LEGISLATIVE COUNCIL

Wednesday 23 June 2010

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:19 and read prayers.

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.P. WORTLEY (14:21): I bring up the third report of the committee.

Report received and read.

PAPERS

The following papers were laid on the table:

By the Minister for Mineral Resources Development (Hon. P. Holloway)—

Parole Board of South Australia—Report, 2008-09

By the Minister for State/Local Government Relations (Hon. G.E. Gago)—

Reports, 2008-09—
Central Northern Adelaide Health Service
South Australian patient Safety

POLICE NUMBERS

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:23): I table a copy of a ministerial statement relating to police numbers made earlier today in another place by the Hon. M.J. Wright.

The Hon. D.W. Ridgway: How come the crime rate is still going up?

The Hon. P. HOLLOWAY: It's not actually; it's going down. You haven't read it.

ADELAIDE PACIFIC INTERNATIONAL COLLEGE

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:23): I table a copy of a ministerial statement relating to the Adelaide Pacific International College made earlier today in another place by the Hon. J.J. Snelling.

QUESTION TIME

LEE, PROF. L.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:25): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question relating to the integrated design commission and in particular Ms Laura Lee.

Leave granted.

The Hon. D.W. RIDGWAY: Late during question time yesterday, the minister tabled the magazine *Place.* He said in *Hansard* that it was the June 2000 edition—I am sure he will correct it—but it is the June 2010 edition. It is the official publication of the Australian Institute of Architects, and he wanted me to look in particular at the fact that this journal features an interview with Professor Lee. He said that it 'explains in great detail from a body of our top architects in South Australia the integrated design'. He said that he was tabling it for the 'edification and benefit of the opposition'. I thank the minister for doing so.

Sadly, after reading the article, I am still no wiser and have not been able to learn of any practical architectural experience that Ms Lee has participated in. However, I did read with interest some of her comments in relation to integrated design. I will quote from just a couple of paragraphs:

> The commission would have two roles to play: advocacy; building awareness of design in the environment and what its value is; and advising at the highest level of government. When we refer to an integrated design strategy there would be a consideration of broader issues relevant to the whole community, therefore critical siting decisions or even investment decisions about one project over another are made.

She goes on in a couple of paragraphs below:

> What are the development guiding principles for the city? Are the projects being developed with the right professionals, are they honouring and advancing those principles? It needs to be an organic but structured process. It would be a commission where you would pull in the appropriate experts at the appropriate time but again be at the highest level of decision-making before committing to build.

My question is: why did the government not seek this type of high-level advice before committing to build the new RAH on the rail yards site?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:27): I would have thought that the very reason we invited such an eminent international urban designer as Professor Laura Lee to this state was so that we could improve the design of our state, and integrated design is exactly what this state needs.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Yes, we do need better design in this city, and that is exactly why we wish to have somebody of international stature to gain the benefit of that.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Ridgway will have to calm down.

The Hon. P. HOLLOWAY: Destroying our city? Clearly, the only way—

Members interjecting:

The Hon. P. HOLLOWAY: Presumably that means that the honourable member believes that Adelaide Oval should remain a 19th century museum piece for cricket. Presumably, he will be going along dressed like Dr W. Grace, with a long beard. The fact is—

The Hon. D.W. Ridgway: You got it wrong. You didn't ask anybody about the hospital, did you?

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: What a pity the Leader of the Opposition was not in Melbourne when they did the MCG. He could have kept the old facilities at the MCG. If he had been in Melbourne, he might have been able to keep the MCG like it was, without building a new stadium, which just happens to be the most popular sporting stadium in this country. What a tragedy he was not able to keep that stadium as it was in the 19th century.

What a tragedy that he was not up at the Gabba. What a tragedy that he was not in Brisbane to stop the Gabba being converted into a modern stadium. What a tragedy that the people of Brisbane did not have the benefit of his opinion. What a tragedy that they could still have the Brewongle Stand at the SCG, even though it would have been uncomfortable and no-one would have used it. What a tragedy that his views did not prevail in Sydney so they could have had that stadium.

The reason that we are now in the process of establishing an integrated design commission is so that we can get better design in the city. We are doing it because the way in which designing has been done in the city in the past has left a lot to be desired in terms of linking it up. The provision of the facility at the new Royal Adelaide Hospital is compatible with the principles of integrated design. We are starting to build this—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Honestly, Mr President—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order! The minister might have come to the conclusion that the Hon. Mr Ridgway is not interested in his answer.

PLUMBING INDUSTRY REGULATION

The Hon. J.M.A. LENSINK (14:31): I seek leave to make an explanation before asking the Minister for Consumer Affairs a question about plumbing industry regulation.

Leave granted.

The Hon. J.M.A. LENSINK: The Plumbing Industry Association issued before the election a manifesto called 'Change for Good'. In reading the manifesto, it is fairly evident that they are quite frustrated with the current system of registration. In the manifesto, they state that they do not believe that the splitting of regulatory and licensing responsibilities between SA Water and OCBA has been effective. The association's document states:

> The licensor has little or no practical understanding of plumbing regulation and plumbing practice. They are not in a good position to determine who should or should not be licensed.

In a recent meeting with them, they expressed to me that they had concerns with a number of areas, in particular, that shoddy work is going on in South Australia at the moment that is directly related to the regulatory system. I note that there is discussion to move to a national licensing model, but the PIA would prefer that reforms were put in posthaste. My questions are:

1. Is the minister aware of the PIA's concerns and has she responded to them?

2. Does the minister have any intention to reform the current system?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:33): I thank the honourable member for her most important questions. My understanding is that, in terms of the role of the Commissioner for Consumer Affairs, all plumbing and gasfitting contractors and workers are required to be licensed and registered under the Plumbers, Gas Fitters and Electricians Act 1995. The distinction between licensed and registered is that plumbing and gasfitting contractors (those who carry out the business of performing the work) are licensed as well, I understand. Plumbing and gasfitting workers are obviously registered. The act is designed to ensure that people are licensed and/or registered and trade fairly.

I understand that the Commissioner for Consumer Affairs relies on the technical expertise of SA Water and the OTR, which are responsible for the monitoring of compliance with plumbing and gasfitting standards respectively. The commissioner may take action against a plumbing or gasfitting contractor's licence or worker's registration, relying on outcomes of SA Water or the OTR's investigations of substandard plumbing work, or where SA Water, the OTR or others provide technical evidence in relation to substandard plumbing or gasfitting.

SA Water is the technical regulator for things like sanitary plumbing, drainage and water plumbing connected to SA Water infrastructure. The Office of the Technical Regulator is the technical regulator for gasfitting and has responsibility under the Gas Act to establish and enforce proper safety and technical standards for gas installations and also appliances. There is ongoing liaison between OCBA, SA Water and the OTR.

I am aware that these are issues that reflect slightly different points of view on a number of matters. OCBA seeks advice from SA Water and the OTR on the competencies required to carry out specific types of plumbing, gasfitting work or proposals to issue licences for certain aspects of plumbing or gasfitting work. SA Water and the OTR refer instances of unlicensed and unregistered plumbing and gasfitting work detected by them to OCBA in their role as technical regulators.

I am advised that SA Water and the OTR participate in OCBA's regular consultation meetings with industry stakeholders, and we continue to work together to resolve those points of view and to ensure that the industry maintains good standards of practice and good competency levels and that the completed work can be monitored, checked and addressed wherever a problem is identified.

PLUMBING INDUSTRY REGULATION

The Hon. J.M.A. LENSINK (14:36): I have a supplementary question arising from the minister's answer. Do I take it then that there are no plans currently to merge those two roles?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:36): I would need to seek advice on that. I am happy to take that question on notice and bring back a response.

BURNSIDE COUNCIL

The Hon. S.G. WADE (14:36): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question about the investigation into the Burnside council.

Leave granted.

