LEGISLATIVE COUNCIL

Thursday, 5 June 2014

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

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Third Party Premiums Committee Determination

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

Port Augusta Scheduled Airline Route—
Award of Route Service Licence on Adelaide

Parliamentary Committees

SELECT COMMITTEE ON ELECTORAL MATTERS IN SOUTH AUSTRALIA

The Hon. T.T. NGO (14:18): I rise in relation to a resolution of this council yesterday, which appointed both myself and the Hon. K.J. Maher to the Select Committee on Electoral Matters in South Australia. Neither of us consented to being appointed, and therefore we indicate that, in the circumstances, we shall not be participating in the committee's proceedings and therefore formally resign from this committee. I was a bit disappointed with the Hon. Dennis Hood, because I made that point very clear and I was a bit surprised that our names were included. I hope that in future, if we have an agreement, it does not happen again.

Ministerial Statement

RODNEY CLAVELL

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:19): I table a ministerial statement by the Hon. Tony Piccolo in relation to Mr Rodney Clavell. I imagine that honourable members might be interested to learn that in his ministerial statement he states:

> I have just been advised by the police commissioner that Mr Rodney Clavell, who was the subject of a police action, has been found deceased in the building where the matter occurred today. The police will be holding a full media conference a bit later to provide further details.

Question Time

SOUTH EAST FLOWS RESTORATION PROJECT

The Hon. J.M.A. LENSINK (14:19): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question regarding the South East Flows Restoration Project.

Leave granted.

The Hon. J.M.A. LENSINK: During interviews on the ABC recently, minister Hunter named the South East Flows Restoration Project as one of the engineering projects awaiting approval, which will provide water to the remaining 23 billion litres still to be found as part of the state's contribution to the Murray-Darling Basin Plan.

The project is investigating the feasibility of diverting fresh water from the South-East to the Coorong to improve ecosystem health. Throughout the process, there have been a number of community concerns raised. The opposition has been made aware that the initial scope of the project

that was originally put forward for consultation has been substantially altered. My questions for the minister are:

1. When was the last time the state government consulted landholders and the local community regarding this project?

2. When did the minister last visit the South-East to examine the project?

3. Given the substantial changes to the scope of the project, have these been discussed with the community?

4. Can the minister outline the local benefits of the project and how it will contribute to restoration of water to the Murray-Darling Basin?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:21): I thank the honourable member for her most important question. Historically, water flowed from the South-East of South Australia to the Coorong before the construction of regional drainage which has heavily modified the natural flow paths. Currently, approximately 100 gigalitres per year flow to the sea from the South East Drainage Network, which has had detrimental ecological consequences to the marine environment at the four primary outfall locations.

The South East Flows Restoration Project, part of the Coorong, Lower Lakes and Murray Mouth Recovery Project, aims to reinstate natural flow paths to deliver increased volumes of water to the Coorong. In 2011 and 2012, $2.2 million was provided to determine the feasibility of the project including developing a business case for Australian government funding. The business case was completed and submitted to the Australian government for consideration against relevant due diligence criteria to secure funding for the implementation of that project.

The South East Flows Restoration Project proposes a combination of widened existing drains and a short section of newly-constructed drain to divert water from the Blackford Drain which currently flows into the sea towards the Coorong's South Lagoon. This will effectively restore one of the South-East's natural historical watercourse flow paths and on average, I am advised, deliver 26.5 gigalitres per year to the Coorong's South Lagoon.

The needs of the South-East's wetlands have been considered in determining the likely volumes of water available for the Coorong's South Lagoon. The integrated management of the South East Drainage Network including this new project aims to maintain and, where possible, improve wetland habitat in the South-East and improve water quality in the Coorong's South Lagoon. In late 2012, three community information sessions were held, I am advised, in the South-East, and feedback received at these meetings has helped shape the flow path alignment, capacity and project objectives. The government is committed to working with all stakeholders including the landowners, Aboriginal groups and all levels of government on this project. The final cost of construction will not be known until detailed design is completed.

In regard to my diary, I can say that I visited the South-East on numerous occasions last year. I think the last time must have been around about August or September, which arose in that famous newspaper article where a certain local mayor got up and attacked me in a fairly ignorant fashion about this issue, clearly not being apprised or not taking consideration, I believe, of the very many positive benefits from this program. Of course, he was highly motivated by suggestions of other issues, being the South East Drainage Board and commitments from local government and, indeed, landowners who benefit from the drains to contribute to the ongoing maintenance. There is a divided opinion in the South-East but not so much on South East Flows and I understand that the federal government is giving it considerable and favourable consideration right now.

SOUTH EAST FLOWS RESTORATION PROJECT

The Hon. J.M.A. LENSINK (14:24): Was the scope of the original project changed and have these changes been consulted on?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:24): I am not aware of the change in scope the honourable member alludes to. I will refresh my memory and, if I need to, I will come back with an answer.

LEGISLATIVE COUNCIL

The Hon. S.G. WADE (14:24): Mr President, I seek leave to make a brief explanation before asking you a question relating to order in this council.

Leave granted.

The Hon. S.G. WADE: On Tuesday 3 June, the Speaker in the other place remarked:

> In my view, upper houses (federal and state) have become like the Wild West, and there are just no standards anymore. One can say absolutely anything in an upper house of parliament and not be contradicted by the presiding officer or by a privileges motion.

My questions to you, Mr President, are:

1. Do you agree with the remarks of the Speaker in the other place?

2. As the Speaker refers specifically to a lack of action by presiding officers in this place, do you understand that he is referring to your conduct, or do you believe that his remarks are reflecting on the previous presiding members, the Hon. Bob Sneath or the Hon. John Gazzola?

The PRESIDENT (14:25): I did not read his comments, but I believe that there should be some robust discussion in this place. If it is the will of the chamber, I will tighten up to the extent where we sanitise it to such an extent where robust debate will not take place. I do not think that anything the Speaker said reflected on me or on my predecessors. I will have discussions with people. I do have a much more relaxed way of operating but, as I said, if you think, the Hon. Mr Wade, that I should be more prepared to call people to order, I would be quite happy to do that.

TAFE SA

The Hon. T.J. STEPHENS (14:26): My questions are to the Minister for Employment, Higher Education and Skills. My questions are:

1. What is the operational status of TAFE on the APY lands and in Coober Pedy?

2. How many full-time employee positions are filled and are there any vacancies?

3. How many students are enrolled in both places and in what courses?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:26): I thank the honourable member for his important questions. They are all day-to-day operational matters. As members in this place know, TAFE SA is an independent statutory corporation, and the board is responsible for its day-to-day operations. They are all detailed issues, and I invite the honourable member to write to or contact the chair of the board or the chief executive officer. They would have all of that detailed information at their fingertips.

But, from a general policy point of view, this government is committed to ensuring that we have our VET services operating right throughout the state, including our regions. We provide extra incentives, if you like, additional funding, for our regions to assist TAFE to operate in the regions to help overcome some of the economies of scale that are lost by those sometimes smaller campuses and having to meet challenges, like the tyranny of distance.

TAFE SA

The Hon. T.J. STEPHENS (14:27): I have a supplementary question. So, I take it, minister, that you are happy for me to deal directly with the CEO of TAFE? That is what you have asked me to do?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:27): I thought that I made it quite clear that, in terms of those operational questions that were asked here, I encouraged him to direct those questions to the most appropriate body, which is the board.

HIGHER EDUCATION

The Hon. G.A. KANDELAARS (14:28): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about higher education.

Leave granted.

The Hon. G.A. KANDELAARS: The government and our higher education institutions have a history of working collaboratively to advance mutual areas of education and social responsibility. Can the minister update the chamber about her recent meetings with higher education institutions?

The Hon. R.I. Lucas: It's operational issues: contact the universities.

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:28): This is not an operational matter at all; it is actually a very important policy issue to do with higher education, not VET. It is interesting that the opposition doesn't understand the difference.

Members interjecting:

The PRESIDENT: Can we allow the minister to finish her answer in silence.

Members interjecting:

The PRESIDENT: Can I ask the opposition to let the minister have the silence she deserves. The honourable minister.

The Hon. G.E. GAGO: Thank you very much, Mr President. Today, the Premier and I had the great pleasure of witnessing all three South Australian university vice-chancellors, as well as the chief executive of TAFE SA, sign on to an Australian Human Rights Commission national anti-racism campaign, the first—

Members interjecting:

The Hon. G.E. GAGO: —in the nation. We should be incredibly proud that the first of its sort in this nation—

Members interjecting:

The PRESIDENT: The Hon. Mr Wade expressed a bit of concern about the behaviour in this chamber, so I think at the end of the day we should respect Mr Wade's delicacy on this. Have you finished, minister, or are you still going? Allow the minister to complete it in silence.

The Hon. G.E. GAGO: Thank you, Mr President. The 'Racism. It Stops With Me' campaign is all about making a stand against racism, to raise awareness of systemic barriers to racial equality. South Australia is a vibrant multicultural state, we attract a large number of international students, and this cultural diversity is one of our state's greatest strengths. The state government, as a previous signatory to this anti-racism campaign, is actively working to eliminate racism from our society because we know racism can have serious consequences for the people who experience it. It can shatter people's confidence and their sense of worth, and it can undermine their ability to perform at work and in study.

Ultimately, racism stops because of the actions we all take, either as an individual or collectively. We all have a role to play in taking action against racism wherever we see it and supporting initiatives to stop it from happening, and that is why I was so pleased to see all South Australian universities and TAFE SA make a public stand against racism. In making this public stand we were obviously sending a clear message that we will do everything in our power to eliminate racism and embrace diversity.

Ms Anne Gale, the Equal Opportunity Commissioner of SA, relayed a message from the federal Race Discrimination Commissioner, Mr Tim Soutphommasane. He was not able to join us there today, but he sent a message of good wishes, stating that last year he had had the pleasure of welcoming Premier Jay Weatherill and that the South Australian government was the first to become a government-at-large supporter of the campaign, 'Racism. It Stops With Me'. He stated:

> …but I am delighted by your commitment to our cause. It is a credit to your leadership that such a strong and unified message is being sent about the importance of countering racism...

His message also went on to say:

> And your leadership is important. Our universities and TAFEs are in a unique position to lead the way in communicating the message of tolerance and understanding; after all, the task of fighting prejudice and discrimination remains one of education. It is about informing people about racism's harms, alerting people to what they can do to respond, and reminding people that hatred diminishes us all.

He went on to thank the wonderful contribution of Anne Gale, the Equal Opportunity Commissioner of South Australia and her leadership.

As well as attending today's signing ceremony, I was also pleased to attend the South Australian Vice-Chancellors Committee, where the three vice-chancellors from South Australian universities discussed a range of matters relating to the higher education sector, and they were important discussions.

Obviously this state government is deeply concerned about the proposed federal budget cuts to our higher education sector and the impact that that is going to have on education. We know that savage cuts in public funding to South Australia's universities, added to the increased fees that will be required to be paid by students, will total almost $250 million over four years. South Australian university students will now have to borrow more, pay higher interest on their loans and pay back debt faster.

We know that the commonwealth government has cut payments to public universities by 20 per cent for each student which means that South Australia's public universities alone will lose $78 million over the next four years and students will pay 20 per cent more than they currently pay. This government will not sit idly by and watch the federal Liberal government rip millions from our higher education sectors. We are committed to working with our universities to ensure that those who study hard and want to go to university can, regardless of how much money they have.

AUSTRAINING

The Hon. D.G.E. HOOD (14:35): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about the privatisation of Austraining.

Leave granted.

The Hon. D.G.E. HOOD: Austraining is a wholly owned subsidiary of the government of South Australia. It is an international project management company which, according to its website, seeks to build the capacity of local people through volunteering programs, enhance international education through scholarship support programs, and enhance livelihoods through community focused development programs.

Austraining delivers international development and corporate volunteer programs to Australians as well as offering programs in areas such as governance, education, economic development, training of trainers, small business empowerment, health, gender mainstreaming, and asset management. Austraining has developed strong Australia-wide networks of some 600 partner organisations who support and enhance its social development network. The services of Austraining as noted are extensive and they extend throughout Asia, the Pacific, Latin America, Africa and into the Caribbean.

Austraining's vision is to enable people to positively change their world, resulting in empowering global communities and improved quality of life for program participants and recipients. I note with interest that the Department of Treasury and Finance Annual Report 2012-13, tabled in parliament on 12 November 2013, indicated that Austraining has been valued by BDO Advisory Pty Ltd. My question is: will the minister confirm that the public ownership of Austraining will continue?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:37): I thank the honourable member for his most important question. Indeed, I met with the Austraining chairman (he might call himself president, I am not too sure just now) and another board member yesterday afternoon and was provided a briefing on the incredibly valuable contribution that this corporation makes and how successful it has been. I had not realised that it has in fact been around for many years in a range of different forms over a couple of decades, if I recall correctly. Throughout its life, it has provided immeasurable

services, particularly to developing countries and particularly in the area of coordinating volunteering for very important projects.

The structure of Austraining is quite a strange beast. I am apparently the sole shareholder of this independent organisation that pays dividends to the government. It is an incredibly successful organisation in terms of its financial sustainability and, as I said, the enormous contribution it makes socially and economically to developing countries. I am not aware of any proposed changes to the current ownership structure of this particular organisation, so I have no intention of making any changes to the current structures at all.

YOUTH LEARNING OPPORTUNITIES

The Hon. A.L. McLACHLAN (14:39): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question regarding young people and learning.

Leave granted.

The Hon. A.L. McLACHLAN: In the 2012 State Strategic Plan, target 54 seeks to increase the proportion of 15 to 24 year olds engaged in full-time school, post-school education, training or employment, or a combination thereof, to 85 per cent by 2020. Referring to the recommendations of the Audit Committee in South Australia's State Strategic Plan Progress Report 2012, it states:

> The proportion of South Australians aged 15 to 24 years engaged in learning or earning was 78.6 per cent in June 2003 (the baseline year). A similar level was recorded in June 2012 (78.4%) leading the Audit Committee to rate progress as 'steady or no movement'.

The Audit Committee states that target 54 is unlikely to be achieved based on the stable trend and requires a 6 per cent increase of 15 to 24 year olds in full-time education or training to be reached within eight years. Will the minister provide an explanation why it is unlikely that the existing strategies of her department will fail to meet the State Strategic Plan target 54 to increase the proportion of 15 to 24 year olds engaged in full-time school, post-school education and training or employment, or a combination thereof, to 85 per cent by 2020?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:40): One of our Strategic Plan targets, target 54, learning or earning, as the honourable member points out, aspires to increase the proportion of 15 to 24 year olds engaged full time in school, post-school education and training or employment, or a combination of that, to 85 per cent by 2020.

This is an area that we have not progressed as well as we could have. Many of these Strategic Plan targets have a strong aspirational level in them. We stretched ourselves when setting these targets. We did not just establish targets that we knew we could meet. We pushed ourselves and there were a number of areas where there were, as I said, aspirational elements.

