LEGISLATIVE COUNCIL

Wednesday 9 November 2011

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

SUMMARY OFFENCES (PRESCRIBED MOTOR VEHICLES) AMENDMENT BILL

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:20): I move:

That the sitting of the Legislative Council be not suspended during the continuation of the conference with the House of Assembly on the bill.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:20): I bring up the 34th report of the committee.

Report received.

PAPERS

The following papers were laid on the table:

By the Minister for Industrial Relations (Hon. R.P. Wortley)—

Principal Community Visitor of South Australia—Report, 2010-11

By the Minister for Communities and Social Inclusion (Hon. I.K. Hunter)—

Reports, 2010-11—
- Animal Welfare Advisory Committee
- Department of Environment and Natural Resources
- River Murray Act 2003, and Triennial Review, 2008-11
- South Australian Water Corporation

QUESTION TIME

COURT FACILITIES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:22): I seek leave to make a brief explanation before asking the Leader of the Government, representing the Premier, a question about the Supreme Court.

Leave granted.

The Hon. D.W. RIDGWAY: Yatala, Cadell and Port Augusta prisons are not nice places to be, but more than a few reluctant guests at these establishments owe their incarceration to the good work and diligence of respected prosecutor Geraldine Davison.

It was more than 20 years ago that Ms Davison joined the Office of the Director of Public Prosecutions. By 1999, she was handling complex criminal trials. She managed the DPP's committal unit. She helped other lawyers gain more academic experience, and when she left the DPP, she joined Carrington Chambers, handling prosecution briefs and defence cases.

So, it was no surprise to Adelaide's legal fraternity when Supreme Court Chief Justice John Doyle announced last month that Ms Davison had been selected from a field of 17 candidates to be raised to silk. In fact, she is the only person appointed as Senior Counsel this year.

The ceremony was held this morning down at the Supreme Court, with Justice Margaret Nyland officiating. Why did the Chief Justice not officiate? He could not because, as we have told this chamber, he is temporarily in a wheelchair, and because he is temporarily in a wheelchair he cannot preside from the bench. Not one courtroom in the Supreme Court building has wheelchair access for judges.

And in what court was this morning's ceremony? Court 12, of course. Why Court 12? Because it is the one and only court in the Supreme Court building which has wheelchair access for spectators. My questions to the Premier are:

1. Is it true that one of the observers at this morning's ceremony was John Robert Rau?

2. Is this the same John Robert Rau who holds the position of Deputy Premier and Attorney-General of South Australia?

3. If it is true, is it true that at the start of this morning's ceremony the Hon. John Robert Rau was officially asked to pass on to the Premier the court's displeasure over the appalling conditions?

4. Has John Robert Rau passed that message on to the Premier?

5. When will this and other disgraces at the Supreme Court building, like the antiquated IT system, the lack of conference rooms, waiting rooms and toilets be fixed?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:25): I thank the member for his questions and will refer them to the appropriate ministers in another place and bring back a response.

MOUNT TORRENS GOLD BATTERY

The Hon. J.M.A. LENSINK (14:25): I seek leave to make a brief explanation before directing a question to the Minister for Agriculture, Food and Fisheries on the subject of the Mount Torrens Gold Battery.

Leave granted.

The Hon. J.M.A. LENSINK: Honourable members may be aware that the Mount Torrens Gold Battery is a state heritage listed building which is in the care and concern of PIRSA. The Mount Torrens and District Community Association has campaigned to ensure that the structure is protected, and it has unfortunately been subject to theft and vandalism. My questions are:

1. What is the minister's department doing to protect this valuable piece of South Australia's heritage?

2. Will she take actions to ensure that it is looked after into the future?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:26): I believe that in fact this building comes under the responsibility of the mining interests. However, I will double check whether it is PIRSA's and my responsibility. I do believe it might be mining, but I will double check that and one way or the other I will refer the matter to the appropriate person and bring back a response.

CHARLES STURT COUNCIL

The Hon. S.G. WADE (14:27): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question relating to the Ombudsman's inquiry into Charles Sturt council.

Leave granted.

The Hon. S.G. WADE: Yesterday the President tabled a report from the Ombudsman's investigation of the City of Charles Sturt. The investigation found that:

- the community had reason to be concerned about some councillors' potential conflicts of interest in the revocation [of St Clair reserve] decision...

and

- local government legislation fails to match community expectations and capture these conflicts

The report outlines a number of areas that the Ombudsman considers were unlawful or otherwise wrongful actions of the Labor dominated council, including: unlawfully excluding the public from council meetings; keeping council reports, appendices and minutes secret when there was no lawful basis to do so; and failing to consider governance risks, such as conflict of interest in its prudential report, as required by section 48(2)(h) of the Local Government Act.

Given these important findings, my question to the minister is: will the minister commit to providing a formal response to the parliament on the Ombudsman's report within three months on what actions the government will be taking to remedy these problems; and if no action is to be taken, why no action will be taken?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:28): As you are aware, Mr President, the report was tabled yesterday. I started reading the report last night and I will get a full briefing summary of the entire report very shortly. I will also say as minister for state and local government that we have been working on various changes to the state Local Government Act. I did note the recommendations in regard to changes to that act by the Ombudsman. I am sure that we will be able to accommodate a number of those recommendations.

I am glad the member has given me three months to give a response. I certainly will give a very considered response to that report. We treat breaches of the Local Government Act very seriously and the intention of the government will be to lift the standards and the governance of local government. We are working with the Local Government Association and will soon release a discussion paper in regard to the Local Government Act and various changes. What the Ombudsman has done is give me an opportunity to consider his recommendations when we release our discussion paper.

VISITORS

The PRESIDENT: I just draw honourable members' attention to the presence in the gallery of the Hon. Mr Aisake Eke, a member of parliament from Tonga, who is visiting us. I remind honourable members that that is our twinning parliament. I am sure you will make him feel very welcome on his visit.

QUESTION TIME

TASTING AUSTRALIA

The Hon. G.A. KANDELAARS (14:30): I seek leave to make a brief explanation before asking the Minister for Tourism a question about the line-up for the 2012 Tasting Australia.

Leave granted.

The Hon. G.A. KANDELAARS: South Australia offers a wealth of exciting events throughout the year. As the new Minister for Tourism, I am sure you are aware that these events range from cultural to sporting and include many that promote the wonderful produce we have here. Can the minister inform the chamber of developments in relation to next year's Tasting Australia?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:30): As members I am sure are aware, Tasting Australia is the country's premier culinary festival. I believe that the program and guests will make next year's event an extremely interesting one which people will gain a great deal of enjoyment and pleasure from. I am thrilled to announce that some of the most well-known names in the Australian food industry will come to Adelaide and regional South Australia for next year's Tasting Australia. Next year's Tasting Australia event will run from 26 April through to 3 May.

I am sure members will be familiar with *MasterChef's* George Calombaris who, I understand, is one of Australia's most influential foodies and restaurateurs. George will be demonstrating his modern take on traditional Greek and also Mediterranean fare.

Also joining the event will be Mark Best whose Sydney eatery Marque was recently awarded top Australian restaurant by the *Australian Gourmet Traveller*. Of course, would any South Australian food festival be complete without Simon Bryant and Maggie Beer, who members would probably know from the ABC television program *The Cook and the Chef*? I am very pleased that Simon and Maggie are involved and, of course, I should also mention that Poh Ling, of *Poh's Kitchen* and *MasterChef*, will also feature in the program.

There are a number of other amazingly talented chefs coming as well. Members can find more details about the Tasting Australia event through the Tasting Australia website, which is www.tasting-australia.com.au. Throughout the coming months, I am advised that a full program will be available in early 2012 and I encourage members to keep an eye out for that.

Tasting Australia is a great opportunity to showcase South Australia's stunning fresh produce. Over the eight days, these amazing chefs and personalities will come together and share their knowledge, skills and passion with us. The 2012 Tasting Australia event will see a special focus on youth activities, regional experiences and the arts, with an array of hands-on and interactive experiences to suit all interests. I am sure, Mr President, that you know the Tasting Australia festival combines the very best of South Australian produce with some of Australia's most talented chefs in activities that certainly entertain, educate and inspire us.

The PRESIDENT: The Hon. Mr Stephens has a supplementary.

TASTING AUSTRALIA

The Hon. T.J. STEPHENS (14:34): Will the minister outline to the chamber the marketing and promotion program strategy (which you would obviously have in place by now) interstate to bring people to South Australia? Can you indicate to us how much you are going to spend on promoting this very worthwhile event to draw people to South Australia?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:34): I am very pleased to answer that question. Indeed, the communication and marketing activities have already commenced in the way that we have made announcements of the chefs' line-ups, with some of Australia's best chefs and foodies. So we have already started making those announcements, sending out media releases and lining up news and other media activities to promote that.

As the program develops, we will be releasing that information and promoting it, as well. There will be a range of literature, pamphlets and promotional materials that will be available and there will also be information on our website. In terms of the dollar amounts spent on this, I will have to take that on notice and I will be happy to bring back a response.

AUSTRALIAN YEAR OF THE FARMER

The Hon. J.A. DARLEY (14:35): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries questions about the Australian Year of the Farmer.

Leave granted.

The Hon. J.A. DARLEY: On 12 October this year, the Australian Year of the Farmer 2012 was officially launched at the Royal Botanic Gardens in Sydney. The year 2012 has been earmarked for Australia to recognise and celebrate Australian farmers and, in the words of Year of the Farmer Chairman, Mr Philip Bruem, the year 'celebrates them for feeding the nation, for leading the world in farming techniques and innovation, and for sustaining the vital agribusinesses that underpin our economy'.

I understand that the campaign has the backing of both state and federal governments and hopes to strengthen the ties between city and rural communities. However, despite the government's support, I am increasingly hearing stories from farmers that farming in Australia and, more particularly in South Australia, is becoming more and more difficult.

The introduction of an unnecessarily expensive property identification code (PIC), when an identical code has been in existence in government since 1968, and the introduction of a biosecurity fee have been met with opposition from rural communities; however, their protests seem to have fallen on deaf ears.

Furthermore, I have been approached by many food producers who are increasingly concerned about the behaviour of natural resources management staff and alleged cases of bullying and harassment. Many farmers I have spoken to feel that farming is being sacrificed for the sake of the environment, when it is a known fact that farmers are true conservationists and care about their land. My questions are:

1. What contribution is the South Australian government and its departments making to the Australian Year of the Farmer campaign?

2. Why is the government publicly supporting farmers on the one hand but, on the other hand, allowing its departments to make life as difficult as possible for them?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:37): I thank the honourable member for his most important questions. Indeed, the

Australian Year of the Farmer 2012 is planned to be a year-long event of national celebration of farming, recognising the contribution of farmers and recognising, in particular, the contribution that they make to Australia through food production as well as their contribution to natural resources management in things like innovation, technology and, obviously, the broader economy.

The year is a project of a non-profit company, Australian Year of the Farmer Ltd, which was established in 2009, so I am advised. In December 2010, PIRSA arranged for South Australian meetings, which were attended by representatives from state government, industry and rural communities, to discuss the involvement of government departments, industry sectors and organisations in celebrations.

The Australian Year of the Farmer Ltd explained the benefits of being involved and the types of activities that would be held during 2012 and encouraged involvement in the sector to promote the sector and help build relationships, particularly between the urban and primary industry sectors. PIRSA has circulated that information through its industry and community networks and has provided internal updates as required.

Liaison continues between PIRSA and the chair, and also the professional public relations company coordinator for South Australia, providing them with contacts and information as required. Many organisations in South Australia have expressed interest in badging their events in line with the Year of the Farmer. I have asked officers to bring to me suggestions and options for South Australia's specific activities. So, I look forward to that.

The honourable member made use of the PIC scheme, which I spoke about in this place yesterday. It is a scheme that is designed to be able to identify livestock. As I said yesterday, it is a very important tool to be able to ensure effective and professional response to animal health emergencies, including things such as disease, fire, flood, etc.

This is a national matter, and all states are moving to mandate a PIC. In fact, the honourable member seems to be indicating that it is something the industry is not embracing and that, in fact, is not a fair representation. I know that there are mixed views about this, but I am advised that there is a fairly strong level of support from livestock organisations for the PIC. Although it will result in a small impost, they also have a much longer-term view and can appreciate and understand, unlike members opposite, how important it is for the future security and biosecurity of our livestock.

As I have said, I am aware that that there are mixed views about that, but the Hon. John Darley did not represent all of those views in his statements here in the chamber today, yet I do recognise that he does reflect some.

In terms of the NRM, the NRM is a policy area that is the responsibility of the Minister for Sustainability, Environment and Conservation, the Hon. Paul Caica. However, that act was put in place to integrate and balance the focus between development and sustainable resource management, and the management of those resources is absolutely critical to primary industry. Primary industries gain from better management of our water catchment areas and better management of weed and other pest infiltrations.

Primary industries have a direct benefit from most of the activities that NRM boards and their staff perform. To suggest somehow that the NRM is the enemy of farmers is an absolute nonsense; it is just not so. I am aware that, in the past, there have been some complaints raised around individual incidents. I am absolutely confident that, if people have issues and they bring those forward to the appropriate minister, those matters will be investigated thoroughly and, if there was any inappropriate conduct, the minister would address that promptly.

AUSTRALIAN YEAR OF THE FARMER

The Hon. J.A. DARLEY (14:44): I have a supplementary question. Is the minister aware that there has been a property coding system available in South Australia since 1968 that would have avoided the necessity of spending additional money?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:44): I have already spoken at some length about PICs in this place yesterday and indicated that it is in our interests to pursue, as closely as possible, a nationally-consistent approach. Some of the problems in the past have been not only that different states have been doing different things but different parts of the primary industry sector were doing different things again. So, we have this sort of patchwork-quilt approach. It is time we did something far more

sophisticated than that. Our animals do move across borders and it is most important that we are able to trace and place livestock right throughout our nation.

AUSTRALIAN YEAR OF THE FARMER

The Hon. R.L. BROKENSHIRE (14:45): Will the minister also agree not only to talk to her department, but SAFF in relation to events next year for the Australian Year of the Farmer?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:45): I have already indicated that we are speaking to all appropriate people within the sector, but it is not just the department's responsibility. The sector also has some responsibility, too—if it wants to promote itself—to think about what events and activities it might want to badge. It is supposed to be a joint approach. PIRSA is certainly doing its bit. We will continue to do that. I have already indicated that I have asked the agency to bring me some options and suggestions about specific things that PIRSA might be involved in, and they will do that for me.

SAFE WORK WEEK

The Hon. CARMEL ZOLLO (14:46): Will the Minister for Industrial Relations provide the chamber—

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: Thank you, Mr President. I will start again. Will the Minister for Industrial Relations provide the chamber with details of the recent Safe Work Week and awards?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:46): I thank the honourable member for her very important question. Safe Work Week 2011 took place in metropolitan Adelaide from 24 to 28 October, and I am pleased to say that this year's event has been an outstanding success, both in terms of attendance and benefit to the community.

This year's program consisted of about 70 free information sessions at the Education Development Centre at Hindmarsh. Over 3,600 people attended these sessions that provided important and relevant information in relation to issues, such as the proposed model work health and safety laws, as well as specific workplace safety matters like manual handling, hazardous chemicals and risk management.

In addition to the metropolitan Safe Work Week, safe work presentations had already taken place in the regional areas of the state. Forty-eight presentations have been made to over 2,600 people in regional areas, such as Whyalla, Mount Gambier, Berri, Streaky Bay, Gladstone and Nuriootpa. These sessions were specifically delivered at times and in places that better accommodate the needs and schedules of our regional workplaces and industries.

Safe Work Week is an important event for promoting the health and safety message to the South Australian community, and it seems that South Australians want to learn more about this message. Nearly 19,000 free safety publications covering a wide range of occupational health and safety issues were distributed throughout Safe Work Week, while SafeWork SA has recorded an increased number of visits to its website as employers and workers strive to learn more on what needs to be done to ensure all people are safe while they are at work.

In addition to the workshop presentations, 307 businesses also signed up to receive the Take 10@10 packages. These packages provided training materials on 12 safety topics of concern to most workplaces. Participants were then able to discuss these topics in their own workplaces, meaning that thousands more workers were able to learn about safety issues related to them.

I thank the SafeWork SA Advisory Committee, SafeWork SA, SA Unions, Business SA and WorkCoverSA for presenting and coordinating this successful week of informative, high quality and relevant activities. It is through their hard work and dedication that the health and safety message will continue to be delivered long after Safe Work Week has concluded.

On Friday 28 October, I had the honour of presenting the 2011 Safe Work Awards at a ceremony held at the Adelaide Convention Centre. The annual Safe Work Awards celebrate and publicly recognise the efforts of those employers and individuals who lead by example in demonstrating their commitment to workplace safety.

In 2011, there was a record field of 80 nominations for the four categories of Safe Work Awards and Augusta Zadow scholarships which support occupational health and safety projects undertaken by or for women in South Australia.

The University of Adelaide won the award for Best Workplace Health and Safety Management System in the Public Sector for its commitment to occupational health and safety on many levels, including its systems, planning, investment of resources and integration into all levels of activity. An encouragement award was also awarded to SCOSA for Best Workplace Health and Safety Management System in the Private Sector.

Adelaide Shores has continued the great work that saw it win Employer of the Year (public sector) in 2009, by winning the award for Best Solution to an Identified Workplace Health and Safety Issue. Adelaide Shores introduced modified electric golf buggies which have been immediately successful in reducing and eliminating risks to safety for its 49 employees who are required to service cabins over its 20-hectare property.

The Hub Fruit Bowl at Aberfoyle Park won the award for Best Workplace Health and Safety Practice in a Small Business for its ongoing commitment to health and safety through its health and safety management system which includes relevant policies, procedures and induction programs as well as suitably addressing all risks associated with its business.

I congratulate Mr Dusty Hurst from Clipsal, Mr Paresh Chawda from Visy and Mr Jorgen Anderson from TAFE SA who each picked up awards in the category of Best Individual Contribution to Workplace Health and Safety. The winners of three categories will automatically become finalists in the national Safe Work Australia Awards which will be held in April 2012. South Australia has a proud history of achievement at the national level, and I wish all the finalists every success in next year's awards. Members can find a full list of winners of the 2011 Safe Work Awards on the SafeWork SA website. I take this opportunity to congratulate all the Safe Work award winners and entrants for their outstanding contribution to workplace safety.

WOMEN'S EDUCATION

The Hon. J.S. LEE (14:52): I seek leave to make a brief explanation before asking the Minister for the Status of Women questions about the status of women portfolio.

Leave granted.

The Hon. J.S. LEE: In *The Adelaide Review* October 2011, it was reported that the TAFE women's education program is under threat due to significant cuts made from the state budget. It highlighted that increasing female labour force participation is fundamental to boosting the South Australian labour force participation rate over the next decade. Programs like TAFE's women's education help to achieve that but, with specialist teaching hours to be cut, it will be difficult or impossible for women to complete the courses on offer.

The Australian Education Union (SA Branch) on their website stated that the Office for Women is the:

> ...only agency in government which focuses on women, who make up over 50% of the population, it is becoming severely limited in its ability to support women and promote awareness of the key women's issues.

The AEU also mentioned that these are all cuts that directly impact on the lives of women in South Australia. It appears that this government sees women and women's issues as unimportant and an easy target for saving money. My questions are:

1. With the combination of funding cuts and restructuring of the office, the message women are receiving is that the state government does not take women's issues seriously. How does the minister intend to reverse this message?

2. With significant funding cuts to the women's portfolio, women are losing support for education and employment opportunities. How does the government intend to preserve these very valuable resources for women across the community?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:54): I thank the honourable member for her questions and her interest in this particularly important policy area. In relation to matters pertaining to TAFE, it is obviously minister Kenyon's responsibility. However, I am advised that TAFE SA delivers about 800 qualifications over its 50-odd sites and continually reviews the courses that it runs each term. Courses are

reviewed according to both student and industry demand, I am advised. TAFE SA currently offers Women in Education in 10 campuses in South Australia: metro Adelaide, Noarlunga, Port Adelaide, Elizabeth and a number of country areas as well. A computing module is also offered at Salisbury for students enrolled at Elizabeth.

I am advised that the changes to which the honourable member is referring currently affect the Port Adelaide campus. The five subjects that are no longer being offered at the Port Adelaide campus are part of Certificates III and IV in Women's Education. Women's education courses and subjects affected are generally those with low demand and also those that tend to employ casual staff. Certificate IV in Women's Education is no longer available at Port Adelaide campus, due I am advised to low demands. They did not have the numbers that enabled them to make the course available. In some ways it is a positive thing to see that women are able to mainstream other courses. So in some ways it is indicative of a fairly positive trend, but I know that members of the community are concerned to see these changes.

There were approximately, I am advised, 10 part-time students enrolled in that particular course. I support the retention of the women's education program at TAFE SA—I am a very strong supporter of that. I also accept that clearly there needs to be a demand for these courses to continue. It would be unreasonable and irresponsible of the government to be running courses where people did not want them. I also encourage women who have completed the women's education courses to continue their studies to gain the sorts of skills and confidence they need to be able to fulfil their own personal and professional developments.

TAFE SA in Adelaide North has received confirmation from DFEEST that the 2011-12 allocation for women's education will again be 58,900 hours, which is the same hours, I have been informed, as for 2010-11, so there is not any change there. Staff of the women's education program provide high levels of pastoral care support and an innovative teaching program to ensure that student cohorts achieve their individual personal goals that are designed in a way that is flexible to meet their individual needs and also accommodate their learning needs.

TAFE SA Adelaide North is continuing to review the qualifications offered based on student demand and the achievement of efficient and appropriate delivery that is consistent with the requirements of implementing skills for all funding models. For the honourable member to suggest that somehow there have been significant cuts in the women's portfolio that is indicative of our lack of commitment is a complete nonsense.

Our Office for Women pretty much received a similar proportion of cuts through the savings strategy this government put in place to build a long-term, sustainable and viable budget and to ensure prosperity into our future in South Australia. We delivered cuts right across the board. Our women's office received its share of those cuts. They have accommodated those extremely well through streamlining their services and developing stronger reliance and a better scope of product available online—that has been very popular—and reducing duplication and replication wherever they can.

The PRESIDENT: The Hon. Ms Franks has a supplementary.

WOMEN'S EDUCATION

The Hon. T.A. FRANKS (14:59): Can the minister clarify whether or not Port Adelaide's Cert IV in Women's Education has been discontinued, as it is still advertised as being available for next year.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:59): I have been advised that the Cert IV in Women's Education is no longer available at the Port Adelaide campus, due to low demand. I will check though, if the member is saying that it is still being advertised. Perhaps they are advertising it to see if they can get the numbers to resume it; I don't know, but I am happy to follow that up and check that out.

HOUSING SA HOT-WATER SYSTEMS

The Hon. M. PARNELL (15:00): I seek leave to make a brief explanation before asking the Minister for Social Housing a question of about the installation of energy efficient hot-water systems in Housing SA properties.

Leave granted.

The Hon. M. PARNELL: *The Advertiser* on Saturday revealed that almost 3,000 hot-water units that fail the current basic energy efficiency standards were installed in Housing SA properties in the year to July, and this has occurred because of an exemption to regulations. These regulations require old hot-water systems to be replaced with energy efficient models, and these regulations apply to all other home owners and all other landlords in South Australia.

An exemption for Housing SA has apparently been in place since the regulations began in 2008 and is due to continue until next July. The new hot water efficiency regulations were supposed to be a core strategy in the government's efforts to combat climate change.

The Advertiser article included the chief executive of the Plumbing Industry Association of SA saying that the exemption for government properties has created a black market for the installation of these old systems in private properties. However, the real victims have been the families in these Housing SA properties, who have had to pay significantly more for hot water than they would have if a more efficient system had been installed.

SACOSS continues to strongly argue that energy prices are becoming an increasingly important driver of poverty for vulnerable and disadvantaged South Australians. Conversion to a more efficient hot-water system is arguably one of the quickest and most effective ways for people to save money and energy, whilst reducing carbon pollution. My questions to the minister are:

1. Why is Housing SA choosing to save money by shifting energy costs onto the most vulnerable in the community?

2. Shouldn't the government be leading by example when it comes to capital investment in basic energy efficiency?

3. What action has the government put in place to stop the black market in the installation of old electric storage hot-water systems?

4. As a new minister with a strong interest in climate change and the needs of low-income people, will you commit to ensuring that all new hot-water systems installed from now on by Housing SA will meet the energy efficiency standards that every other home owner and landlord in this state has to meet?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:02): I thank the honourable member for his very important question. I should point out at the start that the responsible minister for this issue is the Hon. Mr Caica in another place, but can I just say that the installation of energy efficient hot-water systems is a major plank of the government in terms of leading the community in terms of energy efficiency. The exemption that was given to the Housing Trust, which will last until July 2012, is entirely appropriate given the Housing Trust is the largest landlord in the state—no private developer has any stock anywhere near comparing to the 45,000 housing units that the Housing Trust is responsible for. I can also say that new houses that were built since then have all had energy efficient water systems installed, and will continue to do so, as the exemption expires in July 2012.

COMMON GROUND

The Hon. J.M. GAZZOLA (15:03): My question is to the Minister for Social Housing. Minister, will you advise the house of the continued expansion and success of the Common Ground housing project?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:03): I thank the honourable member for his very important question. The state government has committed $22 million for more than 120 new Common Ground apartments that provide accommodation and support for people who are homeless or at risk of homelessness.

First came Franklin Street, with 38 apartments above the bus station. These have been fully tenanted for some time and, thanks to the support and stability provided by Common Ground, 21 people have already moved on to other stable accommodation, including home ownership, private rental and public rental.