The Hon. S.G. WADE: Yesterday, the Minister for State/Local Government Relations made a ministerial statement regarding the status of the ongoing investigation into the Burnside council. The minister indicated that, from her correspondence with the investigator, the investigation was expected to be concluded in approximately eight weeks' time. The minister noted that she anticipated receiving the report in mid to late August.

Presumably, the minister will need to consider the report before deciding what action she proposes to take. Under section 273(3) of the Local Government Act, once the minister has received the report the minister must also give the council a reasonable opportunity to make submissions before any action on the report is taken.

On 22 July 2009, the minister committed to making the report on the investigation into the Burnside council public and tabling the results in parliament. However, the parliament will not sit until mid-September. Given the time frames outlined by the minister, it is quite probable that Burnside electors will not have an opportunity to review the findings of the investigation before nominations for the local government elections close on 21 September. This raises the real prospect that electors may be left with nominations only from those who are the subject of the report. Given the minister's prior commitments and the legislative requirements going forward, I ask:

1. Will the minister reaffirm her commitment to make the report on the investigation into the Burnside council public?

2. Will the minister release the report to the public at the same time as it is provided to the Burnside council?

3. Will the minister reaffirm her commitment to table the report in this place?

4. How long does the minister consider is a reasonable period within which to require the Burnside council to respond to the report before action is taken?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:38): I thank the honourable member for his questions. As I have already stated in this place, we certainly wish to expedite the full completion of this report and to address all matters that might be relevant to the report expeditiously.

I will endeavour to do everything in my power to expedite those parts of the process I have a role in. Clearly, as yet we don't know exactly the date the investigator will make the report available to me, so a lot of the actions resulting from that will obviously depend on whether the report is received early in August or late in August. One will simply have to wait to see when the report is delivered.

I have already put on the record on numerous occasions that I would table the report in parliament at my earliest possible convenience, provided there were no legal impediments to my doing that. I think I am wasting this chamber's time simply repeating the commitment I have already put on the record numerous times, but, anyway, I am happy to waste people's time again.

In terms of the timing of making the report available, as I said, it will depend on the content of the report, the complexities and whether there are associated actions in relation to those findings. It is a very speculative and hypothetical question. Clearly, the simpler the findings, the more quickly I will be able to deal with those matters: the more complex, obviously, a longer time will be needed. In terms of what is reasonable, as I said, it will depend on the complexity of the findings. I do not think it is in anyone's interest for me to speculate on those matters that are unknown.

MINERAL EXPLORATION

The Hon. B.V. FINNIGAN (14:42): My question is to the Minister for Mineral Resources Development. Will the Leader of the Government provide an update on developments within South

Australia's mining industry, particularly any news on how the number of mines has increased in the past eight years?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:42): I thank the honourable member for his very timely question. This government has worked hard during the past eight years to ensure that South Australia becomes a world-renowned destination for resource investment. Through the introduction of the Plan for Accelerating Exploration (PACE), we have attracted explorers to South Australia exceeding the State's Strategic Plan objective of stabilising annual expenditure at more than $100 million—compared with the paltry $40 million a year under the previous Liberal government.

The renewed interest in South Australia as a destination for exploration expenditure, fostered by the PACE program, has led to the discovery of many world-class ore bodies. Just as importantly, our streamlined regulatory approval processes and government support for mining have ensured a strong pipeline of projects flowing from these discoveries. Increasing exploration is one thing, but we have also been successful again and again in transforming these important significant discoveries into new mining projects.

South Australia now has 12 operating mines—up from four when we came to office in 2002. The most recent project to round out the dozen is Cairn Hill near Coober Pedy, which went into production earlier this month. This magnetite copper and gold project is the first iron ore mine in South Australia outside the area historically known as the Iron Triangle. Of course, the Upper Spencer Gulf region is a major milestone for South Australia's mineral resources industry. IMX Resources is to be congratulated on conducting the first blast of ore at phase 1 of the Cairn Hill project earlier this month.

The Cairn Hill project (which is located 55 kilometres south-east of Coober Pedy) is close to the Adelaide to Darwin rail line, making it possible to export oil from the Port of Adelaide to buyers in China. I am confident the government's continued support for mining, our one-stop shop approvals process and the quality of our ore bodies will ensure that the number of operating mines will increase to 16. That is a fourfold increase in less than a decade.

This month, I also had the privilege to take part in the official opening ceremony for one of the other 12 operating mines in this state. The White Dam gold mine near Broken Hill recently poured its first gold ahead of schedule, making the Polymetals and Exco Resources project—

The Hon. R.L. Brokenshire interjecting:

The Hon. P. HOLLOWAY: Yes, or *The Barrier Daily Truth;* exactly. It is a very worthy publication, *The Barrier Daily Truth*. The White Dam gold mine is bringing significant benefits to regional South Australia, creating jobs for local people and generating around $2.8 million in wages for the life of the project. The total capital expenditure of White Dam is $14.3 million and the mine will also make use of local contract services and suppliers, including fuel suppliers, and even some services provided by local pastoralists.

Adelaide-based Lucas Earthmovers has been selected as the primary mining contractor, generating a contract in their own right worth $30 million. The multiplier effect of mining is well in evidence in the project, with much of the $60 million in total forecast operating costs from White Dam expected to flow back into the region.

I understand that production at the mine is scheduled to be about 50,000 ounces of gold a year. That is not a huge amount by any stretch of the imagination but is still a notable contribution to the state's economy. What is also pleasing about this project is that the initial investment in White Dam provides both of the joint venture partners with an opportunity further to explore the development potential of the nearby Vertigo and the White Dam North deposits. I hope that all members will join me in wishing both Polymetals and Exco Resources all the best for their future work on White Dam and their other projects in the Curnamona province.

SOUTH AUSTRALIAN AQUATIC AND LEISURE CENTRE

The Hon. T.A. JENNINGS (14:46): I seek leave to make a brief explanation before asking the minister representing the Minister for Recreation, Sport and Racing a question about the Marion Swimming Centre, otherwise known as the State Aquatic Centre construction site.

Leave granted.

The Hon. T.A. JENNINGS: I have been quite disturbed by reports from workers on the site at Oaklands Park of the proposed State Aquatic Centre that the Premier's office contacted the construction site to organise a photo shoot. That is not problem in itself. However, on a visit to the site, the staff who are in the PR department were concerned that it would not look like much has been done in the last month or so at the site. Anyone who is familiar with the construction would understand that, at the moment, the footings are all down but it does not look like much is going on, and there is much work to be done.

They raised the concern that it would not look good for the photo opportunity and they asked if wall structures could perhaps be put up sometime soon in the process because that would make a better backdrop for the public relations photo shoot. It was explained to the staff of the Premier's office that this was not really possible because the wall structures were currently being painted at the paint shop. They were off site and not ready to go in as yet.

Apparently, the public relations staff insisted that they should get their priorities right, bring in the wall structures and erect them, despite the fact that they had not yet been painted. That was duly done. The wall structures were transported to the site, erected for the shoot, and then they were removed and sent back to the paint shop. I understand that, when the time came to do the photo shoot, the Premier was not available because, as we know, he was overseas.

It is reported to me that the cost of this work—taking the structures from the paint shop, transporting them to the construction site, erecting them, and then of course taking them down—including machinery and labour, I do believe, amounted to approximately $40,000.

Can the minister confirm to the council what was the exact amount of money that was unnecessarily expended in the name of a public relations exercise for the Premier's office?

The Hon. S.G. Wade: Taxpayers' money.

The Hon. T.A. JENNINGS: Taxpayers' money. Can the minister also clarify what is the public relations budget for the State Aquatic Centre project? Will it absorb this particular cost? Did it, indeed, predict this exorbitant and, I believe, unnecessary cost? If so, is this standard government practice for similar government projects? If it was not predicted, can the minister give an indication where this expense will be borne? Will it be by the project itself or will it be allocated to a public relations budget in the Premier's department, specifically his office? If it is to be borne by the project, how does the minister justify this when community sport and recreation are currently so starved of funds?

