particular body of work. It also provides:

- (b) with the approval of the Minister—
 - (i) make use of the services, facilities or staff of any other entity...

My first question is: what is envisaged by 'any other entity'? Subclause 3(b)(ii) provides:

engage any person to perform specific work on terms and conditions determined by the Commission.

Would you envisage that external consultants or contractors would be required to do some work there? So, they are not Public Service employees but extra staff again who would be brought in and may be subcontractors or consultants.

The Hon. G.E. GAGO: In relation to 'any other entity', an example I have been given is that it might be work with a particular council. There might be an agreement, for instance, to use their facilities: 'We use your facilities and we will give you this in-kind support,' something like that. It might be a professional body. In relation to the use of external consultants and contractors, if the commission needs specialist work to be done, it can call in expertise through the use of consultants for instance, and it will have the capacity to do that if need be.

Clause passed.

Clause 32.

The Hon. D.W. RIDGWAY: In relation to the annual report, obviously they must report before 30 September each year but subclause (2) says:

The report must contain any information required by the regulations.

There is a whole range of government instrumentalities, boards, commissions and committees that table reports in parliament, but is there a standard format or will there be extra information required by regulation? What is envisaged with this annual report?

The Hon. G.E. GAGO: I am advised that subclause (1) is a standard clause and this provision allows for or requires the commission to report on other matters that might be determined to be appropriate.

The Hon. D.W. Ridgway: That is subclause (2).

The Hon. G.E. GAGO: Yes, that is right. For instance, one of the things that we have talked about in one of the other clauses was publishing or advising on the fact that a ministerial direction has been given. This would be the provision that would allow us to use regulations to do that type of thing.

The Hon. M.C. PARNELL: Under the current regime, there is tabled in parliament each year a document reporting on the operation of the Development Act, and whilst I could not find my copy amongst all my papers, my recollection is that includes not just information from the government's state-level bodies like the Development Assessment Commission but it also includes statistics from all the local councils, how many applications they deal with under different categories, how long it takes them to deal with different applications, rezoning exercises like DPAs, who does them, how many of them there were, how long they took. Is it proposed that this annual report will become the compendium of all statistical information around the operation of the planning system in the state including aggregated information from local councils?

The Hon. G.E. GAGO: The short answer is yes; plus schedule 4, clause 2(4) indicates that the annual report is basically the vehicle for performance monitoring of the system, so that is dealt with there.

The Hon. R.I. LUCAS: There is an existing either Commissioner for Public Sector Employment determination or Department of the Premier and Cabinet circular—I think it is a Department of the Premier and Cabinet circular—which requires existing government departments and agencies to report on certain things in their annual reports such as what detail needs to be reported on overseas travel, and what detail needs to be reported in terms of consultants and contractors. Will this annual report and the planning commission annual report be subject to that—as I said, I think it is a DPC circular—in relation to what is required in the annual report?

The Hon. G.E. GAGO: I am advised that the short answer is yes. The head power for that circular is in the Public Sector Act, section 12; it requires that reporting be given in relation to a range of specified matters.

Clause passed.

Clause 33.

The Hon. R.I. LUCAS: Given the answers from the minister earlier, I am intrigued about section 33 of this act now. As I understood the minister's response to the question from the Hon. Mr Ridgway earlier, the chief executive of the Department of Planning, Transport and Infrastructure is also going to be the chief executive of the planning commission. An existing chief executive has clear lines of responsibility in terms of accountability, so the chief executive of DPTI has responsibilities to his or her minister for the department but also has clear responsibilities with the Premier in terms of his or her contractual arrangements.

The chief executive of the department would sign a contract with the Premier; there are key performance indicators within the contract; the Premier—depending on how premiers approach these things—may well meet on a regular basis and hold the chief executive to account within the terms of the contract. Pay and performance may well be determined by the Premier's judgement in relation to the chief executive's performance.

There are clear lines of accountability, putting aside the fact that the chief executive of DPTI might have a handful of ministers—it might not just be one minister, it may well be a handful of ministers but let's assume there is just one—and then you have the Premier involved in terms of accountability. Under this particular provision, the same person who has that line of accountability is responsible to the commission for managing the commission's business efficiently and effectively.

The chief executive can also, under subclause (2), have such other functions assigned to the chief executive by the commission. The commission can independently make a judgement—there is nothing there subject to a minister or a premier or whatever it is—and can, in essence, assign any other function (there does not appear to be any limit on it) to the chief executive. I think that is an interesting point in and of itself in terms of accountability, and one wonders what sort of functions might be assigned to the chief executive.