We believe as a government that, just because we were aspiring in many of these areas, that was not reason to just give up and set the bar lower. I will just remind honourable members who are sniggering away opposite me that they failed to set any targets at all to make their government openly transparent and accountable in any way whatsoever, so they can snigger away all they like.

We have achieved a great deal in our training and VET sectors. We have reached our 100,000 training positions three years ahead of time. We have gone from a VET sector that was one of the most cost-inefficient in the nation to now being assessed to be the most cost-efficient in the nation. There are many achievements in that space that this government is very proud of.

In relation to the specific target 54, earning or learning, amongst the actions that we have taken to help address the slow progress in this area are: Skills for All, which aims to address that trend by attempting to engage more 15 to 24 year olds in school, post-school education and training, and employment; an initiative such as our training guarantee for SACE students; the Innovative Community Action Networks (ICAN); the Better Pathways Pilot; and Learner Support Services. These are just some examples of programs that are designed to help improve participation and retention, including engaging disadvantaged students and students with complex needs.

WATER INDUSTRY ALLIANCE SMART WATER AWARDS

The Hon. J.M. GAZZOLA (14:44): My question is to the Minister for Water and the River Murray. Will the minister update the Legislative Council on the winners of the recent Water Industry Alliance Smart Water Awards and their important contribution to the water sector?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:44): I can advise the honourable member that I am overjoyed to be able to do so and thank him for his important question. It was my very great pleasure to have joined many representatives of the water industry at the annual Water Industry Alliance Smart Water Awards. The awards ceremony was held on Friday 23 May at the Adelaide Convention Centre.

The WIA was established in 1998 as an industry cluster of water-related organisations with a focus on growing member business and the water sector. The members of the alliance include international water companies, national firms and well-established local companies. I am told the WIA now has over 170 members. These are companies, research and education institutions and government departments that span a diverse breadth of the water sector in this state.

It has grown annual exports of South Australian water technology and management services from $25 million to over $511 million, and with accumulated exports I am advised now that it is sitting at $2.9 billion. The WIA held its inaugural award ceremony in 2004, and over the past 11 years the awards have been sponsored by numerous generous supporters. Over 70 companies have been recognised for their important contributions throughout these prestigious awards. Such events provide an opportunity to take stock of how much we have achieved as an industry over the years.

It was also a great chance to celebrate and promote WIA members, allowing them to showcase their successes and capabilities as industry leaders. I was very impressed by the significant achievements of the sector and its depth of expertise, entrepreneurship and capacity to innovate. South Australia has been at the forefront of water sector reform and policy in Australia for at least the last 10 years, and this has been driven in part, of course, by necessity in response to the millennium drought, but it is also in recognition of the importance of water to our economy and our environment and our communities.

Of course, our particular circumstances, being the driest state in the driest continent, mean that we need to focus much more on water than others. There have been many achievements over the past years that we can all be proud of, and I am thinking of such achievements as the establishment and ongoing implementation of Water for Good, the signing of the Murray-Darling Basin Agreement, significant investments in stormwater harvesting and re-use schemes, modernising the state's water supply legislation, the adoption of water allocation plans for the Western Mount Lofty Ranges and the Limestone Coast, and the construction of the Adelaide desalination plant.

These achievements have been made possible through strong partnerships with the water industry, the local government sector, researchers and the broader community. These achievements illustrate the importance of industry clusters such as the WIA. The WIA Smart Water Awards are made up of six categories, and the independent judging panel had the very difficult task of choosing the winner from an impressive field of nominations. The panel included national and state-based experts from industry and government.

The winners are chosen based on factors such as innovation, design, and the level of contribution and benefit each applicant has made to the water industry. An award can be presented for a specific project or policy or product or service or an alliance, but they can also recognise outstanding business growth, entering into a new market or an outcome from research and development.

The winner of the Irrigation and Use category was Sentek, the all-in-one soil moisture, salinity and temperature management solution. Sentek Technology is an Australian-based company that has produced a range of sensing solutions that allows irrigators to manage their day-to-day irrigation. The judges commented that the data is received and available through a mobile phone app, giving the farmer complete and up-to-date data wherever and whenever he or she wants to increase productivity.

The winner of the Resource Management Award was Factor UTB, Matua Marlborough winery wastewater treatment plant. UTB is a small South Australian team which has designed and built 36 wastewater treatment plants since 2011, with many of these treating winery wastewater. As the judges accurately put it:

> Delivering infrastructure involves managing a lot of risk—construction, process, bad weather, foreign exchange and it is always hard working overseas.

The delivery of this new wastewater plant by a South Australian company in New Zealand is a testament to the management and process skills here in South Australia.

The important Leadership Award went to Waterfind for its Waterfind Forward Water Market. Waterfind's core business is to facilitate the buying and selling of both temporary and permanent water across the major irrigation regions in Australia. The company offers a fully integrated water brokerage service, which includes water trading, contract documentation, conveyancing and settlement.

The TRILITY Planning and Delivery Award was presented to a joint project between KBR and SA Water for PMP Solutions. The project is entitled 'Combining cultural and strategic initiatives to achieve delivery certainty, continual improvement and innovation'. The judges explained:

> Interfaces between private contractors and a large utility can be very difficult for a lot of reasons. KBR has provided a sensible and pragmatic link and has earned respect from all parties.

In this category, a high commendation was also awarded to Environmental Water Services for safe and cost-effective sanitation for transient communities. I had the pleasure of presenting the Minister's Award for Water and Climate Change Leadership to Environmental Water Services for their project: Safe and cost-effective sanitation using significant local content for developing countries.

Environmental Water Services is a South Australian company that constructed a 1,500-person wastewater treatment plant for the federal government offshore processing centre on Nauru Island. During this process, Environmental Water Services demonstrated climate change leadership by using an energy efficient design. It was designed to work within any type of tank, including those manufactured in developing countries, greatly reducing carbon emissions related to transport.

Finally, the 2014 Chairman's Award was presented to Ms Karlene Maywald, former South Australian minister for water and the River Murray, board member of SA Water and Chair of the National Water Commission. Karlene looked quite stunned with surprise when her name was called out. This award was a well-deserved award in recognition of her exceptional services to the water industry, both in South Australia and nationally.

This is an impressive list that demonstrates the breadth of activity being undertaken within the water industry. Water will certainly remain a critical part of our agenda for the next four years. This agenda will include activity designed to diversify our economy and provide employment growth. We have a significant opportunity now to build on the achievements of the past decade. The type of cutting edge research and innovation that is reflected in the awards system by the winners and others who submitted for the categories, in collaboration with international partners, will play an important part in future water development.

This government will also develop an integrated urban water management plan for Greater Adelaide. This will put South Australia in a position to maximise the economic, social and environmental opportunities that exist from our six sources of urban water, providing more efficient and better water services to the community and to leverage a range of important economic and social outcomes.

In keeping with the important partnership approach that has been a key to our success in the past, the integrated urban water management plan for Greater Adelaide will be developed in full consultation with local government, industry and the community. In addition to urban water, I am also committed to the full implementation of the Murray-Darling Basin Plan, strengthening and improving our water allocation planning arrangements and setting new directions for addressing climate change. All of these priorities will require an ongoing and strong relationship with the community and industry and with groups such as the members of the Water Industry Alliance.

I congratulate all the winners of this year's Smart Water Awards. I also commend the Water Industry Alliance for its important contribution to the sector and look forward to working within the ongoing implementation of the Murray-Darling Basin Plan.

FREE-RANGE EGGS

The Hon. T.A. FRANKS (14:52): I seek leave to make a brief explanation before asking the Minister for Business Services and Consumers a question on the topic of the labelling of free-range eggs in South Australia.

Leave granted.

The Hon. T.A. FRANKS: The minister's predecessor, the Hon. John Rau when he was minister for consumers, advised via media release dated 13 September 2013 that:

> When South Australian shoppers buy their free-range eggs, they will know they are getting the best.

And:

> This means that the eggs will come from real free-range properties with no more than 1,500 hens per hectare.

He further advised:

> An accreditation logo will now be developed and will appear on egg cartons that meet the requirements by early next year.

Fast forward five months to just prior to the state election when the Jay4SA Facebook page posted a graphic, reading, 'I'm voting for free-range NOT fake range.' Shared by many on that site, it also stated, 'Labor introduced a new code for the free-range egg industry,' in 2013, and 'that some producers have started to use it.' It also went on to say that Rohde's free-range eggs in Clare had been accredited under the code. As the minister should be aware, indeed Rohde's is accredited under the RSPCA accreditation scheme. Knowing this not to be the case I complained to the Electoral Commissioner, who found the post to be inaccurate, misleading and, indeed, ordered a public retraction. Accordingly, the Jay4SA website Facebook page subsequently published the following:

> The ALP recognises that its earlier statements about the Labor Government's free-range egg code published on 27 February and 3 March…were inaccurate and misleading. The ALP accepts that the code has not in fact been introduced. It withdraws the claims in its advertisements and apologises to anyone who was misled by them.

I note, however, that the Facebook page still states:

> We think Queensland's free-range classification of 10,000 hens per hectare is a joke. In 2013, Labor introduced a new code for the free-range egg industry. Our code set a maximum of 1,500 laying hens per hectare.

And indeed goes on to say:

> As a result, shoppers can rest assured that when they buy South Australian accredited free-range eggs, that's what they're getting. Labor is committed to supporting initiatives that prevent cruelty to animals.

Therefore, my questions to the minister are:

1. Can the minister advise those people who did vote for free range, not fake range, whether the South Australian free range accreditation code has been finalised, and if all issues associated with the rollout of this have now been overcome?

2. Will that voluntary industry code stop producers who are producing above the 1,500 hens per hectare stocking density from claiming that their eggs are truly free range or, indeed, having the words 'free range' on their cartons?

3. How much will it cost genuine South Australian free-range egg farmers to participate in the South Australian accreditation scheme, and has it been budgeted for?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:55): I thank the honourable member for her important questions. Indeed, in September 2013 the former minister for business services and consumers announced that a new voluntary code would be drafted for the production of free-range eggs in South Australia. The code was to enable South Australian egg producers to adhere to a standard that would result in their product being badged as truly free range. Free-range eggs bearing the logo will allow

consumers to readily identify them as being truly free range as well, obviously, as a premium South Australian product.

Going forward, the government will continue to do its work with industry to finalise a voluntary industry code and associated trademark, including the establishment and administration of an accreditation scheme. I have been advised that this would be a voluntary scheme and it would be only those egg producers who chose to opt in that would be part of the scheme.

I have received initial advice that the best way of branding those egg producers who adopt a code is through establishing a trademark. I have also been advised that registering a trademark can take more time than other methods—six months from instigating the process to completion—and therefore other methods of branding have also been investigated. I am still awaiting advice on those matters.

During the 2014 election the Labor government also committed to making it easy for South Australian shoppers to clearly identify foods that meet the established standard of free range. Basically, it extended the potential for this model to other produce. It also extended it not just in terms of it being South Australian; it also enabled the capacity to label food products as 'premium South Australian' products. So work is being undertaken in that space as well.

As the honourable member is well aware, there is currently no national enforceable definition of free-range eggs. Producers who do not meet standards in line with consumer expectations have been using the term for many years. When South Australian shoppers buy their eggs we obviously want them to know exactly what they are getting, as well as the environment from which it comes.

I have participated in national forums, ministerial council forums—most of which have now been disbanded by the current Liberal federal government—and I know that this issue has been on and off that agenda for many years. Although it has been strongly pushed and championed by South Australia—because our view has always been that the best way to proceed was through a nationally consistent approach, through a national code and national standards—unfortunately we have not been able to get other jurisdictions on board, so we failed to progress a national code.

I still believe that is the best way forward. I do not think it shows much possibility in the current climate, so South Australia is getting on with this other alternate scheme. Cabinet has approved the drafting of an industry code under the Fair Trading Act 1987, and it will require producers to meet standards, including a maximum stocking density of 1,500 layer eggs per hectare, unrestricted access to outside areas for a minimum of eight hours per day, outdoor areas to provide adequate shelter, and a prohibition on induced moulting.

These standards were reached following extensive consultation through a discussion paper that was released in June last year, and I am advised that there were about 350 submissions, so clearly it is something that is really resonating out there. They were received from the industry retailers and consumers, with over 95 per cent of those submissions supporting the concept of a code for South Australia, so there is a strong push for this.

The government recognises that South Australia imposing requirements on free range producers would not, under mutual recognition provisions, apply to free-range eggs that are produced in other jurisdictions, which is why we have always pushed for a nationally consistent approach in terms of imposing on those jurisdictions, and are able to be sold in that jurisdiction in accordance with its own regulatory requirements. That is still a vexed issue.

Despite Queensland recently increasing their regulatory regime to increase stocking density to a free range, which was from 1,500 now to 10,000, the South Australian government remains committed to a national solution and also to achieving a nationally agreed definition of free-range eggs at 1,500 hens per hectare, and we believe that this industry code is the best step forward for South Australia and will provide our producers with the symbol to help consumers recognise their product as premium and free range and compliant with particular codes.

The costing of accreditations, to the best of my knowledge, has not been completed and will not be able to be assessed until that work is fully completed. I remind honourable members that it was always aimed to be a voluntary scheme, and it is only those producers who want to opt in who would be bound by the accreditation requirements.

FREE-RANGE EGGS

The Hon. T.A. FRANKS (15:02): By way of supplementary question, does that mean that true free range producers will be paying some sort of cost to opt into this voluntary scheme?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:02): As I said, the costing has not been done. It would largely depend on the issue around enforcement, and negotiations are taking place there. It would depend on, I think, the Animal Welfare League.

The Hon. T.A. Franks interjecting:

The Hon. G.E. GAGO: I'm just not too sure. There have been discussions looking at which bodies might look at assisting with enforcement, and it would depend on the sorts of costs they might want to pass on. That work has not been completed yet, and we are in consultation with the industry. The industry will be involved with us each step of the way in developing up this new accreditation system, and obviously we are making sure that it is in line with industry and consumer needs.

FREE-RANGE EGGS

The Hon. T.A. FRANKS (15:04): By way of supplementary question, how will the government's scheme be any way different from the Humane Choice and RSPCA accreditation schemes that currently exist?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:04): I do not have the details of that question. I am happy to take it on notice and bring back a response.

SA WATER

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:04): My question is to the Minister for Water. When the government accelerated $34.75 million worth of capital works projects in DPTI and SA Water in January, were the works openly tendered?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:04): I thank the honourable member for his most important question. I will have to take that on notice. I cannot recall how many projects form part of that capital works budget, and I will have to seek that advice and bring it back to the chamber.

SA WATER

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:05): Supplementary question: was an open tender process used for the tendering of those projects?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:05): The honourable member doesn't seem to want to accept my answer, sir. I will seek that information and bring it back to the chamber.