The PRESIDENT: The honourable minister will disregard the opinion in the question.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:50): The honourable member I think said the information had come from a worker down there. Is that correct?

The Hon. T.A. Jennings: Several workers.

The Hon. P. HOLLOWAY: By a worker, yes. Undoubtedly, the honourable member sought to see if the facts were correct, did she?

Members interjecting:

The Hon. P. HOLLOWAY: Did the honourable member make any attempt to see if those facts were correct?

Members interjecting:

The Hon. P. HOLLOWAY: Let's investigate this. The idea that somehow or other there would be hoardings put up when the Premier was away sounds to me to be completely fanciful, but I will make sure my colleagues make investigations.

I would remind the honourable member that, although it is easy to get cheap publicity out of this place, it is incumbent upon members of parliament to at least make some initial inquiries. There are lots of rumours that float around this town—lots and lots of rumours—but a lot of them are not necessarily correct. However, we will investigate the matter and see what the facts are.

MURIEL MATTERS

The Hon. I.K. HUNTER (14:51): I seek leave to make a brief explanation before directing a question about Muriel Matters to the Minister for the Status of Women.

Leave granted.

The Hon. I.K. HUNTER: Muriel Lilah Matters was born in Bowden, Adelaide, South Australia, on 12 November 1877 and was a tireless campaigner for prison reform, equal pay for equal work, restoring the rights of women in the breakdown of a marriage and also, naturally, for universal suffrage in Great Britain. I understand indeed that she had her own show last weekend as part of the Cabaret Festival. Will the minister provide the chamber with information about the Muriel Matters Society and, indeed, tell us why Muriel does matter?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (14:52): I thank the honourable member for his most important question. On Sunday 13 June this year, I attended a wonderful historic event at our own Adelaide Town Hall. It was a theatrical performance, entitled *Why Muriel Matters*, which described the life of Muriel Matters, a remarkable young South Australian woman, who until recently did not receive anywhere near the recognition that she truly deserves.

What gave the event its historic quality was the fact that the performance took place on the 100th anniversary, to the day, of Muriel's own sell-out public speaking engagement at that very same town hall. The speaking engagement on 13 June 1910 would have been a triumphant homecoming for a young South Australian woman who had gone forth into the world and returned as a more than gifted orator and stage performer. She was also an outspoken advocate for the rights of women and quite a daring political campaigner for numerous causes, including prison reform.

The 2010 event was, I am very happy to say, equally triumphant. Written by Sheila Duncan and directed by Catherine Campbell, *Why Muriel Matters* took us through Muriel's amazing life with a series of songs and stories. Teresa de Gennaro and Carol Young, the two actors who were the stars of the show, did so with a great deal of charm, style and panache that did Muriel very proud.

Born in Bowden in 1877, Muriel Matters was inspired by the writings of Walt Whitman and Henrik Ibsen. As a teenager, her political views were also shaped by pioneering social reforms in South Australia, where, as we are aware, in 1894 we became the first jurisdiction in the world to allow women to stand for parliament and the second in the world to grant women the right to vote.

Relocating to England to pursue her acting aspirations, Muriel Matters gained political immortality as the first woman to give a speech in the House of Commons, albeit chained to the Ladies' Gallery with, I think, a lock and chain. That act of defiance led her to serve time in prison, before she returned to campaigning for women's rights, featuring an airship, and I have to say that the airship was pretty flimsy. I cannot believe that Muriel and the chap who helped her fly the thing actually got up in this rickety, very flimsy, floating apparatus that reached quite significant heights. She went up in that airship and flung out leaflets calling for votes for women. She also stood for election to the British parliament. Unfortunately, it would be nearly 20 years until British women received full suffrage on the same terms as men. Muriel lived until the age of 92 and died in Hastings in the UK in 1969.

To honour the centenary of her return to Australia in 1910, when she conducted an extensive lecture tour, the Muriel Matters Society commissioned this very timely production. Her story would have remained relatively unknown if it had not been for the Muriel Matters Society. The society was started by Frances Bedford MP, and supported by the Hon. Stephanie Key MP, who have both worked tirelessly and enthusiastically to make us aware of the significant role Muriel played in gaining rights for women in the western world, and as a political reformer.

I pay particular tribute to the hard work Frances has put in to getting Muriel Matters recognised, and acknowledge her for that. She has made an incredible effort in researching her story and making us aware of her importance, and she brought a packed audience—there were hundreds in attendance—to the Adelaide Town Hall to watch and listen to the quite incredible life of Muriel Matters. Thanks should also be directed to Stephanie Key MP, whose assistance helped make the performance possible.

As a female politician, it is an honour to pay tribute to the work of Muriel Matters and all those who have brought her name to public attention once again. I think South Australians should be very proud that such an entity was born here. I feel that in some way the spirit of Muriel Matters looks over our shoulders, daring us and challenging us to be true to the ideals of equality, education, industrial fairness and harmony. We can all be grateful for our own Muriel Matters, daughter of South Australia.

VISITORS

The PRESIDENT: I draw honourable members' attention to the presence in the gallery of the Hon. Mr Gilfillan.

QUESTION TIME

PUBLIC SECTOR PERFORMANCE COMMISSION

The Hon. R.L. BROKENSHIRE (14:58): I seek leave to make a brief explanation before asking the Minister Assisting the Premier in Public Sector Management a question regarding the Public Sector Performance Commission.

Leave granted.

The Hon. R.L. BROKENSHIRE: I refer the minister to information now in the public domain concerning the Public Sector Performance Commission, formerly the Government Reform Commission. The Government Reform Commission ran for two years (2006 to 2008) under former Queensland premier Wayne Goss. It was meant to 'establish a baseline against which to measure improved performance across the public sector' and to 'further develop the South Australian Executive Service'. One of its recent achievements was 'concluding a successful audit of inconsistencies that will see a rollout of a new framework'.

I note that in recent years the chief executive of the commission has had his salary more than doubled; the commission's staffing has swollen; it uses $1.61 million in salaries per annum; it had a $5.5 million establishment cost; and it costs $2.7 million per annum to run, notwithstanding that the government recently told 360 public servants that they would have to do more with less, as the public sector razor gang looms large.

The minister assisting the Premier, recently described in the media as the minister for public service management, was said to have been unable to cite one dollar of savings achieved by the commission. I feel for the minister here, whom I have time for, as he had to make the media comment, as he often has to, to take the rap for the senior government minister, in this case the Premier. My questions are:

1. What dollar savings for the budget has the commission achieved?

2. What are the key performance indicators for the commission and has it achieved them?

3. Is it fair for the Public Service to be asked to do more with less when commissions such as this one seem to be unaccountable?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:00): To address the last question first, the Public Service Performance Commission is not unaccountable. In fact—

The Hon. R.I. Lucas: A waste of space.

The Hon. P. HOLLOWAY: What we are getting is a policy from the Liberals and their friends, the suggestion that within our Public Service we should not worry about things like performance and recruitment, just leave it and do not have a central agency that is looking at lifting the performance and at how we can recruit the best young people from our universities into our Public Service, nor worrying about training them to give the best performance. Let's not worry about that. If you want to have a 19th century cricket oval, I guess you would have a 19th century public service too—it all fits rather well together.

To address some of the issues made in the press article to which the honourable member has referred, it was suggested that the Public Sector Performance Commission has at times expanded from 15 to 22 people. I am advised that the Public Sector Performance Commission has never had 22 staff. The highest number of people employed by the commission was 18 for a period of approximately one month. Currently 10 people are employed. It was claimed that the PSPC has seconded up to seven staff from other departments over and above its publicly stated staffing levels. I am informed this is not correct. All secondments are counted in the total staffing figure, which has never exceeded 18 and is currently 10. Secondments are a cost effective way of delivering time-limited projects.