However, in terms of accountability, it does not take much imagination to contemplate circumstances where the work of the commission might be in conflict with the work of the department—that is, the department might be hell-bent on implementing a particular project or program or whatever it might happen to be as part of government policy, etc.; the planning commission is the independent body that is making decisions that may or may not impact on the project work of the Department of Planning, Transport and Infrastructure.

I am sure the Hon. Mr Parnell would be in a much stronger position to immediately come up with examples, but I am thinking of something like an O-Bahn, for example, where maybe the department is the one, or the South Road project with overpasses and underways and all those sorts of things; huge projects where there may well be planning decisions. Again, as I said, the Hon. Mr Parnell could probably think of any number of others.

I do not think you need a fertile imagination to imagine where the chief executive of a department is having to implement the government's project or program. That is his responsibility; he is held to account by the Premier in the terms of his KPIs, to say, 'Hey, I'm paying you \$450,000 a year to get these projects done before the next election, and your salary is going to be determined by getting this particular project done before the next election, because I want to be able to open the Adelaide Oval or open the Superway, or whatever it is, in February 2018, just prior to the March 2018 election.'

So your accountability as a chief executive is clearly up that particular hierarchy; however, this same person is also the chief executive of the independent planning commission and is responsible to the commission for managing the commission's independent business in terms of assessment, etc. They can also be given any other function that the commission so determines, with no restriction on it. Again, I am not the expert on the Western Australian model but my brief understanding, listening to the Hon. Mr Ridgway, is that their model was different in that it sounded like they were completely independent and had a separate person in those sorts of positions.

I can just see inevitable conflicts for the chief executive being answerable to two different hierarchies of control; one being the minister, the Premier and the government for the project, and the other one being the independent planning commission. My question to the minister is: when they come into conflict who prevails, to whom does the chief executive respond?

If the Premier of the day or the minister says, 'I don't care what you're doing for the independent planning commission, I'm paying you half million dollars a year. Here are the key performance indicators, and one of them says that I want this project done by February 2018 and I'm holding you to account to get that delivered. You go off wearing the same hat as the chief executive to the independent planning commission and you just make sure that it gets done.' The independent planning commission says, 'Hey, you're working for me, you are responsible for managing our business efficiently and effectively. Under subsection (2) we are going to assign certain other functions to you, there is no limitation on that. We are going to require you to do certain things that are in conflict with your contractual arrangements.'

We are about to come to the close of business tonight, but I am interested in the minister's immediate response, based on advice, as to how the chief executive resolves these particular conflicts. Clearly the government, in setting up this particular model, must have been through this and contemplated how these conflicts are to be resolved. Essentially, my question is: ultimately, to whom is the chief executive responsible?

The Hon. G.E. GAGO: I guess the short answer to this query is that it is quite common; there are many chief executives who currently hold statutory positions concurrently with their chief executive position. For instance, the chief executive of DPTI is not only the chief executive of DPTI but he is also the Commissioner of Highways, and also the Rail Commissioner. Probably most chief executives would have some other statutory role or responsibility, so it is not uncommon.

The Hon. Rob Lucas is correct: the commissioner can be assigned any other function from the commission to the chief executive. However, the planning commission can only assign those matters that it has authority to, and it cannot displace the chief executive's contractual obligation to the minister or the Premier. That is the primary responsibility. That limits the ability for the chief executive to be having the major conflict that the honourable member has outlined.

The Hon. D.W. RIDGWAY: The time has reached 11pm, which was the time that we agreed we would sit both last night and tonight, so on that basis, I move:

That progress be reported.

The committee divided on the motion:

Ayes 13
Noes 6
Majority 7

AYES

Brokenshire, R.L.
Franks, T.A.
Lucas, R.I.
Ridgway, D.W. (teller)
Wade, S.G.

Darley, J.A.
Hood, D.G.E.
McLachlan, A.L.
Stephens, T.J.

Dawkins, J.S.L.
Lee, J.S.
Parnell, M.C.
Vincent, K.L.

NOES

Gago, G.E. (teller)
Maher, K.J.

Gazzola, J.M.
Malinauskas, P.

Kandelaars, G.A.
Ngo, T.T.

PAIRS

Lensink, J.M.A.

Hunter, I.K.

Motion thus carried.

Progress reported; committee to sit again.

At 23:05 the council adjourned until Thursday 10 December 2015 at 10:15.