In August, the next chapter in this success story was opened. Common Ground on Light Square adds another 52 apartments, GP consulting rooms, a fully-equipped dental clinic, and 24-hour staff support to the services already on offer. Since Light Square started taking new tenants in April, there have already been great personal success stories. A young woman whose

life had been torn apart has stabilised her circumstances and got back into tertiary education—to do her PhD, no less. Next will be the Port Augusta Common Ground project that will add 35 units across two locations, with a special focus on Aboriginal people. I understand that this has recently been approved by cabinet and is now going to the Public Works Committee for consideration.

Common Ground's Adelaide projects demonstrate that the right resources combined with passion and commitment deliver the right outcomes. Located in the heart of the city, residents have easy access to public transport, education, employment and services, all while paying affordable rent. This reverses the usual experiences of entrenching disadvantage by excluding vulnerable people and forcing them to the margins of our mind and of our communities. Instead, we bring them into the centre.

Common Ground is a symbol of this government's commitment to social inclusion and social innovation. The concept came from our Thinkers in Residence program, and was endorsed and driven by both the previous and present premiers. I am very pleased to be part of this venture in my new role as both the Minister for Social Housing and the Minister for Social Inclusion.

The PRESIDENT: The Hon. Ms Franks has a supplementary question.

COMMON GROUND

The Hon. T.A. FRANKS (15:05): Will the new minister undertake to ensure that all Common Ground residents, be they in Light Square or the former facility, have access to any files kept on them and have full disclosure given to them should they request those files and have the ability to challenge the contents of those files?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:06): I am not aware of the policy about accessing one's own files. I imagine that there are processes in place to do so, but I will check with my department and come back with a response.

The PRESIDENT: The Hon. Mr Stephens has a supplementary.

COMMON GROUND

The Hon. T.J. STEPHENS (15:06): Minister, you mentioned that some tenants have gone from virtual homelessness to home ownership. Could you explain how somebody would go from one set of circumstances to dramatically improving them in such a short time?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:06): I thank the honourable member for his supplementary. If he likes, I will find out about the particular circumstances of the persons who have done so successfully and bring back a response for him.

PRINTER CARTRIDGE SCAM

The Hon. R.I. LUCAS (15:06): I seek leave to make an explanation prior to directing a question to the Minister for Communities and Social Inclusion on the subject of cartridgegate.

Leave granted.

The Hon. R.I. LUCAS: The opposition has been provided with a copy of an invoice for Disability SA's Whyalla office. That invoice is from the company Consumables Management Group Pty Ltd, dated 17 July 2009, and is for a total value of $914.90 for printer cartridges. On the invoice is identified as still on back order one Sunbeam product to be provided to the particular public servant who was involved.

The minister will be aware that the Minister for Finance yesterday indicated that over 40 government entities have now been caught up in the cartridgegate scandal and an unspecified number of officers in those agencies have been identified and caught up in those inquiries. The minister outlined that post July 2009 the total value of invoices is almost $1 million. What the minister did not indicate yesterday was the significant number of invoices and officers involved pre July 2009. My questions to the Minister for Communities and Social Inclusion are:

1. For all government entities that report to the minister, what advice has he now received as the new minister in terms of the number of invoices for those government entities which he is responsible for, both post July 2009 and pre July 2009, what advice he has received in relation to the value of those invoices and what advice has he received in relation to the number of officers that might be involved?

2. In relation to the one already publicly identified invoice from Disability SA's Whyalla office, has he ensured that matter is referred to the Auditor-General and/or South Australian police, as the chief executive officer for the Department of the Premier and Cabinet did on the day that he became aware of an officer involved in similar circumstances in the Department of the Premier and Cabinet?

3. Is there already a disciplinary inquiry instituted within his agencies in relation to either that officer or any other officer who has been identified to the minister who is engaged in similar practices within government entities that report to the minister?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:10): I am pleased to advise, according to the ministerial statement of the Hon. Mr Michael O'Brien in the other place, that:

> On 21 September 2011, specific allegations of inappropriate printer cartridge purchases in the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet were raised. They were referred to the Auditor-General and SA Police. The Chief Executive of the Department of the Premier and Cabinet wrote to all agencies on 22 September—

all agencies—

> seeking that they undertake an urgent review of procurement practices, particularly in relation to computer consumables.
>
> ...the terms of reference of the Procurement Working Group...will be provided with initial advice within the next two weeks and then further advice as required when progress is made against the terms of reference criteria—

that the minister has laid down.

The Minister for Finance will be thoroughly investigating this issue and I refer the Hon. Mr Lucas to the ministerial statement tabled in the other place yesterday.

PRINTER CARTRIDGE SCAM

The Hon. R.I. LUCAS (15:11): I have a supplementary question arising out of the minister's answer. Is the minister indicating that, in relation to the incident that has already been identified publicly, and I have referred to again here in relation to his Disability SA office in Whyalla, that the issue has not been referred to the Auditor-General, has not been referred to police and no disciplinary inquiry has already been instituted?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:11): No.

PRINTER CARTRIDGE SCAM

The Hon. R.I. LUCAS (15:11): A supplementary question arising out of the answer, Mr President.

The PRESIDENT: Which one?

The Hon. R.I. LUCAS: The original answer. Given the minister has just indicated no he is not, therefore can he indicate which of the three—that is, referral to the Auditor-General, referral to the South Australian police or a disciplinary inquiry—has already been instituted in relation to the Disability SA officer to whom I have referred?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:11): My answer no was to the question no, I am not indicating any of those things.

PRINTER CARTRIDGE SCAM

The Hon. R.I. LUCAS (15:12): A supplementary question arising out of the answer. Can the minister indicate why he is refusing to indicate whether or not any action has already been taken in relation to officers identified within his department in relation to this particular invoice?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:12): It is very simple. The Minister for Finance yesterday tabled a ministerial statement covering these issues. I do not want to jeopardise any further any ongoing investigations and I will be making no further statements. I will be referring the Hon. Mr Lucas to the ministerial statements from now on.

PRINTER CARTRIDGE SCAM

The Hon. R.I. LUCAS (15:12): A supplementary question arising out of the answer. How then does the minister justify the fact that other departments and ministers have referred issues either to South Australian police or to the Auditor-General or to a disciplinary inquiry being conducted by their departments, given that he claims he can't take similar action?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:13): I made no such claims.

BIOSECURITY COST RECOVERY

The Hon. R.L. BROKENSHIRE (15:13): I seek leave to make a brief explanation before asking the minister for primary industries a question regarding the proposed biosecurity tax.

Leave granted.

The Hon. R.L. BROKENSHIRE: Over the past 10 years, nothing has been so offensive to livestock producers in South Australia than the misguided attempt to raise extra revenue without justification by way of a biosecurity levy. Livestock producers already pay—

Members interjecting:

The PRESIDENT: That is opinion. That is definitely opinion.

Members interjecting:

The PRESIDENT: Order! The honourable member should leave the opinion out.

The Hon. R.L. BROKENSHIRE: Thank you, sir. Livestock producers already pay a levy to Animal Health Australia, the MLA (Meat and Livestock Australia) and Dairy Australia for a national biosecurity program, and money from these funds comes back to PIRSA here in South Australia. It is all the more heartless in that it was industry that went along with the NLIS and the PICs to give Australian livestock producers the very best biosecurity program in the world and it was through the PIC that the new tax was to be imposed.

PIRSA has given the impression that it is continually blaming the Rann cabinet for supporting the recommendation of the Sustainable Budget Commission to establish cost recovery targets for the state's animal health program for the decision to raise the additional revenue without engaging with industry and working through the issues. My questions to the minister are:

1. Does the minister support full cost recovery for biosecurity and, if so, why?

2. Is the minister able, given yesterday's questions, to advise the chamber whether there has been a budget cost shift to PIC, NLIS and PIRSA administration costs in an attempt to reduce the projected budget of around, I think, $4 million for biosecurity fees and, therefore, to falsely suggest now that it will be about $1.5 million revenue from biosecurity fees?

3. How does the minister explain her government's pledge that there would be no new taxes?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:15): I thank the member for his important questions. Indeed, animal health services primarily benefit livestock and horse producers by protecting their animals from harm, protecting industry from economic loss and supporting access to markets. They are the significant beneficiaries from concerns in this area and the wish to develop a different model. Therefore, the government has determined that producers should cover the costs of these animal health services.

Increased cost recovery will primarily support the disease surveillance and emergency response preparedness subprograms focused on protecting industries from emerging or exotic diseases such as foot and mouth, equine influenza and other diseases where industry must demonstrate disease freedom to be able to access export markets.

Endemic disease control activities in Biosecurity SA are currently funded through contributions collected under the Primary Industry Funding Schemes Act 1998 for cattle, sheep and apiary industries. These voluntary programs for industry's benefit are expected to move to be more fully cost-recoverable over the next three to four years.

Many industry sectors already pay for these types of government services in the primary industry sector including the commercial fishing industry, the aquaculture industry, meat processing businesses, horticultural importers and exporters, and sheep and cattle producers for endemic disease control programs. Many of these industry sectors are asking, 'Why should we pay and livestock be heavily subsidised?' So similar arrangements are now proposed for the remaining animal health services.

Biosecurity SA recently publicly consulted with livestock industries on a bill to amend the Livestock Act 1997 to create a framework for recovering some of the costs of the exotic disease surveillance and emergency response preparedness programs. As I indicated yesterday, and as members would be aware, the government is looking to introduce a bill and I made clear in this place yesterday that no final decision has been made about that bill.

As the new minister, I feel that it is important that I have an opportunity to look at the proposed funding model very carefully and then have an opportunity to consider all relevant matters related to it. I am in the process of doing that. I am certainly listening to what the industry concerns are and also, obviously, balancing that up with the overall industry benefits in terms of improving health security throughout the nation and making sure that we have long-term viable markets that do not end up crashing because of some disease outbreak.

BIOSECURITY COST RECOVERY

The Hon. R.L. BROKENSHIRE (15:20): I have a supplementary question arising from the minister's answer. Can the minister justify to the house why her department would be recommending full cost recovery for biosecurity when none of the other states in Australia, as I understand it, has full cost recovery?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:20): I have been advised that most other states are, in fact, exploring that option. I have been advised that there seems to be a national trend towards cost recovery, and my understanding is that a number of other jurisdictions are looking at it very carefully. I have also indicated that it is consistent with what occurs in a number of other primary industry sectors here in South Australia.

WORK-LIFE BALANCE

The Hon. CARMEL ZOLLO (15:21): My question is to the Minister for Industrial Relations. Can the minister provide the chamber with details of the launch of the quality part-time work project, which is being led by SafeWork SA?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:21): I thank the honourable member for her very important question. I also acknowledge the many years of interest the honourable member has had in relation to this sort of issue.

Recent data from the Australian Bureau of Statistics has highlighted the changing nature of the Australian family. No longer is the two-parent family the most common type of household. An ageing population, rising divorce rates and fewer marriages are changing the shape of a typical family structure.

The changing nature of the modern Australian family has meant a greater emphasis on flexible working arrangements to enable South Australians to meet the competing demands of work and life. Part-time work is the most widely-used flexible working arrangement in South Australia, with one-third of the workforce working part time.

One of the major projects of my ministerial advisory committee on work-life balance is the quality part-time work project, which is examining how the quality of part-time work in South Australia can be improved. Quality part-time work is associated with a range of workplace benefits that increase productivity and enable workers to effectively balance work with other life goals and responsibilities.

Initially focused on the South Australian retail industry, the project, which is being led by SafeWork SA, has worked with employers to support the implementation and evaluation of employers' actions to promote best practice in providing part-time arrangements in the private sector.

Quality part-time work ensures that an employee's skills continue to be developed and that they have the same access to training and career development opportunities as full-time workers. Quality part-time work can also be a key tool that assists people through major life transitions, such as moving from full-time study to work, returning to work from maternity leave and moving into retirement.

The project has resulted in the development of a publication called 'Quality part-time work in the retail sector'. The publication is available on the SafeWork SA website, www.safework.sa.gov.au., and I commend the publication to all employers and workers as a useful guide to providing quality part-time work arrangements in the retail sector.

MATTERS OF INTEREST

IRON KNOB

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:24): I rise today to draw to the attention of members a particular feature of my visit last week to Whyalla, Iron Knob, Ceduna and the Yalata Aboriginal community. While in Iron Knob, I had the pleasure of meeting with representatives of the local community, the Progress Association and the Outback Communities Authority. I acknowledge Iron Knob Progress Association members Mr Wal Patton, Mr Brian Armstrong and Mr Bryan Lock, who were kind enough to tell me about their community, about issues that are presently of concern and about their aspirations for the future.

With a population of 199, according to the 2006 census, Iron Knob represents a fascinating piece of South Australian history. Some members may not be aware that the genesis of the Australian steel industry we know today centred on Iron Knob. This was the first iron ore mine in Australia, and we know that mining operations began there in 1880. Consider this: two years before Federation, BHP commenced operations at Iron Knob, extracting ironstone to use as flux for smelting silver-lead at Port Pirie.

It is worth noting that, until the 1960s, all BHP's operations at Whyalla, Port Pirie, Newcastle and Port Kembla were supplied with Iron Knob ore, some 125 million tonnes of ore, in fact. Until the discovery of ore in the Pilbara, Iron Knob was considered the largest iron reserve in the country. We all know what ensued from those discoveries in Western Australia and from changes in technology and work practices in mining.

By 1998, the mine had closed and the impact on the town's population, services and infrastructure was exactly what one would expect. We have seen these instances before. What is evident today, however, is a small but forward-looking community, whose prospects may yet come alive again with the expansion of the Olympic Dam project. This expansion will bring new opportunities and new challenges for the people of Iron Knob, and that is what my remarks today are all about.

As I travel around the state, it continues to give me great pleasure to meet our community representatives. I am particularly impressed with the way the Iron Knob Progress Association is looking towards the opportunities and challenges that the future will bring. Not only are its people anticipating the maintenance of services, facilities and infrastructure, but they are looking to augment these so as to improve the lives of residents, new workers, visitors and tourists alike.

I can give you one instance of this right now. Following my meeting with the Outback Communities Authority, I had the honour of opening the town's newly enhanced community park in the presence of an enthusiastic community contingent and Ms Lyn Breuer MP (the member for Giles). The park now comprises landscaped areas with picnic tables and seating, a new playground, outdoor gym equipment and an excellent bush kitchen. These features certainly complement the adjacent campsite, which has also been upgraded.

I should also add that improvements to existing facilities were funded by the Department of Planning and Local Government—$32,800; the Outback Communities Authority—$18,600; Community Benefit SA—$10,500; the federal Department of Infrastructure, Transport, Local Government and Regional Development—$10,000; and the Office for Recreation and Sport—$6,000.

The park is now an attractive meeting place for locals and members of surrounding communities alike. It provides opportunities for social interaction and promotes healthy lifestyles. However, it is abundantly clear to me that, without volunteers of the calibre of Bryan Lock, Brian

Armstrong and Wal Patton, their colleagues in the Iron Knob Progress Association and the community, these improvements might not have been achieved or achieved to the same degree.

What I saw that day was evidence of the hard work and dedication of a community that clearly pulls together. That is why I want to salute the progress association and the community as a whole on completing a project that adds to the quality of life right now and into the future. It is yet another good news story from our regions.

In closing, I would like to repeat for the benefit of those present the vision statement that informs the Iron Knob Community Plan 2009-12: 'A vibrant community, proud of its past and cohesive in securing its future potential.' For me, that says it all. On that note, I commend the residents of Iron Knob, congratulate them on their achievements and wish them all the very best indeed as they continue to work towards securing the future potential of their town.

GOVERNMENT APPOINTMENTS

The Hon. R.I. LUCAS (15:28): I rise to speak about government appointments. Firstly, I guess every cloud has its silver lining, and I join with you, Mr President, I am sure, in congratulating the Hon. Mr Gazzola on the political X Lotto he has just won, having just been appointed, I understand, to two further government-paid committee positions, taking his total number now to three paid positions as well as whip. Having done the calculations, he has now cracked the $200,000 barrier. I thought I would put it on the public record just so that his family is well aware of this and that he does not keep these issues from them. They are on notice that the Christmas presents in the Gazzola family this year will be of a much higher quality.

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

The Hon. R.I. LUCAS: He may well turn down the offer of president. It might involve a cutback in salary. It is not a bad job. He is sitting on the back bench, not having to answer any questions or manage any department, and he has cracked the 200K barrier. I am sure that is the reason why he has a big smile on his face at the moment.

Turning to some government appointments and looking at the evidence that we have received over a period of time from the Budget and Finance Committee, and other information that has been provided, it is interesting to see how this government is using—and continues to use—government departments as a convenient place for parachuting ex-Labor Party staffers back into positions within the Public Service. The most recent examples we have seen of this relate to the Justice portfolio, but before that I want to turn to the Department of Planning and Local Government.

I have raised before the fact that there seem to be more ex-Labor staffers in that department at varying stages than there are at a Labor Party convention. One looks at the names of ex-Labor Party staffers who have held positions—Mr Petrovski, Mr Vanco, Ms Boswell, Ms Noske, and there are one or two others as well—who, at various stages, have been parachuted out of various ministerial offices or electorate offices into positions within the Public Service.

The interesting thing in the evidence we took from Mr Nightingale was that in most of those circumstances there was no call for positions; that is, they were direct appointments by the chief executive officer. He conceded in Budget and Finance that in three cases he had actually approached the ministerial staffers because he believed that they were the appropriate people to take senior positions within his department.

We also took evidence of a junior position that Mr Nightingale had filled which I understood was a family friend and he conceded again that he had intervened and appointed that particular person to a position in the Department of Planning and Local Government.

I think these are unacceptable appointment and recruitment practices and I would have thought that the PSA and those who profess to be interested in appointment and recruitment practices within the public sector should be taking a closer look at what is going on in a number of government departments and agencies in relation to senior public servants being parachuted out.

I have raised the issues, of course, in the past of people like Mr Worrall being parachuted out of the former premier's office as chief executive. I understand that he has been partially shafted, if a deputy chief executive officer's position under the new premier is being partially shafted from being a chief executive previously. I would be interested to know whether he has had his remuneration package reduced now that he is no longer a chief executive officer.

The most recent example is in Justice. Mr Lachlan Parker has been parachuted into a position in the Justice portfolio. Jerry Maguire, the chief executive officer of Justice, in response to questions, confirmed that Mr Parker had been offered a special position within his department in terms of communication. He was still negotiating with Mr Parker in terms of the salary and the work that would be undertaken by Mr Parker—but again, a convenient use of taxpayers' money. I am not sure what taxpayers think of this, that they are being used in essence just to find jobs to assist the rehabilitation of former spin doctors within the Labor government before they find permanent positions somewhere else hopefully in the community.

Time expired.

SÄNGERFEST

The Hon. CARMEL ZOLLO (15:33): I had the pleasure last month to represent the government on the occasion of the 15th Sängerfest, held at Tanunda in the Barossa Valley. The Barossa's hosting of Sängerfest 2011 was the perfect way to celebrate the exceptional contribution the Tanunda Liedertafel has made since 1861, not just to that region but to the entire state.

This year marks the 150th anniversary of the Tanunda Liedertafel choir. South Australia was delighted to be hosting German choirs from right across South Australia and all Australia, from Queensland, New South Wales, Victoria, Western Australia and the ACT, that came to perform at the Brenton Langbein Theatre. I commend all those in the Barossa, including the council and tourist operators, who played a role in making the long weekend a terrific success. It was truly a wonderful occasion to welcome all the choirs with their many skills and talents and recognise their contribution to the joyous celebration.

Of course, the Barossa region is one of South Australia's most famous as a premier wine growing region as well as being a beautiful valley. Indeed, it was a perfect setting for the Sängerfest. It is worthwhile placing on record the history of the Tanunda Liedertafel and its extraordinary commitment and success. President Vaughan Heenan has every reason to be proud of the Tanunda Liedertafel. Mr Heenan mentioned in the program message that the Tanunda Liedertafel has for some years now been going through a period of growth and enthusiasm, which has been shown by the spirit of cooperation and endeavour of the members and committees in organising this festival.

Before I go any further I should mention that the member for Schubert in the other place is a member of the Tanunda Liedertafel and was performing at the concert. I understand the Tanunda Liedertafel hosted the first Sängerfest in Tanunda at Heinemann Park on 27 and 28 December 1874, when they were joined by the Adelaide Liedertafel, the Liederkranz and the Turnverein choristers all performing together. It subsequently hosted a second Sängerfest in 1891, when a choir from Rastatt, Germany, and other choirs from around Australia also performed.

The Tanunda Liedertafel has been recorded by the ABC, as well as being telecast for the first time when it celebrated its centenary anniversary. More notably, in 1963 it performed before Her Majesty Queen Elizabeth II and His Royal Highness The Duke of Edinburgh at the Royal Music Festival in Elder Park, Adelaide. I was also interested to see that apparently, by request, it also performed for President Bill Clinton on his visit to Adelaide. The Tanunda Liedertafel is a choir with an international reputation, having also appeared in telecast programs several times throughout Germany.

As a former minister assisting in the field of multicultural affairs, I am pleased to acknowledge the profound and positive influence those of German ancestry have had on South Australia, not the least their leadership in the Barossa Valley. Those of German heritage have been living in the Barossa and other regions of our state for more than 170 years, and they have been crucial to the fostering of whole industries and geographical areas.

The formation of German-speaking choirs is one that makes all proud, and I am certain it brings happiness to both performers and audiences of whatever heritage. I understand that the Tanunda Liedertafel, whilst having members of German origin who are predominantly third and fourth generation Australians, also comprises singers of Dutch, English, Polish, Scottish, Welsh and Irish backgrounds.

The Hon. J.S.L. Dawkins: And Cornish.

The Hon. CARMEL ZOLLO: And Cornish as well, the Hon. John Dawkins interjects.

The Hon. J.S.L. Dawkins: Ivan is of Cornish background.

The Hon. CARMEL ZOLLO: That is good to hear. Are you also a chorister?

The Hon. J.S.L. Dawkins: Yes, but not in that choir.

The Hon. CARMEL ZOLLO: But not in that choir—thank you.

The Hon. J.S.L. Dawkins: The Adelaide Plains Male Voice Choir.

The Hon. CARMEL ZOLLO: The Adelaide Plains Male Voice Choir. All South Australians appreciate the German-speaking choirs, steeped in their traditions. So many need to be congratulated for the wonderful weekend that was Sängerfest 2011. Apart from Mr Vaughan Heenan, the President of the Tanunda Liedertafel, I make mention of Mr Dieter Mittasch, President of the German Choral Association of Australia, and Mr Robert Homburg, the conductor of the Tanunda Liedertafel, along with accompanist Mrs Gwenda Rees, both of whom are recipients of the Order of Australia Medal for services to their community. Above all I congratulate the choristers. It is good to see such talent and commitment to music and performance celebrated in such a tradition. What was Mr Ivan Venning in another place?

The Hon. J.S.L. Dawkins: A second tenor.

The Hon. CARMEL ZOLLO: I place that on the record as well.

SOUTHLINK BUSES

The Hon. J.S.L. DAWKINS (15:38): I rise today to speak about the overwhelming concerns of commuters using the replacement bus services while current track upgrades are taking place on the rail line between Mawson Lakes and Gawler. I have had a large number of complaints and concerns expressed to me, and today to summarise those I will read from an email I was sent last month. It was addressed to me and states:

> John, I just want to raise some concerns with you regarding the safety and roadworthiness of the train replacement buses provided by SouthLink. Late last year and early this year SouthLink provided replacement buses whilst the Noarlunga line was upgraded. A friend of mind was telling me at the time of the horror trips on some decrepit old buses with no working air-conditioning or heating. When the upgrade was complete, a SouthLink employee told my friend that these same buses would be used when the Gawler line was upgraded later in the year. I just thought he was just teasing and laughed it off. However, on the first day of the replacement buses I realised it was no joke. The buses provided by SouthLink are the very same old clunkers used on the Noarlunga Line.
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> In regards to the lack of heating and cooling, we experienced this at the end of the first week when temperatures reached the 20s. On the way home, it became quite hot in the bus, and passengers including myself started to fiddle with air vents, only to realise that there was no cool air. I asked my friend more about what their experience was earlier in the year, and he recounted that they were told by the drivers that there was no working heating or cooling on any of the buses. They were told that it just recycles the outside air. So in the peak of summer, they had 40-degree air being pumped in.
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> From what we experienced when the temperature hit the 20s, I can't wait until we experience the 40s in December, January and February.
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> On the point of safety, I question the roadworthiness of the buses. On bus #565 two Wednesday nights ago, passengers were thrown violently against the seats in front of them when the driver applied the breaks and they grabbed immediately. This occurred 5 times on the trip home when [the] driver attempted to apply the brakes. On other occasions in an attempt to avoid this problem, the driver tried to apply the brakes slowly only to have the bus pull to one side. This is not pleasant in an articulated bus.
>
> Last Thursday night (6/10), we arrived at Mawson Lakes station to find the GA1, GA2 and GA3 buses waiting, but no GA4. The other 3 buses left, leaving the Gawler passengers waiting. No staff bothered to advise us what was happening. After about 10 minutes a bus came speeding up, with [the] driver advising the supervisor that he got lost. We boarded the bus and I started to chat to an acquaintance and we were commenting on how particularly cruddy this particular bus was, when we looked out the window a few minutes later we realised we were back at Mawson Lakes station!!!! The driver got lost again—that's what he told the supervisor as we passed through...

That is just a small amount of a number of the examples that I have had passed on to me about the unacceptable nature of many of the bus replacement services that have been provided on that Gawler to Mawson Lakes link.

We have other situations where there is no wheelchair access on any of those buses during the week. Until very recently, constituents who need mobility device access on a bus had to give four days' notice to get one; now they have the luxury of only one day's notice. When they do get to Mawson Lakes, of course, the lift has not been working there for weeks.