I am also advised that the honourable member's claim that the PSPC cost $5.5 million to establish is incorrect. The establishment costs were met through the annual recurrent budget allocation. I believe the honourable member implied that the $1.6 million salaries allocation for 2008-09 is additional to this year's budget of $2.7 million. I am advised that the total budget for 2009-10 is $2.767 million, inclusive of salaries.

Claims were also made that the work of the Public Sector Performance Commission is about cutting jobs and finding budget savings. That is not correct; that is the job of the Sustainable Budget Commission. Rather, the job of the Public Sector Performance Commission is to promote efficiencies that will allow agencies to live within their tighter budgets. We have seen in budgets all around this country that in areas such as health and disability demand is growing far faster than revenue and, if we are to meet those demands, there is only one way to do it. Actually, there are two or three ways to do it: one is to keep increasing taxation, and the other way is to find efficiencies in other areas so we can meet the unmet demand, or some combination of those. There is no other way of doing it.

The Public Sector Performance Commission commenced effective operations from July 2008. It is steered by an outstanding private and public sector board comprising Professor Jennifer Westacott, Professor Roy Green, Estelle Bowman, Professor Barbara Pocock, Dr Tom Stubbs, Jim Hallion and Mal Hyde. It has a top board. The Public Sector Performance Commission has been involved in a number of key projects in this state. One was the Public Sector Act that went through. The honourable member talks about what savings it has made, and it would be very hard to quantify them, but we can say that the Public Sector Act, which has now been passed by both houses of parliament, will significantly change the way in which the public sector performs in this state, and it will undoubtedly improve the efficiency of it. How one quantifies those measures—and if we try to put a dollar figure on it the honourable member would argue with that.

I do not think anyone would argue—otherwise, presumably, it would have been rejected by the parliament—that there is a need to overhaul the legislation under which the public sector performs and the measures in which it does so. The PSPC designed and commenced the trialling of the high-performance framework, which is an improvement tool for public sector agencies. The framework helps set clear performance expectations and measures across the public sector with respect to key performance issues. If one does not want to have a body like this—

The Hon. R.I. Lucas: Hear, hear!

The Hon. P. HOLLOWAY: Well, there we are—hear, hear! The opposition says, 'Let's not even look at it.' I suppose one can understand that, if one does not look at things, one can hide things. It is a bit like the APY lands: 'Don't put any police up there because no-one will go up there. If it's all hidden, no-one will know what is happening, so nothing will happen up there.' The fact that under a Liberal government we had no police officers in the APY lands was a disgrace, but I guess it was politically successful because nobody looked at what was happening up there. So, all the things that were happening—petrol sniffing, child abuse and all that sort of thing—were not exposed.

We see from the comments of the shadow minister for tracking the broken promises of government that the opposition does not really believe in having some focus on improving performance within the public sector. What that high-performance framework does is build on the present annual chief executive performance appraisals to provide greater accountability for achieving strong results and to measure performance over time.

The South Australian public sector is the largest employer in South Australia. This is what the public sector also needs to do. The framework will assist in productivity improvement. It will help bring agencies together to work on performance issues cooperatively and it will help agencies to live within their budgets over the medium term.

We know what happened with the health commission when the shadow minister for tracking the broken promises of government was treasurer: they were all blowing out their individual budgets, so just before the 2002 election he told them to hide them. That was a shameful episode in this state's history. That was what was happening within the health budget: no attempt was made to try to improve the efficiency of dealing with those budgets; rather, it was just sort of leave them all out of the individual agencies and cover it up.

There has also been the development of a training guarantee for our South Australian Executive Service. We need to invest in leaders of the highest calibre, and that means ensuring—

An honourable member interjecting:

The Hon. P. HOLLOWAY: We are talking about our senior public servants being properly inducted into the service, that we develop their skills throughout their careers, and that we plan for succession. That is particularly important now with an ageing workforce in this state, and that is as true in the public sector as it is elsewhere. We have to plan for succession and the next group of leaders through good succession planning.

If we do not have a centralised agency of government—as the opposition clearly do not—how are we going to do that? We will be expecting higher performance from our executive leaders in the future. That means we need to invest in them. We need to invest in leaders who know where we will need to be in five to 10 years, with a plan to help get us there.

Last year, the Public Sector Performance Commission ran the state's first sector-wide South Australian Executive Service induction, with a second to take place in early July. Since the commission took over responsibility for the Executive Service on 1 July 2008, there has been a 77 per cent increase in membership, with 505 of the 568 eligible executives now members of the South Australian Executive Service. That was as at 31 March.

The Public Sector Performance Commissioner has also been working on cross-agency action teams and has been developing executive leaders through cross-agency arrangements on practical problem-solving projects, from improving ambulatory care to reducing the call on high user groups, on child protection and related services, developing executive leaders and improving how governments engage with communities. There is also the work of the PSPC, which has involved workforce plans.

The PSPC is developing plans to help use our workforce better for better services to the public. It is working on more efficient processes and practices, aimed at making the South Australian public sector an employer of choice. Our workforce is the key to higher productivity, and we must value and develop it across the whole of government. We need to improve coordination to deliver a strong workforce for the entire public sector. That is what the Public Sector Performance Commission is about; that is, it is about getting the best executives within our public sector and improving their calibre. The opposition clearly do not believe we need that.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: A waste of time! They really think that you just keep managing—don't worry that half of our senior executives will be retiring in the next few years; we will worry about it when it happens. That is obviously their attitude.

In the world we live in, we cannot afford the luxury of that attitude. We need to make sure that we are recruiting the best graduates from our universities who will be the leaders in the future. We have been very fortunate to have a high level Public Service within this state but, with all the extra competition we have, that will continue only if we continue to build a high calibre executive service. That is the key role for a very modest price if one were to compare it with what happens at other levels of government. That is exactly what the Public Sector Performance Commission is about.

The PRESIDENT: The Hon. Mr Darley has a supplementary question.

PUBLIC SECTOR PERFORMANCE COMMISSION

The Hon. J.A. DARLEY (15:11): Can the minister briefly explain the difference between the work undertaken by the Public Sector Reform Commission and the Commissioner for Public Employment?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:12): The Commissioner for Public Employment has a traditional role in relation to public sector issues, such as discipline and the like and those sort of issues that come up from time to time. The current holder of the position of Public Sector Performance Chief Executive was appointed by Warren McCann, the Commissioner for Public Employment.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: If anyone has no idea, really, it is the shadow minister for tracking the broken promises of government over there, who says that we should not bother about

it. For him, there is no need—don't worry about the public sector; it will look after itself. It is too bad if all the best graduates go to the private sector; we will just ignore it, it will just look after itself. If they get into government they will just do again what they did with the health commission—blowouts everywhere because of poor management. Just hide it in the agencies, conceal it and, when it all gets out, attack the head of the Treasury when he exposes it all afterwards—go and bag him. That is the sort of alternative policy we have had put before us today.

To get back to the honourable member's question, specifically, the Public Sector Performance Commission's role is to focus specifically on these performance issues, whereas the Commissioner for Public Employment deals with the more traditional regulatory aspects.

CRIME AND PUBLIC SAFETY

The Hon. J.S. LEE (15:14): I seek leave to make a brief explanation before asking the Leader of the Government a question about crime and public safety in South Australia.

Leave granted.

The Hon. J.S. LEE: The Premier has publicly commented that the Labor government is tough on crime and that it has increased the number of police officers in order to keep South Australian residents safe. However, according to the Commissioner for Social Inclusion, David Cappo, the reform of the juvenile justice system in South Australia scores a mere one out of 10, as reported on the *Channel Nine News* of 3 June 2010.

Monsignor Cappo's main concern is that the government is not working collaboratively in order to rehabilitate youth offenders properly. The high number of crimes covered in this month's *Sunday Mail* and *The Advertiser* has been extraordinary.

These are some examples. *The Advertiser* reported on 11 June that a Victor Harbor newsagent and a delivery driver were confronted and allegedly bashed by three youths at about 1am. *The Advertiser* of Saturday 12 June reported that a young woman, aged 22, was sexually assaulted outside the front door of her Trinity Gardens home at about 9.30pm. On the same day, a passenger assaulted a female tram conductor near the Adelaide Railway Station at about 7.15am.