*Answers to Questions***ANNUAL LEAVE****103 The Hon. R.I. LUCAS** (3 December 2014). (First Session)

For each Department or Agency then reporting to the Treasurer—

1. What is the estimated annual leave liability as at 30 June 2014 in days and dollars?
2. What is the highest annual leave entitlement that has not been taken for any employee, as at 30 June 2014, in days and dollars?
3. (a) What funding, as at 30 June 2014, was held in accounts controlled or administered by the department or agency to fund annual leave; and
(b) What were the names of the accounts and total funds held in these accounts as at 30 June 2014?
4. (a) What policies, and monitoring of these policies, are in place to ensure that there is not a build-up of annual leave liability within the department or agency; and
(b) Are employees required to take annual leave after a certain level of entitlement has accrued?

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): The Treasurer has been advised that—

1. The estimated annual leave liability for the Department of Treasury and Finance as at 30 June 2014 is 9,920 days and \$3,699,000.
2. The highest annual leave entitlement that has not been taken for any employee within the Department of Treasury and Finance as at 30 June 2014 is 71.6 days and \$45,006.
3. (a) The Department of Treasury and Finance advises there is no specific cash allocation held separately to fund outstanding annual leave liabilities.
(b) The Department of Treasury and Finance advises its operations are funded from the Treasury and Finance Operating Account. As at 30 June 2014 this account held funds totalling \$13,723,000.
4. (a) The Department of Treasury and Finance has issued a Deferral of Recreation Leave policy which outlines the department's position with regard to the deferral and management of annual leave.

The policy states that recreation leave must be applied for and granted so that the employee's recreation leave entitlement for a service year is taken before the end of the following service year. This means the maximum balance held at any one time should not exceed 2 years entitlement. Twice a year, March and October, the Human Resources section provides all DTF branches with a listing of all employees that have an annual leave balance in excess of 225 hours (including the adjusted hours for part time employees). This listing is used to assist DTF branches with monitoring and managing excess annual leave and to enable them to develop leave management plans to reduce employee annual leave balances in accordance with the policy.

- (b) All DTF employees are required to have an annual leave management plan when their annual leave balance exceeds 225 hours (including part time equivalent hours). The annual leave management plan outlines how and when their annual leave balance will be reduced below 225 hours.

LONG SERVICE LEAVE**19 The Hon. R.I. LUCAS** (3 December 2014). (First Session)

For each department or agency then reporting to the Treasurer—

1. What is the estimated long service leave liability as at 30 June 2014 in days and dollars?
2. What is the highest long service leave entitlement that has not been taken for any employee, as at 30 June 2014, in days and dollars?
3. (a) What funding, as at 30 June 2014, was held in accounts controlled or administered by the department or agency to fund long service leave; and
(b) What were the names of the accounts and total funds held in these accounts as at 30 June 2014?
4. (a) What policies, and monitoring of these policies, are in place to ensure that there is not a build-up of long service leave liability within the department or agency; and
(b) Are employees required to take long service leave after a certain level of entitlement has accrued?

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): The Treasurer has been advised that—

1. The estimated long service leave liability for the Department of Treasury and Finance as at 30 June 2014 is 43,891 calendar days and \$12,801,000.
2. The highest long service leave entitlement that has not been taken for any employee within the Department of Treasury and Finance as at 30 June 2014 is 540.72 calendar days and \$253,898.
3. (a) Funds are held in the Accrual Appropriation Excess Funds Account.
(b) The funds are held in the Accrual Appropriation Excess Funds Account and the total funds held for the Department of Treasury and Finance as at 30 June 2014 was \$2,584,000.
4. (a) The Department of Treasury and Finance does not have any policies regarding the build-up of long service leave. Long service leave is managed in accordance with the Public Sector Regulations 2010.
(b) Consistent with the Public Sector Regulations 2010 long service leave does not have to be taken after a certain level of entitlement has accrued.

REMOTE ABORIGINAL COMMUNITIES, ELECTRICITY INFRASTRUCTURE

In reply to **the Hon. S.G. WADE** (24 March 2015).

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):

1. Government is continuing to assess options to improve the efficiency of electricity supply to South Australia's remote Aboriginal communities and seeks to build on the progress established through the recent 'Safe and Smart Power Program' delivered across the Anangu Pitjantjatjara Yankunytjatjara Lands.
2. The Minister for Mineral Resources and Energy is responsible for electricity supply to South Australia's remote Aboriginal communities through the Remote Areas Energy Supplies Scheme administered by the Department of State Development.
3. The government has consulted widely with government and non-government agencies in relation to the recommendations of the Bushlight report. Proposals for electricity supply in South Australia's remote Aboriginal communities are currently in development through the Remote Areas Energy Supplies Scheme. The initiatives contained within the proposals will be informed by the Bushlight report.