CHOOSE YOUR CAREER

The Hon. K.J. MAHER (15:05): My question is to the Minister for Employment, Higher Education and Skills. Will the minister advise the chamber of new initiatives that can help South Australians who may be thinking about their first career choice or perhaps even changing careers?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:05): I thank the honourable member for his important question. Whether it be a student considering what subjects to study going into year 11 or 12 or someone already in the workforce looking to change their career, working out what is out there and what you might like to do can be a very daunting task. That is why I am very pleased to advise the chamber about a new online tool designed to assist and guide people in making good and informed career choices.

Choose Your Career provides people with valuable online information on training options, as well as on job prospects, for some 200 occupations across more than 30 industries in South Australia. Choose Your Career is the new online version of the previous *Career Choices* guide and provides easy access to great search functions for people to find vital information on careers in industries based in South Australia. The decision to go online ensures that information can be readily updated and relevant to the current and future employment needs to help people make informed choices about their career options.

Many emerging career opportunities are in new, innovative sectors of the economy that require specialised training in areas not contemplated a decade ago. The easy-to-use tool will be particularly useful for students and people looking to make a career change by providing them with information on job prospects, things like an estimate of salary levels, qualifications necessary and the training pathways available to get to their chosen career. The tool is also a very valuable resource for career and vocational counsellors who are working with those who are trying to make life-changing choices, so it will make their job much easier.

While accessible via computer, Choose Your Career can also be accessed via smartphones and tablet devices. Information about Choose Your Career will be distributed to all schools across the state in the coming weeks. I would like to acknowledge this new innovation from DFEEST and encourage students, jobseekers and, of course, anyone else out there thinking about a career change to access Choose Your Career online at www.skills.sa.gov.au/chooseyourcareer.

HANSON BAY

The Hon. J.A. DARLEY (15:08): My question is to the Minister for Sustainability, Environment and Conservation. Can the minister advise whether his department had valuation advice from the Valuer-General, or a private valuer approved by the Valuer-General, as required by Premier and Cabinet Circular 114, before purchasing 1,680 hectares of land at Hanson Bay adjoining the Flinders Chase National Park and Southern Ocean Lodge for $1.98 million on 10 October 2012?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:09): I thank the honourable member for his most important questions about Hanson Bay and its purchase. One of the primary purposes, of course, of the National Parks and Wildlife Act 1972 is to establish a system of reserves to manage land for conservation purposes. The government released a strategy called 'Conserving Nature 2012-2020: A strategy for establishing a system of protected areas in South Australia', which aims to add land to existing reserves where there are strong conservation outcomes to be achieved.

In late 2012, the government purchased 1,900 hectares of land, I am advised, at Hanson Bay on Kangaroo Island for $1.8 million. This is, I am also advised, an extraordinary piece of land that sits between two major parks: Flinders Chase National Park and Kelly Hill Conservation Park. This land presents a once in a lifetime opportunity to bridge a gap and to create a continuous coastal conservation corridor for the south-western end of Kangaroo Island. This is a significant and strategic addition to the state's reserves system. It is anticipated that the land will be formally added to the Flinders Chase National Park later this year.

The purchased land is largely undisturbed intact mallee and coastal heath vegetation, I am advised, that provides habitat for a range of threatened species, including the western whipbird, the rock parrot, the osprey and the white-bellied sea eagle. Its purchase will allow the integrated management of continuous land parcels across a number of parks and reserves, including fire management. It will also provide opportunities for recreation and tourism, supporting business opportunities from small operators through to the adjoining Southern Ocean Lodge at Hanson Bay.

With regard to some criticism—ill-informed criticism, I might say—about this purchase from March last year claiming, I think incorrectly, that the government purchased the land at a higher price than that which I listed and also claiming that the valuation was substantially less, I can confirm that that information is incorrect. I am speaking, of course, of the member for Davenport, Mr Iain Evans, who issued a media statement on 8 March 2013 claiming that the government purchased the land for almost $2 million and a valuation of only $800,000. Mr Evans, I am advised, has quoted incorrect figures for both the financial value of the land and the sale price.

With regard to the $800,000 valuation, that is likely to be an old value assessed by the Valuer-General, I am advised. The department commissioned an independent valuation of the land in 2008, which valued the land at $1.3 million, is my advice. In 2012, some four years later, DEWNR purchased the land for $1.8 million, not the $1.98 million claimed by the Hon. Mr Evans in the other place. I can also confirm that this purchase was a one-off strategic investment not impacting on funding arrangements for any other environmental program. Given the strategic placement of this parcel of land between two existing parks and the very rare occurrence of such land coming onto the market, it was a strategic purchase for the department and one that I strongly endorse.

HANSON BAY

The Hon. J.A. DARLEY (15:12): I have a supplementary question. Was the private valuer who was commissioned to make the valuation approved by the Valuer-General?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:12): I will have to take that question on notice and seek a response from the department about the nature of the valuer who gave us that figure.

OFFICE FOR THE PUBLIC SECTOR

The Hon. R.I. LUCAS (15:12): I seek leave to make an explanation prior to directing a question to the minister representing the Minister for the Public Sector on the subject of public sector appointments.

Leave granted.

The Hon. R.I. LUCAS: A whistleblower has advised the Liberal Party that, on 7 April of this year, minister Close took a cabinet submission to cabinet, which, amongst other things, says words to the effect that she intended to recommend to the Governor at a subsequent date that Ms Erma Ranieri be appointed the Commissioner for Public Employment. On 6 May, almost a month later, minister Close was asked a question in the following terms:

> Can the minister assure the house that when the current Commissioner for Public Employment concludes his term she will ensure the position is publicly advertised and that there is an open and merit-based appointment process for the new position.

The minister responded, and I quote:

> I am yet to turn my mind to such an eventuality and will take the question on board.

Subsequent to those questions being asked on 6 May, I am advised that the electronic cabinet online site (known as ECO), whilst it continued to note that cabinet submission 102, minister Close's submission, that the recommendations in that had been approved, the actual submission 102 has been removed from ECO. I am advised that it was removed because there were concerns from the government and the minister that, if that submission was leaked, it would confirm that minister Close had misled parliament on 6 May in response to that question.

This week minister Close advised the house that Ms Erma Ranieri had been confirmed as the chief executive officer of the new Office for the Public Sector, whilst noting that the current commissioner's term of appointment would be concluding in October of this year. I am advised that the Public Sector Act, section 29, indicates that only administrative units in the public sector can have persons appointed as chief executive officers. My questions to the minister are as follows:

1. Was the minister, or her office, involved in any way in removing her cabinet submission 102 dated 7 April 2014 from ECO and, if so, what were the reasons for removing her submission from ECO?

2. Can the minister provide a gazettal date of any proclamation to create this new administrative unit, the Office for the Public Sector, under the Public Sector Act and, if it has not been gazetted, can the minister explain what is the legal basis for her claim that Ms Erma Ranieri has been appointed as the chief executive officer of the administrative unit known as the Office for the Public Sector?

Members interjecting:

The PRESIDENT: Let's listen to the answer.

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:16): I thank the honourable member for his questions and I am pleased to refer those questions to minister Close in another place and bring back a response.

CLIMATE CHANGE

The Hon. M.C. PARNELL (15:16): I seek leave to make a brief explanation before asking a question of the Minister for Sustainability, Environment and Conservation about climate change.

Leave granted.

The Hon. M.C. PARNELL: I was pleased today to welcome into state parliament a delegation from the AYCC, the Australian Youth Climate Coalition. They presented me with a petition signed by 10,000 young Australians concerned about climate change and calling for action by state and federal governments and, in particular, a commitment to the AYCC's Safe Climate Roadmap. I note, Mr President, the petition is not in a form that can be tabled in state parliament, which I think is a problem for our parliament given that young people tend to engage now more online rather than on paper and they tend not to humbly pray or showeth, but rather click buttons on computers, but I digress. The postcard that has been signed by these 10,000 young Australians basically says:

> Will you commit to the Safe Climate Roadmap? As voters and community groups in your electorate, we are calling on you to commit to taking the ambitious actions outlined in the Safe Climate Roadmap and these actions are:
>
> - reducing our pollution in line with the science;
> - committing to funding a transition to 100 per cent renewable energy in 10 years; and
> - move Australia beyond coal and gas.
>
> Our community has already started taking action to make this roadmap a reality. Will you join us?

My questions of the minister are:

1. Has he had an opportunity to meet with the Australian Youth Climate Coalition and to see their Safe Climate Roadmap? If he has not, would he like an introduction?

2. Has the government, in light of the latest science, taken any steps to review its targets for renewable energy so that they are more ambitious and more in line with the AYCC's call to head towards 100 per cent renewable energy?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:19): I thank the honourable member for his most important questions and I will say again in this place that this is not a government that is in denial about climate change, unlike the federal Liberal government. It is beyond reasonable doubt that human activities—the burning of fossil fuels and deforestation—are contributing to the changes we are witnessing in the global climate.

This government does not fear the hard but critical actions that are going to be required into the future and, indeed, that is why we have our Premier's Climate Change Council to give us and other local government instrumentalities and industry advice about that future change.

In 2007, we established the frameworks for rising to the challenge by enacting Australia's first dedicated climate change legislation, releasing a strategy to reduce greenhouse gas emissions in South Australia and beginning a climate change awareness raising campaign. It has enabled the government to support those desiring a better and cleaner future for South Australia and the world.

Entering into agreements with willing members of industry and the community promoted climate change awareness, prepared the community for a potential carbon price and prepared for a changing climate. South Australia then moved to policies such as legislation for energy efficient roofing and establishing a framework for low emission vehicles in the community and the government vehicle fleet.

In 2010-11, South Australian emissions were almost 9 per cent lower than 1990 levels, despite growth in our economy and our population. The 2013 State of Environment Report has shown that South Australian emissions per person and per unit of gross state product have decreased. There has actually been a 42 per cent reduction in the greenhouse gas intensity of the South

Australian economy, I am advised. In addition, over 25 per cent of South Australia's electricity generation now comes from over $2 billion worth of privately funded wind farms; an additional 2 per cent comes from solar panels is my advice.

South Australia has and will continue to encourage renewable energies, building on our status as a national leader in the uptake of wind energy and rooftop solar. We are committed to assisting communities to adapt to the changing climate. The challenge continues but South Australia shows commitment and innovative policy can go an awfully long way. We are also working on a new approach for a way to continue to build on our past successes and ensure that we not only lead in this space as a state but that we will position ourselves for the betterment of all South Australians and ultimately, given the nature of climate change politics at a national level, we will probably be the only state jurisdiction that leads in this area for some few months until there is a change of government in Victoria.

Parliamentary Committees

SELECT COMMITTEE ON ELECTORAL MATTERS IN SOUTH AUSTRALIA

The Hon. D.G.E. HOOD (15:21): I move:

That standing orders be so far suspended as to enable me to move a motion without notice concerning the replacement of members on the Select Committee on Electoral Matters in South Australia.

Motion carried.

The Hon. D.G.E. HOOD: I move:

That the Hons J.A. Darley and K.L. Vincent be substituted in place of the Hons K.J. Maher and T.T. Ngo (resigned) on the Select Committee on Electoral Matters in South Australia.

Motion carried.

Bills

SUPPLY BILL 2014

Introduction and First Reading

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

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:22): I move:

That this bill be now read a second time.

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

Leave granted.

A Supply Bill will be necessary for the first three months of the 2014-15 financial year until the Budget has passed through the parliamentary stages and the Appropriation Bill 2014 receives assent.

In the absence of special arrangements in the form of the Supply Acts, there would be no parliamentary authority for expenditure between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill.

The amount being sought under this Bill is $3,941 million.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides relevant definitions.

Clause 3 provides for the appropriation of up to $3,941 million.

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

PASTORAL LAND MANAGEMENT AND CONSERVATION (RENEWABLE ENERGY) AMENDMENT BILL

Committee Stage

In committee.

Clause 1.

The Hon. G.E. GAGO: In terms of a clause 1 contribution, I would like to take this opportunity, on behalf of minister Hunter, to insert on record answers to questions that were raised and, just so that everyone is clear, I then intend to adjourn so that members have time to consider those responses.

In relation to questions from the Hon. Michelle Lensink: how does the minister manage a potential conflict of interest? The bill requires the minister to consult with and take into account the views of prescribed interested parties in deciding to grant a licence. This includes native title parties but also pastoral lessees and others. It is no different from other decisions taken by ministers that require them to consider and balance the interests of various parties. The minister is not acting on behalf of any of the prescribed interested parties.

Question 2: could the minister outline how they arrived at the 5 per cent? Ninety-five per cent of the wind farm payment will be passed through to the prescribed interested parties. Five per cent of the wind farm payment will be retained by the government for administration. The precedent for this apportionment lies with provisions under the Mining Act 1971 in relation to freehold land. In the case of a mining production tenement on freehold land, landowners are entitled to rent, which is administered through the government. Ninety-five per cent of this rent goes to landowners and 5 per cent is kept by the government for administration.

Question 3: in relation to wind farm payments, how does the minister envisage resolving disputes, etc.? I am advised that, in the case of native title holders, Indigenous land use agreements may reference payments but this will be a matter for the parties to decide. The resultant agreement must be registered with the Native Title Tribunal before a wind farm licence can be issued. In the case of a pastoral lessee, the minister must consult with and have regard to the views of the pastoral lessee before a wind farm licence can be issued, and there are no appeal rights for a pastoral lessee beyond the negotiation with the minister. In practice, a wind farm developer will also engage with the pastoral lessee to ensure on-ground issues are understood.

Question 4: what is the situation when there is more than one pastoral lease involved in a single development, etc.? In the case of a wind farm where turbines are situated across pastoral lease boundaries, pastoral lessees will be given payment according to how many turbines are situated on each leasehold. There may be a case where infrastructure such as a substation, sheds or powerlines are required to be built on a leasehold that is not associated with the turbine revenue. In this case, prescribed interested parties will be made a payment on a per square metre area basis for things like sheds, substations and powerlines, and payments will be made on a per linear metre basis.

Question 5: if the renewable energy company goes broke, what happens to the clean-up and removal of infrastructure? I am advised that, before any construction occurs, the project would need to be financed and this is typically done through non-recourse bank financing. This means that, if a developer cannot meet payments, the bank has recourse to the assets. The most likely scenario in this case is that the bank will want to continue to recoup its funds and will also continue the operation of the wind farm. The bank may also choose to sell the development to another owner, who will continue the operation.

The technology is not experimental and has been in operation for many years so the risk of infrastructure being left on land without company presence is low. In the unlikely event that this is not the case, clean-up will be the responsibility of the Crown, which is no different from the case on freehold land.

Question 6: can the minister provide any details about previous pastoral lease resumption, etc.? As far as I am advised, there has been only one resumption in the last 20 years and that is one that currently occurred at Cultana. In this case the federal government required land for defence operations and land was resumed from a number of pastoral leases. This land will be issued under

miscellaneous lease under the Crown Land Management Act 2009. When the resumption is gazetted it will describe the purpose of the resumption.