The *Sunday Mail* of 13 June 2010 reported that a cab driver was robbed and bashed with a bottle in Elizabeth East, that a BMX-riding bandit robbed a Chemplus pharmacy at Largs North at 3.50pm and that a man was threatened and robbed as he stepped off a bus at the Old Reynella bus interchange at 11.40pm. On the same day, an Australia Post office at Campbelltown was robbed at 3.30pm.

The Advertiser of 18 June also reported that a teenage girl was sexually assaulted and robbed at the tram stop at Glandore at 11.20am. On 21 June, a knifepoint robbery happened at about 6.30pm in North Adelaide, and on 22 June home intruders bashed a young victim at Sefton Park just before 5am.

All these newspaper articles illustrate the frightening reality of the growing fear of violent crime in the community. Even Monsignor Cappo is concerned about the Rann government's actions towards crime. He stated on the *Channel Nine News* on 3 June, 'We are not getting where we need to go and I ask the government to look into it very quickly.' He also said on 891 ABC on 3 June:

> We know we have a very hard-core group of young offenders whose behaviour, violent behaviour is escalating…I don't want, in six months' time or 12 months' time, to have to...report that we've had the death of someone, a bystander, someone involved in one of those crimes.

My questions to the Leader of the Government are:

1. What action will the government take in response to Monsignor Cappo's advice?

2. What improved public safety measures will the government introduce to ensure that the community is protected in their home, workplace and when travelling?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:17): First of all, may I say that the accepted statistical measures of crime in this state show that levels of crime have been decreasing and have decreased significantly under this government. Sadly, we will never remove it, and it has been with us ever since the state was formed.

I know when my grandfather was a policeman back in the 1930s a couple of prisoners escaped and there was a shootout in a school at Nailsworth. That was back in the 1930s, so it is not as though violent crime is a new invention in our community, even though it was much less in those days when my grandfather was a policeman. What this government has done is, first of all, increase the number of police by a very significant number.

The Hon. D.W. Ridgway: But it's not working.

The Hon. P. HOLLOWAY: The honourable member seems to think that you can reduce all crime, but the fact is that if one makes a comparison with the levels of crime in our community with other comparable communities, and if one compares the rates now in 2010 with those a decade ago, there has been a very significant reduction in crime.

One of the reasons is that we have reached a landmark today, as a matter of fact, and my colleague the Minister for Police pointed out that we have now achieved our election promise. So, this is one for the shadow minister for tracking the broken promises of government, and he can rule this one off his list: we have recruited more than 4,400 officers and, by Wednesday next week, there will be 4,403 full-time equivalent officers in South Australia—700 more sworn officers than when the Rann government came to office in 2002.

Now, in relation to Monsignor Cappo's comments, they related to one small element of the crime problem. It was to do with one element of juvenile crime which was reported on. The government has responded to that in a number of ways, but clearly there will remain problems in juvenile crime, as there always have been. If honourable members opposite are suggesting, 'Look, if we get into power, crime will stop: there will not be any crime at all,' then they are really fooling everyone.

We can say that we have put the laws in place; we have put the resources in place through the police, and it has shown the reduction in crime levels. Clearly, there are a number of deep-seated problems existing within our community that we need to address, and I think that is the focus of Monsignor Cappo. Of course, that is why he was appointed by this government; that is, so that we would have someone who could make those sort of comments.

Again we come to the fact that, no doubt, one of the first acts of an incoming Liberal government would be to get rid of people like Monsignor Cappo because he then would not make that criticism. This is what these people are all about. This is their style and you can see it again with this suggestion: just get rid of your critics and pretend it all away. This government is prepared to accept criticism if it is fair and we will act on it, and, indeed, we will do that. If there is anything further that the relevant ministers have to say in relation to the implementation of that policy, I will bring back a response.

BUCKLAND PARK

The Hon. R.P. WORTLEY (15:22): My question is to the Minister for Urban Development and Planning. The Buckland Park major development will provide a significant contribution to housing growth, as identified in the 30-Year Plan for Greater Adelaide. Will the minister advise of any progress on the Buckland Park major development?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:22): Buckland Park is located about four kilometres west of the existing township of Virginia and is fringed by the Gawler River to the north, Legoe Road to the south and the mangrove coast to the west. In fact, for the benefit of the Leader of the Opposition, it is significantly closer to the CBD than some of our current areas within the urban growth boundary such as Aldinga and Sellicks Beach. It covers an area of about 1,340 hectares, which, at completion, is expected to house about 12,000 new homes for about 33,000 residents. It is also close to a number of the growing employment opportunities for this state.

The development of the Buckland Park township has been provisionally approved, following the most stringent development process provided under the state's development laws—and that was the major project and environmental impact statement process. The approval allows the construction of the township, which is likely to be developed during the next five to six years. This stage comprises 614 residential allotments, a neighbourhood centre with a small supermarket, and six shops for cafes, doctors or dentists. The centre is planned to be expanded if the new residents need more shops and also land for a public or private school; parks with walking trails and bikeways which can channel storm and flood water when needed; two parks amongst the

houses for landscaping; a display village which eventually could have 32 houses on display; a community centre; and a community bus.

A conditional development approval has been granted for a broad master plan for the site and land division for stage 1 of the development. A rezoning process for stage 1 of the Buckland Park development will establish a framework consistent with the Buckland Park master plan to access development applications for individual housing, industry and community developments within the area. The developer will need to submit further plans for future stages to be fully developed within the next 25 years. These plans will be submitted during the course of the next five years or so.

The 30-Year Plan for Greater Adelaide identified Buckland Park as part of Adelaide's urban land supply for the next 15 years. Rather than being isolated, this proposed township is close to employment opportunities in the north and the existing services provided within Virginia.

Careful management of this rezoning process in collaboration with the community, Playford council, the developer and other private infrastructure and service providers is a priority for this government. The Buckland Park project will generate a range of economic benefits to the area, including employment opportunities during its construction as well as the new jobs required to provide various services to the township residents.

The current Buckland Park master plan, comprising 12,000 residential sites, is expected to also include a district centre, four neighbourhood centres, a medical centre, community facilities, four primary schools and two high schools by 2036, and sport and recreational facilities. These facilities will vastly expand upon the range of services and facilities currently available to the existing community at Two Wells and Virginia.

I remind members of the important environmental considerations incorporated into the Buckland Park master plan. The plan aims to preserve significant trees and, furthermore, in addition to the usual open space provisions seeks to create a large linear reserve to retain and protect the native vegetation along the Gawler River.

The proposal seeks to incorporate measures to efficiently manage water through ample use of wetlands, intermittent creeks, integration of the proposed Gawler River management and flood mitigation works, and aquifer recharge.

The project will also use treated water from the Bolivar pipeline which runs through the Buckland Park estate to irrigate, revegetate and green the open space as well as create opportunities for water-based recreation. Furthermore, the proposal seeks to incorporate environmentally sustainable measures such as passive building design, the use of solar and micro-turbine wind power, dual water reticulation systems similar to that used at Mawson Lakes, extensive tree planting and environmental restoration.

Members interjecting:

The Hon. P. HOLLOWAY: Isn't it amazing, Mr President? We have the member for Kavel knocking the government proposal for expansion up near Mount Barker. They don't want that, they don't want this. What do they want? One of these days these people opposite will have to say what they stand for. Weren't these the people who just two months ago were telling us that they wanted to be a can-do government? Apparently, the 'can-do' that Mrs Redmond was talking about was 'can-do-nothing', or 'can-block' or 'can-oppose' or 'can-denigrate'. 'Can make sure nothing happens'—that is the sort of 'can-do' that this opposition obviously seeks—

Members interjecting:

The Hon. P. HOLLOWAY: I think their reaction today says it all. All they can do is oppose and knock.