Many of the buses arrive at Mawson Lakes missing their connecting train link. There are many occasions where the buses are grossly overcrowded and, in some cases, they have

absolutely no-one on them. There are a number of issues. I have taken them up with new minister Fox and her predecessor Mr Conlon, and I wish that they examine them promptly.

MOUNT COMPASS AREA SCHOOL

The Hon. R.L. BROKENSHIRE (15:43): I am pleased today in this matter of interest to put on the parliamentary public record what a good job the Mount Compass Area School is doing with Cows Create Careers, a program to train and develop young people and thus provide them with opportunities for full-time employment in the diverse area of the dairy industry.

My son Nick has been working with the school for several years now, and I want to congratulate the principal, the staff and all the volunteers who work with these students to give them the knowledge and capacity to make a decision on whether they would like to look at the dairy industry as a career, as well as the other industry sectors available to that school and other schools throughout the state. I see this as a good practical initiative. Particularly at Mount Compass, with the farm that the school has and their linkages through to TAFE, there are some wonderful opportunities for these young people to take on full diversification.

I was invited to the school with some other local people to assess the presentations at the end of the Cows Create Careers program. I was incredibly impressed with the presentations by these young people. It was a daunting task, with the principal and myself sitting there listening to their presentations, and, through an initiative of the school, also to have their parents attend. I was pleased to see on every occasion that the parents attended to listen to their children's presentations.

It was very comprehensive. It went through the history of dairy cows and, particularly with our own calves going to the school, the history of Jersey cows. All these students were involved over the three weeks in rearing these calves, in weighing them, in working with my son and others in the direct farming area of the dairy industry, at the local vet practice and right through to value adding parts of the dairy industry into Alexandrina Cheese Company at Mount Jagged towards Victor Harbor and other companies as well.

I commend these young students on their commitment to this initiative. I commend the school. Mount Compass Area School is providing some really good education, in my opinion, for students in our district, and a lot of this is to do with the commitment of the principal, his leadership and the commitment of the staff there as well. I will not name them on the public record, but one of the teachers whom I know very well volunteers to come to our dairy even on the weekend to pick up the milk and go and feed those calves. These are the unsung heroes who do so much more for education than often the department recognises. I can assure them that our local community recognises and appreciates their commitment to young people's futures.

I want to congratulate Mustapha, Danielle, Courtney, Billy and Mitchell on their effort, and I ask to be forgiven if there are any others that I missed. I know that some of these students will not take a career in dairying, but at least they have had a chance to learn more about the dairy industry and a chance to practically, as well as in theory, see more openly the opportunities for their career paths into the future.

I notice with particular interest Mustapha. I happen to know his relatives. He and his parents and siblings have not been in Australia all that long from Lebanon, but they have embraced the school and embraced the community. I was impressed by all the presentations, but I want to particularly commend Mustapha, because he even put a PowerPoint presentation onto a DVD for us, which I am keeping with a lot of pride. I was simply amazed by these middle school children and their capacity. I commend them, I encourage them and I also strongly encourage the school to keep up this very good program.

EVERY GENERATION POSITIVE AGEING AWARDS

The Hon. G.A. KANDELAARS (15:48): Two weeks ago I had the pleasure, with my wife, of attending COTA's Every Generation Positive Ageing Awards dinner, representing the Minister for Health and Ageing, the Hon. John Hill, at the Adelaide Intercontinental Hotel. The dinner was held to honour and recognise those in our community who exemplify positive ageing and challenge the societal stereotypes of ageing. The many finalists came from all walks of life and I was delighted to hear all about the great work they are doing in our community.

Other distinguished guests who attended the event were the Chief Executive of COTA SA, Mr Ian Yates, the President of COTA SA, Mr Chris Overland, the Executive Director of Disability, Ageing and Carers, Dr David Caudrey, and Adelaide Thinker in Residence, Dr Alexandre Kalache.

Some of the awards given on the night included the AVEO Live Well Outstanding Achiever Award. The two finalists, Cholly Winter and Eileen Smith, have a combined contribution to worthy causes in our community of an amazing 75 years.

The two finalists nominated for the Beyond Blue Every Generation Positive Images Award were the Holdfast College for Seniors—the community college which is established on a volunteer basis to provide lifelong learning for seniors—and the Helping Hand Aged Care, Media Resource Centre and ECH's program which was 'Telling my story'. This brought together older people experiencing early-stage dementia, their carers and young filmmakers.

I had the pleasure of announcing the Department for Families and Communities Every Generation for Young and Old Award winner. The finalists in this category worked to bring together younger people and older members of our community. I was thrilled to hear about these programs which are creating innovative ways of enhancing intergenerational relationships through music, art, life stories, cooking and games.

COTA's Every Generation Positive Ageing Awards dinner has followed the Every Generation Festival for 2011. The festival has been coordinated by COTA for over 30 years and runs through the month of October, with partners across the state holding a myriad of events to celebrate the festival. The festival provides an opportunity for older South Australians to showcase their skills, talents, interests and their lifetime of contribution to this state, their families, friends and their local communities.

The official launch of the festival took place on 30 September during the International Day of Older Persons celebration and was attended by over 1,800 people at the Festival Theatre. There was also a country launch of the event in Port Elliot, which occurred on 7 October. This was held in conjunction with the Alexandrina Council intergenerational vintage ball. Both of these events, I am told, were a great success.

During October, over 200 festival partners held 1,300 events and activities across the state. I hear that this is the largest amount of clubs, groups and organisations ever to be involved in the Every Generation Festival. As part of the festival, the state government offered free entry to a number of venues on 7 October, including many of the state's national parks and reserves, the Bicentennial Conservatory, Carrick Hill, the Maritime Museum and others. The events reflect the community spirit that exists throughout South Australia and provide an opportunity for the community to bring together people of all ages to celebrate the diversity of older people.

In 2010, South Australia had 257,000 people aged 65 and over, and this represents 15 per cent of the population. COTA's Every Generation Festival showcases the skills, interests and talents of older South Australians and is a marvellous contribution to our community. I congratulate COTA on this initiative.

AFFORDABLE HOUSING

The Hon. M. PARNELL (15:53): Today I want to talk about affordable housing in South Australia. On Monday, I was pleased to attend the launch of a new campaign under the banner of Australians for Affordable Housing, hosted by SACOSS. Australians for Affordable Housing is a coalition of 60 national and state housing, welfare and community sector organisations that has come together to highlight the problems of housing affordability in Australia. The campaign has a website—www.housingstressed.org.au—and I urge all members to pay the site a visit and get some perspective on the nature and extent of the problem, including here in South Australia.

Important new research released by Australians for Affordable Housing shows where housing stress is hitting Adelaide and regional SA the hardest. The research shows the local government areas where both renters and home purchasers struggle with high housing costs. The problem of housing stress is significant and it is impacting renters much more than those with mortgages. For example, almost half of all people renting privately in Playford are paying more than 30 per cent of their income in rent, while over 20 per cent are in housing stress with a mortgage. These are amongst the worst figures nationally and they show how the lack of rental housing is causing significant financial pressures on South Australian families.

At the top of the table there are areas that we know are struggling, like Playford, Port Adelaide Enfield and Salisbury, but many households in central Adelaide, too, are facing housing costs that eat up far too much of their weekly pay and eat into other essentials of life. In regional South Australia, Alexandrina, Yankalilla, Murray Bridge and Port Lincoln are the regional areas under the highest levels of housing stress, with around 16 per cent of households on low income

and paying high housing costs. These figures are derived from modelled census data, and I seek leave to incorporate into *Hansard* two statistical tables showing housing stress levels across local government areas in metropolitan and regional South Australia.

Leave granted.

Housing stress-Australians for Affordable Housing local council league table*

	Housing Stress		Mortgage Stress		Private Rent Stress	
LGA Name	%	Number	%	Number	%	Number
Playford (C)	20	6100	22.5	2743	41.2	2323
Adelaide (C)	19.7	2084	11.6	228	29.7	1549
Port Adelaide Enfield (C)	17	8280	18.7	2813	36.2	3750
Salisbury (C)	17	8905	20.9	4469	34.7	3261
Gawler (T)	15.9	1396	16.6	495	38.5	711
Onkaparinga (C)	15.5	10081	19.1	4935	37.7	3929
West Torrens (C)	15.4	3925	14.7	972	33.3	2405
Norwood Payneham St Peters (C)	14	2391	10.7	453	31	1599
Prospect (C)	13.9	1231	10.8	303	32.2	787
Charles Sturt (C)	13.6	6175	16.3	2010	32.9	2897
Marion (C)	13.4	4924	14.6	1831	33.3	2081
Campbelltown (C)	13.2	2643	13.8	762	37.1	1523
Holdfast Bay (C)	12.9	2226	12	522	30.9	1509
Unley (C)	12.7	2135	10.6	528	30.6	1401
Tea Tree Gully (C)	11.6	4580	14.9	2370	31.5	1704
Mitcham (C)	10.5	2845	11.8	1077	33.2	1526
Adelaide Hills (DC)	10.2	1565	14.2	915	32.1	534
Walkerville (M)	9.6	308	9.8	74	27.9	166
Burnside (C)	9.5	1752	11.2	579	30.1	1032

*This league table provides for comparison of small local areas and is based on modelled census numbers. These are not directly comparable with recently published housing stress modelling on ABS Survey of Income and Housing data.

Housing stress-Australians for Affordable Housing local council league table*

	Housing Stress		Mortgage Stress		Private Rent Stress	
LGA Name	%	Number	%	Number	%	Number
Alexandrina (DC)	16.2	1657	23.4	750	42.2	769
Yankalilla (DC)	16.2	336	29.5	162	45.4	141
Murray Bridge (RC)	16.1	1327	22.1	513	35.3	588
Port Lincoln (C)	15.8	970	18.9	338	31.2	440
Mallala (DC)	15.6	514	22.6	375	35.5	111
Coober Pedy (DC)	15.5	150	29.4	37	28.6	71
Renmark Paringa (DC)	15.5	626	21.4	256	33.6	304
Copper Coast (DC)	15.3	886	27.2	385	36.3	379
Berri and Barmera (DC)	15	697	21.3	323	29.7	270
Mount Barker (DC)	15	1789	17.4	891	35.6	724
Mount Gambier (C)	14.8	1605	17.4	619	31.5	697
Peterborough (DC)	14.7	138	28.8	76	31.3	36
Mid Murray (DC)	14.6	548	28.1	299	31.2	158
Port Pirie City and Dists (M)	14.6	1117	22.4	501	35.9	373
Victor Harbor (C)	14.5	905	26.5	360	42.7	472
Norwood Payneham St Peters (C)	14	2391	10.7	453	31	1599
Light (RegC)	13.8	714	19.3	488	32.8	180
Wakefield (DC)	13.7	387	24	201	32.2	145
Campbelltown (C)	13.2	2643	13.8	762	37.1	1523
Goyder (DC)	13.2	240	26.9	132	28	70
The Coorong (DC)	13.1	324	28.5	164	25.9	112

	Housing Stress		Mortgage Stress		Private Rent Stress	
LGA Name	%	Number	%	Number	%	Number
Kingston (DC)	13	145	27	58	34	73
Loxton Waikerie (DC)	13	643	21.4	294	29.2	259
Kangaroo Island (DC)	12.9	255	26	143	26.2	83
Tumby Bay (DC)	12.7	150	27.3	65	33.7	62
Port Augusta (C)	12.6	779	15.6	266	26.3	288
Whyalla (C)	12.6	1263	14.3	453	26.5	408
Barunga West (DC)	12.5	147	27.8	55	37.4	68
Streaky Bay (DC)	12.3	116	26	46	27.8	42
Wattle Range (DC)	12.2	631	19.6	326	28.6	215
Flinders Ranges (DC)	12	97	26.6	59	23.1	15
Barossa (DC)	11.9	1109	16	557	30.4	441
Yorke Peninsula (DC)	11.8	617	30.2	292	32.4	225
Clare and Gilbert Valleys (DC)	11.7	445	19.9	199	25.4	174
Lower Eyre Peninsula (DC)	11.5	227	20.8	130	28.3	75
Northern Areas (DC)	11.5	243	23.5	127	28.4	73
Ceduna (DC)	11.4	173	18.7	67	23.9	76
Franklin Harbour (DC)	11	63	25.4	29	23.2	23
Robe (DC)	11	71	27.7	46	17	18
Tatiara (DC)	11	318	20.3	189	20.3	95
Naracoorte and Lucindale (DC)	10.8	379	16.2	171	23.6	144
Grant (DC)	10.7	350	16.9	234	26.1	83
Mount Remarkable (DC)	10.5	127	25.2	69	30.1	37
Karoonda East Murray (DC)	10.1	47	28	28	25	12
Southern Mallee (DC)	9.2	87	23.2	48	16.9	23
Orroroo/Carrieton (DC)	8.6	34	26.1	18	24.2	8
Wudinna (DC)	8.6	42	22.1	23	16.9	10
Elliston (DC)	7.5	34	11.9	12	22.8	13
Kimba (DC)	5.6	26	8.2	7	19.2	10
Roxby Downs (M)	4.6	82	4.3	26	5.6	53
Anangu Pitjantjatjara (AC)	Data unavailable					
Cleve (DC)	Data unavailable					
Maralinga Tjarutja (AC)	Data unavailable					

*This league table provides for comparison of small local areas and is based on modelled census numbers. These are not directly comparable with recently published housing stress modelling on ABS Survey of Income and Housing data.

The Hon. M. PARNELL: Housing markets are complex and interlinked and we need policy solutions that are similarly sophisticated and integrated. We need to address the problems that inflate house prices for first home buyers and make rental housing unaffordable. Governments at all levels influence the housing market through tax incentives, first home owner grants, affordable housing programs, planning controls and rent assistance; yet there is no overarching plan to drive these interventions and the result is that they are not coordinated, often contradictory and ultimately ineffective.

The Australians for Affordable Housing campaign believes that the goal of government housing policy should be to ensure that all Australian households can access affordable housing and that government action needs to be coordinated to deliver that goal.

Top of the list of policy changes is investment in more low-cost rental housing. We also need more opportunities for low-income households to get into home ownership and better financial assistance for low-income renters. We also need to change the housing investment tax arrangements that drive up house prices. I am hoping that the current Environment, Resources and Development Committee inquiry into medium-density housing will come up with some concrete suggestions in relation to state charges and taxes, including stamp duty and land tax. I note that Ken Henry, in his overarching review of taxation, also recommended that the states look at these taxes.

Another Legislative Council select committee that will be able to deal with this is the committee looking into residential and industrial development at Port Adelaide and the wider

Lefevre Peninsula. The time is right and the location is right, given the axing of the Newport Quays development recently. When the government goes back to the drawing board, hopefully with the community on side, it needs to look at redressing the worrying housing affordability statistics at the port, with 17 per cent of households under housing stress and 36 per cent of renters in the private rental market under stress.

What we do not want are simplistic solutions that deliver more urban sprawl and create future ghettos of disadvantage. Releasing more land at the fringe is not the answer. There is a real worry that young families in particular will be attracted out to the fringe by cheap house and land packages and then be marooned by high petrol prices once the impacts of peak oil kick in. The cost of housing and the cost and availability of transport need to be looked at together. I commend Australians for Affordable Housing for kicking off this campaign and I urge all members to get on board.

BIOSECURITY COST RECOVERY

The Hon. J.S.L. DAWKINS (15:58): I move:

That the Environment, Resources and Development Committee investigate and report on the cost recovery policy of PIRSA in the form of a proposed biosecurity fee as it affects livestock owners, in particular—

1. A comparison of the services to be provided by the proposed biosecurity fee with those of the commonwealth government's biosecurity program;
2. A review of the proposed cost-share formula as it affects different species;
3. Consideration of the appropriateness of the exemptions criteria (species types and number of animals kept); and
4. Any other matters the committee considers relevant.

The government is seeking to allow the levying of a biosecurity fee as part of its cost recovery policy. The proposal is to recover a total of $4.1 million by 2014-15 to cover the cost of the property identification code (PIC) and the biosecurity programs. Given the suggested fees for the first year, it is reasonable to expect that subsequent annual fees will increase substantially to meet the government's stated target. The proposed fee structure per property by 2014-15 is tiered across species types and ranges from $72 for a sheep property to $900 for a poultry enterprise.

The property identification code gained the qualified acceptance of major industry groups when it was introduced on 1 January this year. Commercial animal keepers and producers saw the need for keeping track of where animals are kept, identifying problem sites and sites at risk, notifying property owners of relevant issues, and controlling disease outbreaks. Industry's cautious acceptance of the PIC was qualified by its making known its opposition to any further fee impost related to monitoring livestock locations and managing animal biosecurity.

The government contracted ACIL Tasman to examine, among other things, what benefit the animal health policy provides, what cost component governments should bear and weighted cost-sharing across industry sectors. Fourteen livestock industries, including sheep, cattle, dairy, pigs, horses, goats, chickens and the apiary industry, each contribute to the federal government's Animal Health Australia Emergency Animal Disease Response Agreement (EADRA) program. I quote from Animal Health Australia's website, as follows:

[This]...is a contractual arrangement that brings together the commonwealth, state and territory governments and livestock industry groups to collectively and significantly increase Australia's capacity to prepare for and respond to emergency animal disease...incursion.

Understandably, those industry groups feel that they are already contributing to national and state biosecurity. Furthermore, each industry is required to contribute to the cost of an emergency response needed to combat a threat to that particular industry.

The state government insists that the new fee will not be double dipping as the funds do not contribute to exotic disease surveillance and emergency preparedness, but I must say that my strong understanding is that industry groups remain unconvinced. Indeed, the policy transition group, which comprises chairs of the cattle, sheep, horse, pig, deer, goat and alpaca groups, as well as a representative from the South Australian Farmers Federation, continues in its advisory role, although it opposes the biosecurity fee.

Throughout this year, I think that there have been attempts by PIRSA to consult on this fee and perhaps to persuade members of the various animal industry groups that they should support

it. That consultation, I understand, concluded in October and, since that time, a number of us have been awaiting the legislation that we expected to see as a result of that.

The minister's response in this house to my question yesterday (and further to that, the question from the Hon. Mr Brokenshire today) would indicate that, as the new minister, she is not comfortable with the current status of the legislation. It sounds as if she may have sent the PIRSA drafters back to the drafting board.

I think that it is an ideal opportunity for a parliamentary committee to have a look at this proposed fee and the impact it will have on the animal husbandry industries in this state. As the motion is comprised, the terms of reference would be along the lines of conducting a comparison of the services provided by this proposed fee with what is currently provided by the commonwealth government's biosecurity program and also looking at the cost-share formula as it affects different species.

I think it would also be of strong importance to include a consideration of the appropriateness of the exemptions criteria relating to the species type and the number of animals kept within that species. I think those matters could well be looked at by a committee, and I have moved that the Environment, Resources and Development Committee look at this proposed fee.

The animal industry in this state is an important resource. It is very important that, in contemplating the future development of South Australia, we enhance our animal industries and also ensure that, in doing so, we preserve the environment in which they are kept. Those of us who have been involved in primary industries know that, with some exceptions, many of the best environmentalists and conservationists are actually people involved in agriculture, particularly those involved in animal husbandry.

With those words, I commend the motion to the council. It is likely that I will alert members to the fact that I will bring this to a vote probably in the optional sitting week.

Debate adjourned on motion of Hon. Carmel Zollo.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: ANNUAL REPORT

The Hon. CARMEL ZOLLO (16:07): I move:

That the annual report of the committee, 2010-11, be noted.

The Environment, Resources and Development Committee was reconstituted in May 2010 following the March 2010 election. The initial reporting period was one of consolidation and the initiating of actions. The committee met on 16 occasions totalling 29 hours and heard from 47 witnesses.

The committee launched three enquiries during this reporting period. Two were referred from the Legislative Council (Population Strategy and Waste to Resources) and one was self-referred (Urban Density). It is anticipated that the two reports referred from the Legislative Council will be completed in this current financial year. The self-referred inquiry is planned to continue over three years and, as it is a broad subject with many components, it may generate interim reports.

The committee conducted two site visits related to the urban density inquiry during this reporting period, one in Adelaide and suburbs and the other in Melbourne and suburbs. Viewing different developments and speaking with the officers involved to appreciate their approaches to densification helped the committee in understanding how South Australia may respond to the challenges contained in the 30-Year Plan for Greater Adelaide.

Perhaps I could make some comment at this time in relation to the 30-year plan. I believe our former colleague, the Hon. Paul Holloway, will certainly be remembered as one of South Australia's most significant planning ministers, with the 30-year plan no doubt being one of his greatest legacies.

I was very pleased to be part of those site visits I have just mentioned to see the contrast in Adelaide and suburbs between urban density, say, in the 1970s and 1980s and what is being built now as well as the mix of clientele, ensuring that we will have a vibrant city and at the same time fulfil the need for social inclusion within our city and surrounding suburbs. The comparisons between Adelaide and Melbourne are inevitable: it was good to see certain aspects of urban density in the inner suburbs of Melbourne that have worked well.

Pursuant to the Development Act 1993, the committee considered 36 development plan amendment reports (DPAs). Five of the DPAs were considered in greater detail with witnesses

called and additional information obtained before making a determination on the amendment. On three occasions this resulted in the committee suggesting an amendment to the development plan to the minister. The minister agreed with the committee's suggestion twice and once did not agree. For several development plan amendments referred by the minister during the reporting period, following initial consideration of the DPAs, further information was obtained including where necessary the delivery of evidence by relevant witnesses.

In relation to Mount Barker urban growth, this DPA involved the rezoning of land from agricultural to residential. This was controversial and reported widely in the media. Action groups' greatest concerns were with urban sprawl. The minister's representatives emphasised that this was appropriate rezoning to accommodate population growth in South Australia in accordance with the 30-Year Plan for Greater Adelaide. The council's concerns revolved around the provision of infrastructure. After consideration of the evidence, the committee resolved not to object to the DPA.

In relation to Gawler East, this DPA involved the rezoning of 400 hectares of land within the urban boundary to allow a range of housing types, commercial, retail and other facilities. The minister's representatives emphasised that this was appropriate rezoning to accommodate population growth in South Australia in accordance with the 30-Year Plan for Greater Adelaide. The council's concerns revolved around the provision of infrastructure, especially roads, and the consultation process. The committee resolved not to object to the DPA.

In relation to Buckland Park, this DPA initiated a policy framework allowing development of land at Buckland Park for a variety of purposes. The owners of an organic waste composting facility expressed concerns of negative impacts on their facility and suggested a different zoning approach. The biggest issue was how to deal with the potential odour impacts of the facility on development. The department of planning saw merit in the proposal. The committee suggested three amendments of the DPA to the minister. One was adopted and the minister proposed an alternative amendment to the remaining two. The committee agreed with the minister's alternative amendments and they will be incorporated in the development plan.

In relation to the Walkerville Residential Zones, this broad DPA included a rezoning in Gilberton and one area in particular that caused the council to raise concerns with the committee. The concerns were about 10-storey high buildings on one parcel of land and four storeys on an adjoining parcel, their setback and other features. Amendments to provide certainty for developers and better enable the council to consider applications were made to the minister. The minister agreed and the changes were made to the development plan.

Other work came before the committee, but those mentioned received greater publicity during that reporting period. On behalf of the committee, I thank all those who prepared submissions and presented evidence to the committee over this period. Being able to discuss issues first hand with the relevant stakeholders is most important for the committee's understanding of the issues. I also thank fellow committee members—in this place, the Hons Michelle Lensink and Mark Parnell and, in the other place, Ms Gay Thompson MP (the presiding member), Mr Ivan Venning MP and—I have gone blank.

The Hon. J.S.L. Dawkins: Did you forget Atko?

The Hon. CARMEL ZOLLO: Yes, and the Hon. Michael Atkinson MP. I also thank the staff, of course, for their assistance to our work.

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

NATURAL RESOURCES COMMITTEE: ADELAIDE DESALINATION PLANT FACT FINDING VISIT

The Hon. G.A. KANDELAARS (16:15): I move:

That the report of the committee, on Adelaide Desalination Plant Fact Finding Visit, be noted.

This report of the committee was a fact-finding visit to the Adelaide Desalination Plant on Friday 8 July. Unfortunately I was not there, but you, Mr President, and I had the pleasure of visiting the plant last Friday. The purpose of the fact-finding visit to the plant was to learn more about Adelaide's water supply, as well as the technology of desalination.

The issue of desalination is relevant to the committee's inquiry into the Murray-Darling Basin, in as much as the plant reduces Adelaide's dependency on the River Murray for critical human needs, especially in times of drought. It is easy to forget how desperate things got towards the end of the millennium drought. In 2007 SA Water was preparing contingency plans to supply

bottled or trucked water to Adelaide households in the event that reservoirs dried up and the river become undrinkable.

Professor Tim Flannery was quoted in October 2007 as saying there was a significant risk of a water crisis in Adelaide within the next six to 12 months because of the salinity and toxic algal blooms in the River Murray. Professor Mike Young from the Adelaide University and members of the Wentworth Group said that the situation in South Australia was much worse than many people realised, with SA Water duty bound to develop contingency plans for the worst conceivable event. Had the drought not broken when it did two years ago, those contingency plans may well have been implemented. It would not have been a good look: an affluent city in a world-class country handing out bottled water to its residents, industries closing down, garden watering banned, no showers or toilet flushing, and so on.

This is why the desalination plant was included in the Water for Good program in 2007 and why it was accelerated and doubled in size, giving it national infrastructure status. The reality is that the drought can return at any time and, with the prospect of climate change, future droughts could be much worst than in 2007. Water experts were unanimous in 2007 that Adelaide needed a water source independent of rainfall as a back-up.

Nevertheless, environmental concerns that have been raised are not trivial and need to be addressed. The EPA licence to operate must be strictly enforced. SA Water needs to monitor the plant's impact on salinity and biodiversity in Gulf St Vincent very carefully. Members of the Natural Resources Committee were heartened to hear recently that new research is being undertaken into the impact of hypersaline water on phytoplankton by the Flinders University, and this research will continue after the desalination plant becomes fully operational.