Question 7: are the prescribed interested parties entitled to be represented by legal counsel in relation to these negotiations? Prescribed interested parties listed in the bill are those parties which are entitled to be consulted under section 49B(2). They are parties to which information on the development must be provided under section 49B(3) and they are parties to which funds will be paid under section 49K(1).

This last entitlement, however, does not apply to resource tenement holders as such a negotiation is not part of the rights of prescribed interested parties per se. There is nothing preventing a leaseholder, however, from obtaining personal legal counsel or any other advice to assist in the preparation of a submission to the minister. The minister will need to have regard to any views expressed in the submission.

Question 8: could you confirm the definition of native title holders and if the definition is correct as described in new section 49A, etc.? The question was in relation to whether there is a requirement to include paragraph (d) in the definition of prescribed interested parties to avoid a breach of the Native Title Act. There could be an inconsistency with commonwealth legislation if rights were conferred on holders of non-native title interests but not native title holders. It is possible that native title could exist but not yet be recognised over some areas of pastoral land. Paragraph (c) of the definition of prescribed interested parties deals with the situation where a court has made a determination of native title. Paragraph (d) I understand is intended to deal with those interests that may not have been recognised.

Question 9: in the new section 49E of the bill the wind farm licence may grant rights, etc. It goes to the area of exclusion. The areas, I am advised, excluded from other parties are minimal in comparison to the whole area of a wind farm. An example is in the case of the substation where, under the Electricity Act 1996 there is a requirement for fencing to be installed. Other possible exclusion areas could include a locked shed and an area where spare parts are stored.

Question 10 goes to the new section 49K. I am advised that pastoral lease holders are compensated for access to pastoral land by wind farm developers through the payment of licence fees. This section ensures that this form of compensation is not duplicated through other mechanisms for compensation under the act. Pastoral lease holders will not miss out as wind farm payments will be in excess of any possible compensation for land access. This section does not, however, prevent access to compensation through common law rights or rights under other acts.

In the case of a wind farm and any damage that may occur in constructional operation, the developer will have insurance and they will make good the damage. In the case of native title, their rights extend to their ability to exercise and enjoy their native title rights and interests which can include things like accessing land and using resources from the land.

Question 11: can the minister explain the new section 49F(6), etc.? The wind farm payment should not be regarded as compensation for loss of entitlement by a pastoral lease holder; rather the wind farm payment is commensurate with what would be paid on freehold land. This is an amount that will be in excess of any compensation.

Question 12 goes to the period of 2½ years. I am advised that these time frames are based on experiences with wind farm developments on freehold land. The milestone after 2½ years was included to ensure that land is not locked up without development occurring. Things that are achieved during this period include wind monitoring which needs to occur for at least two years, flora and fauna studies which are often seasonal, technical studies, heritage studies, as well as applying for development assessment and all the inputs required for that process.

Question 13 goes to the new section 49K(1)(a). I am advised that during the feasibility stage of a wind farm development the developer will pay a yearly amount. Question 14 goes to compensation to mining tenement holders. I am advised that the land access agreement between a resource tenement holder under either the Mining Act 1971 or the Petroleum and Geothermal Energy Act 2000 will cover potential commercial issues between the parties, and it is for those parties to decide what is included. Question 15: why is a wind farm licence exempt from stamp duty? I am advised that a wind farm licence is akin to a licence under the Crown Land Management Act 2009.

Under section 53 of the Crown Land Management Act the grant or renewal of a licence is exempt from stamp duty.

In relation to questions by the Hon. Mark Parnell, in question 1 he asks: are there particular areas targeted by companies for development? I am advised that a detailed feasibility study for wind development potential on Eyre Peninsula established an outstanding area for wind resource situated on crown land subject to pastoral lease. There is also an emerging trend of wind developers becoming more attracted to inland sites in South Australia and the department is aware of a number of proponents seeking to access crown pastoral leaseholder land to develop projects. These projects are commercial-in-confidence and so more information cannot currently be given on their location.

The areas where pastoral holdings are located correlate with high quality wind and solar resources. In general, developers are drawn to sites where resources are available and that are in proximity to network infrastructure to enable connection. For solar development interests it is mainly focused on the northern areas of the state where resources are highest. Question 2 goes to mining companies having the right to veto, etc. I am advised, in recognition, that resource exploration can coexist with wind farm development.

A wind farm developer will need to negotiate a land access agreement with an existing tenement holder before a wind farm licence can be granted. If agreement cannot be reached the issue is referred to the ERD Court. In resolving a dispute the ERD Court would have consideration to the objects of the act and if this bill is passed the objects will also provide for wind farm development on pastoral land to coexist with the activity of pastoralism. It is also noted that this only applies if there is an existing resource interest in advance of the wind farm licence application. If the wind farm developer has a licence first and a resource exploration company wanted a licence over the area with a wind farm licence they would need to seek consent from the wind farm licence holder.

In question No. 3 he asks about conditions for decommissioning and rehabilitation. I am advised that it is the expectation within the wind farm industry that wind farm developers would undertake any decommissioning requirements and it is standard in the contracts with landowners to have decommissioning and rehabilitation specified. At the end of the life of a wind farm licence it will be up to the developer as to whether they would like to apply for a new wind farm licence or to decommission the plant. Regarding rehabilitation, this will extend to all above-ground infrastructure, including powerlines. The surface will be restored to preconstruction condition.

In relation to questions from the Hon. David Ridgway, in his first question he states that the government is targeting 20 per cent renewable energy by 2014 and he is asking how these ambitions add to the cost of electricity, etc. I am advised that the main market mechanism supporting large-scale renewable development is the national Renewable Energy Target scheme, in particular the component relating to the Large-scale Renewable Energy Target (LRET). This is a market mechanism that states and territories contribute to, no matter how much renewable energy is installed in each state. The contribution is determined by the amount of electricity consumed in each state or territory. So even though South Australia has 38 per cent of the nation's installed wind capacity, South Australians are paying an amount for the Renewable Energy Target which would be the same whether we had 3 per cent of the nation's wind power or 38 per cent.

For 2014, approximately 17 million large generation certificates must be created and surrendered Australia-wide for the Renewable Energy Target. South Australia's liability in relation to the certificates is determined by the federal Clean Energy Regulator, based on forecast electricity consumption in the state. The cost of these certificates is set by the market, and the liability would exist whether or not large-scale renewable energy generators were located in South Australia.

The price impact on the LRET is relatively minor compared to retail electricity prices. The Australian Energy Market Commission 2013 Residential Electricity Price Trends report found that in 2013 the LRET contributed 0.56¢ per kilowatt hour to the 31.27¢ per kilowatt hour electricity tariff in South Australia, and in 2013-14 it contributed 0.57 cents per kilowatt-hour to the 31.03¢ per kilowatt hour electricity tariff. In both cases the price impact on householders is less than 2 per cent. The state has, however, been a significant beneficiary from renewable energy investment, as outlined in the second reading speech, and the operation of wind farms in South Australia has put downward pressure on wholesale electricity prices.

Question 2 goes to breaking down the figure of $5.5 billion investment in renewable energy. I have been advised that there is no discrepancy between the two cited numbers in this question as

not all wind farm capital investment is realised in regional areas. The $5.5 billion in capital investment in renewable energy in South Australia is based on an assessment by SKM (Sinclair Knight Merz) in September 2013 for the South Australian government. Of this $5.5 billion, SKM assessed that there was $3.3 billion in large-scale renewable energy, $1.9 billion in rooftop solar photovoltaic systems, and the remaining investment was in solar hot water heaters and small embedded generation.

The Clean Energy Council's figure of about $3 billion relates to capital investment in wind farms. In South Australia not all wind farm capital investment is realised in regional areas, as I said. For example, if work is subcontracted to an engineering firm based in Adelaide, this investment will not be recognised as capital investment realised in regional areas.

Question 3 relates to there not being any new wind farm developments in this state over the last two years, etc. I have been advised that there has been development in wind farms over the last years. There are nine wind farm projects with development approval in South Australia, with a combined capacity of over 2,000 megawatts. Another two wind farms in the state are being actively developed. Snowtown stage 2, in the Mid North of the state, is currently under construction, and commissioning is planned for late 2014.

A number of projects need to secure power purchase agreements to underwrite project financing so that projects can proceed to construction. A significant factor influencing the demand for power purchase is the national Renewable Energy Target, which is currently being reviewed by the federal government. Once that review is complete there will be greater certainty for proponents seeking to negotiate power purchase agreements.

Question 4 relates to why a fee is charged for wind farm licences, etc. I have been advised, and I have stated, that any wind farm payment will be commensurate with that paid by wind farm developers to owners of freehold land. These payments are large and have definitely helped to drought-proof the income of those farmers who choose to host wind turbines. Development does cost more in remote areas and, to ensure any remote development is economic it must be stated that while wind farm payments are commensurate with those on freehold land, they will take account of the cost of remote development. This does not mean, however, that there will be no wind farm payment or that there will be only a token amount.

Question 5: why does the wind farm developer not negotiate directly with native title holders, etc.? I am advised that as the Crown owns and leases the land the interested parties are negotiated through the Crown. The minister will consult with and have regard to the views of pastoral lessees and other prescribed interested parties. In the case of native title holders the Crown needs to negotiate an Indigenous land use agreement with native title holders before a wind farm licence can be granted.

Question 6: who decides on the distribution of licence fees, etc.? I am advised that the bill requires that payment be made to prescribed interested parties on an equitable basis. As every case is different, this will be determined on a case-by-case basis by the responsible minister. Before a wind farm licence can be issued over pastoral land with co-existing native title interest, an Indigenous land use agreement will need to be negotiated between the state and any native title parties. Where land is not subject to native title, then 95 per cent of the payment will go directly to the pastoral lessee.

Question 7: what is the level of rehabilitation required, etc.? I am advised that rehabilitation will be to the preconstruction surface condition, and all surface material will be removed. The obligation for rehabilitation forms part of the licence condition so that if the wind farm changes ownership the obligation will be transferred to the new licence holder.

Question 8: has any consideration been made in regard to setbacks? I am advised a wind farm licence is a property right over the crown land that is subject to pastoral lease. A wind farm development will also need to be assessed in regard to the change in land use under the Development Act 1993. Items such as setbacks are best addressed through the development assessment process.

Question 9: does this legislation take account of migratory bird impact? I am advised that, as with the above answer, it should be acknowledged that this bill relates to a property right over crown land that is subject to pastoral lease. A wind farm development will also need to be assessed with regard to a change in land use under the Development Act 1993. The developer will need to

undertake flora and fauna studies and impact assessments, which will assess migratory bird impact to satisfy the requirements under the development assessment process.

Question 10: what happens in the case of a solar facility being granted a lease, etc.? I am advised the mechanism for excision of land from an existing pastoral lease already exists in the Pastoral Land Management and Conservation Act 1989. The only change proposed in this legislation is the time frame for resumption. Once land is excised from a pastoral lease holder it needs to be reissued under another act—the Crown Lands Management Act 2009. Any requirements to introduce provisions for a land access agreement to be agreed between a resource tenement holder and a solar development would need to be implemented through the act.

Question 11: will the land that is excised for the solar use take into consideration existing land uses? I am advised that in the case of solar, a solar developer will initially negotiate commercial terms with the pastoral lease holder to surrender a portion of the pastoral lease holder's lease. It is only if no agreement can be reached that the land would be resumed. For resumption to take place, the minister needs to agree, and he or she will take account of existing land uses.

Progress reported; committee to sit again.

TRAVEL AGENTS REPEAL BILL

Second Reading

Adjourned debate on second reading.

(Continued from 3 June 2014.)

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:50): I understand that all second reading contributions have been concluded and I would just like to make a few summary comments and put on record answers to questions that were raised. Can I start by thanking everyone who has contributed to the debate. I am very pleased that, overall, people are supportive of the legislation and I note that the Hon. Stephen Wade has pointed out some of the areas of concern and sought clarification on others, which I will now address.

In December 2012, it was agreed that the Travel Compensation Fund (TCF) could not continue to be the primary vehicle for consumer protection in the travel market. There had been both fundamental changes in the market and the introduction of strengthened legislative protections under the Australian Consumer Law (ACL). I am advised that the remodelling of the TCF, rather than its abolition, was considered and not regarded as an option moving forward to deregulate the industry.

PricewaterhouseCoopers conducted a survey in 2009 that found that only 14 per cent of consumers were aware of the TCF. Aside from its negligible public profile, the benefits of the current scheme are declining due to natural attrition linked with changes in the way consumers purchase travel. Notwithstanding that, an extensive national consumer education program will commence on 1 July. I also understand that client trust accounts, whether or not required by statute, will remain subject to bankruptcy and insolvency laws external to the licensing arrangements in place. As such, I do not consider that the trust accounts of travel agents will be any more likely to be vulnerable to claims after 1 July than they are now. It should further be noted that many remittances are now instantaneous and this is becoming more and more prevalent across the industry.

South Australia had initial concerns with the Travel Industry Transition Plan (the plan). However, these have been addressed with the exception of mandatory trust accounts for participants of the accreditation scheme. South Australia endorsed the plan in light of the general acceptance of the majority of states and territories to endorse it. The government considered that South Australia could have a more substantial and effective influence on the progress of the transitional plan through its different stages and contribute to an education campaign and consumer advocacy by endorsing the plan and being part of the entire process.

The government also recognised that agreement to the plan will ensure that travel agents operating in South Australia are not faced with additional red tape and regulatory burdens as well as ensuring consistency for travel agents that operate nationally. The COAG Legislative and Governance Forum will oversee the components of the plan. However, this does not include the government being involved in an industry-led scheme. Regulators have been closely involved in the

development of an Australian Travel Accreditation Scheme (ATAS) code and charter. I can advise that on 8 May 2014, the Australian Federation of Travel Agents (AFTA) published the ATAS Code of Conduct and Charter which is available on the AFTA website.

These documents were reviewed by a national working party made up of representatives from jurisdictions as well as Austrade and Choice. Members of the working party are comfortable that AFTA has addressed all their concerns and that the code and charter achieve the best practice objectives. Voluntary, industry-led regulation has proven to be flexible and a less intrusive means of regulating participants' behaviour.

As the owner of ATAS, the AFTA board has some involvement in the scheme's administration. The changes brokered by jurisdictions have minimised this role. All other decision-making is spread between ATAS and the ATAS Code Compliance Monitoring Committee as an independent review body established to review and determine customer complaints and allegations of noncompliance with the ATAS charter and code.

The monitoring committee can issue binding decisions, including sanctions against the participant. The monitoring committee members, consisting of an independent chair; two consumer representatives nominated by the consumer movement; another representative from industry, commerce and government; and the AFTA CEO are required to make decisions consistent with the ATAS charter and the monitoring committee's terms of reference, which are included in the charter.