The project seeks to incorporate environmentally sustainable measures. It also aims to re-establish wildlife habitats and protect existing woodlands. I encourage members of the public to have their say on the proposed rezoning of the Buckland Park Township. Members of the public, industry and community organisations, government agencies, local councils and other interested parties have until Wednesday 28 July at 5pm to lodge their submissions. The community consultation period concludes with a public meeting, which is scheduled for Thursday 19 August at which people will be able to speak to their submissions.

These submissions will then be considered by the Independent Development Policy Advisory Committee, which will then provide advice to me as the Minister for Urban Development

and Planning in determining the final development plan amendment. Final zoning amendments will then be incorporated into the City of Playford development plan and used to assess future development applications. I look forward to—

Members interjecting:

The Hon. P. HOLLOWAY: I am pleased to have had the opportunity to provide the council with information about these important projects this government is doing. I think it is increasingly illustrated by the sorts of interjections we are getting just how bereft the opposition in this place is of any policies at all. They have no vision for our city. They have no vision for growth at all—none whatsoever. I think it is fortunate that we have a government that will continue to take decisions in the best long-term interests of this state.

MATTERS OF INTEREST

AGED RIGHTS ADVOCACY SERVICE

The Hon. J.M. GAZZOLA (15:29): I recently had the pleasure of representing the Minister for Ageing, the Hon. Jennifer Rankine, in celebrating the 20th anniversary of the Aged Rights Advocacy Service. The day was a special occasion in that it marked the 20th anniversary of ARAS in assisting and empowering older South Australians. As it is your birthday today, Mr President, I especially bring to your attention the importance of its advocacy services and assistance to the elderly.

Within 10 years the elderly dependent population will outnumber children in the state for the first time in history, and the category of the population who are 75 years or older will grow faster than those within the 65 to 74 age group. As we are growing increasingly aware, and as reflected in the current state and commonwealth government developments in health care and health funding, this will have considerable implications for service delivery, as the former age group are by far the heaviest users of specialised services for the aged.

To return to the role of ARAS, it began in March 1989 under the patronage and influence of the Council of Pensioners and Retired Persons Association and COTA, its responsibility being to provide a confidential and independent service to older people, or their representatives, who are receiving community-based services, receiving commonwealth-subsidised aged care facilities, receiving community aged care packages and advising and supporting those who are at risk of, or are experiencing, abuse. It expanded its brief to include in 2003 an Aboriginal advocacy program.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The Hons Mr Wortley and Mr Brokenshire should take their conversation away from the gentleman on his feet.

The Hon. J.M. GAZZOLA: Thank you, sir. It expanded its brief, as I was saying, to include in 2003 an Aboriginal advocacy program. It is funded by both the state and commonwealth governments through the commonwealth Department of Health and Ageing, the Home and Community Care Program, and the Department for Families and Communities.

I will also touch on several areas of support provided by ARAS, the first being the Aboriginal Advocacy Program. This is the result of a successful amalgamation between the Council of Aboriginal Elders and ARAS. This program assists older Aboriginal people to access information about consumer rights and entitlements, and gain access to mainstream and aged care services, as well as advocating improvements in service responses. Some 2,000 clients testify to the success of this program in speaking for their needs. Support for Indigenous people is also high on the government's agenda, with the government providing a further amount of over $184,000 to meet their specific needs. I also point out that ARAS employs two Aboriginal workers to deliver these services.

We note the unfortunate truth that our elderly people can be abused. For many different reasons, such as financial dependency or health, the rights of older people can be marginalised or ignored, so it is vitally important that our seniors have somewhere to go. ARAS has taken a lead role in advocating and supporting protection for the elderly in regard to potential for abuse. It has continued its involvement in the Australian Network for the Prevention of Elder Abuse, as well as participating in the development of a national clearing house for information on elderly abuse. ARAS also organised the 2008 World Abuse Awareness Day conference in support of the United Nations International Plan of Action.

These few examples indicate the broad range of important work that ARAS undertakes in the protection of the elderly. Closer to home, in November 2007, the minister for ageing launched

the Our Actions Program, an abuse prevention strategy that was further financially supported by the Office for the Ageing in implementation through a handbook and community radio announcements directed to rural and culturally diverse communities.

For the period 2009-10, ARAS has received over $685,000 of government funding to deliver services to older South Australians at risk of, or experiencing, abuse. Time has only allowed me to trace an outline of the important and good work that ARAS undertakes to inform, help and protect some of the most needy and vulnerable people in our community with assistance and advice that we will all need in the future.

In closing, I thank all those who attended the 20th anniversary, the board of management, and especially the chairperson Joan Stone and the CEO Marilyn Crabtree and their staff.

CONSTRUCTION INDUSTRY TRAINING FUND

The Hon. D.G.E. HOOD (15:34): The Construction Industry Training Board was established under the South Australian Construction Industry Training Fund Act 1993. Its purpose was to implement training programs within the building and construction industry. The Construction Industry Training Fund is a compulsory levy collected by the board representing some 0.25 per cent of the estimated value of any building and construction project valued over $15,000 plus GST. The levy is meant to be used primarily to subsidise the training of workers.

However, my interaction with a number of senior people in the building industry from all sectors of the building industry and construction firms—that is residential, commercial and the like—indicates to me that many of these organisations have a deep dissatisfaction with the way the fund is operating at the moment. For interest's sake I have looked back at the debates from 1993 regarding this fund when the fund was introduced. The fund, as the government noted at that time, was requested by the industry—that is, the HIA and the MBA—so I do not think it is possible to blame the government of the time as it was merely doing what the industry requested.

It was set up primarily to try to alleviate the skills shortages that were becoming apparent at that time. The minister at the time rightly noted that 'a highly skilled workforce is essential for the attraction of investors to our state.' However, the fact is that in the passage of time and since the implementation of the scheme, the scheme has not delivered what it was intended to do. The rate at which the industry is losing skilled tradespeople now greatly exceeds the rate at which new entrants are being recruited, and this leads to genuine affordability problems within the industry.

In 1993 bricklayer rates were $340 per 1,000 bricks; now they are over $900 per 1,000 bricks, and that well exceeds cost of living increases during that time. The primary reason for this, of course, is that simply the supply of bricklayers is substantially lower than it was at that time. From this perspective and for a number of other reasons, I believe the board has failed in its objective to provide for the necessary skilled workforce on our building and construction sites across the state.

During the debate the then leader of the opposition in this place, the Hon. Robert Lucas, noted several concerns regarding the compulsory nature of the levy and the effect it would have on the competitive position of some South Australian companies and, in hindsight, I think we would have to agree that—

The Hon. R.P. Wortley interjecting:

The Hon. D.G.E. HOOD: I think in this case they were right. In hindsight I think we would have to say he was right; certainly the numbers support the argument. Indeed, the Hon. Julian Stefani in 1993 also rightly, in my view, noted a concern that builders who were already providing training to their workers through their own internal schemes (apprenticeships and the like) would actually be hit twice with training costs because they were also compelled to contribute to this scheme given its compulsory nature.

In hindsight it seems apparent that the scheme has contributed to many builders and constructors finding it uneconomical to contribute to the double cost of employing apprentices and contributing to the scheme, hence the reduction in numbers. My interaction and extensive discussions with builders indicate to me that many companies are unhappy with the way the Construction Industry Training Fund operates in its current form and would like the option of directly investing into entry-level training—that is, the group apprenticeship scheme or prevocational training—as an alternative to the compulsory participation in this scheme.

Allocating levies directly into apprenticeship training rather than to 'upskilling programs' offered by the board ensures a tangible predetermined outcome. The disappearance of apprentices from home building sites over the past 25 years has had terrible consequences in our society, and they may not immediately spring to mind. There are obvious issues with affordability in the housing sector; the truth is it is simply harder to find tradespeople and the costs to acquire tradespeople are substantially higher. One implication of that is that it is more expensive to build a property in real terms—that is, allowing for cost of living increases—than it was at that time. Further, there are all the social implications of that we have seen during that time such as rising crime rates, drug use, etc. I am not saying that they are necessarily a direct result of this action but the correlation is interesting.