I wish to thank all those who gave their time to assist the committee with this tour and report, and I commend the presiding member, the Hon. Steph Key, and members of the committee—Mr Geoff Brock MP, the Hon. Robert Brokenshire MLC, the Hon. John Dawkins MLC, Mrs Robyn Geraghty MP, Mr Lee Odenwalder MP, Mr Don Pegler MP, and Mr Dan van Holst Pellekaan MP, as well as former committee members the Hons Russell Wortley and Paul Holloway—for their contributions. All members of the committee have worked cooperatively on this report. Finally, I thank the committee staff for their assistance. I commend this report to the house.

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

NATURAL RESOURCES COMMITTEE: ADELAIDE AND MOUNT LOFTY RANGES NATURAL RESOURCES MANAGEMENT REGION FACT FINDING VISIT

The Hon. G.A. KANDELAARS (16:20): I move:

That the report of the committee, on Adelaide and Mount Lofty Ranges Natural Resources Management Region Fact Finding Visit, be noted.

This report of the committee's fact-finding visit to the Adelaide and Mount Lofty Ranges Natural Resources Management region was conducted on 13 July 2011. This was the committee's second NRM region visit for 2010-11, following the arid lands visit in November 2010. The committee's aim is to visit at least two regions each year in order to ensure that it can visit all eight regions at least once within a four-year parliamentary term.

Compared to the arid lands, the Adelaide and Mount Lofty Ranges NRM region is relatively small; however, the Adelaide and Mount Lofty Ranges region is still the size of a small European nation, and importantly, includes the majority of the state's population. This year, at the suggestion of our hosts, committee members visited several locations in the northern NRM region.

The Adelaide and Mount Lofty Ranges northern NRM group area extends from the costal mangroves and samphire flats of Gulf St Vincent to the Western Mount Lofty Ranges in the east. The Western Mount Lofty Ranges is currently in the final stages of a prescription of its surface and groundwater resources, a process that has been ongoing for nearly a decade.

The prescription process involved many challenges for the Adelaide Mount Lofty Ranges board, including the prescription and licensing of farm dams, watercourses and bores, which has met with opposition from a number of landholders. As well as water resources management, the board also expends its significant financial resources on coastal and land management, as well as stormwater recycling.

Committee members heard that many rural hobby farmers purchase their properties without fully appreciating the time and financial commitment required to properly manage their

blocks. This reportedly leads to Hills blocks changing hands on an average of seven years as people tire of the workload. The board's local district officers work with landholders to try and assist them with their land management practices and farm yields.

The board also provides training programs where participants learn about land rehabilitation, stocking rates, pest management, bushland conservation, etc. Members heard that, in a recent board survey, 95 per cent of respondents reported that the support they received allowed them to make significant improvements to their property's natural resources management.

However, the most important take-home message of the visit related to the samphire flats—a large costal strip of land lying between Port Adelaide and Port Wakefield, representing the largest area of remnant native vegetation in the Adelaide and Mount Lofty Ranges region. This land is the final destination for a number of migratory birds, including the black-tailed godwit, red-necked stint and the wood sandpiper, which travel annually all the way from Siberia to escape the northern winter.

It was distressing, although perhaps unsurprising, to hear that vital stopping points of these birds in South-East Asia were gradually being lost. However, more surprising to many of the committee was the fact that their destination habitat here in South Australia was also under threat from encroaching housing and industry, uncontrolled access by off-road vehicles, and vandalism. To make matters worse, sea level rise due to climate change could lead to the construction of seawalls along the coast, resulting in the destruction and extinction of local mangroves.

To counter these threats, the Adelaide and Mount Lofty Ranges NRM Board is working closely with national parks and wildlife rangers and local councils to repair fences and revegetate the area. Police are also involved. As long as fences are maintained, then police have the power to stop vehicles entering and causing damage.

There is an existing conservation park at Port Gawler. This committee has recommended that the park be expanded to include more of the samphire flats and that a campaign be developed to promote the importance of critical coastal habitat. It is not too late to protect the samphire flats and preserve their important role in the final destination of migratory seabirds. In doing so, we could be addressing our obligation under the China-Australia and Japan-Australia migratory bird agreements.

I wish to thank all those who gave their time to assist the committee with this tour and report. I commend the presiding member, the Hon. Steph Key, and the members of the committee, Mr Geoff Brock, the Hon. Robert Brokenshire, the Hon. John Dawkins, Mrs Robyn Geraghty MP, Mr Lee Odenwalder MP, Mr Don Pegler MP and Mr Dan van Holst Pellekaan MP, as well as the former committee members, the Hons Russell Wortley and Paul Holloway, for their contributions. All members have worked cooperatively on this report. Finally, I should thank the secretariat, who did such a good job.

The Hon. J.S.L. DAWKINS (16:27): I rise to briefly support the remarks of the Hon. Mr Kandelaars and, in doing so, I say, like the Hon. Mr Holloway before him, that it is difficult to stand up and move these reports when you have not participated in them. I thank him for his remarks as a third person.

I will be brief, but I thank the Adelaide and Mount Lofty Ranges NRM Board, their CEO, Mr Kym Good, and other staff for the time that they spent showing the committee a number of the sites and projects within the northern part of their area, as the Hon. Mr Kandelaars said, on 13 July this year. The committee did start its day at the Botanic Gardens wetlands and then at the First Creek gauging station. I did not join the party until the visit at Port Gawler.

As the Hon. Mr Kandelaars said, that visit did focus on that part of what is the unique samphire coast on the eastern edge of Gulf St Vincent. It was interesting to me, someone who once had to plod up and down the sand at Port Gawler for football practice. It was actually nice to see that the area has been cared for by some fencing in the right places and some vigilance on some of the off-road vehicle activities that have occurred there over many years. It is good to see some of the recovery of that samphire coast.

One of the great problems with degradation in Port Gawler from off-road vehicles was the fact that the business that is run there for bikes and other off-road vehicles was closed down for a number of years because of litigation issues. I am well aware of the problems that those people had because they did and, I think, now do provide an alternative for people undertaking those activities in places where we would prefer them not to.

I commend the board for their work in that coastal area. Certainly, they have a range of different areas within their region and the Port Gawler and Middle Beach areas are vastly different to the coastal areas in the metropolitan area and on the Fleurieu Peninsula, which is also in the same board area.

From Port Gawler, we travelled to a property at Penfield Road in Virginia to meet a number of growers involved with a sustainable agriculture program. I acknowledge the efforts of the NRM board with the Virginia Horticulture Centre and with other officers who are looking to make very sustainable horticultural industries on very small areas of land in that vicinity. We saw some very improvised methods of growing a wide variety of crops in that area. Of course, the area is well known for its improvisation over many years. I know a large range of people from that region who have done extraordinarily well, and this short visit we had was another example of that enterprise in the Virginia region.

We then moved to Gawler where we had lunch with a number of representatives of the local NRM group for the northern area and heard about land management programs and other work that is being done with community groups in that part of the NRM board's district. From there, we travelled to Humbug Scrub. That is one of my favourite place names in South Australia, and I have raised that area in this place in the past. For some time, there was a delay by this government in handing over some crown land at Humbug Scrub into the adjacent Para Wirra national park, but I am glad to say that that did eventually happen.

We spent some time with the members of what is known as the Glenburnie Cluster of volunteers within the northern NRM group in that area. We inspected some of the work that has been undertaken to remove pest plants in that area and to improve overall the natural grasses and other features of that area.

We were very grateful to Mr Mike and Mrs Patsy Johnson for the time that they gave us in allowing us to be on their property, which is bounded by the South Para River in some very severe country. Mr and Mrs Johnson are well known as stalwarts of the Friends of Para Wirra national park, and it is most appropriate that they have such a close involvement with the NRM board in that area.

We also then went to a property near Kersbrook, up over the other side of the range, owned by the Bygott family. Here, as I think the Hon. Mr Kandelaars mentioned, we saw an instance where a family had gone into a small farm enterprise and probably saw the effects of degradation that had impacted on the property as a result of previous management. It was good to see the way in which the Bygott family had improved the property. Despite the fact that they had, in my view, relatively intensive numbers of sheep on that property, they seemed to have it in good heart. I was pleased to see that when we had strong evidence of the fact that, when they had taken the property over (only a relatively short time earlier), it had been in a much poorer state.

That was a good example of how the NRM board and other agencies, including PIRSA, can assist people who either retire to a small farm or who are running a small farming enterprise as well as working off the property. As we know, in the greater Adelaide area and also in the outer rim of some of our larger country centres, there is a greater prevalence of those small farms. Certainly, in my farming days, there were a large number of those enterprises in the Lewiston area that were near me. I think a lot of people go on to a small farm like that with the best of intentions but they do not always understand the issues.

We were pleased to hear from the Bygott family that they had been given quite a good deal of assistance and that they were working towards having their property in good heart, as I said, which was far better in comparison to what it had been.

Once again, I would like to thank the Adelaide and Mount Lofty Ranges NRM Board for the time that they took to spend with us that day. As the Hon. Mr Kandelaars said, it is important for the committee to get out and visit the various NRM boards—that contrasts with being at William Creek and places like that to going and seeing something at the Botanic Gardens. With those few words, I support the motion.

Motion carried.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE: ANNUAL REPORT 2010-11

The Hon. J.M. GAZZOLA (16:38): I move:

That the annual report of the committee, 2010-11, be noted.

This is the seventh annual report of the Aboriginal Lands Parliamentary Standing Committee and it provides a summary of the committee's activities for the financial year ending 30 June 2011. Over the past year, the committee has met with a wide range of Aboriginal people in their communities. These meetings have given the committee and the South Australian parliament a better understanding of the many and varied issues that are of importance to Aboriginal South Australians.

During the year, the committee spent significant time in the APY lands and at Alice Springs. From that trip, the committee gained insight and appreciation of the challenges faced by Aboriginal people living in the APY lands. The committee also visited Raukkan and Camp Coorong, the Davenport community and Aboriginal organisations in Port Augusta, as well as Yalata, Koonibba, Ceduna, Point Pearce and numerous Aboriginal organisations and support organisations within Adelaide. During the year, the committee also heard evidence from witnesses from a number of state and commonwealth agencies and Aboriginal support organisations, and I thank the people who provided that information to the committee.

I welcome the new presiding member, the Hon. Paul Caica, to the committee, and I would like to particularly thank the previous presiding member, the Hon. Grace Portolesi, for her contributions to the committee, as well as acknowledging the other members of the committee for their ongoing efforts: Mrs Leesa Vlahos, Ms Frances Bedford, the Hon. Terry Stephens, Mr Steven Marshall and the Hon. Tammy Franks.

On behalf of the entire committee, I thank all the Aboriginal people the committee has heard and met over the past year. I appreciate their willingness to discuss their issues and to share their stories and knowledge. The committee looks forward to continuing to develop those relationships in the years ahead. Finally, I acknowledge and thank the committee's executive assistant, Jason Caire, whose competence and understanding of his role and the role of the committee makes for a refreshing change.

Debate adjourned on motion of Hon. S.G. Wade.

FINANCIAL ADVICE CHANGES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:41): I move:

That this council notes the future of financial advice proposed by federal minister Bill Shorten.

Many fine things have come out of Canberra, but Bill Shorten's future of financial advice bill is not one of them. What happens in Canberra and the effects of the flawed future of financial advice bill will have dire consequences for small, family-owned businesses here in South Australia. It is on their behalf that I raise this issue in the South Australian parliament today.

I met recently with a number of people from the financial planning industry, and they are very concerned that the legislative changes at the federal level will have a significant effect on their businesses, jobs and families.

Let me start at the beginning. In 2009, the Ripoll inquiry made findings into the collapse of Storm Financial, most of which were considered fair and reasonable. Most people in the industry welcomed the abolition of product commissions and a fiduciary duty. Next, Chris Bowen and then, to a greater degree, Bill Shorten, expanded the Ripoll recommendations. They now include proposals that threaten the jobs of some 20,000 small business people and will strip over $2 billion of revenue from the sector and diminish competition in favour of the industry fund sector.

I am convinced that the industry fund sector, and specifically the Industry Super Network (ISN), has had a significant influence on the minister's actions. Mr Shorten is a former union official, director of leading industry fund Australian Super and a close friend of ISN founder, Mr Garry Weaven. The ISN refuses to acknowledge the retail industry's considerable self-regulation over the past five years, such as lower administration and funds management costs. The vast majority of advisers now charge clients directly and do not take product commissions.

The minister's recent actions in parliament have confirmed that the past 15 months of industry consultation wasted everyone's time. Shorten's agenda is the ISN's agenda. Thankfully, FOFA's short-term future now rests with a parliamentary joint committee. The industry has lost confidence in the minister's delivering fair industry outcomes and protecting consumers from product failure.

Minister Shorten's additions to the FOFA agenda included the introduction of an opt-in, a ban on risk insurance commissions and the inclusion of administration or platform rebates into a conflicted remuneration classification. Opt-in is a legal obligation to have a contract with your client, where you must agree annually on fees or the adviser faces major monetary penalties.

Besides being the first time in modern history that a government will force a contract between consumers and business, it will add additional and unwanted compliance costs to an industry already overburdened with regulation. It is also unnecessary in an environment where advisers are charging clients directly. They will naturally meet on a regular basis to justify costs and outcomes. Opt-in was a response to the past industry culture of 'set and forget' clients, where advisers received a trailing commission from the client's invested moneys, regardless of whether or not they saw the client. With the abolition of product commissions by the industry on 1 July 2012, this eliminates the practice and the necessity for opt-in provisions.

Minister Shorten blindsided the industry by proposing the abolition of risk insurance commissions in superannuation. Considered a stunt at the time to grab headlines and create a bargaining chip, he backed out of it when it was pointed out that Australia had massive under-insurance problems and, within a commission environment, it would only get worse if it proceeded. It was also pointed out that during the Victorian bushfires a large insurance company paid out $68 million in claims, but only $600,000 of that was for death. The minister's conduct over this issue planted the seeds of mistrust that he was not acting in the best interests of consumers and the industry in general.

The minister's insistence to classify platform rebates with investment product commissions as conflicted remuneration is his most blatant anti-small business attack. Platforms are an administration service that reports to members of a superannuation fund; they are not investment products. Industry funds are platforms. Retail funds, like Westpac's Asgard, are platforms; even the parliamentary super fund is a platform. Platforms administer around $1 trillion of superannuation industry money, and the SMSF the balance.

Industry funds and institutions cannot make their own internal financial planning practices profitable. Both have adopted the same business model, where the advice practice is operated as a loss leader to attract inflows into their own platform. In other words, platform profits cross-subsidise their advice practice. The same subsidy model exists with the independent practices, but the revenue comes from an external platform.

Both the retail and industry fund platforms pay independent advisers a share of their platform profits based on the adviser's use of their platform. In essence, both industry funds and institutions allocate profits from their platforms to either cross-subsidise their advice practices or pay a platform rebate to independent advisers if the adviser uses their platform for clients.

It is widely believed that the industry funds have influenced the minister to disregard the discriminatory nature of his attack on independent business by allowing the industry funds and institutions to subsidise advice but ban independent advisers from receiving platform rebates, essentially an identical practice. In fact, independent advisers have a choice of what platform they will use for the client. Industry funds are only offering their own internal product.

The following is an extract from a letter written by Treasurer Wayne Swan during July 2011 to a Brisbane adviser clearly demonstrating the government's knowledge of the circumstances and bluntly refusing to do anything about it. It supports its ongoing existence and literally condones discrimination against small business. I quote:

> The government has decided not to go as far as proposing a law against product issuers cross-subsidising the advice aspect of their business...

The recent purchase of the fiercely listed independent advisory practices—Count and DKN by the CBA and IOOF respectively—at a fraction of their true worth has demonstrated how anti-competitive this proposal is. Both their share prices were decimated by the market upon speculation that the ban on platform rebates for independent business would come into legal existence. Their bankers became nervous about their financial sustainability going forward and the institutions moved in. This loss of 1,500 advisers to the institutions now places the independent sector at 15 per cent of the advice market, and the remaining 85 per cent are aligned or wholly owned by the industry funds and institutions selling their own products.

Being a former lawyer, the minister must be aware of the legal obligations under the Competition and Consumer Act with discriminative behaviour that diminishes competition. We can

only come to the conclusion that the minister has preferred to deliver outcomes to his political allies and not act in the best interests of consumers and the industry in general.

The majority of the financial services industry has lost faith and respect for minister Shorten. He has proven to be heavily biased towards the wishes of the industry fund sector, disregards the request of the retail sector and is prepared to condone discrimination and anti-competitive behaviour against small business.

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

NATURAL RESOURCES COMMITTEE: LITTLE PENGUINS

Adjourned debate on motion of Hon. G.A. Kandelaars:

That the report of the committee, on Little Penguins, be noted.

(Continued from 19 October 2011.)

Motion carried.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: ANNUAL REPORT

Adjourned debate on motion of Hon. J.M. Gazzola:

That the 2010-11 annual report of the committee be noted.

(Continued from 19 October 2011.)

The Hon. R.I. LUCAS (16:51): I rise to speak to the motion. In speaking briefly to this motion, I thank the other members of the committee and the staff members for the work that they have undertaken over the past 12 months. I join my very good friend, and now very well paid colleague the Hon. Mr John Gazzola, in the comments he made when he spoke to this earlier when he referred to a press article that referred to the work of the parliamentary committees.

It was a touch unfortunate that this particular committee, which is one of the few unpaid standing committees of the parliament, was dragged in together with those other well paid committees that are part of the parliamentary process. I think it is to the credit of the current committee—and I have only been a member of the committee for just over a year—under the chairpersonship of the member for Ashford that, after a number of years of having lapsed in essence and not doing much work at all, the committee has become activated with a particularly useful term of reference in relation to return to work.

Return to work is a good term of reference because this committee has returned to work in relation to the work that the committee has been undertaking. I think it was unfortunate that whoever provided that information to the journalist involved obviously had some intent in mind, and I think they missed the mark in the information that was provided to the journalist and misled the journalist in that way. Whilst there might be criticism of other committees—and I can certainly think of the Economic and Finance Committee and others which, in my view, are not well merited expenditures of public money given their lack of activity and output—given that this particular committee is unpaid, it certainly cannot be criticised for a lack of value and worth in terms of the work that it is undertaking.

In relation to the current inquiry, return to work is an important issue. It has been discussed on many previous occasions so I do not intend to use the occasion today to retrace all the work the committee has done, but it is raising some important issues. It is looking at the reason why our return-to-work rates in South Australia are evidently the worst in the nation, yet under our workers compensation scheme our levy rates for employers are the highest in the nation and our unfunded liability is heading back towards $1 billion again.

Something is not being done correctly when you have all of those indicators heading in the wrong direction at the same time. From our view, partisan as it might be from opposition, we think a lot of the blame must go to the current Labor administration, Mr President, and I suspect you would acknowledge and understand that as well.

The issue particularly in relation to workers compensation is the return-to-work aspect of it that we have looked at. I think one of the challenges for this committee is going to be to get to the bottom of exactly how return to work is being tackled in South Australia at the moment and in particular how return to work is measured; that is an issue for this committee. Also we need to look

at which particular companies are getting most of the work in terms of rehabilitation here in South Australia.

Clearly a rational allocation of work would be that those companies which have been achieving the best return-to-work rates would get the most contracts. That would seem to be a logical process. If you want to improve return-to-work rates you would look at the effectiveness and efficiency of the companies and you identify those that are actually achieving things at a greater level than others, and you would reward them with a greater share of the contracts.

We will need to finalise our views on that, but certainly the early evidence being provided would seem to indicate that not only is that not the case but that some of the companies getting the most contracts are the ones with some of the poorer return-to-work records in the system. If that is the case, it is for the government, WorkCover and EML to explain why that is the case and why we would be continuing to do that over a long period of time.

This committee has some important work to conclude. We have taken almost all of the evidence. I think we have to get the big players back again for, in essence, their return bout, their opportunity to summarise their views on issues that have been raised over the last 12 months of the committee's evidence taking, and hopefully some time early next year the committee will be in a position to resolve its views on this particular issue and what, if any, further work needs to be conducted.

I think that the people of South Australia are getting good value out of the miniscule amount of money that goes into paying members of this committee and running the committee. I do not know that that can be said for a lot of the other House of Assembly committees of which I am aware, but certainly taxpayers should be encouraged by the value they get from the work, of both the members and the staff, of this particular committee.

Motion carried.

SAME-SEX MARRIAGE

Adjourned debate on motion of Hon. T.A. Franks:

That this council—

1. Supports same-sex marriage equality; and

2. Calls on the Parliament of the Commonwealth of Australia to amend the commonwealth Marriage Act 1961 to provide for same-sex marriage equality.

(Continued from 19 October 2011.)

The Hon. S.G. WADE (16:58): This is a conscience vote for the parliamentary Liberal Party, and as such the following views are mine. Subsections 51(xxi) and (xxii) of the Commonwealth Constitution give the commonwealth parliament the power to make laws for the peace, order and good government of the commonwealth with respect to marriage, divorce and matrimonial causes and in relation to parenting rights and the custody and guardianship of infants. Nonetheless, marriage law in Australia was state based until the passage of the commonwealth Marriage Act of 1961.

This act did not include a definition of marriage, preferring to rely on the common law definition and the evolution of the meaning of marriage as it relates to marriages in foreign countries. The Marriage Act was amended in 2004 to make explicit that marriage under the act is only available to a male and a female and to withhold recognition of foreign same-sex marriages. Worldwide, same-sex marriage is currently legal in Argentina, Belgium, Canada, Iceland, the Netherlands, Norway, Portugal, South Africa, Spain and Sweden.

The first jurisdiction to recognise same-sex marriage was the Netherlands in 2001, followed by Belgium two years later and Spain in 2005. On the other hand, in June 2011 a bill to legalise same-sex marriage in France was defeated in the national assembly. In September 2010 Tasmania became the first Australian state to recognise same-sex marriages performed overseas.

On Wednesday, 9 February 2011, the Hon. Tammy Franks tabled a private member's bill to allow for same-sex marriage under South Australian law. This bill has not been progressed at this stage. On Wednesday, 19 October 2011, the Hon. Tammy Franks moved the motion, which I am now addressing. The motion does not propose that the state usurp the commonwealth's legislative role as the Marriage Equality Act did. Rather, it encourages a commonwealth parliament

to use this legislative power in a certain way. A similar motion was recently passed by the Tasmanian House of Assembly. The motion was introduced by Greens MLC Mr Nick McKim, who stated he will push for further state-based legislation if the commonwealth parliament does not act by the end of 2011.

In my view, the state has a legitimate interest in fostering stable, long-term relationships, and recognition and registration of relationships is one way that the state can foster such relationships. However, in a pluralist society, the state should not discriminate against same-sex couples in relationship recognition and registration. I reiterate what I said in the Relationships Bill debate in 2006:

> I consider that general discrimination against same-sex couples is not justified. All other things being equal, society benefits from long-term commitments to mutual supportive relationships. Such relationships tend to enhance quality of life, emotional, financial and psychological well-being—not merely dependence but interdependence develops. Support that might otherwise have to come from society generally is provided by the couple, one to the other. Society should recognise and support this interdependence.

Any recognition or registration of relationships offered by the state should not discriminate on the basis that both parties are of the same gender. If marriage is to be a form of relationship recognised by the state, it should be open to all couple types.

Many people object to marriage being made available to same-sex couples because they assert that marriage is a religious institution and should not be made available to couples in religiously unconventional relationships. In the context of that assertion, I think it is worth looking at the history of marriage in the Christian church. What that history shows is that the church does not need state law to bolster or protect marriage.

In early Christianity marriage was a private affair transacted between the parties and regarded as of little interest to others. There was no need for witnesses or parental consent, nor was there any system of registration. It was not until the 12th century—well into the second millennium—that marriage law became a matter of Roman Catholic Church jurisdiction. Even then, it was church law, not state law.

In 1563 the Roman Catholic Church, at the Council of Trent, formulated rules known as the Tametsi decree to govern the solemnisation of marriage. To be valid, marriage had now to be solemnised in the presence of a priest and before two independent witnesses. My understanding is that the first English law in relation to marriage was not enacted until 1603. Even then, it was not to deal with the formation of marriages: it was to make bigamy a felony.

It was not until 1753 in the Clandestine Marriages Act that we see the first legislative incursion into ecclesiastical control over the formalities of marriage in England. In other words, for 86 per cent of the Christian era, the church did not rely on state law to define or manage Christian marriage.

As an aside, the effect of Lord Hardwicke's act (the Clandestine Marriages Act) was drastic in the newly formed United Kingdom. Not only did the act abolish clandestine marriages, it also gave the Church of England a virtual monopoly over the solemnisation of marriages, which proved particularly hard for Roman Catholics and divorced people, who could not enter into a legally recognised marriage in England and Wales. These problems were eventually overcome by the Marriage Act 1836 which enabled marriage to be contracted through a civil ceremony in a registry office, thus enabling divorced persons to remarry.

Australia's early laws adopted the English marriage laws approach without departing from it in any material way. When the colonies federated in 1901, the commonwealth constitution conferred on the commonwealth legislative power on marriage. From 1959 onwards, the commonwealth decided to exercise its constitutional powers by enacting first the Matrimonial Causes Act 1959 and, shortly afterwards, the Marriage Act 1961. Both acts came into full operation in 1961 and 1963 respectively, and they were not significantly different from their predecessor state bills. While many Christians campaigned against the Family Law Act when it was introduced, now in the 2000s the Christian church seems to be defending a secularised institution as though it were a religious one.