When the plan was developed, it was considered that consumers would rely on the Australian Consumer Law for any redress; however, industry has led an initiative to bring to the marketplace a range of insolvency insurances which extend further than the TCF charter. This is a real bonus for the transition to a deregulated model.

Travel intermediaries who wish to become accredited under the ATAS have the option of taking out such insurance as a means of protecting against the impacts of collapse of either their own business or one of their suppliers. Whether a travel intermediary needs to take out such insurance will depend on their business models and the types of suppliers they deal with. This is one of the reasons a voluntary approach may be more appropriate to contemporary industry practices.

Other reasons include that products which are sold by agents may already be covered by an insolvency product, such as scheduled airline failure insurance. Further, some businesses may already have systems in place ensuring that purchases are protected from any business failure. Purchases made by credit card, for instance, can also provide protection of a customer's payment in the event of a non-supply for any reason. In this light, caution is to be exercised before imposing costs on Australian-based businesses compared with their global competitors selling to the same consumers.

For those agents concerned that they may not have insolvency insurance in place, they can recommend to clients that payment be made by credit card in the short term. I am advised by AFTA that insurance quotes the scheduled airline failure insurance and the end supplier failure insurance are two supplier covers that have been available for a number of months now and many businesses have sought quotes.

TAIFI, the travel agent failure insurance product, has been open for only a few weeks now and quotes are being prepared. Turnaround is usually within a week or two weeks if all the requested information is provided by the agent to the insurance broker. A risk assessment is then run across the business before a quote is issued. AFTA and the insurance providers are working hard to ensure that insurance is in place for the agents who have applied.

I understand that it is very hard to estimate what proportion of the industry will take up insurance or self-insurance at this stage. I believe that some travel agents are keeping their cards very close to their chest whilst they seek out commercial solutions. I can confirm that both Flight Centre and Travel Counsellors have advised that they have their own commercial solutions beyond the Gow-Gates offering of insolvency protections.

South Australia should receive approximately 6 per cent of the remaining balance of the TCF. Based on the TCF balance of 31 December 2013, and taking into consideration the moneys allocated to Choice for the consumer endowment and advocacy program and the moneys allocated to the national education campaign, South Australia should receive somewhere between $1.5 million and $2 million.

Moneys returned to the South Australian government will, at this stage, be returned to consolidated revenue, and it is important to note that moneys from the TCF, up to $3 million, have already been allocated to a comprehensive national education program which will commence on 1 July. This will be overseen by consumer affairs agencies nationally. The campaign will highlight the changes to the travel environment and help consumers to understand their rights when buying travel. Each state and territory will support the national campaign locally, incorporating travel messaging into their existing consumer education programs.

In recent months, CBS has provided information to the South Australian travel industry about the changes through direct correspondence to all licensed travel agents and the South Australian Tourism Industry Council. CBS has also published information on its website, including frequently asked questions. I can confirm that TCF coverage will cease as at 1 July 2014; however, the TCF will continue to accept and consider claims until its closure to mid/late 2015 for any claims occurring prior to 1 July 2014. Transitional provisions have been included into the repeal bill to support this position.

I conclude by saying that retaining the current licensing regime for travel agents operating in South Australia will only impose additional regulatory burden and red tape compared with other jurisdictions. Given that many travel agents operate across Australia, it is important that South Australia maintains a competitive business climate and ensures that travel agents operating here are not disadvantaged. Without a national travel compensation fund, it will be crucial to educate consumers about their rights under the Australian Consumer Law, as well as the importance of using reputable travel agents. With those few words, I commend the bill to the council.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. S.G. WADE: I would like to pick up on some of the answers. Could I thank the minister and those advising her for the answers given. I would note first of all that we had bizarre contributions from the Hon. Gerry Kandelaars and the Hon. Tung Ngo. I felt as though, in this case being a government speaker, my contribution was closer to that of the minister's second reading speech and her second reading summing up than that of the two government members we sandwiched. Be that as it may, this is a government that does not have any sense of common direction, so it is hardly surprising.

In terms of the answers, the minister says that the AFTA board will have some involvement with ATAS, and 'some involvement' is the phrase she used. One of the concerns that has been raised with me is whether there will be an assurance that information provided by travel agents to ATAS in the process of accreditation will not be made available to other competitors through the AFTA relationship.

The AFTA board, of course, consists of a range of travel industry participants, and it is of concern to some travel agents that their commercial confidential information is protected, so that was where my question was coming from in relation to being governed at arm's length and also in terms of, shall we say, the general principle of arm's length governance for bodies that have broader regulatory responsibilities. I used the example of the Law Society and its relationship with law claims.

The minister says that there will be some involvement. I seek some greater assurance that, in the work the South Australian government has done with other governments around Australia, they have ensured that there is an appropriate independence in corporate governance structures between ATAS and AFTA.

The Hon. G.E. GAGO: I am advised any ACCMC member with a suspected conflict of interest must exclude themselves from any relevant decision-making process and also that ATAS personnel are bound by confidentiality agreements as advised by AFTA.

The Hon. S.G. WADE: In relation to the ACCMC committee, which the minister has just referred to, I may well have misunderstood what the minister was conveying but I understood her to say that there were five members of the committee, one being an independent chair, two being consumer representatives, one being nominated by industry/government, etc., and one being the

AFTA CEO. Could the minister confirm that I have correctly understood what she was conveying? Then I would like to ask a couple of questions about those members.

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

The Hon. S.G. WADE: In relation to the two consumer reps, how will they be appointed?

The Hon. G.E. GAGO: I am happy to take that on notice and provide an answer. We do not have that level of detail with us today.

The Hon. S.G. WADE: It would certainly be of interest, particularly to the House of Assembly. I ask now the same question in relation to the industry/government nominee.

The Hon. G.E. GAGO: I will take that on notice as well.

The Hon. S.G. WADE: I suppose my next question is going to have a presumption which is based on the answer that has just been taken on notice, but nevertheless let me speculate. I would not be surprised if Choice has a role in the appointment of the consumer representative. Choice, as I understand it, is the successful applicant for the tender for being the consumer rep within the ATAS framework. I am intrigued, considering that as I understand it the consumer protection agencies are stepping back—that is, the nature of industry self-regulation—AFTA and ATAS will have perpetual existence. Is Choice's role as the consumer voice perpetual too? Having won the initial bid, will they always be the consumer voice within the ATAS framework?

The Hon. G.E. GAGO: I will take that question on notice as well.

The Hon. S.G. WADE: If I could come back to the issue of what happens to the TCF money, and let me be a prophet in my own time and predict that the member for Heysen in another place will have comments to make on this. Let's remind ourselves what is happening here.

Over the years, travel agents have paid money into the Travel Compensation Fund on behalf of their clients so their clients can have protection. Governments around Australia, for good reasons, have decided that industry self-regulation is a better way to go but, in the process, they are winding up the fund, putting a relatively small amount into consumer education and a relatively small amount into establishing the industry-led regulation process and, 'Gee whizz, we are going to divvy up the rest of the money amongst ourselves.'

I remind the minister what she told the council, which is that (and I think I am quoting her correctly) it is crucial that we educate consumers. I would have thought that, considering it is consumers' money (that is, that share of the travel agents' resources which can only come from clients) that is now going to be taken into consolidated revenue, it has all the hallmarks of other levies and other funds that are confiscated by this government. As a former chair of Julia Farr, I still hold the government accountable for the confiscation of the community assets in the Highgate Park building.

The government seems to think (and they are not alone because there are governments around Australia that might have similar instances) that they have the right to take into consolidated revenue assets of the community, no matter where they sit. The government might say that it is only $1.5 million to $2 million and what could that do? My understanding is that the money provided to set up the ATAS scheme nationally is about $2.8 million, and I think that $2 million of resources in South Australia towards consumer education or other aspects of promoting and marketing the visitor economy might have actually been a more appropriate use of what, after all, is not the government's money: it belongs to agents.

I appreciate that the minister has advised us what the minister has advised us, but I would ask the minister whether the government is aware of the intended use by other states and territories of their disbursements from the TCF.

The Hon. G.E. GAGO: I have been advised that it is thought that other jurisdictions will do a similar thing and moneys will go into general consolidated revenue funds. However, we would need to check with each jurisdiction to ensure that that is so.

I remind the honourable member that, indeed, it is $2.8 million to set up the ATAS, $2.8 million that was offered to Choice to do the endowment program work, and up to $3 million for consumer agencies in the education program.

The Hon. S.G. WADE: I thank the minister for that. It was not merely a reminder but some information, because I must admit that I had not appreciated the distinction between the two lots of money to Choice. If I could clarify that, I think you said that there is $2.8 million to Choice for the endowment and about $3 million for the consumer education. The consumer education I presume is for the first two or three years after 1 July.

Getting back to the point I was making about AAMC, does the endowment fund suggest that Choice is going to have a perpetual presence using this endowment fund as the consumer voice? I do not want to join dots inappropriately, but I am just trying to differentiate between the uses of the two pools of money.

The Hon. G.E. GAGO: It is doubtful that it would be perpetual, given that they have been given $2.8 million to do that work. The advice I have received is that there is no specific negotiation or discussion about time limits at this point. In terms of the $2.8 million, obviously that will have a life, but there are likely to be activities or programs that come from that, like a website, that obviously will have an element of a perpetual nature to it.

The Hon. S.G. WADE: I thank the minister for that answer and also for the assurance earlier that the ongoing role of Choice will be taken on notice and at least the House of Assembly on behalf of the parliament can be informed.

My understanding, from what the minister said, was that the consumer education element of the transition plan is being handled nationally and, as I understand it, is being overseen by Choice and that CBS's advice within South Australia is only to travel agents. If I have correctly understood that, that is concerning. We appreciate there are the FAQs on the website you mentioned, but I think the Hon. Gerry Kandelaars, the Hon. Tung Ngo and myself and, to be fair, the minister, acknowledged that it is in fact, to use the minister's word, 'crucial' to educate consumers.

In terms of what I have seen, in terms of reform programs, this is a significant challenge for a very dispersed market to be properly informed about; about changes to their cover. I am concerned that perhaps at the CBS level we could be doing more to make sure that South Australian consumers are properly informed.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. S.G. WADE: I just want to clarify the termination date, and that means the date on which the compensation fund is terminated. I gather from what the minister was saying that the government expects that date will be in mid-2015. I just want to clarify, considering the lack of a specific date at this stage, who decides: is it the outgoing board of the TCF?

The Hon. G.E. GAGO: Yes, I certainly did say that the TCF cover will cease as at 1 July 2014. However, the TCF will continually accept and consider claims until it is closer to mid/late 2015 for any claims occurring prior to 1 July 2014, and the transitional provisions have been included in the repeal bill to support that position. I have just been advised, in terms of who decides, it will be the board.

Clause passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:21): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (LEGAL PRACTITIONERS) BILL

Introduction and First Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:21): Obtained leave and introduced a bill for an act to amend the Fair Trading Act 1987 and the Legal Practitioners Act 1981. Read a first time.

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:22): I move:

That this bill be now read a second time.

The Statutes Amendment (Legal Practitioners) Bill 2014 seeks to amend the Legal Practitioners Act 1981 and the Fair Trading Act 1987 to address a number of minor inconsistencies and omissions in the Legal Practitioners (Miscellaneous) Amendment Act 2013 identified during the drafting of regulations to support the operation of that act.

The principal object of this bill is to clarify that the commissioner's costs, including the salaries and associated employment costs of the commissioner and the commissioner's staff, are able to be met from money in the Fidelity Fund. It was always the intention of the government to continue the current practice of funding the regulatory body from the Fidelity Fund and these amendments make that intention explicitly clear.

This bill will also make minor amendments to the Legal Practitioners Act as amended by the Legal Practitioners (Miscellaneous) Amendment Act. These uncontroversial amendments will clarify the policy intent of the identified provisions and ensure that the provisions operate as originally intended by the government. The definition of corresponding authority will be inserted into the interpretation section of the act to address that omission from the Legal Practitioners (Miscellaneous) Amendment Act.

New section 77H will also be amended to make clear that the reporting obligation in that section only relates to offences committed by a legal practitioner or former legal practitioner. The obligation to report suspected criminal offences was always intended to apply only to offences committed by a legal practitioner and not, for instance, by his or her client, as is evident from the previous incarnations of this provision.

The current wording of section 77H(2) could have unintended consequences if left in its current form. For example, it could result in the unintended waiver of legal professional privilege by imposing an obligation on the commissioner to report any information or evidence of a criminal offence that comes into the commissioner's possession in the course of a disciplinary investigation, if it is not limited to the conduct of the legal practitioner who is being investigated.

Clause 19 of the new Schedule 4 of the act will also be amended to clarify the intention of that provision. Firstly, clause 19(3), which sets out the circumstances in which confidential information obtained in the course of a trust account investigation, examination or complaint investigation may be disclosed and by whom, is amended so that it also refers to information obtained in the course of an incorporated legal practice compliance audit.

Clause 19(2), which permits the disclosure of confidential information in certain circumstances, is also amended to include a reference to the council. This ensures that members of the council, which is the other party to a section 77A agreement with the commissioner, have the same protections when divulging information to the commissioner and the commissioner's staff under that agreement.

The final amendment to the Legal Practitioners Act is to section 95. This section sets out how the money collected for practising certificates and the fee under section 23D, which requires an interstate legal practitioner to give written notice to the Supreme Court if they intend to establish an office in this state, is distributed. The intent of the notice requirements in section 23D is to ensure that the Supreme Court and the society have an up to date list of all interstate legal practitioners with

an office in South Australia. The notice requirements in schedule 1, clauses 4 and 5, which must be accompanied by a prescribed fee, serve a similar purpose.

The act does not currently set out how the revenue collected under clauses 4 and 5 of schedule 1 is to be distributed. The effect of the amendment to section 95 is to incorporate the fees collected under clauses 4 and 5 of new schedule 1 so that the revenue is applied towards the purposes of the act and is distributed in the same manner as the revenue from practising certificate fees and the fee for giving notice under section 23D. A consequential amendment has also been made to section 57(3) the act.

Finally the bill amends the Fair Trading Act to insert a new section 25A. This will address an inconsistency between clause 34(2) of new schedule 3 and section 101(3) of the commonwealth Competition and Consumer Act 2010, insofar as those provisions relate to the period within which an itemised bill is provided.

Clause 34(2) provides that a law practice must comply with a request for an itemised bill within 21 days of the request, while section 101(3) of the Australian Consumer Law stipulates that a supplier must give an itemised bill to the consumer within seven days of the request being made. Without this amendment, the shorter time period specified in the Australian Consumer Law would prevail.

Seven days will be too short a time period for a legal practitioner to comply with a request for an itemised bill, particularly given the complex nature of many legal matters. Furthermore, the 21 day time period is consistent with the position in other states, such as New South Wales, Victoria and Western Australia.

New section 25A, which is modelled on section 227 of the Victorian Australian Consumer Law and Fair Trading Act, provides that the Australian Consumer Law (SA) does not apply to contracts for the provision of legal services to which the Legal Practitioners Act applies.