It is time to revisit this scheme and allow builders the option of putting their training levies directly into group apprenticeships rather than this scheme which after all is operating as a monopoly. The board was set up in 1993 with good intentions and requested by the industry at that time, but it is apparent from the debates at that time that they are not fulfilling the original intention, and clearly this needs to be looked at and changed substantially.

Time expired.

NO STRINGS ATTACHED THEATRE OF DISABILITY

The Hon. K.L. VINCENT (15:39): I wish to say a few brief words in praise and support of No Strings Attached Theatre of Disability. No Strings Attached Theatre of Disability (or No Strings) was founded in 1993 by Helen Flinter Leach who fell ill under the strain of caring for two children while completing a drama degree. Given the stigma often attached to mental illness, the arts community is indeed blessed to have someone like Helen with the insight to see disability as something to be embraced, publicised and celebrated through the arts.

I suppose the biggest hallmark of Helen's time at No Strings has been the foundation of the Mad Women workshop, which is a group of women with lived experience in the mental health system. Helen's bio on the No Strings website currently and clearly states that she remains a mad woman at heart, as do we all, deep down.

I came to No Strings in 2004, at a time when Dr P.J. Rose was, as she still is, artistic director of the company. PJ is an American born woman and is currently a nominee for the 2010 Pride of Australia Fair Go medal, which is a medal for foreign born members of our community who have donated their time and energy and so enriched our state with their presence. I will be very proud to nominate Dr Rose for this medal, as I am sure anyone who has met her will.

In 2004, at the age of 16, I completed my work experience in high school with No Strings and went on to become involved on and off with the company to this day. Workshops that No Strings Attached runs include: the Men's Ensemble, which is, ironically, an ensemble of men; Mixed Doubles, which is both genders coming together for recreational theatre; Mad Women, as I said before, comprising survivors of the mental health system; Tracking Culture for Indigenous and Aboriginal members of our community; and the Northlink day options program.

I am a big advocate for the social and professional benefits of recreational theatre. No Strings has, since February 2009, been moving towards a more professional performance ensemble, forming that through the foundation of a workshop called Preparing the Garden, which is for young and emerging artists with serious theatre career aspirations. I was a member of this workshop for several months and was, in fact, preparing to write a script for that group in my role as a playwright before this career so rudely interrupted—I jest, of course.

The work of all of these workshops culminates in an event called Connect, usually held in November or December every year, at which every member of No Strings is given the opportunity to exercise their skills, either onstage or backstage. In 2007, Connect was awarded Community Event of the Year by the City of Norwood Payneham & St Peters. This year, Connect will happen on 1 December, from 11am to 2pm at Dunstan Grove, Stepney, and I highly recommend that members try to attend that event and see for themselves the wonders of No Strings and the benefits of community art. I figure that, if they can produce me, they are doing all right for themselves.

No Strings has had great successes in the past few years, particularly with a show called *Tom the loneliest*, which came out of a project that I was part of, called Tempted, in which a theatre emerging artist was paired with a theatre professional to create a short piece under the common theme of temptation. *Tom the loneliest* explored mental health and its effect on the general lives of

mental illness sufferers. It was awarded two awards in the Ruby Awards 2009, including best actor for emerging disabled actor Duncan Luke, which is in itself, I think, a big kudos for the power and potential of community art.

As I said before, I strongly urge all members to come along to Connect on 1 December this year and see for themselves what community art has to offer.

SUSTAINABLE CITIES

The Hon. J.M.A. LENSINK (15:44): I rise today to speak on the issue of sustainable cities in the context of the 30-year plan. A number of questions have been asked in this place about Buckland Park and Mount Barker. Mount Barker is an area that is close to my heart, because it is just down the road in the hills, and it is an area where it is almost impossible, if you live there even now, to get around unless you have a car. It is also at the limit of its sewerage system, and the council is rightly very concerned about the government's planned development to put up extra housing.

Our Premier keeps carrying on about Adelaide being a sustainable city, our renewable energy and so on. Recently, the Australian Conservation Foundation did a survey of cities, and Adelaide came in equal 14th, ranking with a range of cities around Australia including regional cities. The report states:

> …Adelaide performed poorly under Water (on average residential properties receive 194kL annually with a mean annual rainfall of 542.2mm) and Transport (622 private vehicles per 1,000 people), but had a decent showing under Green Building (19 Green Star certified projects) and food production (two farmers markets and 23 community gardens listed). More generally, Adelaide fared comparatively worse than many of the other capital cities, with the exception of Perth.

On environmental performance Adelaide was ranked 15th out of 16.

In relation to renewable energy the Premier says that we are ahead of everyone else—which is absolute arrant nonsense. This was beautifully exposed during the election campaign by Iain Evans, who discovered a Clean Energy Australia report which states that South Australia is fifth in the country in the development and production of renewable energy and lags well behind Tasmania and Victoria. Even if we look at the measure of wind energy, we will be overtaken in terms of installed wind capacity by Victoria at the end of this year, and New South Wales will be well ahead of us by 2012.

Geothermal is another area the government likes to talk about but, unfortunately, that technology is at least five years away. Any claims that this government would like to make in terms of renewables is completely false and, in any case, has not been driven by their actions but, rather, by the former Howard government's MRET scheme.

The Minister for Urban Development and Planning is well aware that some of the claims and aims of the 30-year plan will not be met. Indeed, the policy of the government for sustainable urban development is in direct contrast with the 30-year plan. The government has a lot more work to do if it really wants to make Adelaide a more sustainable city, particularly in high density areas and public transport.

I note that today in *The Courier* concerns are being expressed about another aspect of urban sprawl; that is, the impact on arable land in Mount Barker in particular. Concern has been expressed also by people in the Barossa Valley and Southern Vales areas. I note there is a proposal that those areas be protected from urban sprawl.

The member for Kavel has expressed his great concern in relation to the Mount Barker development. He has said that there should be no extension of the town boundaries until infrastructure and services are put in place to meet the current demand. That is the point I made at the beginning of my speech; that is, you cannot live in that town as it is unless you have a motor car. You cannot even access a lot of the services unless you have a motor car.

The government is seeking to increase the area by another 7,000 homes. The concern expressed, quite fairly, by members of Mount Barker council is that it will be ignored because it is in a safe Liberal electorate.

Time expired.

REFUGEE WEEK

The Hon. R.P. WORTLEY (15:49): I rise to speak about Refugee Week. This special week commenced with World Refugee Day, which was celebrated, as it always has been since 2001, last Saturday, 20 June. The date is significant because, in resolving to draw the public's attention to the plight of million of refugees and asylum seekers on this date, the General Assembly of the United Nations noted that 2001 marked the 50th anniversary of the 1951 convention relating to the status of refugees.

Australia is one of 146 signatory countries to the United Nations 1951 convention and/or the 1967 protocol relating to the status of refugees. The convention defines a refugee as any person who:

> …owing to a well-founded fear of being persecuted for either race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country.

The Refugee Council of Australia, which coordinates Refugee Week around Australia, has decided to retain the 2009 theme 'Freedom from Fear' in anticipation of next year's 60th anniversary of that convention. You may ask: why 'Freedom from Fear'? As Aung San Suu Kyi has said so eloquently:

> Among the basic freedoms to which men aspire that their lives might be full and uncramped, freedom from fear stands out as both a means and an end.

I believe that it must be the desire to live free of fear, fear of religious, racial or other persecution, fear of war, fear for the safety and future well-being of children, that compels refugees to take the ultimate risk and to seek the protection of another country often far from their original homelands.