In summary on this point, for 86 per cent of the Christian era the church did not rely on state law to undergird, define and defend Christian marriage; it does not need to do so now. In fact to do so, in my view, is dangerous. I am convinced that for the church and the state to prosper they need to function separately and independently. I am committed to the separation of church and

state. Again I quote my previous statements in the Relationships Bill debate, not out of arrogance, but to try to claim some sense of consistency. I said:

> I believe we should celebrate and jealously guard the separation of church and state. For its part, the Christian community should not seek to have the Christian moral code codified in the laws of this state. We live in a pluralist society where people have the right to choose how they live. On the other hand, the state and this parliament should respect the church and its freedom to maintain its moral code within its faith communities and to participate fully in the marketplace of ideas, expounding to the community what it believes is the right way to live. The passage of this bill will not impede the mission of the church to proclaim its own view of moral order.

I take it as a source of particular pride that South Australia was the first part of the British Empire to separate church and state. That reform was an initiative promoted by the Christian community. In the mid-1800s the League for the Preservation of Religious Freedom campaigned against state aid for religion. It was driven primarily by religious people who saw the dangers of state-run religion. The league's manifesto was published in 1849 and was signed by 19 Protestant churchmen. It read, in part:

> The evils involved in the principle of state support to religion have been sufficiently obvious to most, if not all, of you in the Mother Country. It has impeded the spread of Christian principle by requiring mere outward observances as though they were essential and all-important. It has corrupted religion by making it formal, and weakened the state by compelling it to persecute, and wherever carried out to its legitimate consequences it has proved an effectual bar to the advance of the community in any of the paths of social or material progress. Judged by its fruit it is condemned by the voices of experience from the first moment of its adoption to the present time.

To paraphrase the manifesto of the league, the commonwealth Marriage Act is no friend of Christian marriage. It impedes the spread of Christian principle by requiring mere outward observances. It could be said to lower the standards of marriage from the generally perceived Christian ideal. For example, the Christian faith teaches that marriage is for life; the Marriage Act allows divorce after separation. The Christian faith teaches that a key purpose of marriage is procreation; the Marriage Act does not. The Christian faith sees sexual union as a key element in marriage; the Marriage Act does not.

The separation of church and state and the mission of the Christian church demand that the Marriage Act is not allowed to define Christian marriage. The Christian church makes itself vulnerable to the winds of democratic fashion when it puts itself in the position of being the defender of marriage laws which it cannot control and which do not reflect Christian teaching. Similarly, other religions in our multicultural, pluralist society cannot expect the laws of this state and this nation to embody their particular understanding of marriage.

On the one hand my view is that state law on marriage is a relatively recent phenomenon. Religious rights were well established before the state started regulating marriage and they are not needed for the maintenance of religious marriage. On the other hand, from the perspective of faith communities it is not appropriate that the state has custody of an institution that is often seen as a religious act by them.

As we move towards separation of church and state in relation to marriage, I hope that the Australian community and the Australian church will explore two options. The first option will be to clearly determine that 'marriage' in the Marriage Act is not marriage in its religious manifestations, whether in Christian or other religions. It should develop with religious communities having no greater right to determine its shape than any other Australian. Accordingly, marriage would be available to same-sex couples.

The second option would be to return the marriage to its historical status for 80 per cent of Christian history and to take 'marriage' out of the law and limit the state to providing non-discriminatory relationship registration—in other words, available to same-sex couples. Both of these options are encompassed by an amendment, which I now move:

> Delete the words 'marriage equality' in the motion and insert 'equality in relationship recognition and registration' in the two places where it appears.

In moving this amendment, I reaffirm my commitment to the equal recognition of relationships under law. I do not support any form of relationship recognition and registration which is not available to same-sex couples. If amended, the motion would read as follows:

> That this council—
>
> 1. Supports same-sex equality and relationship recognition and registration; and
>
> 2. Calls on the Parliament of the Commonwealth of Australia to amend the commonwealth Marriage Act 1961 to provide for same-sex equality in relationship recognition and registration.

Personally, I think there would be real benefit in the second option; that is, for the commonwealth Marriage Act no longer referring to marriage, so that faith and other communities can give contemporary meaning to that term through their own rites and practices. A religious or non-religious marriage may lead to a state-recognised relationship but may not necessarily so. Over time, people would differentiate the religious element from the registration element. Criteria for registration would be less likely to influence people's perception of faith and moral expectations. Ultimately, these are matters for the commonwealth parliament and the wider Australian community.

I stress that I support the nub of this motion; that is, equality for same-sex couples. Whatever registration options there are available under the law of the state and the nation should, by whatever name, in my view, be equally available to same-sex and other couples.

I appreciate that some will oppose my amendment without understanding it because they will assume that I am proposing that same-sex couples should have access to some sort of civil union short of marriage, while other couples should have access to marriage; that is, that same-sex couples should have to put up with second-class relationship recognition. That is not my opinion and that is not my view. I consider that whatever form of relationship recognition is available under law should be available equally to same-sex and different-sex couples. I commend the amendment to the council and I look forward to the finalisation of the council's consideration on the next Wednesday of sitting.

Debate adjourned on motion of Hon. Carmel Zollo.

STATUTORY AUTHORITIES REVIEW COMMITTEE: ANNUAL REPORT 2010-11

Adjourned debate on motion of Hon. Carmel Zollo:

That the report of the committee, 2010-11, be noted.

(Continued from 19 October 2011.)

The Hon. R.I. LUCAS (17:14): I rise to support the motion that the report of the Statutory Authorities Review Committee be noted. In speaking just briefly to this motion, I want to acknowledge the work of the hardworking members of the Statutory Authorities Review Committee. It has met on a good number of occasions in the last 12 months and I think, again, has justified its existence and the money the taxpayers pay to the members for the work on that committee.

I think we are to be joined by a new member, the Hon. Mr Gazzola—the newly-wealthy Hon. Mr Gazzola; the only $200,000 backbencher in the parliament. We welcome his ascension (I think is the right word) to the Statutory Authorities Review Committee. After many years of trying to get onto the Statutory Authorities Review Committee he has finally made it and we welcome his appointment.

He will find that it is a hardworking committee. For the past 12 months the main work of the committee has been the review of the Teachers Registration Board, and it has commenced work on the Environment Protection Authority. In particular, in relation to the TRB inquiry, we welcome the fact that it was a unanimous report. The committee, in its history, has occasionally had differing views. The WorkCover inquiry, I think, was one example where the government members on that committee did not agree with the majority recommendations.

I note, advisedly, that one of those recommendations was that the monopoly position of a single claims manager (EML) was unsustainable, uncompetitive and counterproductive to a healthy WorkCover or workers compensation system. The government members on that committee vehemently opposed that recommendation, but we now see, perhaps two years later, that the government has finally and belatedly come to the view of the majority of the members of the Statutory Authorities Review Committee in relation to that issue.

Sometimes we have to understand that partisanship will enter parliamentary committees. Certainly, I am not averse to a bit of partisanship on occasions. I am no shrinking violet when it comes to an appropriate role for parliamentary committees. It does not always mean that we have to hold hands and sing *Kumbaya* on every issue.

The Hon. Carmel Zollo interjecting:

The Hon. R.I. LUCAS: The Hon. Ms Zollo says she would not want to hold my hand and I must say, on that issue, we are bipartisan. I do not have the view that these committees must always have unanimous views for them to be effective. On occasions we can have vigorous

differences of opinion. We welcome the fact that the government, as I said, I think too late, has come to realise that the view it adopted at the time of the Statutory Authorities Review Committee inquiry was wrong. It was costly to the WorkCover scheme and we are now going to see a movement to a system where there will be some competition for EML if it continues—and it may well be one that continues.

The recommendation of the majority of the committee was that there be two or three claims providers in order to provide some competition. A lot of concern has been expressed about the operations of the monopoly claims manager. I spoke just previously about the Occupational Safety, Rehabilitation and Compensation Committee, and some members who are on the Statutory Authorities Review Committee will be stunned to know that we took evidence from SA Unions and one Ms Janet Giles, in particular, a previous board member of WorkCover, who moved down the path of monopoly supplier for a claims manager and who now admits that it was wrong, that it had not worked and that there needed to be change. Again, we welcome that realisation of the accuracy, I think, of the assessment that was made by the majority of members of the Statutory Authorities Review Committee.

There will be occasions when there are differing views and there is nothing wrong with that, but, on the Teachers Registration Board, there was a unanimous view in terms of the recommendations; there was enormous frustration about the inadequate cooperation with the committee by a leading parent body (SAASSO) in South Australia. I was disappointed in that, having had almost a decade as a shadow minister and minister for education. I had worked effectively with SAASSO as an organisation and, during that period, it had been the pre-eminent parent organisation in South Australia. It was thoroughly professional in terms of its representation of parents, in particular, parents of school councils, as they were called in the good old days; they are now governing councils. It was a thoroughly professional body that was a joy to work with, whether I was the shadow minister or whether I was the minister.

So, I was enormously disappointed to see the lack of cooperation the Statutory Authorities Review Committee had from that particular body during the inquiry on the Teachers Registration Board. Some unanimous recommendations were made, and we await the minister's response in relation to those recommendations.

I rarely do it, but with respect to that inquiry, I want to single out the work of the research officer to the committee, Lisa Baxter. She has a legal background, which was useful. She was thoroughly professional in terms of the advice she provided to the committee on some technical and difficult concepts. She worked hard throughout the duration of the committee, and she drafted substantially the report and the recommendations. She might have been a touch frustrated on occasions about our discussions about her recommendations and their final drafting, but she was thoroughly professional in her dealings with the members of the committee and the committee as a whole. I did want to take the opportunity this afternoon to acknowledge publicly the work of Lisa Baxter on the Statutory Authorities Review Committee. With that, I indicate my support for the motion.

The Hon. CARMEL ZOLLO (17:22): I thank the Hon. Rob Lucas for his indication of support for the noting of our annual report. I also thank the other members of the committee, as I have done previously, the Hon. Ann Bressington and the Hon. Terry Stephens. I congratulate the Hon. Ian Hunter, who has now left our committee on his elevation to becoming a minister in this place, and I welcome our new member, as we meet tomorrow morning, the Hon. John Gazzola.

The honourable member made mention, in particular, of the WorkCover inquiry which, from memory, I think was outside this reporting period. Nonetheless, I think he said that there were two reports. I think that, in the end, there were three reports because the Hon. Ann Bressington also had some comments to make.

Also, if my memory serves me correctly, by the time I came to rounding up or noting the report, the government may well have said that it was holding a review into WorkCover—but I am going only on my recollection because I do not have the debate in front of me. I just wanted to make a quick response to some of the honourable member's comments. In relation to the TRB, I believe we still have the TRB report on the *Notice Paper* to be noted, and that will occur in due course.

I would certainly like to add my agreement to the comments the honourable member made in relation to our staff, in particular, our research assistant, Miss Lisa Baxter.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE: CRIMINAL INTELLIGENCE

Adjourned debate on motion of Hon. G.A. Kandelaars.

That the report of the committee, Inquiry into Criminal Intelligence, be noted.

(Continued from 19 October 2011.)

The Hon. M. PARNELL (17:24): As the mover of the motion to refer this matter to the Legislative Review Committee, I would like to make a few observations about the committee's report and the future use of criminal intelligence in South Australian statutes.

The majority report, not surprisingly, did not find anything particularly wrong with the use of criminal intelligence in South Australian law, and it makes a number of self-evident recommendations that the law should be fixed to prevent future successful legal challenges. However, the evidence presented to the committee does show some serious problems with the use of criminal intelligence.

In relation to criminal law proceedings, I think that everyone acknowledges that the use of criminal intelligence represents a trade-off between longstanding principles of natural justice and the need to respond to serious criminal offending.

One of the themes that came out in the many submissions is that the use of criminal intelligence can also lead to unjust outcomes in relation to administrative as well as criminal laws. The trend, as we have seen, is for the concept of criminal intelligence to be incorporated into a range of areas, including licensing regimes for firearms, security agents, liquor licensing and the like.

I wish to refer to a couple of the submissions that were made to the committee. I turn first to the submission made by the Law Society of South Australia. The report states:

> Their strong submission was that criminal intelligence could be based on unfounded or unsubstantiated material, and that information should be properly tested.

The report goes on:

> In relation to the SOCCA legislation, the fact that a person could be found guilty of associating with a person under a control order who was associating for an innocent purpose (such as a social gathering) also offended the rule of law.

The evidence of the Law Society to the committee was provided by Mr Bönig, the chairperson or president. He stated that the society objected strongly to the way in which criminal intelligence is used both in an administrative sense and in the serious and organised crime legislation. He referred the committee to a joint statement that was issued on behalf of the Law Society and the South Australian Bar Association in relation to the serious and organised crime legislation, which was as follows:

> The presumption of innocence restricts or removes the right of silence, lacks proper procedural fairness, and removes access to the courts to challenge possibly biased, unfounded, or unreasonable decisions of the Attorney-General or Commissioner of Police.

That submission is one that I referred to when we were debating that legislation. It is interesting to see that a year or two later the Law Society has not changed its position and still opposes the use of criminal intelligence.

The second submission I refer to is that of the Australian Research Council Centre of Excellence in Policing and Security. In evidence, the centre said that it believed there was a clear tension between the nondisclosure of criminal intelligence and the rule of law, which included the principle of 'innocent until proven guilty' and the right of a person to contest the case against them. Both these principles are enshrined in the International Covenant on Civil and Political Rights, to which Australia is a signatory.

I make the point—as I think I have now done three or four times in my five years here—that South Australia is the only regime that has on its statute book a provision which says that no-one making administrative decisions in this state can be held to account for failure to comply with an international treaty. We are the only state that has that level of contempt, if you like, for international treaties. It does not mean that decision-makers cannot refer to them, but they cannot be held to account for not taking them into account.

The third submission I refer to is that of Dr Steven Churches. He submitted that the principles of the rule of law and a person's right to know the case against them were infringed by criminal intelligence. His evidence to the committee was:

> If they don't know what the allegation is, they are completely stymied. They have no idea; they can't help themselves. But then, on top of that, since we do not have decision-makers equipped as investigating magistrates, they have got no capacity to go and find out either.

When he is talking about 'they', he is talking about defendants in criminal matters.

So, that was the evidence the committee heard. The Greens' view is that we do not support the use of criminal intelligence. We believe that the rules of natural justice, developed over centuries, should apply; that is, a person is entitled to know the case against them and to challenge that evidence in a court of law. By its very nature, criminal intelligence cannot be challenged. The evidence might be complete rubbish but, if it cannot be challenged, it has the potential to result in unjust outcomes. So, that is still the Greens' position. However, for others, the main debate is around identifying situations where it is appropriate to use criminal intelligence and the rules that should govern its use.

In relation to the report of the Legislative Review Committee, I note the minority report of Liberal members. I note that in that minority report the members are saying that they would restrict the use of criminal intelligence to criminal cases involving serious and organised crime. In fact, the minority report also says that the law should make it clear that courts retain unfettered control over judicial proceedings to protect the rights of all parties to a fair proceeding and to protect the administration of justice.

Whilst that does not go as far as the Greens would like, it certainly is preferable to the longer majority report which simply refuses to accept that there is a problem having taken evidence from people who know and whose views should have been given more attention. So, there is nothing in the report that moves us away from our initial position which is to oppose these criminal intelligence provisions wherever they arise in bills before the parliament and, if anything, the evidence before the committee has strengthened our resolve to continue to support the rule of law and the principles of natural justice.

Motion carried.

STATUTES AMENDMENT (PUBLIC ASSEMBLIES AND ADDRESSES) BILL

Adjourned debate on second reading.

(Continued from 19 October 2011.)

The Hon. G.A. KANDELAARS (17:32): Unfortunately the government cannot support this bill. The Minister for State/Local Government Relations, the Hon. Russell Wortley, intends to introduce a bill to the parliament which addresses the same issue that the Hon. Stephen Wade attempts to address through this private member's bill debated today.

The honourable minister's bill seeks to amend the Local Government Act 1999 to remove the current restriction in that act which prevents a council from adopting a model by-law until the time for disallowance has passed. This will allow the adoption of a model by-law any time after it is published in the *Government Gazette*.

As the house would be aware, the model by-law, known as the Local Government (Model By-Law) Proclamation 2011, was published in the South Australian *Government Gazette* on 13 October. This by-law was introduced in an effort to replace the disallowed by-law No. 6 in a shorter time frame than would have been available to the Adelaide City Council under the Local Government Act 1999.

The model by-law was developed at the request of the council following its inability to control the activities of certain groups within Rundle Mall, owing to the disallowance motion being passed by the Legislative Council in September of this year. The model by-law does not contain any of the words that were held to be invalid by the Full Court. However, it does give a council the ability to regulate the use of amplification generally, the use of equipment such as platforms or stages, and importantly prohibit the interference or disruption of any other person's permitted use of a pedestrian mall such as Rundle Mall.

The amendments proposed in the honourable minister's bill will enable the Adelaide City Council to have in place a by-law to manage the activities in Rundle Mall in the lead up to the busy Christmas period. The amendment also provides that, in the event that the model by-law is

disallowed, the model by-law adopted by the council will be of no effect on or after the date of disallowance. The Hon. Stephen Wade's bill has taken a different approach by making significant amendments to the Summary Offences Act 1953 and the Public Assemblies Act 1972.

As I understand, the Public Assemblies Act 1972 currently allows for an advanced notification system where a group wishes to assemble or rally. The general idea is that the public can demonstrate and assemble unless the authorities object to the particular notification, at which point the courts decide the merit of the application. We think this is a good system. The Public Assemblies Act 1972 arose out of the September moratorium demonstrations of 1970 and looks to enshrine the rights of protesters.

The Hon. Stephen Wade's amendment to the Public Assemblies Act seems to set aside restricted areas for protected assemblies, for example, providing for designated speakers' corners. The government believes that the Hon. Mr Wade's amendment runs against the spirit of this legislation. Indeed, the Hon. Mr Wade's amendment would, highly likely, be subject to constitutional challenge in the courts. The amendment proposes that the minister's bill provide a solution to the immediate problem and will enable the Adelaide City Council to adopt and implement the model by-law before Christmas this year.

We welcome the input of all parties to develop the best solution possible. However, this bill has a much broader application and greater consequences than the amended proposed Local Government Act 1999 by the government. This is a complex piece of legislation, which could have wide-ranging consequences across the whole state. While the government is not able to support the bill at this time, I am advised that the minister is prepared to work collaboratively with members to look at a longer term option and the potential benefits of a different approach to this issue.

The Hon. K.L. VINCENT (17:37): This afternoon I will speak briefly in support of the Hon. Stephen Wade's Statutes Amendment (Public Assemblies and Addresses) Bill. In light of the escalating issue with street preachers in our city centre, it is important that we take action and do so now. It is no secret to anyone in this chamber that I fully support freedom of speech, but I question whether freedom of speech is truly freedom if it comes at the cost of the peace of our mall-goers, as this street preaching is clearly doing. I also think it is no secret that diversity is crucial to our beloved mall, so we must fight to protect a Rundle Mall that is everyone's.

Whilst I strongly support the right to free speech, as I said, and the right of people to follow a belief system of their choice, I do not believe that amplified public harassment and ramming one's views down the throat of another as they are simply passing by is an appropriate method of sharing one's opinions. I was very concerned to hear the discussion on this issue on 891's morning program with Matt Abraham and David Bevan. In this discussion the street preacher called Caleb Corneloup talked about individuals being targeted in the mall, and I quote Caleb verbatim from the transcript of this program:

> I'm not sure, I haven't specifically seen people doing it, pointing out people because of the way they dress or anything, but I imagine perhaps somebody has in the past and I don't see anything wrong with that. I think it's not a problem to give a general comment during the preaching about the way that a women dresses because there are ways that women dress which are provocative, which are shameful, because there's also ways that women dress which are good and they can still be attractive and so forth. There's nothing wrong with preaching against sin.

Caleb's view that preaching at young women with a megaphone is indeed occurring, and that it is completely okay to do this was supported by further exchange on the same radio show. This is a quote from a caller by the name of Howard:

> I was walking past, watching these guys preach. A young girl took issue with their view on abortion. They targeted her for about 15 minutes with a bullhorn. Two of them doing standover tactics with this young girl...I stepped in to defend this girl...she was beside herself with what they were saying, that she was cursed, damned to hell because she'd had an abortion and God had turned his back on her, and they quoted various scriptures that were taken totally out of context. They're...an affront to moderates everywhere.

To which David Bevan asked, 'Caleb, is this sort of thing going on?', and Caleb replied:

> I know the example he's talking about...this girl came up laughing and mocking saying she'd had three abortions, the preacher then began to speak to her...saying she had murdered three children, which is true, abortion is murder, you cannot go murdering, the safest place for the child should be in the womb...

As a feminist, as a young woman, as a person who is pro-choice, and as someone who obviously supports the rights of same-sex attracted people also, I will not go into all the reasons I find the whole street preaching situation thoroughly deplorable, but I will say I hope this bill can provide something of a solution to the current state of affairs.

As I understand it, this bill ensures people disturbing the peace can be requested, by the police, to reduce the level of noise that an amplification system is producing, or indeed direct a person to stop using the amplification device altogether. This allows the police to subjectively assess the noise being created by a person or group, and the public context (that is, surrounding noise) in which it is being created.

At present, the Adelaide City Council cannot enforce fines issued on this matter as they have no authority to collect names and addresses. This bill also addresses this problem. I would hope that, given the kind of highly concerning exchanges that are already occurring in the mall, the police would seek to intervene and direct street preachers not to use amplification.

To that end, I also note, as the Hon. Mr Kandelaars has already indicated, that the government will be introducing amendments to the Local Government Act which I personally consider to be complementary to this bill. I consider that the amendments to the Local Government Act will simply expedite the use of by-law 6, where this bill will allow us to take longer-term action, and that this end, both pieces of legislation will have my support. Thank you.

The Hon. M. PARNELL (17:43): The Greens believe that the issues raised in this bill are important and need to be addressed, and we congratulate the Hon. Stephen Wade on taking the initiative to try to address what has been a very unfortunate series of events that occurs, I think if not nightly, then at least weekly, in Rundle Mall.

The street preachers, I think, are out of control, and I think we do need a legislative regime to make sure that people going about their lawful business in Rundle Mall are not subjected to the level of abuse and haranguing that they have to date.

I think that this council did the right thing in disallowing the regulations that Adelaide City Council had prepared, and I think that we were vindicated in that decision by a subsequent court decision. The question before us now is whether the bill that the Hon. Stephen Wade has put forward provides the best fix to this problem. Unfortunately, the Greens' position is that we do not believe that it does.

Having said that, we believe that it could be made acceptable by amendment, and I have discussed that with the Hon. Stephen Wade, but as it currently stands, we are not proposing to support it. Having said that, what I will say is that we do support the part of the bill that refers to the establishment of speakers' corners. I think that is a good initiative. We also support the idea that, in certain circumstances, public address systems should be able to be ordered turned off or even confiscated. To that end, I think we do support what the honourable member is trying to do in this bill.

The single sticking point for us is in the way that the member has drafted the amendments to the Summary Offences Act. The proposed new section 55 says, 'If a person uses a public address system in a prescribed area without authorisation', then certain consequences follow. The prescribed area could be anywhere in South Australia; it is not confined to Rundle Mall or to pedestrian malls in particular. The only restriction on where these prescribed areas can be is that the minister has to consult with local councils before passing a regulation that prescribes an area.

I will declare an interest here, Mr President. I am the owner of not one, but two, public address systems, and they have been used on many occasions in places in Adelaide and in the suburbs, in the street. We use them in town halls, obviously, for public meetings and indoor environments. One of my public address systems was used not that long ago in Grenfell Street. I have used them on North Terrace. Often we find a situation where legitimate protest involves people standing outside, for example, annual meetings of mining companies. That is a common scenario.

Yesterday we received a report in this place from the Ombudsman which had a reference in it to 700 people outside the Charles Sturt council at one stage. I certainly attended a number of rallies outside the Charles Sturt council chambers. I recall at one of them I had my public address system in the boot, should it be required, but in fact the organisers were on to it; they had their own public address system.

To take a worst case scenario under this legislation, if the minister and the council—Charles Sturt, for example—were to decide that the park across the road from the council chambers was to be one of these prescribed areas, then anyone who tried to rally in that place could find that their public address system was confiscated if they did not obey an instruction to turn it off.

If that regime were to apply in Rundle Mall, then I think we would support it, because it would actually deal with some of the problems the Hon. Kelly Vincent referred to—the awful behaviour of some people in Rundle Mall. It is not that we are against having provisions that enable public address systems to be controlled. We are just not prepared to support legislation that does not have any real restriction on where those areas might be. I think there is the potential in the wrong hands for this provision to infringe the right of free speech.

That brings us to the matter that the Hon. Gerry Kandelaars referred to, which is a proposed bill (which I received notice of within the last hour) and which appears to be an attempt to fix the situation. It fixes the situation by allowing a revised by-law that does not infringe the problems that we in this council identified as reason to disallow. It does not infringe those provisions, but does have the ability to come into operation quickly and certainly before the busy Christmas period.

Of course it is highly unusual, and normally we would not be happy with a new bill being introduced and an expectation that we pass it immediately. That is not the way this council works, but it seems that this bill, whilst the Greens have not discussed it in detail, may provide a way forward. Faced with the decision of whether to support the Hon. Stephen Wade's bill tonight or whether to have a good look at this new government bill tomorrow, we are inclined to not support the member's bill now and to have a look at this attempt by the government to fix up the situation when it comes in tomorrow.

Having said that, I think that we do owe the Hon. Stephen Wade a debt of gratitude. He has worked hard on this issue. He has tried to come up with a solution and he has engaged certainly the Greens, and I imagine other members of the crossbench, in a way that no minister has ever engaged us on issues like this. Whilst the honourable member might be disappointed we are not supporting his bill now, I think that we do owe it to him that we have, in fact, got to the situation where the government has been embarrassed into having to bring something to us at this late stage in an attempt to fix up the problem.