I commend the bill to members, and I seek leave to have the explanation of clauses inserted without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Fair Trading Act 1987

4—Insertion of section 25A

This clause inserts proposed section 25A into the Fair Trading Act 1987.

25A—Application of Australian Consumer Law (SA) to bills under Legal Practitioners Act 1981

Section 25A makes it clear that section 101 of the Australian Consumer Law (SA) does not apply to a contract for the provision of legal services to which the Legal Practitioners Act 1981 applies.

Part 3—Amendment of Legal Practitioners Act 1981

5—Amendment of section 5—Interpretation

This clause inserts a definition of corresponding law into the principal Act.

6—Amendment of section 57—Fidelity Fund

This clause recasts paragraphs (c) and (ca) of section 57 by substituting a new paragraph (c). The proposed paragraph makes it clear that the Fidelity Fund includes the money credited by the Society to the Fidelity Fund under section 95.

As a consequence of an additional amendment to section 57, money in the Fidelity Fund may be applied towards the payment of the salaries and related expenses of the Legal Profession Conduct Commissioner and his or her staff.

7—Amendment of section 77H—Report on investigation

This clause amends section 77H of the principal Act to clarify that the Commissioner is required to pass information or evidence suggesting that a legal practitioner or former legal practitioner may have committed a criminal offence on to the Crown Solicitor.

8—Amendment of section 95—Application of certain revenues

This clause makes an amendment to ensure that fees paid by corporations under Schedule 1 clauses 4(1) and 5(2) are brought within the ambit of section 95(1) of the principal Act.

9—Amendment of Schedule 4—Investigatory powers

This clause amends Schedule 4 clause 19(2) of the Act so that the Council of the Law Society is permitted to divulge confidential information in accordance with an agreement or arrangement between the Council and the Commissioner approved by the Attorney-General under section 77A. Clause 19(3) is also amended to extend the ability for a specified person to disclose information obtained in the course of an ILP compliance audit.

Schedule 1—Transitional provision

1—Fidelity Fund

This clause provides for transitional arrangements relating to the reimbursement of expenses incurred by the Crown in funding the establishment and operation of the Office of the Legal Profession Conduct Commissioner for the period between the Commissioner's appointment and the commencement of this clause.

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

Motions

INDUSTRIAL RELATIONS COMMISSION

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:30): I move:

That pursuant to section 30 of the Fair Work Act 1994, the nominee of this house to the panel to consult with the Minister for Industrial Relations regarding the appointment to the position of deputy commissioner to the Industrial Relations Commission of South Australia be the Hon. T.T. Ngo MLC.

Before a person is appointed or reappointed as deputy president of the Industrial Relations Commission of South Australia, the Minister for Industrial Relations must consult confidentially about the proposed appointment with a panel consisting of a nominee of the United Trades and Labour Council, a nominee of the South Australian Employers Chamber of Commerce and Industry, a nominee of the House of Assembly, a nominee of the Legislative Council, and the Commissioner for Public Sector Employment. Pursuant to section 30 of the Fair Work Act 1994, this motion seeks to appoint the Hon. Tung Ngo MLC.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:31): I rise to make a few remarks before supporting the motion. When we received notice of this motion we were surprised to hear that the member for Little Para had been appointed by the House of Assembly to this committee and that the nomination here was for the Hon. Tung Ngo. It had always been the convention for the 12 years I have been here that in this particular case, with appointments to the Industrial Relations Commission, the shadow minister for industrial relations was consulted and, in most cases, put on the committee.

We were very surprised to see that was not the case, that the member for Little Para (Mr Odenwalder) and the Hon. Tung Ngo were the two suggested appointees by the government, with no reference whatsoever to the shadow minister. The shadow minister, the member for Davenport (Iain Evans) raised this yesterday in the debate in the House of Assembly, and the Attorney-General said that he did not know of the convention. Maybe he or his office did not know but, given that the Hon. John Rau and I were elected in 2002 on the same day and I know about it, I find it a bit hard to believe that he did not know about.

Nonetheless, he accepted that he had erred and had perhaps tried to ride roughshod over the opposition, and the Hon. Iain Evans moved an amendment to replace Mr Odenwalder, the member for Little Para, with the member for Davenport, which to my understanding has succeeded, or at least the Attorney-General has agreed to it. So, the House of Assembly has now appointed the member for Davenport, who is our shadow minister for industrial relations.

Now that we have the convention being upheld and honoured, we are comfortable with now seeing one representative from the opposition, being the member for Davenport, and one from the government, being the Hon. Tung Ngo, appointed to this committee. With those few words, I indicate that we support the motion.

Motion carried.

Bills

SURVEILLANCE DEVICES BILL

Introduction and First Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:33): Obtained leave and introduced a bill for an act to make provision relating to the use of surveillance devices; to provide for cross-border recognition of warrants relating to surveillance devices; to repeal the Listening and Surveillance Devices Act 1972; to make related amendments to the Criminal Investigation (Covert Operations) Act 2009 and the Director of Public Prosecutions Act 1991; and for other purposes. Read a first time.

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:35): I move:

That this bill be now read a second time.

On 5 April, 2002, COAG held a special meeting on terrorism and multijurisdictional crime. The outcome of that meeting was that leaders agreed:

To legislate through model laws for all jurisdictions and mutual recognition for a national set of powers for cross-border investigations covering controlled operations and assumed identities legislation; electronic surveillance devices; and witness anonymity. Legislation to be settled within 12 months.

The task of developing these model laws was given to a task force, known as the national Joint Working Group (JWG), established by the then ministerial councils of attorneys-general and police ministers and consisted of representatives of both bodies. The JWG published a discussion paper in February 2003 that discussed and presented draft legislation on all four topics and received 19 submissions nationally. A final report was published in November 2003.

The first three topics were dealt with by what has become the Criminal Investigation (Covert Operations) Act 2009. Other jurisdictions were and remain dilatory in implementing the recommendations of the JWG. So far as the subject of electronic surveillance was concerned, no national agreement was reached on a model domestic law, and so the agreed model related only to cross-border recognition. For as long as that was so, there was no urgency in progressing the issue and no obvious benefit in having one act for domestic law and another for cross-border recognition. However, by 2009, police had taken the view that the existing South Australian legislation was due for overhaul.

The last amendments were made by the Listening Devices (Miscellaneous) Amendment Act 1998. That act was introduced into parliament on 10 December 1998. Remarkably, it did not pass until 3 May 2001. It stalled in parliament over a difference of opinion on the question of whether an oversight mechanism, known as the public interest advocate or public interest monitor, should be established.

The arguments for and against that course of action were very well ventilated over nearly two years and were the subject of a thorough investigation and report by the Legislative Review Committee. Unhappily, that committee was divided on the question. It is not intended to rehearse the arguments for and against a public interest advocate here. It has been decided not to revisit the issue. Sixteen years have passed since the Act was reformed, and much has changed since then, not least developments in electronic surveillance and methods of intruding into privacy.

The Surveillance Devices Bill 2012 was eventually introduced into parliament in September 2012 and passed the House of Assembly. It then stalled in the Legislative Council. The

opposition and crossbenchers voted to refer the provisions of the bill that were not referable to police powers to the Legislative Review Committee. The ensuing process took over 12 months.

Ideological warriors took up absolute positions. Animal rights activists wanted to record what they thought were breaches of animal rights; farmers wanted to ban them. Insurance companies, investigation agents and their lawyers wanted to record and conduct surveillance of people, in particular those making insurance claims. Media interests wanted no change to anything. People wanted to be able to secretly record telephone calls with their ex-spouses. Privacy interests wanted to restrict invasions of privacy by covert recording generally. These positions, strongly held, were not and are not reconcilable.

The Legislative Review Committee reported on 13 November 2013. The government placed on file amendments designed to implement the recommendations of the committee on 22 November. The shadow attorney-general placed on file, on the same day, a comprehensive series of amendments that involved a redrafting of the government bill. In the event, the bill was not brought on for debate, parliament was prorogued and the bill lapsed.

It really is a disgrace that reform of a law about surveillance devices, long needed in this state, seems impossible to achieve in the face of opposite views being very adamant and opposite views being held by vested interests. These vested interests cannot seem to be able to look beyond the borders of this state to the modernisation efforts of other jurisdictions, such as Victoria.

This bill contains the recommended provisions allowing for the cross-border recognition of surveillance device warrants. So far as South Australia is concerned, that means that the law of this state will regard as validly issued those surveillance device warrants of a corresponding Australian jurisdiction declared by regulation. It is up to those other Australian jurisdictions to pass laws recognising our warrants for the purposes of the law of their state. This is nationally regarded as important for the often stated and obviously true reason that criminals do not respect state and territory borders. The measure is a target in, for example, the National Organised Crime Response Plan.

In addition, a review of the existing act, in close consultation with the police, has resulted in extensive proposals for amendments. These are:

1. Under current law, an urgent warrant application is done by telephone or facsimile application to a Supreme Court judge at any time of the day or night. In practice, the Supreme Court rosters judges for this purpose. No doubt, it is a nuisance for everyone. SA Police says that the process takes about two hours, during which, of course, nothing can be done. The alternative is to allow emergency authorisation for urgent situations to be made by a senior police officer. Many Australian jurisdictions have this procedure, and it is part of the JWG model. The commonwealth has accepted the JWG model The bill proposes a similar procedure, including, notably, a requirement that police seek judicial confirmation of the emergency warrant within two business days after the emergency warrant is granted.

2. The commonwealth provisions dealing with urgent or emergency warrant applications restrict the procedure to certain kinds of offences. The list is: an imminent risk of serious violence to a person or substantial damage to property exists and the use of a surveillance device is immediately necessary for the purpose of dealing with that risk; and the circumstances are so serious and the matter is of such urgency that the use of a surveillance device is warranted and it is not practicable in the circumstances to apply for a surveillance device warrant. This is to be followed. However, neither current South Australian law nor commonwealth law allows for explicit emergency authorisation for serious drug offences, and this defect will be remedied with similar preconditions.

3. New technology means that a tracking device can be attached to a vehicle in a public place or a place under the control of police (such as a yard for keeping seized vehicles). This will sometimes have to be done in a hurry before the vehicle gets away. In these circumstances, attaching such a surveillance device will be permitted without a warrant so long as it is non-intrusive and so long as it does not draw power from the vehicle. Other Australian legislation deals with this situation in different ways. There is no consistency. The police will be allowed to use subterfuge to get the device attached unnoticed. For example, the police might temporarily move the car so as to attach the device out of the public eye.

4. The general ability to use a listening device to record a private conversation if it is in the course of duty of the person, in the public interest or for the protection of the lawful interests of that person in the current section 7(1)(b) of the act is too broad and ill-defined. It is unsuited to the threats to personal privacy posed by the technological realities of the 21st century. It has been eliminated and more specific and targeted allowances made for lawful use. While this proved very controversial in the Legislative Council deliberations and in those of the Legislative Review Committee, the government is pleased to adopt the recommendations of that committee. The parliament should do likewise.

5. The JWG model contains special provision for 'remote applications' to deal with instances where physical remoteness means that it is impractical to make a warrant application. The commonwealth legislation adopts the model. This is a common-sense exception to the usual requirement that a warrant be sought by personal application.

6. The JWG model contains provisions for specified person warrants. The point of this is to allow a warrant to be brought for the surveillance of a specific person, wherever he or she may be, instead of the usual warrant allowing the surveillance of a particular place. That makes perfect sense and the bill contains provisions designed to allow for this to be expedient.

7. Material obtained by use of listening or surveillance devices installed pursuant to a warrant is prohibited from being communicated or published unless it falls within one of the exceptions in section 6AB of the current act. Obviously, material must be used for the purposes of a criminal investigation and that remains and will remain by far the most common use of the material, but these days law enforcement has tools available to it that move beyond the simple arena of the criminal justice system. The government can and will pursue criminals through civil legislative remedies, such as those contained in the Criminal Assets Confiscation Act 2005, Serious and Organised Crime (Control) Act 2008, and the Serious and Organised Crime (Unexplained Wealth) Act 2009 and the product must be made available for these crime-fighting purposes.

8. The judges of the Supreme Court, who are the issuing authorities under the act, have interpreted the act so that all people authorised to exercise powers under the warrant are specified in the warrant. SA Police argues that the specification of police personnel in the warrant poses potential security risks—a risk of retribution from targets of the warrants because of the intrusive nature of the work they perform. There has been extensive consultation with the previous chief justice on the issue. He agreed that an amendment to provide for a degree of anonymity was acceptable—using a code on the warrant instead—but was concerned about who would hold the key to the code. The code names scheme is in the bill. The holder of the key is not specified in the bill; it will be up to the court to determine how it will deal with the matter.

9. The bill contains amendments that were recommended by the Legislative Review Committee. There are amendments that are designed to accommodate the concerns expressed by security and investigation agents' representatives during the debate on the previous bill, increased protection for householders against intrusion on their privacy by optical surveillance devices overseeing private property, and a loosening of restrictions on the use of surveillance devices together with very detailed regulation of the uses to which information so obtained can be put.

10. There are other minor changes proposed; all are consistent with the JWG model.

(a) The bill authorises the use of a surveillance device on specified premises or on a specified object or class of object or in respect of the conversations, activities or location of a specified person or a person whose identity is unknown.

(b) The definition of premises is expanded in line to include land and a building or vehicle (includes an aircraft or vessel) and a part of a building or vehicle and any place, whether built on or not.

(c) The definition of surveillance device is amended to mean a data surveillance device, a listening device, an optical surveillance device or a tracking device or a device that is a combination of any two or more of the above devices or a device of a kind prescribed by regulations.

(d) Extensive oversight and reporting provisions are proposed in order to safeguard the public interest as best as can be managed without jeopardising criminal

investigations and other sensitive police information. In particular, there has been no watering down of current requirements.

The bill incorporates necessary provisions to take into account the needs of the IAC. I commend the bill to members and seek leave to have the explanation of clauses inserted into *Hansard* without my reading them.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause sets out definitions of words and phrases used for the purposes of this measure.

Part 2—Regulation of installation, use and maintenance of surveillance devices

Division 1—Installation, use and maintenance of surveillance devices

4—Listening devices

This clause provides that, subject to this clause, it is an offence if a person knowingly installs, uses or causes to be used, or maintains, a listening device—

- to overhear, record, monitor or listen to a private conversation to which the person is not a party; or
- to record a private conversation to which the person is a party.

The maximum penalty for such an offence is $75,000 for a body corporate, and $15,000 or imprisonment for 3 years for a natural person.

Exceptions to the general prohibition are provided in subclause (2) which provides that a party to a private conversation may, however, use a listening device to record the conversation—

- if all principal parties to the conversation consent (expressly or impliedly) to the device being so used; or
- if the use of the device is reasonably necessary for the protection of the lawful interests of that person or in the public interest.

A number of additional situations in which the general prohibition does not apply are also included in subclause (2).