The Hon. D.G.E. HOOD (17:50): I will speak briefly. I understand we have about 10 minutes before the break, so I will probably use all of that if members are agreeable. This bill appears to be trying to address a very contentious situation. Members will be aware that, some time ago, I said publicly that I was looking at moving a disallowance motion with respect to the regulations that the Adelaide City Council was using, and indeed, according to the Supreme Court, in some cases misusing, in order to move these preachers on.

I want to say for the record that, whilst, obviously, my personal Christian faith has some sympathy with the general theme that these people espouse, I think their methods are very questionable, to say the least. I think all of us have concerns. I have not seen, but I am hearing of incidents of direct insults being made at people walking past. How that falls under the banner of Christianity, frankly, I just do not understand. That sort of behaviour, I think, is regrettable, to say the least.

Looking at both sides of this, though, this sort of somewhat contentious behaviour has obviously attracted a group of what you might call counter-protesters in order to drown out the preachers. I think the fact that this has now escalated to the point where you have got these two major groups essentially facing each other off in the confines of the mall, I think, is really undesirable. It is almost certainly the wrong place for it, so hence, I think, some sort of response is needed.

I want to make this absolutely clear: I am a strong supporter of free speech. I will never vote for anything that curtails the right of free speech. I should not even single these preachers out, but I think any person espousing any position, frankly, should have the right to say it in pretty much any circumstances, but I think there is a way of saying things and that is really the point we have got to. Hence, I think some sort of intervention is required.

Like the Hon. Mark Parnell, I commend the Hon. Stephen Wade on his attempt to address this in, I think, a fairly moderate way. Initially, the Hon. Stephen Wade moved the disallowance motion sometime ago, which this chamber supported. I was one of the votes in support of it, as was my colleague the Hon. Robert Brokenshire, and I, like the Hon. Mark Parnell, said I thought it was right and the decision of the court has vindicated that, I believe.

To cut a long story short, Family First will be supporting this bill. We believe it is a moderate measure at curtailing what is a difficult situation. I believe that the preachers, or anyone else for that matter, have the right to say what they believe to be the truth. I do not think that should

be in any way prevented under any circumstances, but there is a way of putting the message forward.

I can reflect on the comments of our new Premier, made on his first day in the job yesterday. Taking the partisan nature out of this, I wholeheartedly agree with what he said in his opening ministerial statement as Premier. He made the statement that, essentially, we need to treat each other civilly in this place, and that creates an example for others in society.

I think that is right. I think sometimes we get carried away with ourselves here in terms of the sometimes rude and aggressive nature in the way we deal with each other and I think that is regrettable. I think this parliament should be above that, and I think we are seeing examples of that carried over in Rundle Mall at the moment. I think any member in this place, for example, should be able to say whatever they like essentially, but again, it comes down to the way that message is delivered.

I think what we are seeing at the moment in the mall is regrettable. The message of the Christian faith is not one that should be delivered in an offensive way. I think, if it is, then that is not right. I also think that the counter-protesters should not get off scot-free either. I am aware of some of their behaviour being offensive on many levels as well. It should be noted that they are not without blame in all of this.

To get back to this bill, I think that it provides a way forward. Obviously, the minister, the Hon. Russell Wortley has tabled just today what the government views as a solution to this problem. My understanding is that the Liberal Party is going to support that bill so that it will pass anyway, and I think we will find that this situation is resolved.

Credit where credit is due: the government has acted on this situation and I think it is well and truly time. I missed all of what the Hon. Mark Parnell said and it may, in fact, be the same issue so forgive me if it is, but I am concerned—and I may stand corrected on this—that the bill itself does not limit to specific areas and there is potential that, on my simple reading of this bill, it may be potentially misused in some situations. I am sure the Hon. Stephen Wade has an answer to that question and I formally put that question to him, and if he could address that in his summing up I would be grateful.

My final comments are that I believe that free speech should be almost absolute. We live in a society that has treasured free speech literally for thousands of years and, obviously, in recent centuries in our country, and that, as far as I am concerned, should never change. People should be allowed to do that whether they are preaching the gospel, whether they are arguing a particular political point of view or whatever other contentious perspective they may have. However, I believe that it is incumbent on all of us in this parliament and, indeed, all of us in society to do so in a simple way that is not directly intended to offend other people—and not only offend but insult other people. I do not think that that is really something that we can endorse on an ongoing basis.

These things can happen occasionally, and if one or two comments are made that might upset someone, then I think in the real world those things can happen from time to time. However, I do not think we can just allow that to be a deliberate tactic that groups can use on an ongoing basis. That being said, as I said, we intend to support this legislation. In my discussions with the Hon. Stephen Wade I think, by his own admission, it may not be perfect but it is the best option before us at this point and for that reason we support it.

The Hon. A. BRESSINGTON (17:57): I rise to indicate my support for the Statutes Amendment (Public Assemblies and Addresses) Bill Introduced by the Hon. Stephen Wade. I do so in the knowledge that the Minister for State/Local Government Relations has introduced a bill to amend the Local Government Act 1999, which, on my understanding, will allow the Adelaide City Council's model by-law for the management of pedestrian malls to be implemented immediately and, hence, ahead of the busy Christmas season.

The Hon. Stephen Wade's bill attempts to provide a statutory incentive to would-be protesters to conduct their protest in a defined area, determined between the government and the local council and in a manner that is orderly and civil. The inducements include protection from civil and criminal liability arising from obstructing the area and protection from rival groups who may desire to obstruct their gathering.

This is particularly relevant given the ongoing clash between those who have been dubbed the street preachers—exactly what they are preaching I am unsure as this is not the Bible that I grew up to know—and gay rights activists and others who are appalled at the hateful message

being preached. In providing inducements rather than attempting to prohibit the gatherings, on my understanding, the bill avoids any constitutional concerns, although I have no doubt that the street preachers will challenge it anyway.

The bill before us also deals, at least to my mind, quite eloquently with the use of amplification which, unlike assembling for a political purpose, is not a right and can be restricted. The bill proposes to do so by enabling a police officer to issue the user of a public address system without an authority for its use with a direction to cease broadcasting in the prescribed area. This area is gazetted by the minister after consultation with the local council and such a direction from the police officer applies for six months. A maximum penalty of $1,250 applies for each contravention, as well as the seizure of the public address system.

From my understanding, Adelaide City Council's model by-law for the management of pedestrian malls is limited to Rundle Mall and does not address the numerous issues that the current preacher saga has identified. At best, it will push the street preachers to other prominent city locations where they will fall outside the regulation proposed and hence be able to again amplify their views. It certainly will not resolve the clash between the preachers and the gay rights activities, which has, on occasion, turned violent.

This morning, I met with the Adelaide Lord Mayor, Mr Stephen Yarwood, who relayed his support for the government's bill. I understand his position entirely. The street preachers saga is causing significant economic and social damage to Adelaide's iconic Rundle Mall and, as the months have dragged by, the Lord Mayor has been criticised for failing to take action. Average people in the street do not understand why such protests are permitted in the mall. However, permitted by the Adelaide City Council they are not, and the council is currently hamstrung and unable to act.

It is for this reason, regardless of whether this bill is successful today, I will be supporting the government bill tomorrow, although I indicate my desire for this issue to be re-opened in the new year. I make the point that it does not have to be either/or on these pieces of legislation because they can both work quite well together. The government's bill is a short-term solution, and it is a good solution, whereas the Hon. Stephen Wade's bill is more of a holistic, long-term solution to what will probably pop up again.

I would like to reiterate what other members in this place have said. I have seen footage of the conduct of both sides of these protesters. I was brought up to believe that two wrongs never make a right, and I think that probably the antagonism that has come along with this has escalated the situation and that both sides of this protest need to be held to account. I believe that the Hon. Stephen Wade's bill will also address both sides of that as well. With those words, I support this bill. I would also like to congratulate the Hon. Stephen Wade on the hard work he has put into this and his ability to consult.

Debate adjourned on motion of Hon. G.E. Gago.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

The House of Assembly informed the Legislative Council that it had appointed Mr Sibbons to the committee in place of Mrs Vlahos.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

The House of Assembly informed the Legislative Council that it had appointed Mr Sibbons to the committee in place of Mrs Vlahos.

[Sitting suspended from 18:03 to 19:50]

STATUTES AMENDMENT (PUBLIC ASSEMBLIES AND ADDRESSES) BILL

Adjourned debate on second reading (resumed on motion).

The Hon. S.G. WADE (19:52): I rise to conclude the second reading debate on the Statutes Amendment (Public Assemblies and Addresses) Bill 2011. I thank all honourable members who contributed to the debate and I would like to briefly respond to some of the issues raised by them.

I am certainly keen to look at the issue that the Hon. Gerry Kandelaars raised in terms of his perception that my bill displaces and undermines the spirit of the Public Assemblies Act 1972. The impression I got from the Hon. Gerry Kandelaars and also from some of the comments from government representatives in the last couple of days is that there seems to be a perception that my bill would take the place of protected assemblies under the current legislation. That is certainly not my reading of it and it is certainly not the instruction I gave to parliamentary counsel. I checked it over the dinner break and it is certainly not my reading of the operation of the bill.

My understanding is that the Speakers' Corner proposals would supplement the general provisions with both the Speakers' Corner and the general provisions being given an additional protection from being obstructed and disrupted. I am certainly keen to hear from any government representatives if the bill does not achieve what it is intended to achieve. It is certainly not to displace the historical role of the Public Assemblies Act but, rather, to enhance it.

I certainly welcome the member's comment on behalf of the minister, that the minister is 'prepared to work collaboratively with members to look at the longer term option'. I would like to thank the Hon. Kelly Vincent for her contribution and her affirmation that she treasures both freedom of speech and diversity. Of course, Rundle Mall is one of our most diverse and throbbing cultural hubs. I totally agree with her point that freedom of speech is a right, but it does not extend to the right of amplified public harassment. I think both the government and the opposition are progressing on the assumption that the right to political communication is not a right to use tools such as amplification without restraint.

I thank the Hon. Mark Parnell for his contribution. He indicated he would not support the bill, but he said that he sees the need for a legislative regime. I think in that regard the Hon. Mark Parnell is standing with all the non-government members in saying that there needs to be statute law as part of the solution. At this stage, the government is only talking about a council by-law response. The local government amendment, which the honourable the minister is tabling this evening and which has been foreshadowed and distributed to members today, is a Local Government Act amendment but is to facilitate a council by-law.

The Hon. Mark Parnell raised a point that the Hon. Dennis Hood also picked up on which is the wide geographic scope of section 55. This was a challenging element of drafting the bill. I think the Hon. Mark Parnell understands the way it works. It is not that these provisions could be used anywhere in the state but that anywhere in the state could be prescribed by regulation. I know the Hon. Mark Parnell's response to the fact that this council can disallow a regulation of a prescribed area if it was unreasonable. It is something that we stand ready to do but you do not want to rely on the Legislative Council picking these things up.

The Hon. M. Parnell: It's too late once you've had your machine confiscated.

The Hon. S.G. WADE: It's too late. Yes, that's true. So, I take the honourable member's point. Certainly following consultation with the honourable member, I was playing with all sorts of amendments such as whether it would not apply if you were using a public address system to address a group that was voluntarily gathering for the purpose of receiving the public address. The dilemma with that is what happens if you bring a rent-a-crowd? You bring along your six members so that you can broadcast beyond.

I indicate to the honourable member that, like him, I see the risks—and I should say the Hon. Dennis Hood had a similar concern. The prescribed area could be used if a government was so inclined and, of course, we would hope that the government would not be so inclined to inhibit free speech. It could be used aggressively and that is something on which I would be very keen to work with any honourable members who might have suggestions on how to improve it.

The Hon. Dennis Hood spoke eloquently as a man of Christian conviction at his discomfort of the witness of the street preachers and his personal commitment to freedom of speech. As I said, he shared the Hon. Mark Parnell's concerns about specific areas and we need to address that.

Of course, the simple solution to the issue of geographic breadth would be to say, 'Let's just limit it to pedestrian malls,' which is what the government has done with its model by-law, but the problem with that is displacement. The street preachers have already indicated that they are interested in other parts of the city. I know that there have been preachers (not necessarily associated with Street Church Inc.) who have used the corner of Hindley Street and King William Street. The whole of Rundle Street, of course, is not part of a pedestrian mall so it would be

vulnerable to displacement. I think we need to be very careful in any measure that we do not just keep moving people on.

The Hon. Ann Bressington addressed that issue directly, and I appreciate her comments in that regard. It is all well and good to fix a leak here but, if you cause another problem further down the pipe network, that is not a solution. I thank her for her contribution and indication of support.

In moving on to general remarks, there is no doubt that this council is united. Government MPs and opposition MPs and Independent MLCs are all committed to trying to bring the conflict in Rundle Mall to an end in a way which respects freedom of speech and protects the mall as a key family and retail precinct. The dispute, such as it is, is about the best way to achieve that. As I have indicated, the opposition will be supporting the government's bill in relation to the Local Government Act, and we will address that issue more directly tomorrow when we discuss it.

Having said that, we believe that the by-law which will be facilitated through that bill is worthwhile but not sufficient. The by-law by itself can only be part of the solution. As we know from council by-laws, they are toothless without police support. This bill gives the police the power to control amplifiers and confiscate them if necessary. I remind the council that the Adelaide City Council has had amplification control by-laws for years. In fact, the by-law that was in place for the seven months of the year since February had similar if not identical words to that in the government's by-law, yet that was the very period when the escalation occurred. So this cannot be a silver bullet because, if it was a silver bullet now it would have been a silver bullet then.

The Hon. Ann Bressington highlighted the issue of enforcement. The issue of council officers and powers for enforcement has come up repeatedly this year. Members will recall, in relation to smoking and littering—certainly the Legislative Review Committee has considered it in the context of adults in playgrounds—the opposition has concerns that the by-law cannot be enforced by council officers alone and that they will need the support of police.

We have already addressed the issue of displacement, so I will not dwell on that. We believe that the by-law is useful but is not sufficient: the by-law needs the bill; the bill complements the by-law. That is also the view of the Adelaide City Council. I have a letter from the Lord Mayor, which I will read in full so it can be heard in context. It is a letter addressed to me and says:

> Thank you for taking the corporation's issues into account in redrafting your bill. Any assistance that can be given to Adelaide City Council by the state government, the opposition and SAPOL is welcome to abate the situation in Rundle Mall. We still support a bipartisan approach to resolving this issue and see that any and all efforts to address the situation are most welcome.
>
> We see advantages in both the model by-law and your bill. In particular, the by-law provisions enable the corporation's authorised officers to take action, albeit limited, to satisfy the current perception by stakeholders that the corporation is taking no positive action. Your bill, on the other hand, has the benefit of enabling the police to take action to remove equipment, particularly public address systems.
>
> It is important that we continue to work together to resolve this situation to the satisfaction of our stakeholders as the positive reputation of Rundle Mall as a premier shopping precinct in Adelaide is being detrimentally affected. I look forward to support from all parties to resolve this issue with a satisfactory outcome for all stakeholders.
>
> Yours sincerely,
>
> Stephen Yarwood, Lord Mayor.

Indeed, tonight and tomorrow this council is working cooperatively to improve the situation.

As a number of members have revealed, I am quite honest about the fact that this bill may not be perfect, but it is a good bill and a good base. We are happy to talk to any stakeholder on how the bill can be developed, and we certainly look forward to taking up the minister's offer made this morning to engage the opposition and other members constructively to develop the solutions going forward. After all, we share a common goal, even if we differ on the texture of the response.

It is important, as the minister indicated earlier, that something is in place by Christmas, so we look forward to seeing the discussion tomorrow. It is important to be mindful of the impact of these measures going forward, and we believe that working now on future responses that can be implemented as needed is the best way to have those measures ready as and when they are needed. I thank all members for their contributions and for their indication of support and look forward to the further progress of the bill.

Bill read a second time.

Bill taken through committee without amendment.

The Hon. S.G. WADE (20:05): I move:

That this bill be now read a third time.

Bill read a third time and passed.

EDUCATION (CLOSURE AND AMALGAMATION OF GOVERNMENT SCHOOLS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 September 2011.)

The Hon. CARMEL ZOLLO (20:06): I rise to respond on behalf of the government. The Department for Education and Child Development (DECD) works closely with school communities when an amalgamation or closure is proposed. Consultation is paramount to the centre of the process. A review is undertaken that involves representatives from the Australian Education Union, local government, the principal, ministers and DECD representatives, and a governing council representative.

In the case of the recent proposed amalgamations some schools also accepted the offer to use one of the minister's spots on the review committee as an extra governing council position. Many schools close or amalgamate for a number of reasons, including declining enrolments, or to form new schools, as is the case of the Education Works school communities at Roma Mitchell Secondary College, John Hartley, Blair Athol North School, Woodville Gardens School Birth to 7, Mark Oliphant College and Adelaide West Special Education Centre. The Education Act provides for the following:

- A government school can be closed if a majority of the parents of the students attending the school (or students for schools where the majority of students are adults) indicate that they are not opposed to the closure.
- A review must be undertaken in order to amalgamate two or more government schools, or if parents do not support a government school's closure.
- The minister may close or amalgamate a government school or schools only after giving due consideration to the review report and the review committee's recommendations.
- The minister must give written notice of the decision and reasons for the decision to parliament, where a decision about a government school closure or amalgamation is contrary to the recommendations of the review committee.

The Minister for Education and Child Development runs and manages a system of schools. To manage the number of DECD schools, the minister may need to exercise his/her authority for what is in the best interests of the whole of the education system, not just an individual school.

The recent experience of the Education Works program indicates that many members of the community have difficulty being in the position of having such a considerable role in determining what they see as a decision for government. The current approach sees considerable angst and often division develop within the community. The effect of the proposed changes would see the requirement that regardless of any of the views of the government, or for that matter the review committee, and the process established under the act, such change can only take place in accordance with a resolution of both houses.

Introducing this amendment would see an unnecessary tier of constraint placed on schools seeking to amalgamate. The effect of the proposed amendments would see the need to go to the parliament to get approval, regardless of the views of the school community. Even if universally favoured by parents at a school, any closure would need to be put on hold until the parliament was able to consider the proposed closure or amalgamation.

Given the manner in which schools are staffed and funded, this could mean a school may have to stay open for an additional year while the parliament dealt with a proposal. For example, small school closures are often considered when the school community becomes aware of the school's next year enrolments. This usually happens late in the school year and often after parliament has been adjourned for that year. In small communities the leaving of one family from the community can be the difference between being able to provide a school with a basic curriculum as opposed to having a school enrolment that does not provide enough staff to deliver even a basic curriculum.

In such circumstances, which are usually only determined late in the school year, the community can agree to close the school. Under the proposed arrangements this could not occur and the school would have to open in the following year and provide a program until the parliament then provided for the closure. This is operationally such that the school would most likely have to remain open for that whole year—an inefficient and undesirable outcome that would see poor curriculum and outcomes for children.

It is clear from changing demographics, education and care thinking, along with community demand, that over the next 10 to 15 years there will be a need for the provision of education and care services in a way that can cater for the dynamic changes that will, or are likely to, occur within the state. The need for greater flexibility in the way schools operate and the need for flexible enrolments across schools require an education system that can rapidly change and evolve. The bill's proposed changes would add a tier of intervention that would restrict schools' ability to change, without offering anything that would provide for improved outcomes. For the reasons I have outlined, the government opposes this bill.

The Hon. R.I. LUCAS (20:13): I rise to speak to the second reading. The bill that has been introduced to amend the Education Act seeks to ensure that a government school cannot be closed or amalgamated except by a resolution passed in both houses. As the act currently stands, the minister can close or amalgamate government schools even after consideration and contrary to report and recommendations of an appointed committee under the required review process.

The genesis to the current round of discussions on amalgamations is that in the 2010 budget, under the budget measures incorporated there, the government announced its intention to save $8.2 million over two years from 2011-12 by amalgamating 67 co-located schools. A further budget measure of associated efficiencies flowing from this, totalling $5.8 million over four years, was also announced in the same budget.

The shadow minister has advised our party that the previous amalgamations under Labor's Education Works super school program were voluntary and subject to a majority vote. He gave the instance of a plan to merge 44 schools into nine super schools in the Upper Spencer Gulf region, which was ultimately rejected by local communities and abandoned by the state government.

The Liberal parliamentary party room has voted to support the second reading of this bill and we indicate our support therefore at the second reading stage. The shadow minister is currently working on a proposed amendment which, at least in principle at this stage, to my understanding is to introduce a sunset clause on the provisions so that it applies to the current round of amalgamations. He has not yet concluded that drafting with parliamentary counsel and we will place it on file prior to the discussions in two weeks' time.

I guess the genesis for this particular debate significantly comes from what the government would see as cleverness and others would see as duplicity in relation to their super schools program. The government, which would see it as cleverness, came up with this notion of super schools to disguise the fact that they were seeking to close a number of schools across South Australia. That was clearly a budget-driven imperative; however, the government was not prepared to acknowledge it as such.

I think, through that process, it has raised expectations through school communities about what its super schools were about. I must say that, having used the term 'super schools' in the original press statement, the government sought to deflect ownership of the term later on by saying it was never a term that it had initiated. That, as I said, is nonsense. It was originally announced by the government as super schools in the original press statements.

I know, through the Budget and Finance Committee, we asked the then chief executive officer of the education department exactly what the difference is between a super school and just an ordinary new school under the old arrangements. It took some questions, but his ultimately frank answer was that there was no difference—there was no different staffing ratio, there were no different facilities.

Indeed, as the years go by you get the latest technology, so the most recent new school, prior to the super schools, certainly had much better IT infrastructure, cabling and computers than new schools of 10 years ago, and they had more technology and better infrastructure than the schools of 20 years ago. That is just an inevitable product of technology and education, but he was ultimately frank enough to concede that there was indeed nothing super about the schools at all. 'Super' was indeed a marketing ploy. The government sought to move away from it. It unduly raised expectations.

Let me hasten to say that any new school, whether or not it is called a super school, in an educationally impoverished area will attract new students and attention. That, indeed, happened before we had super schools. We just, in essence, rebuilt the new school in an area and closed old schools. They attracted new students because they are new facilities, new buildings, a fresh start and, therefore, attracted students and families. They were full, so long as the quality of their programs demonstrated the worth of that particular school.

I am not surprised, and I am sure it will be the case and continue for a while, that some of the super schools will attract significant numbers of families and students, in some cases because they have no other option now, but in other cases because certainly the quality of the infrastructure and technology is markedly improved on some of the previous facilities that they might have had in the communities. Ultimately, whether they will be better schools, only time will tell, because all the educational research indicates that the quality of education leadership and the quality of the teaching are the more important factors in terms of the quality of the educational outputs that come from particular schools and school communities.

I note from the notes that the shadow minister has provided to Liberal Party members a statement from the former minister for education in *Hansard* of 23 February of this year, when he said:

> The truth is that the high school amalgamations do not actually provide much by way of savings—

in relation to the amalgamation process.

> What I have said to those schools...is that we will not be forcing them to amalgamate—

This was justifying why he had backed off from some high school amalgamations. That statement is just patently untrue. All the evidence from within the education department is that the most significant savings from closures and amalgamations come through the bringing together of high schools. Just a simple thought process of whether a co-location of a junior primary and a primary, in terms of its savings, or the combination of two primary schools in terms of its savings, or the combination of two high school communities in terms of the cost of facilities, educational provision, staff to student ratios, etc., is significantly higher in terms of savings in the high school amalgamation process. That political spin used by the former minister and the now Premier—as with many other things, sadly, that come out of that gentleman's mouth—is patently untrue.

My challenge to the government members, if they wish to dispute that, is that during the subsequent debate on this, during the committee stage, let them place on the record from the education department the estimates of savings of a high school closure and amalgamation and an equivalent primary school closure and amalgamation or a co-location of a junior primary and a primary.

Essentially, the savings in the co-location of a junior primary and a primary come back to principally the reduction in leadership positions. There is a huge debate in doing that. For many years we have argued in South Australia that one of our strengths has been our early childhood—that is, under the age of eight; that definition of early childhood rather than under the age of five—which included junior primary education and the fact that we have specialist teachers trained in junior primary or early childhood education from our universities, which has set our education system here apart. It is an interesting part of the debate, which we touched on briefly in the early childhood government bill earlier this week, which was looking essentially at childcare centres.

The savings in a junior primary/primary co-location concern the reduction of leadership positions, so instead of having two principals you only need one, obviously. However, in relation to a high school amalgamation, if you have two high schools and you close one down and dump all the students into the one high school—which I understand was part of the proposal in the Whyalla community—there are significant budget savings to be achieved, if you are going to go down that path, contrary to that statement made by the former minister for education.

I am hoping that, by the time we continue this debate, some questions that have been placed on notice with the department for education, through the Budget and Finance Committee, will be provided. I was a former minister for education when much was made by the Labor opposition, the unions and others about, I think, 40 or so school closures during the 1990s, and that included amalgamations as well as school closures.

We have put the education department on notice to indicate the number of closures under this government since 2002. When that answer eventually comes back, members on the government side will see that it is a significantly higher number than the number about which they

complained during the 1990s in the immediate aftermath of the State Bank financial debacle here in South Australia. I am hoping that we will have those answers so that they can be placed on the record during the committee stage of this debate.

In concluding my contribution, I repeat again that the decision has been taken by the Liberal parliamentary party room and has been argued publicly by the shadow minister—and I speak on his behalf—that the party's position is that we will support the second reading and will be looking to move an amendment during the committee stage of the debate.

Debate adjourned on motion of Hon. R.P. Wortley.

TERNEZIS, MS K.

Adjourned debate on motion of Hon. A. Bressington:

That the Legislative Council condemns the failure of the Attorney-General to answer the questions asked in the Legislative Council concerning the case of Ms Katrina Ternezis and to substantially respond to correspondence sent by Mr John Ternezis concerning the same.

(Continued from 28 September 2011.)

The Hon. T.J. STEPHENS (20:26): I rise on behalf of the opposition to indicate our support for the motion of the Hon. Ann Bressington. The case of Mr Ternezis and his daughter has been raised in the parliament over many years and by multiple members. The Hon. Ms Bressington's motion concerns the current Attorney-General's failure to respond to her questions concerning Mr Ternezis or to correspondence from Mr Ternezis. As the Hon. Ms Bressington correctly established in her speech, ministers have a responsibility to members of parliament and the public to address concerns about matters under their portfolio.

The Hon. Ms Bressington has detailed the dates she asked questions in parliament about Mr Ternezis' situation and the dates Mr Ternezis corresponded with the former attorney-general, the current Attorney-General and former premier Rann. It is unacceptable that the Attorney has failed to respond to Ms Bressington and/or Mr Ternezis. Consequently, the opposition will be supporting the motion.

The Hon. G.A. KANDELAARS (20:27): Members would not be surprised that the government opposes this motion, but it does not do so from a position of political interest or party solidarity. The government opposes the motion because of the substance of the motion itself. I urge other members within the council to look beyond the opportunity to vote for political points and instead consider the motions and the facts related to it because it is extraordinary that the honourable member would move this motion.

It is at this stage that I seek to remind members—and I make it very clear to them—that this motion does not directly pertain to the circumstances of Mr Ternezis' daughter. We are not debating what may or may not have happened. I seek to make no comment on the matter and mean no offence to Mr Ternezis or his daughter.

I will briefly summarise the chronology of the matter that is the subject of the motion. The honourable member asked a question without notice on 4 March 2009, with an associated question following on 24 March, and a response to the question was tabled on 22 September 2009. The honourable member was unhappy with this response and so asked six questions in December 2009 and June 2010. It is worth noting that, in the preamble to the six questions, the Hon. Ms Bressington said:

I seek leave to make a brief explanation before asking the minister representing the Attorney-General a question about Families SA.

I stress that the wording was 'about Families SA'. So, it can be taken as clear that the honourable member was asking a minister about a different minister's department. I pause to note the strange concept of asking one minister about a department that is the responsibility of another minister.

Regarding the failure to substantially respond to correspondence from Mr Ternezis, I detail the following. I am advised that the previous attorney-general received correspondence from the Hon. Nick Xenophon MLC in 2006 (when the senator was a member of this place) on behalf of Mr Ternezis. The previous attorney-general provided a detailed and comprehensive response to a letter in 2006 outlining the enforcement process and how noncompliance was investigated, and noted that the particulars of the case of Mr Ternezis' daughter were the subject of much correspondence between the department and Mr Ternezis, as well as the then minister for families and communities and Mr Ternezis.

I understand that the subsequent correspondence from Mr Ternezis refers to details of this letter and that it hence can be gathered that Mr Ternezis has a copy of this letter. For the benefit of members, I will read a small passage of this letter that is particularly relevant to all future correspondence from Mr Ternezis. The letter states:

> The court does not have a role in monitoring the compliance with an order. When the order includes supervision by the Department for Families and Communities (the department), it is the department's responsibility to monitor compliance with the conditions of the order.

Prior to that time, I understand that the previous attorney-general only received copies of correspondence that Mr Ternezis had sent to the then minister for families and communities.

I am advised that, in 2007, the previous attorney-general received correspondence from Mr Ternezis regarding his daughter and this was rightly directed once again to the then minister for families and communities. A follow-up letter was received asking about the orders of the Youth Court. It was reiterated that the matters in question were matters for the Minister for Families and Communities, and Mr Ternezis was informed once again that the correspondence was directed to that office for consideration.

I understand that, in 2008, a further letter was received detailing concerns of the actions of Families SA and the Mullighan inquiry. This again was rightly referred to the Minister for Families and Communities. I understand that the correspondence was once again sent to Mr Ternezis in late 2009 from Families and Communities. By this time *Hansard* will show that the Hon. Ms Bressington had asked her first couple of questions and received answers to them. Since this time, Mr Ternezis has sent a further four letters that have been received by the Attorney-General, and the Hon. Ms Bressington has asked two additional questions without notice. I understand that the current Attorney-General, like the former attorney-general, does not accept allegations of procedural corruption, improper collusion and a cover-up.

This motion relates to an incident from the 1990s, an Ombudsman's investigation report from 2002 and extensive correspondence to the Attorney-General over the ensuing nine years that was responded to detail where relevant; but, far more commonly, the inquiry was forwarded to the appropriate minister—and I stress 'forwarded to the appropriate minister'.

It has been clearly demonstrated that the current Attorney-General has had very little to do with this matter largely because of the extensive work that has been done over the previous decade. If the honourable member is unhappy with the responses as received over the past decade, it surely cannot be seen as the fault of the current Attorney-General.

This is a remarkable motion for all the wrong reasons, and I call on members to acknowledge that responses have been provided and action has been taken. The decade's worth of responses may not have been what the honourable member sought but, from the Attorney-General's office, it has been the appropriate action. In 2006, there was a detailed letter addressing the issues and directing them to the responsible agency. Since this time, with the exception of the accusation of corruption, improper collusion and cover-up, I understand there had been no further information clearly linking the matter to the Attorney-General's portfolio of responsibility. I call on all members to oppose this motion.

The Hon. T.A. FRANKS (20:35): I rise briefly on behalf of the Greens to support this motion before the council. This issue clearly goes well before my time in this council, and that is just one reason why it has been an unacceptable treatment of this particular case, although I think it also runs more broadly that this government should stand ashamed when we read in the paper just this week that the Special Investigations Unit set up to catch those who abuse children in state care has not brought a single conviction in seven years of operation. Records between 2003 and 2008 for that Special Investigations Unit are unavailable and apparently there were no prosecutions undertaken in this time.

We have a sad history in South Australia of having children abused while in state care or while under the care of various ministers and so on. It is something that this state has quite rightly apologised for but, when you apologise, that means you do something about it. I hear a lot from this government about being tough on law and order; it is time to be tough on child abuse. With those few words, I look forward to the contribution from the Hon. Ann Bressington in terms of the government's contribution tonight and, as I say, the Greens will be supporting this motion.

The Hon. A. BRESSINGTON (20:37): I thank the Hons Terry Stephens, Gerry Kandelaars and Tammy Franks for their contribution on this motion. Before we start, I would like to clarify why

this matter has gone between the attorney-general and the minister for Families SA and why this motion was directed to the attorney-general.

When the Hon. Jay Weatherill was minister for families and communities, he was written to about this matter, specifically about the issue of the enforcement of Youth Court orders. Mr Ternezis received a letter from the minister then saying that the matter of Youth Court orders and anything to do with the Youth Court is under the jurisdiction of the Attorney-General. The attorney-general then, after receiving a letter from Mr Ternezis because that is where he was directed, wrote to the attorney-general and was told by the then attorney-general that this was a matter for Families SA. So, we have a ministerial shuffle going on here. Obviously nobody wants to take responsibility for this particular case or cases that continue to repeat themselves.

It has been 11 years for Mr Ternezis seeking some kind of justice to his case and, between the attorney-general (regardless of who is in the position) and the minister for families and communities (regardless of who is in the position), nobody wants to answer the case here. But it was interesting to note one of the responses I got that the Hon. Gerry Kandelaars did not quote. The response of the attorney-general in September 2009 states:

> The minister, the Ombudsman and the Crown Solicitor's Office do not agree with Mr Ternezis and the honourable member about the facts, or that the law does not make them guilty of these allegations.

My question was: what facts don't all these people agree with? The fact that Katrina Ternezis at the age of 14 was under Youth Court orders and supervision of the department. She was living with three adult men, was involved in prostitution and using drugs. All of this was disclosed to her psychologist who was requested by the Department for Families and Communities at the time. She disclosed all of these truths to that psychologist in that interview who then passed it on to Families and Communities (Families SA).

Nothing was done. The men were not charged. The girl was not removed from living with these three men and she eventually became pregnant to one of them at the age of 15 because the department saw no imminent risk. That is all in writing, it is all there. Who takes responsibility for this? Mr Ternezis is not pursuing this issue for any personal gain or any kind of retribution. I hear so many times from parents that they pursue these matters, just like the harbouring stuff, so that no other families have to go through this and that someone will take some responsibility for fixing a very broken system. All these parents want is for someone to acknowledge that mistakes have been made and that their children's lives have been ruined because we do a ministerial shuffle of responsibility.

The Hon. Mr Kandelaars has been here for two minutes, and I understand that he has had that particular speech written for him in response to this, but, my God, what does it take to do a bit of research on the actual history of this and the content of the letters Mr Ternezis has received from the Attorney-General and the minister for families and communities for him to continue to pursue this for 11 years? People have better things to do with their lives than worry about this for 10 years.

He is looking for a resolution and a commitment from someone—either the Attorney-General or the minister responsible for Families SA—that this sort of thing is going to be fixed, that when the department screws up they are going to own it and they are going to act in the best interests of these children so that they are not 15, drug addicted, pregnant and not living with their family because nobody can be bothered removing them from an at-risk situation where, if the court orders had been followed up in the first place, enforced and monitored, it is quite likely that Katrina Ternezis would have had very different teenage years, but nobody did.

You say that there was no cover-up. It was all brushed under the carpet and anybody involved in this did not believe that Mr Ternezis would have the tenacity to still be pursuing this to this day. He is not the only parent who has had to face this. The Hon. Tammy Franks mentioned the report about prosecutions for offences against children. There is also the case of young Gina, who was in the paper the other day. I have met this young girl too. Another one in state care, pregnant at the age of 15 by her supervisor, and nothing was done. When she pursued this, she was silenced with the threat that the department would remove her children, rather than disclose this disgusting situation.

So, don't stand up and say, 'This is a remarkable motion for all the wrong reasons,' because this is a remarkable motion for all the right reasons. There are too many of these cases where people are threatened, people are basically downtrodden and the hope is that they will just shrivel up and go away. There are many people out there now who will not do that anymore. They

will fight for the rights of their children and fight for their right to justice. The sooner this government takes responsibility for the fact that they rarely get these cases right the better.

It may be a resources issue. I have said in here many times that child protection workers have the hardest job possible. They have to make life and death decisions about children spinning on a dime. I would not want that job, but for God's sake, when these things are so glaringly obvious that misdeeds have been done, when there have been broken policies and poor practice, just own it and give these parents and their children an opportunity to recover. That is all they seek.

With that, I thank members. I am glad this motion will actually go through. With this new government, this open-door policy that will exist with the new Premier, I actually have renewed hope that some steps will be taken to fix this system and to do justice for our children in this state and for the broken families who have to pick up the pieces after Families SA has stepped in and done the most destructive things to families without even turning a head and without ever even so much as an 'I'm sorry.'

Motion carried.

MURRAY-DARLING BASIN PLAN

Adjourned debate on motion of Hon. M. Parnell:

That this council—

1. Notes the likely release in November of the draft basin plan by the Murray-Darling Basin Authority;

2. Notes the concerns of the Wentworth Group of Concerned Scientists about the Murray-Darling Basin Authority's basin plan process;

3. Notes the important work and findings on water reform prepared by the Goyder Institute commissioned by the South Australian government;

4. Notes that South Australia's position at the end of the River Murray exposes our state to serious risk of harm unless there is a commitment to river flows that are sufficient to ensure a healthy river system;

5. Recognises that the basin plan is the single biggest opportunity to reform the management of the Murray-Darling Basin and ensure a healthy river, healthy productive communities and a long-term future for irrigation in the basin; and

6. Calls for a guaranteed minimum sustainable river flow to ensure a healthy, working River Murray that is based on the best available, peer-reviewed science.

(Continued from 28 September 2011.)

The Hon. J.M.A. LENSINK (20:46): I rise to make some remarks in relation to this motion. I would say at the outset that there is a lot of merit in what the various clauses in the motion state, in that, yes, we should note the likely release this month of the basin plan by the Murray-Darling Basin Authority—obviously of huge interest to all Australians, but particularly to South Australians.

The second point is to note the concerns of the Wentworth Group of Concerned Scientists, a meritorious group of scientists who are held in high regard. On that point, I would also refer to the briefing that we held recently which was organised by the mover of this motion, which was indeed worthwhile to continue debate on the progress of the basin plan.

The third point is to note the important work and findings on water reform prepared by the Goyder Institute. Again, that is something which is worthwhile. No. 4 is to note the position of South Australia at the end of the River Murray and the risk to this part of the river system unless there is a commitment to river flows. The fifth point is to recognise that the basin plan is the single biggest opportunity to reform the management of the Murray-Darling Basin, and the sixth paragraph is also laudable.

There is one glaring omission, however, in this motion, which is why the Liberal Party will not be supporting it; that is, that South Australia has many reasons to be afraid that we will not be given due consideration in the basin plan. The principal reason for this is that 2008 appears to be the stepping-off point for base allocations for states, which flies in the face of previous COAG and state agreements, particularly the agreement of 1994-95, which was to freeze all surface water extractions. That agreement has been subject to great abuse, particularly by New South Wales, which has continued to issue groundwater licences and permit flood plain harvesting.

The Liberal Party resolves that we reserve our right not to accept a basin plan which fails to recognise the following components: that South Australia has had a cap since the 1970s; that we have invested significantly in both delivery systems and on-farm application systems; and that our irrigators have very little room left to make gains from efficiencies. We certainly agree that there should be minimum flows and minimum end-of-river flows, but our irrigators need to receive equitable treatment with basin irrigators in other states. We hold very grave concerns about what will be in the content of the draft basin plan, and therefore will not be supporting this motion.

The Hon. G.A. KANDELAARS (20:49): I rise to indicate that the government supports the Hon. Mark Parnell's motion, for the following reasons.

The Hon. M. Parnell: Hear, hear!

The Hon. G.A. KANDELAARS: It is a very good motion, Mark. The South Australian government supports the need for the Murray-Darling Basin plan, and has always supported the use of best available science to underpin the development of the plan. The state government put the River Murray on the COAG agenda and has consistently fought for the management of the river to be based on science, not politics. The government has always maintained that South Australia has the most to lose if we do not get the basin plan right.

Science is so important that the government commissioned the Goyder Institute for Water Research to undertake a high-level scientific review of the implications of the Guide to the Proposed Basin Plan for South Australia, examining the three environmental water recovery scenarios of 3,000 gigalitres, 3,500 gigalitres and 4,000 gigalitres proposed in the guide by the Murray-Darling Basin Authority.

The review found that there are environmental, social and economic benefits for South Australia under the guide's three proposed scenarios. However, water recovery scenarios of 3,500 gigalitres and 4,000 gigalitres are more likely to meet the environmental water requirements of South Australia's key environmental assets—the Riverland-Chowilla Floodplain and the Coorong, Lower Lakes and Murray Mouth. These volumes would increase the likelihood of maintaining or improving the health of the river estuarine and flood plain environments.

The work done by the Goyder Institute has been provided to the Murray-Darling Basin Authority to help inform the development of the proposed basin plan and to ensure a clear scientific evidence base for the basin plan. It will definitely also be used by this government in formulating its response to the proposed basin plan.

If the proposed basin plan includes scenarios less than 3,500 gigalitres, South Australians would need to be convinced that the volume would be capable of delivering both the Murray-Darling Basin Plan Authority and the South Australian government's environmental water requirements for our key environmental assets and deliver other key objectives including salinity and water quality targets. At this point in time there is little evidence of this.

These are the cornerstone issues being addressed through the commonwealth Water Act and the basin plan. The basin's water resources are overallocated and further impacted by prolonged drought. These impacts will be exacerbated by climate change. We in South Australia have seen these effects firsthand on our communities and on our iconic environmental assets. I cannot emphasise enough the importance of the basin plan as a critical next step in the process of water reform in the Murray-Darling Basin, which started with the cap in the 1990s.

In the face of ongoing water security concerns, long-term climate change and continuing environmental decline, we need to restore the balance and achieve fundamental and sustainable change, including returning sufficient water to support sustainable outcomes. We must do this so we can ensure water security for all users, so that we can have a healthy environment, sustainable food production and vibrant communities. If we do not improve the health of the basin's water resources and ecosystems, we will not achieve these outcomes.

This is not a choice between having a healthy river or a productive irrigation community, as without the former there will be no long-term future for the latter. In doing so, we need to recognise that reduced water diversions for consumptive purposes will have an impact on some communities. The state government has maintained that South Australia is the moral compass of the river and that past irrigation efficiency practices must be recognised. These issues will need to be recognised when setting sustainable diversion limits for South Australia and through the commonwealth government's support to help those communities transition and adjust.

The commonwealth's commitment to invest in bridging the gap between current diversion limits and new diversion limits under the basin plan is an important element of this support. This is a once in a lifetime opportunity that we must grasp in both hands. I support the Hon. Mark Parnell's motion and I urge all other members to do likewise.

The Hon. M. PARNELL (20:55): I thank the Hon. Gerry Kandelaars for his excellent contribution and his support for the motion, and I thank the Hon. Michelle Lensink for her contribution as well. I just note, in relation to the Hon. Michelle Lensink's contribution, she did not actually disagree with anything that was in the motion. Her point was that she thought there may have been some other pieces of background information that could have been acknowledged.

Well, of course there could have been; however the crux of this motion is quite straightforward. It is calling for a guaranteed minimum sustainable river flow to ensure a healthy working River Murray that is based on the best available peer-reviewed science. That is really the thrust of this motion. Let the science inform the plan. Let the science be the basis of the allocation plan.

We know from what the Wentworth Group of Concerned Scientists told us when they were here in the parliament not that long ago that 4,000 gigalitres is necessary; 2,800 is not enough. Even with 4,000, we are going to see wetlands die. We are going to see some species go extinct, but at least that amount gives us a fighting chance of keeping the river going.

I acknowledge that the new Premier has certainly been talking tough in relation to his anticipated response to the release of the Murray-Darling Basin plan. We have, of course, heard similar language before, but I am prepared to give the new Premier the benefit of the doubt and I look forward to a multi-party response to the plan. If it comes out and is not based on science and sells South Australia down the river, we need to all get behind the best possible science. With that brief summing up, I would urge all honourable members to support this simple motion that really should be unanimously supported by all of us representing the state of South Australia.

Motion carried.

ELECTORAL (COST OF BY-ELECTIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 September 2011.)

The Hon. S.G. WADE (20:57): I rise to speak on behalf of the Liberal opposition in relation to the Electoral (Cost of By-Elections) Amendment Bill 2011. The Liberal Party will be opposing this bill. It proposes that political parties affiliated with a retiring member of the House of Assembly should be responsible for paying the Electoral Commission's costs to run a by-election.

As the Hon. Mark Parnell has previously stated, the bill aims to make succession planning or party renewal through by-elections difficult. A registered political party would not need to pay for a by-election if a member died or vacated a seat for a reason covered by section 31 of the Constitution Act 1934; that is, they had consecutively not attended for 12 sitting days, ceased to be an Australian citizen or took an oath to a foreign power, became bankrupt, an insolvent debtor or a public defaulter, been attainted of treason, been convicted of an indictable offence or become of unsound mind.

Costs levied in advance would be determined by the Electoral Commissioner under the Hon. Mark Parnell's bill, based on an estimate of the reasonable costs incurred by the Crown to hold the by-election. The Hon. Mark Parnell estimates that the cost of a by-election would be around $200,000.

The bill allows the commissioner a discretion not to pursue costs where the by-election was caused by circumstances beyond the member's control. The costs are based on the cost in advance and the bill would allow the commission to pursue the debt, even when the party does not field a candidate. Between 1857 and 1994 there were 181 by-elections. That is, on average, 1.3 per year. In the years since 1994, there was only one by-election and that was in the electorate of Frome in 2009. The opposition does not agree with the honourable member that by-elections are so endemic or abused that such a proposal as this is warranted. Even where by-elections have occurred and are about to occur, there may have been quite reasonable explanations as to why a by-election should occur.

In terms of the health of the parliament, it is better that a member who no longer wants to serve resigns rather than leave their electorate effectively unrepresented. If this bill was passed,

members such as perhaps the former premier and treasurer would effectively be forced to stay in their seats even though their remaining interest in representing their seats had waned. There is also a range of unforeseen circumstances that are legitimate reasons for vacating a seat that have nothing to do with a party positioning itself for future success.

For example, the South Australian community may benefit from the resignation of a member who has been the subject of public disgrace. Both the electorate and their party may be happy to see them relinquish their seat but, despite the fact that their actions were completely against the will of the party, it is the party that would suffer the consequences. Parties should not be responsible for the unforeseeable actions of their members. A political party also has an incentive to use its best efforts to avoid unnecessary by-elections to minimise the risk of an electoral backlash at a by-election.

The bill does not treat all members of the House of Assembly equally, either. For example, an Independent, under this bill, would be allowed to vacate their seat without the possibility of carrying costs. The bill places a financial barrier on a party and a candidate's ability to participate. The bill essentially introduces a minimum $250,000 nomination fee on the incumbent party only. As a result, the public may be denied an opportunity to consider a candidate from the political group of their choosing. The costs would likely outweigh the cost of the campaign itself making it either cost prohibitive or, at the least, unfairly disadvantaging the incumbent party.

There are also a number of ways that the bill could be easily circumvented and the intent of the bill abused. For example, a member could resign from the party before they resign from parliament; secondly, a member could resign in a way that fulfils the compulsory requirements of section 31 of the Constitution Act—for example, they could fail to attend 12 consecutive sitting days or they could relinquish their Australian citizenship; or, thirdly, a party could back Independent Liberal or Labor candidates.

The Electoral Commissioner would also have the discretion not to pursue payment. Such a process unreasonably involves the commissioner in a retiring member's personal affairs and then penalises their party for their personal decision. The opposition is of the view that this is unreasonable. The Liberal opposition strives to see the parliament full of committed MPs and MLCs who will dedicate all their energies to representing their constituencies. For all of the reasons that we have outlined, we will be opposing this bill.

The Hon. G.A. KANDELAARS (21:03): It will not surprise the Hon. Mark Parnell that the government opposes this bill for many reasons. For the purpose of some background, this bill is identical to a previous bill that the honourable member brought to this house shortly after the resignation of a former premier, the Hon. Mr Kerin. In spite of what looked like a hurried effort from the honourable member to bring a bill as swiftly as possible in order to capitalise on some relatively cheap and easy publicity, it appears again with the same flaws as before.

First, the bill stipulates that it applies to resignations of members who may, immediately before resigning, be a member of a registered political party. There are many problems with this application. What if the member resigns from the political party days before resigning from parliament? That would save their political party hundreds of thousands of dollars in the process. Indeed, in the reverse situation, what if a member of parliament moved from being an Independent to join a political party and then resigned? They would cause the loss of hundreds of thousands of dollars to an unsuspecting party's coffers.

Secondly, the bill has the effect of providing an unfair financial advantage to members of parliament who are not a member of a political party over those who are. There is no sound policy basis for the financial advantage. It may be argued that political parties are more able than an individual Independent member to afford a by-election. However, I do not believe that this is always so. One cannot impose standards of behaviour for some members of parliament but not for others, based entirely on that person's being a member of a political party. If the honourable member was serious about trying to prevent the resignation of MPs costing the state, through by-elections, he would have drafted a bill to see all such MPs pay by-election costs.

I believe that members of this house, and those members in the other place, take very seriously their responsibilities as elected members. If, for whatever reason, a member of parliament feels that he or she is unable to fulfil their duty to their constituents, they should have the option of resigning to allow a new and enthusiastic member to fill the vacancy without fear of penalty.

Democracy does not come cheaply. By-elections are expensive, as are other aspects of the democratic system. This bill undermines our South Australian democracy for the sake of low-rent political grandstanding. It goes too far. The government opposes the bill.

The Hon. M. PARNELL (21:07): I thank the Hon. Gerry Kandelaars and the Hon. Stephen Wade for their contribution. I can tell that, on this occasion, this bill does not appear to have the support of the council, and I will not be dividing on it.

I just point out that the circumstances described by both honourable members in their contribution were not, in fact, the reason we had the last by-election nor the reason for the forthcoming by-elections. It has not been any of those; it has been the local member being tired and not prepared to see out a term they were elected to serve. So, I think this bill does have a great deal of merit.

I have noted carefully some of the sneaky backdoor methods, if you like, that both honourable members advised could be employed to circumvent the intent of this legislation. It may well be that some minor amendments could improve this bill if it is to come back before the chamber. My gut feeling is that, even if it was foolproof and was not able to be subverted in any way, I still doubt that the current political parties would be supporting it.

By-elections are expensive, but I appreciate that the whole of the democratic process is expensive. The intention of this bill is to sheet home unnecessary taxpayers' expenses to those responsible for it. Whilst I still believe that this bill has a great deal of merit, I appreciate that it is not the will of the council tonight to support it. But I look forward to further debate on our democratic processes and making sure that taxpayers are getting the best value from their elected members and the best value for the elections that are held to select those members.

Second reading negatived.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ACT

Adjourned debate on motion of Hon. S.G. Wade:

That the general regulations under the Classification (Publications, Films and Computer Games) Act 2011, made on 26 May 2011 and laid on the table of this council on 7 June 2011, be disallowed.

(Continued from 27 July 2011).

The Hon. S.G. WADE (21:10): I move:

That Orders of the Day, Private Business, No. 27 be discharged.

Motion carried; order of the day discharged.

CRIMINAL LAW CONSOLIDATION (CHILD PORNOGRAPHY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 September 2011.)

The Hon. A. BRESSINGTON (21:10): I rise to indicate my support for the Criminal Law Consolidation (Child Pornography) Amendment Bill introduced in another place by the Hon. Iain Evans. The bill seeks to raise the age at which pornography is considered to be child pornography and accordingly the age at which children can be procured to participate in the production of pornography from 16 to 17 years of age, which I still find disturbing, but never mind.