5—Optical surveillance devices

This clause provides that it is an offence for a person to knowingly install, use or maintain an optical surveillance device on or within premises or a vehicle or on any other thing, to record visually or observe the carrying on of an activity if the installation, use or maintenance of the device involves either or both of the following:

- entry onto or into the premises or vehicle without the express or implied consent of the owner or occupier of the premises or vehicle;
- interference with the premises, vehicle or thing without the express or implied consent of the person having lawful possession or lawful control of the premises, vehicle or thing.

Exemptions to the general prohibition are set out in subclauses (2) and (3).

The maximum penalty for an offence against this provision is $75,000 for a body corporate, and $15,000 or imprisonment for 3 years for a natural person.

6—Tracking devices

This clause provides that it is an offence for a person to knowingly install, use or maintain a tracking device to determine the geographical location of—

- a person, without the express or implied consent of that person; or
- a vehicle or thing, without the express or implied consent of the owner or a person in lawful possession or control, of that vehicle or thing.

Exemptions to the general prohibition are set out in subclause (2).

The maximum penalty for an offence against this provision is $75,000 for a body corporate, and $15,000 or imprisonment for 3 years for a natural person.

7—Data surveillance devices

This clause provides that it is an offence for a person to knowingly install, use or maintain a data surveillance device to access, track, monitor or record the input of information into, or the output of information from, or information stored in, a computer without the express or implied consent of the owner, or person with lawful control or management, of the computer.

Exemptions to the general prohibition are set out in subclause (2).

The maximum penalty for an offence against this provision is $75,000 for a body corporate, and $15,000 or imprisonment for 3 years for a natural person.

Division 2—Prohibition on communication or publication of information or material derived in contravention of this Part

8—Prohibition on communication or publication

This clause prohibits a person from knowingly using, communicating or publishing information or material derived from the use (whether by that person or another person) of a surveillance device in contravention of this Part.

The maximum penalty for such an offence is $75,000 for a body corporate, and $15,000 or imprisonment for 3 years for a natural person.

However, the prohibition does not prevent the use, communication or publication of information or material derived from the use of a surveillance device in contravention of this Part—

- to a person who was a party to the conversation or activity to which the information or material relates; or
- with the consent of each party to the conversation or activity to which the information or material relates; or
- for the purposes of a relevant investigation or relevant action or proceeding relating to that contravention of this Part or a contravention of this section involving the communication or publication of that information or material; or
- in the course of proceedings for an offence against this measure; or
- otherwise in the course of duty or as required by law.

Division 3—Regulation of communication or publication of information or material derived in certain circumstances

9—Regulation of communication or publication of information or material derived in certain circumstances

Subclause (1) provides that a person must not knowingly use, communicate or publish information or material derived from the use of a listening device or an optical surveillance device in circumstances where the device was used to protect the lawful interests of that person except—

- to a person who was a party to the conversation or activity to which the information or material relates; or
- with the consent of each party to the conversation or activity to which the information or material relates; or
- to an officer of an investigating agency for the purposes of a relevant investigation or relevant action or proceeding; or
- in the course, or for the purposes, of a relevant action or proceedings; or
- in relation to a situation where a person is being subjected to violence or there is an imminent threat of violence to a person; or
- in accordance with an order of a judge under this Division; or
- otherwise in the course of duty or as required or authorised by law.

Subclause (2) prohibits a person from knowingly using, communicating or publishing information or material derived from the use of a listening device or an optical surveillance device in circumstances where the device was used in the public interest except in accordance with an order of a judge under this Division.

Subclauses (3) and (4) regulate the use, communication and publishing of information or material derived from the use of a listening device or an optical surveillance device by licensed investigation agents and loss adjusters.

The maximum penalty for any of the offences under this clause is $50,000 for a body corporate or $10,000 for a natural person.

10—Orders authorising use, communication or publication of certain information or material

This clause provides that, for the purposes of clause 9, a person may, in accordance with the rules of court, apply to a judge for an order authorising the use, communication or publication of information or material derived from the use of a listening device or an optical surveillance device.

Such an order may—

- specify the information or material the subject of the order; and
- specify the manner in which, and to whom, the specified information or material is to be used, communicated or published; and
- may contain conditions and limitations and any other matter as the judge thinks fit.

Part 3—Surveillance device warrants and surveillance device (emergency) authorities

Division 1—Surveillance device (tracking) warrants

11—Application of Division

This clause provides that this Division applies if, for the purposes of the investigation of a matter by an investigating agency, the agency requires the authority—

- to install on a vehicle or thing situated in a public place, or in the lawful custody of the agency, 1 or more tracking devices; and
- to use those devices.

12—Application procedure

This clause sets out the application procedure for the issue, variation or renewal of a surveillance device (tracking) warrant by an officer of an investigating agency to the chief officer of the agency.

13—Surveillance device (tracking) warrant

This clause sets out the grounds on which the chief officer of a law enforcement agency to whom application is made to issue a surveillance device (tracking) warrant and specifies the information that must be set out in the warrant.

Subject to any conditions or limitations specified in the warrant—

- a warrant authorising the use (in a public place or elsewhere) of a tracking device in respect of the geographical location of a specified person or a person whose specific identity is unknown who, according to the terms of the warrant, is suspected on reasonable grounds of having committed, or being likely to commit, a serious offence will be taken to authorise interference with any vehicle or thing situated in a public place, or in the lawful custody of the relevant investigating agency, as reasonably required to install, use, maintain or retrieve the device for that purpose; and
- a warrant authorising (whether under the terms of the warrant or by force of the preceding paragraph) interference with any vehicle or thing in a public place, or in the lawful custody of the relevant investigating agency, will be taken to authorise the use of reasonable force or subterfuge for that purpose; and
- the powers conferred by the warrant may be exercised by the responsible officer or under the authority of the responsible officer at any time and with such assistance as is necessary.

Division 2—Surveillance device (general) warrants

14—Application of Division

This clause provides that this Division applies if, for the purposes of the investigation of a matter by an investigating agency, the agency requires the authority to do any or all of the following:

- to use 1 or more types of surveillance device (including a tracking device);
- to enter or interfere with any premises for the purposes of installing, using, maintaining or retrieving 1 or more surveillance devices;
- to interfere with any vehicle or thing for the purposes of installing, using, maintaining or retrieving 1 or more surveillance devices.

15—Usual application procedure

This clause sets out the application procedure for the issue, variation or renewal of a surveillance device (general) warrant by an officer of an investigating agency to a judge of the Supreme Court. Subject to clause 16, an application must be made by providing the judge with a written application and by appearing personally before the judge. The clause sets out the information that must be specified in the application and provides that the application must be accompanied by an affidavit verifying the application.

16—Remote application procedure

This clause sets out the procedure for a remote application for a surveillance device (general) warrant if it is impracticable in the circumstances to make an application according to the procedure set out in clause 15. In those circumstances, an application for the issue, variation or renewal of a surveillance device (general) warrant may be made by fax, email, telephone or other electronic means. This clause sets out the procedure to be followed in relation to any such application.

17—Surveillance device (general) warrant

This clause provides that a judge may issue a surveillance device (general) warrant on application if satisfied that there are in the circumstances reasonable grounds for so doing. The clause sets out other matters that must be specified in the warrant, including that the warrant may specify a code name rather than a real name if satisfied that the disclosure of a person's name in the warrant may endanger a person's safety. Subject to any conditions or limitations specified in the warrant—

- a warrant authorising the use of a surveillance device in respect of the conversations, activities or geographical location of a specified person, or a person whose identity is unknown, who, according to the terms of the warrant, is suspected on reasonable grounds of having committed, or being likely to commit, a serious offence will be taken to authorise—
  - entry to or interference with any premises, vehicle or thing as reasonably required to install, use, maintain or retrieve the device for that purpose; and
  - the use of the device on or about the body of the person; and
- a warrant authorising (whether under the terms of the warrant or by force of paragraph (a)(i)) entry to or interference with any premises, vehicle or thing will be taken to authorise—
  - the use of reasonable force or subterfuge for that purpose; and
  - any action reasonably required to be taken in respect of a vehicle or thing for the purpose of installing, using, maintaining or retrieving a surveillance device to which the warrant relates; and
  - the extraction and use of electricity for that purpose or for the use of the surveillance device to which the warrant relates; and
- a warrant authorising entry to specified premises will be taken to authorise non-forcible passage through adjoining or nearby premises (but not through the interior of any building or structure) as reasonably required for the purpose of gaining entry to those specified premises; and
- the powers conferred by the warrant may be exercised by the responsible officer or under the authority of the responsible officer at any time and with such assistance as is necessary.

Division 3—Surveillance device (emergency) authorities

18—Application procedure

This clause sets out the procedure for an officer of an investigating agency to make an application (in person, in writing or by fax, email, telephone or other means of communication) to the chief officer of the agency for a surveillance device (emergency) authority in relation to the use of a surveillance device. The clause sets out the grounds and circumstances on which such an application may be made.

19—Surveillance device (emergency) authority

This clause provides that the chief officer of a law enforcement agency to whom an application is made may, if satisfied that there are, in the circumstances of the case, reasonable grounds to do so, grant a surveillance device (emergency) authority in relation to the use of a surveillance device authorising the officer to do 1 or more of the following (according to its terms):

- the use of 1 or more types of surveillance device;
- entry to or interference with any premises as reasonably required for the purposes of installing, using, maintaining or retrieving 1 or more surveillance devices;
- interference with any vehicle or thing as reasonably required for the purposes of installing, using, maintaining or retrieving 1 or more surveillance devices.

The clause sets out the matters that must be specified in the surveillance device (emergency) authority, including any conditions and limitations on the authority. The powers that may be authorised under a surveillance device (emergency) authority are similar to the powers that may be authorised by a surveillance device warrant.

20—Application for confirmation of surveillance device (emergency) authority etc.

This clause provides that the chief officer of a law enforcement agency must, within 2 business days after granting an emergency authorisation, make an application (by personal appearance following the lodging of a written application) to a judge for approval of the granting of, and the exercise of powers under, the emergency authorisation. Any such application must not be heard in open court.

21—Confirmation of surveillance device (emergency) authority etc.

On hearing an application under clause 20, the judge—

- must—
  - if satisfied that the granting of the surveillance device (emergency) authority, and the exercise of powers under the authority, was justified in the circumstances, confirm the authority and the exercise of those powers; and
  - cancel the surveillance device (emergency) authority; and
  - if a surveillance device (general) warrant is sought and the judge is satisfied that there are reasonable grounds to issue a warrant in the circumstances—issue a surveillance device (general) warrant;
- may, if not satisfied that the circumstances justified the granting of the surveillance device (emergency) authority, make 1 or more of the following orders:
  - an order that the use of the surveillance device cease;
  - an order that, subject to any conditions the judge thinks fit, the device be retrieved;
  - an order that any information obtained from or relating to the exercise of powers under the authority, or any record of that information, be dealt with in the way specified in the order;
  - any other order as the judge thinks fit.

If a judge confirms a surveillance device (emergency) authority, and the exercise of powers under the authority, evidence obtained through the exercise of those powers is not inadmissible in any proceedings merely because the evidence was obtained before the authority was confirmed.

Division 4—Recognition of corresponding warrants and authorities

22—Corresponding warrants

This clause provides that a corresponding warrant may be executed in this State in accordance with its terms as if it were a surveillance device (tracking) warrant or surveillance device (general) device warrant (as the case may be) issued under this measure.

23—Corresponding emergency authorities

This clause provides that a corresponding emergency authorisation authorises the use of a surveillance device in accordance with its terms in this State, as if it were a surveillance device (emergency) authority granted under this measure unless the judge has ordered, under a provision of a corresponding law, that the use of a surveillance device under the corresponding emergency authority cease.

Division 5—Miscellaneous

24—Management of records relating to surveillance device warrants etc.

The chief officer of an investigating agency by whom a surveillance device (tracking) warrant is issued, or a surveillance device (emergency) authority is granted, must cause the application and the warrant or authority (and any copy of the warrant or authority) to be managed in accordance with the regulations.

A judge by whom a surveillance device (general) warrant is issued, varied or renewed must cause each of the following to be managed in accordance with the rules of the Supreme Court:

- the application;
- the warrant (and any duplicate or copy of the warrant) as issued, varied or renewed;
- any code name specified in the warrant;
- the affidavit verifying the application.

25—Limitations on use of information or material derived under this Part

This clause provides that a person must not knowingly communicate or publish information or material derived from the use (whether by that person or another person) of a surveillance device under an authority under this Part except—

- to a person who was a party to the conversation or activity to which the information or material relates; or
- with the consent of each party to the conversation or activity to which the information or material relates; or
- for the purposes of a relevant investigation; or

- for the purposes of a relevant action or proceeding; or
- otherwise in the course of duty or as required by law; or
- if the information or material has been taken or received in public as evidence in a relevant action or proceeding.

The maximum penalty for an offence against this provision is $75,000 for a body corporate, and $15,000 or imprisonment for 3 years for a natural person.

Part 4—Register, reports and records

26—Interpretation

This clause defines the class of persons to whom this Part applies.

27—Register

This clause provides that the chief officer of an investigating agency (other than the ACC) must keep a register of warrants and authorities issued to the agency under this measure and specifies the information that must be contained in the register.

28—Reports and records

This clause makes provision for the reports that must be given to the Minister by the chief officer of an investigating agency (other than the ACC) in relation to surveillance device warrants issued to officers of the agency under this measure and the uses and outcomes relating to such warrants.

29—Control by investigating agencies of certain records, information and material

This clause provides that the chief officer of an investigating agency must keep certain records and information relating to warrants and authorities under this measure, and control, manage access to, and destroy any such records, information and material, in accordance with the regulations.

30—Inspection of records

This clause provides that the review agency for an investigating agency may, at any time, and must, at least once in each period of 6 months, inspect the records of the agency for the purpose of ascertaining the extent of compliance with this measure. The review agency must, not later than 2 months after the completion of any such inspection, provide the Minister with a written report on the inspection.

31—Powers of review agency

This clause sets out the powers of a review agency for an investigating agency for the purposes of carrying out an inspection under this Division. Under this clause, it is an offence (the penalty for which is $15,000 or imprisonment for 3 years) to refuse or fail to comply with a requirement of the review agency under this clause, or to hinder or give false or misleading information to the review agency.

Part 5—Miscellaneous

32—Offence to wrongfully disclose information

This clause provides that it is an offence for a person to knowingly communicate or publish information or material about a surveillance device warrant or surveillance device (emergency) authority except—

- as required to do so under this measure; or
- for the purposes of a relevant investigation; or
- for the purposes of a relevant action or proceeding; or
- in the course of proceedings for an offence against this measure; or
- otherwise in the course of duty or as required by law.

The maximum penalty for an offence against this provision is a fine of $50,000 for a body corporate or, in the case of a natural person, a fine of $10,000 or imprisonment for 2 years.