The bill was apparently instigated by a member of the Paedophile Task Force with whom the member for Davenport had contact and who brought to his attention the loophole that a child cannot consent to sexual relations until the age of 17 (except where all participating are 16) but can be procured to commit an indecent act for the purposes of pornography when only 16.

The bill originally proposed to close the loophole by raising the age to 18 but, following government amendment, presumably a condition of its support, that has been reduced to 17. Given the current political climate, I am not surprised that the bill found government support in another place.

I indicate that I much preferred the bill introduced by the Hon. Iain Evans prior to the amendments moved by the Attorney-General in another place. To my mind, I see no justification as to why a child under the age of 18 but above the age of 17 should be able to be procured into participating in the production of pornography, nor how gaining perverse gratification from images of a 17 year old is any less evil than images of a 16 year old.

Whilst I understand the complications that arise from the legal age of consent as set out in section 49(3) as 17 years—except, as I mentioned, where both are 16—I am sure that the community believes and would expect child pornography to include any child not yet considered an adult. Eighteen is the age at which we become adults, and, whilst our law has attempted to recognise that children become sexually active prior to their 18th birthday, I do not believe this should extend to pornography. I would much rather see the age set at 18 and a defence created to ensure that young love or teenage promiscuity is not criminalised.

This, of course, raises the topic of 'sexting' and the like, which I know is becoming an increasing problem as our children become sexualised at a younger age. However, such a defence, provided it is worded carefully, would ensure that this is responded to proportionately and that children and young adults are not labelled sex offenders and registered as such, as was raised by the Hon. Bob Such in another place. However, given that the bill has the government's support—a rare occurrence on a Wednesday in this place—and is still an improvement on our existing law, it has my support.

The Hon. CARMEL ZOLLO (21:13): I rise to respond on behalf of the government. The aim of this bill from the member for Davenport in the other place is laudable and I, on behalf of the government, commend him on his intent to deal with this matter. The government supports the bill in making a number of offences consistent within South Australian law. The changes also have South Australia in a more legislatively consistent place with the rest of Australia. Again, the intention of this bill is commendable and the government supports these changes.

The Hon. S.G. WADE (21:14): In the spirit of goodwill that has broken out, I would also just like to reflect that I welcome the fact that the Attorney-General has accepted the Hon. Iain Evans' bill in its own right and has progressed it accordingly. I know that honourable members have been frustrated and I know that both the Hon. Mr Darley and his predecessor, the Hon. Nick Xenophon, were particularly frustrated with previous attorneys-general who would stall on good ideas and then incorporate them into a government bill at a future time. So, I just acknowledge the willingness of the Attorney-General to engage the Hon. Iain Evans in this case. That means good laws for South Australians sooner rather than later.

Bill read a second time.

Bill taken through committee without amendment.

The Hon. S.G. WADE (21:15): I move:

That this bill be now read a third time.

Bill read a third time and passed.

BUDGET AND FINANCE COMMITTEE: ANNUAL REPORT

Adjourned debate on motion of Hon. R.I. Lucas:

That the report on the operations of the Budget and Finance Committee, 2009-10, be noted.

(Continued from 24 November 2010.)

Motion carried.

WORKERS REHABILITATION AND COMPENSATION (REINSTATEMENT OF ENTITLEMENTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 November 2010.)

The Hon. R.I. LUCAS (21:19): I rise on behalf of Liberal members to speak to the second reading of the Workers Rehabilitation and Compensation (Reinstatement of Entitlements) Amendment Bill 2011. In speaking to the—

The Hon. T.J. Stephens interjecting:

The PRESIDENT: The Hon. Mr Stephens should come to order. The Hon. Mr Lucas needs no assistance at this time of night.

The Hon. R.I. LUCAS: As members would be aware, the Labor government in 2008 moved what were controversial amendments to the Workers Rehabilitation and

Compensation Act following a report by Alan Clayton and John Walsh. Those amendments were supported by, as the Hon. Ms Bressington indicated, Liberal members in the parliament.

The Labor government justified the need to make significant cuts and changes to worker entitlements in the workers compensation scheme on the grounds of the financial difficulty of the scheme. What it did not concede at the time was that, in very significant part, the financial problems of the scheme were largely of the government's own making. I will not repeat at length today the views we expressed at that particular time of the culpability and responsibility of the government. I referred in an earlier debate today to its intransigence in relation to what was such an obvious change required in terms of the monopoly provision of the claims manager in South Australia, EML, and the fact that I think everyone, other than the Labor government, could see the error of the decision that the government and the WorkCover board and management had taken.

Sadly, from the viewpoint of the health of the scheme and the workers impacted by the changes they have implemented, it is almost five years later (I think the contract was let in 2006), that they have come to the flash of the blindingly obvious that having a monopoly provider of claims management in essence takes all notions of competition out of the scheme. It means that the monopoly provider is not encouraged or given any incentive to improve—or even maintain necessarily—the quality of the service it provides.

In the work of the Statutory Authorities Review Committee—and there was not a majority view there (and I am disappointed in that)—at the time that the renegotiation of the contract the government and WorkCover board gave to EML, when they had gone in there and bid at a particular level and had won the contract against other providers, many concerns were raised about that process by those who were unsuccessful, as well as independent observers of the process, but nevertheless within a couple of years the government and WorkCover had renegotiated that contract with a very significant financial improvement in terms of the payments to EML from WorkCover.

I do not have the figures with me now and I will not put them on the record, but I think it was an increase in payments of more than $10 million over a very short time—it may even have been more than that—that was eventually paid to EML. If the quality of the service being provided by EML to injured workers and others had justified that improved payment, then there might have been some rationale for that financial arrangement that had been entered into, but certainly that was not the case.

There were a number of decisions like that: the decision to have a monopoly provider of legal services was going to save many millions of dollars, and when we put the question to WorkCover clearly there was no evidence to justify that claim anyway. One of the recommendations was to put in the annual report what the supposed savings were so that we could monitor them against the claims made at the time, and the government and WorkCover board rejected that. Why? Because they did not want to be held to account for the promises they had made in terms of providing a monopoly legal services provider.

There were so many blindingly obviously bad decisions this government, the WorkCover board and management had taken, and the sad fact is that the scheme is in significant financial problems. On the most recent figures, as much as the government tried to spin that there had been a 30 per cent improvement in the unfunded liability, from the December 2010 figure from the actuaries to the June 2011 figure, the six-month period, there had actually been a deterioration I think of about $80-odd million and not this improvement of the $30 million the government sought to spin in terms of the unfunded liability, which is now spiralling towards $1 billion again.

This was at a time when the managed funds (that is, the funds being invested) were actually bringing good returns, but that was in the first six months of this year. Anyone who has followed the financial markets for the first quarter of this financial year will know that things have gone belly up. Certainly, the first quarter returns for this financial year from most superannuation funds indicates for those balance funds about a 5 per cent decline, I think it is.

If WorkCover's funds are similar to that, there would have been a significant reversal in terms of the returns on their investments. In that first six months of this year when they went backwards at a great rate, they improved the returns from their funds that were invested. That was acting in a positive fashion to bring down the unfunded liability. If that was acting in a positive fashion and overall it has gone backwards at a great rate—$80-odd million—then the other things that are under the control of WorkCover and the government must have been going backwards at a monstrous rate to have given the net position in the end.

The brutal reality is that we know the government is financially incompetent, negligent and whatever else you would like to describe it, but in relation to its control and the people it has appointed to manage and to run WorkCover some incredibly bad decisions have been taken, and we still face a situation where the unfunded liability is now heading back towards $1 billion.

The Hon. Ann Bressington is honest about it and she fesses up during the second reading and accepts that some of these will increase the cost of the scheme, and she gives her explanation as to why, from an injured worker's viewpoint or from workers' viewpoints generally, these ought to be supported in the scheme. The reality is that, under the current management and under the current performance, the Liberal Party does not believe that we, in all good faith, can support anything which is going to increase the costs of the scheme, because it is going backwards at a great rate.

As I said, if the investment returns of the first quarter happen to be reflected for the whole of this financial year, and they continue with their claims management performance and other problems, then we do not want to see what the unfunded liability will be at the end of this financial year. It would, in those circumstances, be significantly over $1 billion. We can only hope that the managed funds investment market will turn around. The first quarter was a shocker but things might improve over the next three quarters. There will be many financial observers who will say, 'Hey, open your eyes and look at Greece, Italy, Europe and the world, and wake up to yourself. What we've seen in the first quarter is likely to be reflected for the remainder of this financial year.'

I do not profess to be an expert in what will eventuate from Europe in terms of global financial contagion, but I have to accept—and I think most members would have to accept—there is some prospect that we are in for some difficult financial times as a result of what is going on in Europe, and that will flow through to the rest of the world and to our markets as well.

If we were to support improvements in entitlements, whether we would support these particular ones or not would be an issue that we would debate within our party room. There are others that have been put to us on by advocates on behalf of injured workers, I must say, which are higher in priority order than, for example, the return-to-work issue.

Some injured worker advocates have spoken to me and argued passionately about two or three other changes that they would like to see retrieved, in particular issues with the operations of some medical panels and one or two others like that. If they had a ranking order of things that they would like to see improved on behalf of injured workers, they have said to me (and will continue to say to me), 'Hey, I know you can't do all of these, but if you could do something, we think these would be a priority.' Some of these would be higher than return to work, for example, which is something that has been gone from our system, I think, as the Hon. Ann Bressington says, since the early 1990s, or whenever it was, for a very long time; as indeed has access to common law.

The issue of access to common law is an interesting one, because clearly the new premier is anxious to do something in the area of workers compensation. It is difficult for him to go back on what he approved in 2008, and I understand one of the issues that he is having a look at is the issue of common law, whether there is some way of reintroducing some element of common law so that he can say to the unions, who do not like him still and are still campaigning on the issue, 'Hey, I'm one of you, I'm sympathetic. Yes, I did support the 2008 amendments, but I am prepared to have a look at something along these lines.'

I think that will be an issue of debate over the coming years as we lead up to the 2014 election as well. Certainly people within the Labor Party have told me of the current discussions that have gone on in relation to this issue. There is no concluded view from within the government, but I do know the issue is being discussed and it will continue to be discussed over the next two years.

For those reasons we indicate that we cannot at this stage in all good conscience support something which will add to the financial costs, and we indicate that we will, over the next two years, work with the Hon. Ann Bressington and other members, and more importantly with stakeholders such as those who advocate on behalf of injured workers and also those who end up paying the bills. They are the representatives of businesses and employers who are still paying the highest levy rates in the nation for what is not a very good scheme.

Again, if I go back to an earlier debate today, you would not mind possibly an argument where we were paying the highest levy rates if we had the most magnificent scheme, providing the most magnificent benefits, and we had the most fantastic return-to-work rates in the nation. You could sort of have the argument and say, 'Okay, we have a gold-plated scheme, it's doing fantastic

things, it's getting people back to work. It's costing us an arm and a leg, but you can actually see what you are getting for it.'

I am not surprised; employers at the moment are paying 2.75 per cent—I have been promised something closer to 2.25 per cent by the government if we support these amendments—and yet we see an unfunded liability heading to $1 billion, we see return-to-work rates still the worst in the nation and we still see some of the poorer or worst rehabilitation providers getting massive increases in rehabilitation contracts through WorkCover and through EML. There is something wrong with this WorkCover system. There is something wrong with the way the government is managing it.

There have to be, in my view, changes in the structure of the board and the operations of the board. There need to be changes in terms of the type of people who are on the WorkCover board and certainly the leadership of the board. We need to have another look at the management and the operation of WorkCover. For any structure that can deliver some of the appalling decisions that we have seen in recent years, such as removing all competition in claims management, and removing all competition in legal services, there needs to be a consequence. There needs to be a consequence for governments, managements and boards that make those sorts of decisions and deliver these sorts of results.

If this was a private business presenting these sorts of results, heads would have rolled years ago. That includes ministers, that includes boards, that includes chief executives and that includes managers. That is what would happen in the private sector. Sooner or later this government might realise—it probably will not—that these sorts of changes and consequences need to occur in terms of the management of WorkCover.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The Hon. Mrs Zollo.

The Hon. CARMEL ZOLLO (21:34): Thank you, Mr Acting President.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: A little while—not as long as Rob, of course. The Hon. Ann Bressington's proposed amendments to the Workers Rehabilitation and Compensation Act 1986 seek to alter three specific areas of workers compensation by introducing common law into the South Australian scheme, providing journey coverage for workers and reinstating weekly payments during a dispute. On behalf of the government, I place on record that the government will not be supporting the Hon. Ann Bressington's amendment bill for the following key reasons.

Firstly, in relation to common law, common law is a significant scheme changer which should be carefully considered by all those with injured workers' best interests at heart. There is no guarantee that the insurance industry would be prepared to offer separate insurance for common law liability, nor is there a mechanism for ensuring employers actually procure their own insurance coverage. It is entirely possible that an employer may not follow through on the requirement to seek and maintain separate insurance coverage for common law liability and this may leave the government exposed as the insurer of last resort. The Workers Rehabilitation and Compensation (Employer Payments) Amendment Bill 2011 puts beyond doubt a third party's ability to plead the injured party's contributory negligence.

In relation to journey coverage, journey coverage is a difficult topic, but its inclusion is fundamentally unfair to the employers in the state. In relation to the reinstatement of weekly payments, the decision not to reinstate weekly payments during a dispute was one of the most essential cultural and financial change drivers of the 2008 legislative reform.

I would like to take the opportunity to expand on the three key areas. In her second reading speech, the honourable member (Ms Bressington) stated that:

> ...access to common law was bargained away in 1992 in return for improved statutory benefits, including increased lump sum payments.

She then went on to say that these benefits have 'since been whittled away'. However, many members would recall that, in 2008, the maximum lump sum available to workers was almost doubled to $400,000.

Non-government amendments supporting common law were put forward during the 2008 parliamentary debate and opposed by the government for many reasons, including some clearly articulated in the independent 2007 Clayton Walsh Review report. Fundamentally, the

prerequisite requirement of having to demonstrate fault for access to common law damages departs from the philosophical no-fault basis of statutory workers compensation schemes.

In addition, the delays associated with, and adversarial nature of, the common law action work against the goal of return to work. Such disputes distract from the key focus of return to work which, ultimately, is going to help a worker far more than a payout, which could come with years of disputes and then be significantly eaten up by associated legal fees.

Currently, while employers are fully protected from common law actions, workers injured in the course of work can still sue a third party whose negligence caused or contributed to their injury. The protection afforded to employers under the scheme potentially leaves third parties exposed to 100 per cent liability for common law damages, regardless of their degree of fault.

With regard to the honourable member's assertion that journey coverage is a matter of principle, I point her to the 2004 Productivity Commission report on National Workers' Compensation and Occupational Health and Safety Frameworks which concluded that a fundamental common-sense principle against general journey coverage is that employers should only be held liable for conduct which they are in a position to control. Clearly, employers cannot control circumstances associated with journeys to and from work and, on balance, it is not appropriate for injuries sustained at these times to be covered by workers compensation.

I would like to assure the honourable member that, where the worker is injured during a journey undertaken in the course of work, or participation in required education or rehabilitation, the injury may be compensable, unless the worker was involved in serious and wilful misconduct or illegal activities/contracts that led to the injury. Furthermore, it should also be noted that, if someone is in a crash where a registered South Australian vehicle owner, driver or passenger is at fault, they may be eligible for compensation through South Australia's Motor Accident Commission compulsory third-party insurance. The coverage of journeys completely outside an employer's control or sphere of responsibility is not a workers compensation issue.

We come now to the proposal to reverse the 2008 amendments to section 36 of the act and, again, provide for weekly payments to be reinstated during a dispute between an injured worker and the compensating authority about the discontinuance of their weekly payments. The honourable member stated in her speech that the amendment was made because of an assumption that workers are often vexatious when they dispute decisions around their entitlements to weekly payments.

This is not the case. I want to make it completely clear to the chamber that the original problem with this section was that, if a worker's income maintenance was discontinued under section 36 of the act, and if they disputed the decision, the payments were immediately reinstated until the dispute was resolved. This was identified as a significant driver of scheme disputation rates and a barrier to a return-to-work culture due to the focus on the dispute rather than recovery and return to work.

In recognising the seriousness of ceasing an injured worker's weekly payments, the government ensured that a safety net and the Office of the WorkCover Ombudsman were created to review such decisions. The WorkCover Ombudsman may suspend the operation of the decision to discontinue weekly payments if it appears to him that the decision to discontinue payments was not reasonably open. This amendment was not taken lightly by the government and I understand that in a few cases it has caused particular hardship for injured workers who are disputing the cessation of their income maintenance. I also understand that there are criticisms about the length of time it can take to get a final decision in the Workers Compensation Tribunal. These factors have led to further consideration of the provision to achieving a fairer process with speedier outcomes without risking the financial strength of the workers compensation scheme.

The provision cannot simply be reversed but there are alternatives which the government is currently considering, including those identified in this year's review of the 2008 legislative changes, known as the Cossey report. This report identified that there may be merit in the suggestion to broaden the powers of the WorkCover Ombudsman in relation to section 36 of the act. Proposed changes would extend the review function to include reductions and enable the Ombudsman to suspend a decision if it appears to him not to be compelling, fails to comply with the act or regulations, or is otherwise unsound.

Mindful of the hardship impacts of the section 36 amendments, the government continues to work on an appropriate response to the Cossey report and will be giving due consideration to all suggestions, including those relating to section 36 of the act. The government is also considering

the outcomes of consultation on proposed reforms to WorkCover's dispute resolution processes which would alter the way that the section 36 discontinuance provisions work. The proposed amendments would establish an expedited dispute resolution process for disputes about the discontinuance of weekly payments.

As I mentioned, the government opposes this amendment bill but it will continue to work constructively with employers, their representatives, unions and the important interested parties to ensure that we have a WorkCover scheme appropriately focused on low work injury rates and high return-to-work results, which are in the best interests of injured workers.

The Hon. T.A. FRANKS (21:44): I rise briefly on behalf of the Greens to speak in support of the Workers Rehabilitation and Compensation (Reinstatement of Entitlements) Amendment Bill put before us by the Hon. Ann Bressington. The Greens' position on the issue of workers compensation has been made very clear in this council in previous years, and I acknowledge the work of my colleague the Hon. Mark Parnell in terms of the commitment to workers rehabilitation and compensation in this state.

Access to fair compensation for injuries sustained in the workplace is a fundamental right for all working people. The Greens' position is quite clear; that is, we believe that people have the right to a safe workplace free from occupational hazards and that, if those hazards do occur, there will be compensation provided to the worker for their injury.

It is clear that this bill will not be receiving the support of the council tonight. However, I do note that both the opposition and the government have acknowledged that there are many problems with the current system, and I would hope that we will be looking at perhaps a more substantial piece of legislation in this parliament in the near future, particularly given the change of leadership of the current government. I for one hope that we have seen the end of the days of declare and defend and of failed policies not being revisited—and certainly the current WorkCover system is a failed policy that needs to be revisited.

The Hon. A. BRESSINGTON (21:46): I thank the Hon. Rob Lucas, the Hon. Carmel Zollo and the Hon. Tammy Franks for their contribution. As the Hon. Tammy Franks just mentioned, it is just a little refreshing to see that both major parties are acknowledging that change is much needed.

As I said when introducing the bill, I had no expectations that the bill would be passed. The bill was introduced with the sole intention of continuing to apply pressure on the Rann government, which lost its way when it came to injured workers, and to encourage the government to rethink the current business first, injured workers second approach to workers compensation. It is unfortunate that, over a period of time, with the sad stories that have been told and the issues that have been raised, none of that has been enough to prompt any sort of change. As I said, it is unfortunate but, in the climate of the Rann government, it is not surprising.

The Rann Labor government was willing to ignore motions of its own membership. As I made clear when introducing the bill, one of the provisions in the bill that seeks to restore the continued payment of weekly income maintenance payments when they are in dispute is in line with the successful motion moved at the 2009 State Labor Conference . That motion called upon a re-elected Labor Party to move a bill to this effect within the first sitting session, that is, in 2010. One year later, it is clear that this Labor government has snubbed its nose at its own membership and, in turn, injured workers.

For the record, I read into *Hansard* the text of the motion moved in 2009 at the State Labor Party Conference. It states:

> A re-elected SA State Labor Government commits to introducing and vigorously prosecuting legislation that provides 'a worker in receipt of workers compensation payments who receives notice of discontinuance of such payments who wishes to challenge the discontinuance shall remain in receipt of payments until the conclusion of the dispute.' If the worker is unsuccessful in the dispute, such monies are recoverable by the corporation as a debt. A worker may elect not to receive such payments. Such legislation shall be introduced in the first session of Parliament following the 2010 election.

In a briefing yesterday about the Workers Rehabilitation and Compensation (Employer Payments) Amendment Bill, which this place will be debating shortly, the Treasurer, the Hon. Jack Snelling, indicated his intention to re-open the Workers Rehabilitation and Compensation Act in the new year. From memory, he described the current act as an absolute mess—and it is pretty hard to disagree with him on that.

I welcome this review and hope that it will herald the opposite of the scheme review bill this parliament debated in 2008, and I hope that injured workers will see the restoration of entitlements they have had progressively stripped away. If not, the Treasurer, at the very least, can expect a repeat of the debate in 2008. Hopefully, unlike last time, the Liberals will be open to either amend or support amendments that will restore some faith in the notion that injured workers and their families actually matter.

Second reading negatived.

LOCAL GOVERNMENT (MODEL BY-LAWS) AMENDMENT BILL

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (21:50): Obtained leave and introduced a bill for an act to amend the Local Government Act 1999. Read a first time.

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (21:51): I move:

That this bill be now read a second time.

Currently, section 250(4) of the Local Government Act 1999 prevents a council from adopting a model by-law and exercising the powers underneath that by-law until the period allowed for disallowance under the Subordinate Legislation Act 1978 has passed, and the model by-law has not been disallowed.

The Subordinate Legislation Act provides that a regulation (including a by-law) must be laid before both houses of parliament, and may be disallowed by resolution of either house passed following a notice of motion given within 14 sitting days on the regulation being laid before the house.

As members would be aware, a model by-law for the management of pedestrian malls was gazetted on 13 October this year. This by-law was developed at the request of, and in consultation with, the Adelaide City Council. The model by-law, once adopted by the council, will restore the powers conferred by the by-law that was disallowed, by the Legislative Council on 14 September 2011, because it contained references regulating preaching, canvassing, haranguing and distributing literature. The disallowed by-law was drafted prior to the judgement of the Full Court, invalidating these words, by reason of the infringement of the implied freedom of political communication.

The model by-law does not contain any of the words that were held to be invalid by the Full Court. It does, however, give a council the ability to regulate the use of amplification generally, the use of equipment, such as platforms or stages, and importantly prohibit the interference or disruption of any other person's permitted use of a pedestrian mall such as Rundle Mall.

Adoption of the model by-law will enable the Adelaide City Council to control the conduct of the preachers and the protestors, and will assist in meeting the concerns of the Rundle Mall retailers, and generally balance the competing interests of Rundle Mall users.

The model by-law is still subject to disallowance under the Subordinate Legislation Act. However, parliament under its current sitting schedule will not sit 14 sitting days from the day the model by-law was tabled until sometime next year. This means, without the amendments proposed in this bill, the Adelaide City Council will be unable to adopt this model by-law until next year, well past the imminent busy Christmas period. Consequently, the Adelaide City Council will be unable to regulate the interference or disruption of an individual's permitted use of the mall until sometime next year.

The amendments I am proposing will remove the current restriction in the Local Government Act that prevents a council from adopting a model by-law until the time for disallowance has passed, and enable adoption of a model by-law any time after it is published in the *Gazette*. The amendment also provides that, in the event that the model by-law is disallowed, the adoption by the council will be of no effect on and after the date of disallowance. The model by-law for the management of pedestrian malls is the first model by-law to be made since the commencement of the Local Government Act in 2000.

As members would appreciate, the Subordinate Legislation Act provides that regulations, including by-laws, generally do not come into effect until 4 months from the day they are made. The 14 sitting day disallowance period gives the Legislative Review Committee and both houses of parliament an opportunity to scrutinise subordinate legislation and to move a motion to disallow

where that is considered to be appropriate. However, the Subordinate Legislation Act does provide for the early commencement of regulations where the responsible minister signs a certificate of early commencement and gives reasons for the need for early commencement in a report to the Legislative Review Committee.

Currently, there is no similar provision allowing early commencement for 'ordinary' council by-laws, and I consider that this is appropriate. However, model by-laws are distinct from 'ordinary' council by-laws in that model by-laws result from a process similar to regulations, that is, cabinet recommends to the Governor in Executive Council a proclamation be issued to make the model by-law, followed by gazettal of the by-law. In contrast, by-laws made by individual local government councils must follow the process specified in the Local Government Act. Model by-laws are still laid before parliament and subject to disallowance.

The amendments proposed in this bill will mean that it may be possible that a council adopts a model by-law which is disallowed by parliament at a later date. In that event, the adoption by the council will be of no effect on and after the date of disallowance.

I would also like to make a comment. I acknowledge the efforts made by the Hon. Stephen Wade. I believe he genuinely tried to develop a bill which he thought would have fixed up the problems, but I have advice that there were some issues in regard to that bill which would make it difficult to fix up the problem in Rundle Mall. Also, it would open it up to legal constitutional challenge.

We all know that these preachers are now becoming very litigious and the last thing we would want in a situation is the parliament passing a bill that we know is going to be subject to a constitutional challenge. I have given an undertaking to the Hon. Mr Wade that I will work with him for the longer term to look at providing appropriate legislation if need be to fix up the problem in Rundle Mall if this does not work. Our advice is that this model by-law is what the Adelaide City Council wants and believes will give it the tools to be able to control the preachers in the Mall.

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

At 21:58 the council adjourned until Thursday 10 November 2011 at 11:00.