33—Delegation

This clause provides that the chief officer of an investigating agency may only delegate his or her functions under this measure to a senior officer (as defined in the clause).

34—Possession etc. of declared surveillance device

This clause provides for a mechanism by which the Minister may, by notice in the Gazette, declare that this clause applies to a surveillance device or a surveillance device of a class or kind specified in the notice. A person is prohibited from having in his or her possession, custody or control any such declared surveillance device (the penalty for which is, for a body corporate, a fine of $50,000 and, for a natural person, $10,000 or imprisonment for 2 years) without the consent of the Minister.

35—Power to seize surveillance devices etc.

This clause provides that, if an officer of an investigating agency suspects on reasonable grounds that—

- a person has possession, custody or control of a declared surveillance device without the consent of the Minister; or
- any other offence against this measure has been, is being or is about to be committed with respect to a surveillance device or information derived from the use of a surveillance device,

the officer may seize the device or a record of the information.

36—Imputing conduct to bodies corporate

This clause makes provision for certain conduct to be imputed as conduct of a body corporate.

37—Evidence

This clause makes provision for evidence in proceedings for offences in the usual terms.

38—Forfeiture of surveillance devices

This clause makes provision for the forfeiture of surveillance devices in the case of a conviction of an offence against this measure.

39—Regulations

This clause provides that the Governor may make regulations for the purposes of this measure.

Schedule 1—Related amendments, repeal and transitional provisions

This Schedule makes related and consequential amendments to the *Criminal Investigation (Covert Operations) Act 2009* and the *Director of Public Prosecutions Act 1991*; repeals the *Listening and Surveillance Devices Act 1972*; and makes provision for transitional arrangements consequent on the repeal of that Act and the enactment of this measure.

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

SUPPLY BILL 2014

Second Reading

Adjourned debate on second reading (resumed on motion).

The Hon. G.A. KANDELAARS (16:50): I rise to speak in support of the Supply Bill 2014. The Supply Bill 2014 provides for $3.941 billion to be appropriated to the Consolidated Account. This will provide sufficient appropriation to meet the government's expenditure requirement from 1 July 2014 until approximately the end of September, and it will ensure that government services can continue to be provided until assent is given to the Appropriation Bill 2014. These funds will be administered by the Department of Treasury and Finance to agencies in accordance with the Supply Act and financial controls governing public accounts.

There is no doubt that the framing of the Appropriation Bill 2014 will provide the government with substantial challenges, given the recent federal budget which sees a significant reduction in federal government funds available to the state government over the forward estimates—something in the order of $898 million. That is a massive hit which will unfortunately lead to a reduction of services to ordinary South Australians.

Two big ticket items in every budget are public health and education. Across Australia, $50 billion of federal funding has been cut from hospitals over the next decade and a further $30 billion from schools; that is $80 billion of cuts proposed in both public health and education over the next decade—a massive hit.

South Australia is blessed with a great number of doctors, nurses and allied health professionals who dedicate their lives to the health and wellbeing of our community. I commend each and every one of these individuals. In fact, the state government has worked hard over the past 12 years to make South Australia's health system the best in the nation, with more doctors and nurses per head of population than any other state.

Last week, I visited the Riverland General Hospital at Berri. The state government has invested over $36 million in redeveloping this important regional medical facility servicing over 30,000 Riverland residents. The redeveloped Riverland hospital sees a revamped emergency department, with two new resuscitation bays, three treatment bays, a consulting room, a new

reception and new office space. The new ED also includes a fast-track treatment room for patients coming in with very minor injuries so that they can be treated quickly by a nurse, taking pressure off the capacity to treat more serious injuries.

The hospital also has a new rehabilitation unit which is open to both inpatients and outpatients. The new purpose-built rehab unit will enable patients to come home from hospital in Adelaide earlier and receive their rehabilitation closer to their homes, friends and families. The unit includes a new gym, three treatment bays, five consulting rooms, a group rehabilitation area, an external exercise courtyard, dining and lounge facilities. It also includes special training areas with a kitchen, bathroom and laundry to enable patients to relearn basic skills, such as preparing their meals and washing clothes. The redevelopment of the Riverland General Hospital has also seen two new theatres, a procedure room, a new central sterilisation department and a new outpatient consulting suite constructed, and wards have been converted into single-bed rooms with ensuite bathrooms.

The new mental health unit is being finalised and should open in July. The Riverland General Hospital redevelopment is an example of the investment the state government has made in the state's public health system and to regional South Australia. The government wishes to continue to provide quality public health care to South Australians, care which people in this state expect but which has been made so much more difficult given the recent budget decisions of the federal government.

The Hon. J.S.L. DAWKINS: Point of order, Mr President. I have patiently listened while the honourable member has talked about the Riverland General Hospital, but he has gone back to talking about federal budget decisions. This debate is about the Supply Bill, which is about the state government's provision of money towards the funding of the Public Service to perform the deeds of the state government, not the federal government.

The PRESIDENT: I thought that what Mr Kandelaars was getting at was some of the decisions in the state are due because of the outcome of the federal budget. I think that is what he is getting at. There is no debate on this.

The Hon. G.A. KANDELAARS: That is exactly my argument, Mr President.

The Hon. J.S.L. DAWKINS: Point of order, again. It is about the state budget, and to be continually referring to the federal budget, as the Hon. Mr Kandelaars did earlier in his piece before he referred to the Riverland General Hospital, is in my view out of order, sir, and I would ask you to ask him to concentrate on the state Supply Bill.

The PRESIDENT: The Hon. Mr Kandelaars, if you are referring to the federal budget, put it in the context of how it relates to the state budget.

The Hon. G.A. KANDELAARS: I will certainly do that, sir.

The PRESIDENT: Hon. Mr Wade.

The Hon. S.G. WADE: Point of order, sir. I suggest that your guidance to the Hon. Mr Kandelaars might be more specific because the federal budget which the Hon. Mr Kandelaars is referring to relates to the 2014-15 financial year. This Supply Bill relates to the completion of the 2013-14 financial year. If the member wants to explain to us how, retrospectively, a future federal budget is affecting expenditure that has already been approved by this parliament, that would be educational.

The PRESIDENT: The Hon. Mr Wade, we went through a week of Address in Reply speeches where the speeches were very often personal and not in relation to the Governor's speech. We tolerated that. Naturally, this is about the state budget, but if the Hon. Mr Kandelaars wants to put it in the context of decisions made because of the outcome of the federal budget I think that is up to Mr Kandelaars. Mr Kandelaars.

The Hon. G.A. KANDELAARS: Mr President, I will continue. As the federal budget has immediately wiped out $600 million from the South Australian budget over the next four years, it is very relevant—

The Hon. J.S.L. DAWKINS: Point of order. The honourable member has taken no indication from you of your guidance, and I think he should. He has gone directly back to his text and not taken any indication of what you are hoping he may well do, and I ask you to ask him to do so.

The PRESIDENT: This is to all members, and I will take notice of it. The Supply Bill is all about the supply of money to keep the government going, and I think all members should relate their speeches to that. The Hon. Mr Kandelaars, if you want to continue. I will say this, though: I think we are getting a little bit precious at this particular time. When we went through those—

The Hon. S.G. Wade interjecting:

The PRESIDENT: No, I am speaking. When we had to go through the Address in Reply speeches and the abuse of parliamentary privilege used to tarnish the reputation of quite a number of people, I think you are getting a little bit precious, the Hon. Mr Wade. The Hon. Mr Kandelaars.

The Hon. G.A. KANDELAARS: Taking note of your position, Mr President, I must say that there are enormous pressures coming forward in relation to the proposed federal budget. If we look at some of the impacts potentially coming forward we should have a look at some of the programs that are currently undertaken in terms of preventive health care. In terms of that, I am a type 2 diabetic. As a result of some of the decisions being made, the ability of our state system to ensure that primary health care does not overflow to our emergency departments is closely linked to some of the decisions that are currently being made.

Some of the potential problems that result from people not seeking appropriate preventive medical care can be quite devastating. In terms of diabetes, for instance, there is the issue of blindness, kidney disease, circulatory problems and neuropathy, among other things. Decisions made that will force people into our emergency departments or, even worse, hospitalisation because they failed to attend to primary health needs early are going to have a significant impact on our public health system.

I think that is a critical issue for the people in this state. It is an issue that will come forward very quickly as a result of some of the decisions that have been made through the federal budget. We do have a very strong public health system here in South Australia and there are enormous strains that are likely to impact on that.

In terms of other areas I will cover, in last year's 2013-14 budget which concludes in July, there was funding of $3.1 billion for education. The state expects to spend an extra $1.9 billion on education and childhood development over the next four years—that is to 2017-18. The state government now spends more than $1 billion extra per annum on schools compared to the previous Liberal government. Per student funding is now $14,600, nearly double that under the previous Liberal government, which spent $7,600 per student.

The 2013-14 budget supported the state government's strategic priority of every chance for every child through increased funding for child protection, support for families, and the relocation of some preschools to the same location as primary schools. In March, the South Australian electorate voted to continue the modernisation of the state's education system. They voted for the government's electoral commitments to invest $310 million on schools and preschools across the state, upskill teachers and principals, build a new CBD high school and expand Adelaide High School so that more inner suburban students can study in the city, and provide additional support to students by expanding counselling services to every single primary school. The intent is to transform three more of the high schools into specialist schools, providing opportunities for students to excel in their area of interest. We also plan to expand services in our children's centres.

Obviously, one of the great issues we have is that the state government also signed up to the Gonski Better Schools reform package. That package is seriously under threat and that will have long-term consequences for every South Australian student. South Australian students stand to lose, thanks to Tony Abbott and Christopher Pyne—

The Hon. J.S.L. DAWKINS: Point of order. I think the honourable member knows that when you are referring to colleagues in another parliament of the commonwealth they should be referred to by their proper title, either by their position or their seat or by 'the Honourable'.

The Hon. K.J. Maher interjecting:

The Hon. J.S.L. DAWKINS: I have been here long enough to know it and so should you.

The PRESIDENT: No debate; the Hon. Mr Dawkins had the line. I think that all members, when referring to any person of note, should treat them with respect and the title that they have.

The Hon. G.A. KANDELAARS: As I said, these planned cuts through the federal government do have an impact on our financial position this year. These plans are impacting on people's confidence to even access services.

The Hon. S.G. WADE: Point of order, Mr President. On a point of relevance, standing order 186. It is not relevant to the Supply Bill 2014 what a future federal budget might do to the state finances. The Address in Reply is a broad reflection on the state of affairs of the state in the context of the Governor's speech. The Supply Bill is, indeed, a broad reflection on state affairs in relation to the 2013-14 financial year. I ask you to rule that the member is out of order under standing order 186.

The Hon. G.E. GAGO: Point of order. The Hon. Gerry Kandelaars did make a direct link with the proposed cuts and the impact—

Members interjecting:

The PRESIDENT: There is a member on their feet with a point of order.

The Hon. G.E. GAGO: The honourable member did make a direct link between the potential proposed cuts by the federal government and the Supply Bill here before us. He did make a direct link between that and also consumer confidence to access vital services, which go directly to impacting on supply.

The PRESIDENT: The Hon. Mr Kandelaars, if you could take the point that it is important that your speech is relevant. Do you want to continue? I will just make a comment here: I think all members should look at the difference between the Supply Bill and the Appropriation Bill because there is—

Members interjecting:

The PRESIDENT: I have been in this chamber and I have heard some amazing speeches from this side with regard to the Supply Bill, but I think it is important that we do distinguish between the Supply Bill, which is the appropriation of money to keep employees going, and the budget. The Hon. Mr Kandelaars, do you want to continue?

Members interjecting:

The Hon. G.A. KANDELAARS: All right, I will take your point. One thing that we need to recognise is that funding of both our health and education systems is not a bonus. A well-funded education system is a right for all our children. Now that is under threat, again, like health and education. I would like to commend all our principals, teachers and support staff who dedicate their life to nurturing and educating our children, who are the future of our community. These people deserve our support.

During the recent state election campaign the Premier, Jay Weatherill, committed to stand up to the federal government and fight for a better deal in South Australia.

The PRESIDENT: Order! Can you sit down, Hon. Mr Kandelaars? Steve, please, the Hon. Mr Wade, will you please stay over there? You look like you are almost coming to fisticuffs there. I don't want to have to get tough on you, Hon. Mr Wade.

The Hon. T.A. FRANKS: Point of order. You should refer to members by their titles, not by their first names.

The Hon. G.A. KANDELAARS: As I said, the state government is committed to ensuring South Australia's health and education system leads the nation. We have been working hard to achieve this and investing substantial money to do it; there has been substantial investment in all major hospitals. For instance, as I said, take Berri or Mount Gambier, take Port Lincoln and Whyalla, there have been substantial investments in the regional hospital system in this state.

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

The Hon. G.A. KANDELAARS: Well, when we look at—

The PRESIDENT: Don't react. The honourable member will not react to interjections.

The Hon. G.A. KANDELAARS: —those opposite, who privatised the Modbury Hospital, who sold that off—

Members interjecting:

The Hon. G.A. KANDELAARS: What a disgrace. They come in here and complain about the investment we have made in public health. Take the new Royal Adelaide Hospital: it will be a state of the art facility. It is being built just down the road. Maybe those opposite have not seen all the cranes, have not seen the impact it has had on Adelaide—

The Hon. J.S.L. Dawkins: I know my granddaughter is going to be 35 before it's paid off.

The Hon. G.A. KANDELAARS: I just cannot believe those opposite. They sold off one of our major health facilities—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Hon. Mr Maher, the member is talking.

The Hon. G.A. KANDELAARS: —and they are here complaining about this state government investing in the health and wellbeing of people in this state. That is typical of those opposite. When are they going to stand up and fight for the interests of South Australia? When are they going to do that? Even their interstate colleagues have got the gumption to actually stand up and fight on behalf of—

The Hon. K.J. Maher: Not here, though.

The Hon. G.A. KANDELAARS: We are waiting for it; we do not see it. The cuts that are possible—

Members interjecting:

The Hon. G.A. KANDELAARS: We have been increasing services to both regional and metropolitan areas. Those services are significantly under threat and it is about time that those opposite started to stand up on behalf of the community of South Australia, stand up to those in other places who want to rip apart our social structure. It is about time they did stand up.

I will conclude by commending this bill to the council. It will ensure ongoing operations while the Appropriation Bill 2014-15 is dealt with. And I will note their comments when they get up and speak to the Supply Bill.

The PRESIDENT: I think I have been very tolerant on the debate with regard to supply, but I think all members should realise—as I have stated before—that there is a difference between the Supply Bill and the Appropriation Bill. I think it is important that that is reflected appropriately by all members when they are making their speeches.

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

CRIMINAL LAW (SENTENCING) (CHARACTER EVIDENCE) AMENDMENT BILL

Introduction and First Reading

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

At 17:16 the council adjourned until Tuesday 17 June 2014 at 14:15.