The Universal Declaration of Human Rights also affirms the importance of freedom from fear. Its preamble asserts that the advent of a world in which humans beings shall enjoy freedom of speech and belief, and freedom from fear and want, as the highest aspiration of the common people. The Refugee Council of Australia has outlined the ramifications of flight from oppression in the following terms:

> When refugees flee they are forced to abandon everything they know and love. They are separated from their family members, lose belongings, are left with little or no money. Some are traumatised by what they have experienced. Many spend years in camps, lost in no-man's land, whilst their fate is decided. Most have no idea what kind of future awaits them.
>
> In seeking refuge in another country refugees are hoping to find freedom from that fear. They are looking for the opportunity to lead a normal life as part of a community where they can live in safety and security, find work and send their children to school.

In retaining the theme 'Freedom from Fear' the council hopes to draw the attention to not just the fear that compels refugees to run but the belief they feel when they are welcome into another country and given the opportunity to rebuild their lives. This is a theme that resonates for all of us.

Here in South Australia we have a proud history of accepting those who seek refuge with us. Our German forebears were escaping religious oppression. They settled north of Adelaide where they could practise old Lutheranism freely. The next great wave of immigration, which was prompted by the gold rushes, brought people from China and the United States, amongst other countries, but did not have a major population impact on South Australia.

After World War II, English, Irish and European people were settled in all states, as were political refugees fleeing from European dictatorships or communist states. Indo-Chinese refugees arrived in the 1970s. The Tiananmen Square massacre in 1989 prompted then Prime Minister Hawke's government to grant permanent residents to many Chinese students. The Yugoslav wars in the 1990s prompted many to settle here. People fleeing oppression in Iraq and Afghanistan have come to South Australia. Recently, refugees from Sri Lanka, the Sudan and Darfur have joined us.

Ours is a rich and fertile amalgam of people from all corners of the globe. Yes, there are issues related to unfamiliarity, to a different way of life, to language and custom, and there are issues related to post-traumatic stress, to isolation and to the loss of family and community bonds. On the plus side, the majority of people arriving are now less than 30 years of age. They comprise an increasing proportion of arrivals to our country under the Refugee and Humanitarian Program. This represents an extraordinary opportunity for us.

Let us remember that at least 7 per cent of Australians have been refugees as defined, or have a parent or grandparent who was a refugee. We can all name people who have come here as refugees and have made vital contributions to the wellbeing, prosperity and harmony of our

community. Their contributions are felt in architecture, sport, medicine, engineering, government, teaching and the legal profession, in philanthropy and community service.

Time expired.

CABARET FRINGE FESTIVAL

The Hon. T.A. JENNINGS (15:55): I rise to speak about the arts in South Australia. Many members in this place would be very proud of this state's tradition in the arts, and I believe that it is certainly one of our great defining features. At the moment we see not only a cabaret festival taking place but also a cabaret fringe festival. It has a few more days to go, but it has been running since 1 June and finishes on 27 June this year. It is now in its third year, with 40 shows across 12 venues. Organisers believe that, in fact, it is the second largest cabaret festival in the world—of course, following the Adelaide Cabaret Festival itself.

The Cabaret Fringe Festival had its first year at La Bohème on Grote Street in 2008. By the second year, in 2009, there were 32 shows over five venues; and, in 2009, 45 per cent of tickets were sold through BASS and 10 shows were sold out, with most shows enjoying 75 per cent of ticket sales. Clearly, there is an interest in the cabaret fringe offerings. That festival has grown at a rapid rate, and I pay tribute to the youngish Adelaide people who have run this festival off their own bat without any government support and who have made a great contribution to the culture of this state.

They have complemented the Adelaide Fringe Festival beautifully, and they have given local artists a great opportunity to perform for Adelaide and interstate audiences, and probably also international audiences. The beauty of the Cabaret Fringe Festival is that cabaret is accessible, challenging and intimate and connects the audience and performer like no other art form. I also had the great privilege of attending a performance of *Why Muriel Matters* at La Bohème, and I would say that was also a packed house and a great example of the strength of the Cabaret Fringe Festival.

It was one of the 40 shows on this particular program. Members would know about it because we have heard a lot about Muriel Matters today, although we have not heard very much about her for the past 100 years. She was an Adelaide born suffragist who was the first woman to speak—although not on the floor of the parliament—while chained to the grille of the parliament at the House of Commons. I pay tribute to Frances Bedford, the Hon. Gail Gago, the Hon. Stephanie Key and members of Muriel's family who made sure that we will not forget why Muriel matters.

I also point to some wonderful ongoing local community arts around Adelaide. Members may not have heard of the Renew Adelaide group, which is based on a Renew Newcastle project which renewed empty spaces particularly in the city of Newcastle and which is looking to do the same in Adelaide. Again, these are largely youngish people who are setting up arts venues and putting on performances, again, without much assistance from any government authority. Part of Renew Adelaide is the Format Collective, and I advise members that they are located at 15 Peel Street, if they would like to drop in. They have a wonderful array of zines there, and they also put on an array of shows.

They house the Act Now Theatre for Social Change, they put on radical craft-a-noons and they have a hacker space. Basically, they provide a meeting place for science, technology, computing and artistic minds. They even play handball in the forecourt of their venue. Turning that space into a regular performance and rehearsal venue is their dream but, of course, they face problems with council approval and they have a lack of disability access. These things, of course, require time, money and, I think, government support. At the moment they are managing to pay their rent through left-over bar proceeds from the two-week event they held as part of the Adelaide Fringe Festival.

I congratulate them for their great work. I would love to see them being able to turn their space into a much more disability access friendly and ongoing venue. Another venue that has been a feature of many Adelaide fringes is the Tuxedo Cat. Members may not be aware but in 2008, on the rooftop of 19 Synagogue Place, we saw the Tuxedo Cat start up, and then in the 2009 fringe. It sold approximately 2,100 tickets in 2008 with 70 performances of nine acts with a capacity at each of those performances of 70 people. In 2009 it had one performance space and a combined total of 156 performances by 12 acts.

Time expired.

DON'T CROSS THE LINE

The Hon. S.G. WADE (15:59): I want to speak today about my concerns regarding the government's management of the domestic violence campaign. Our society is becoming increasingly intolerant of violence—including domestic violence—against women. Like a number of members of this chamber, I am a White Ribbon ambassador, a movement of men to urge men to speak out against violence against women. A White Ribbon survey found that 98 per cent of Australian people today say that domestic violence is a crime, compared with 93 per cent in 1995.

I am sure members throughout the chamber would share my concern regarding anything that would undermine progress and allow anyone to diminish the importance of dealing with violence, including violence against women. It is in that context that I express my deep concern about the government's management of the Don't Cross the Line campaign website.

In September last year, the state government launched the Don't Cross the Line campaign to raise awareness of domestic violence. In the same month, Men's Health Australia wrote to the Office for Women expressing concern at what it perceived as a selective use of statistics which it considers overstates the impact of domestic violence on women and understates the impact of domestic violence on men. I asked a question of the Minister for the Status of Women on Men's Health Australia's concerns in October and, in response, she said:

> I acknowledge that there is research and data from a wide range of different sources and there can be different interpretations of such data. However, I am advised that the data on the Don't Cross the Line website is sound.

We did not hear anything from the government until yesterday, when the Minister for the Status of Women made a ministerial statement in which she admitted that the Office for Women has been found by the Office of Crime Statistics and Research to have distributed misleading information. Further, the minister advised that the Ombudsman is investigating similar concerns about the website. She indicated that it would be inappropriate for her to comment while the Ombudsman's investigation is underway.

I am concerned that the minister's statement is not clear. When she says the OCSAR report was sought—and I quote—'following concerns by some individuals', was she referring to Men's Health Australia only or to other complaints as well? Does the Ombudsman's investigation relate to the Men's Health Australia concerns? What is the scope of the Ombudsman's investigation? Considering that she does not think it appropriate to comment while the investigation is underway, what matters are within the scope, such that it would be inappropriate for her to comment?

I am concerned that the government often tries to use investigations as shields against accountability. We have seen it in relation to Burnside council. Of course, it would be inappropriate for the minister to pre-empt the findings of the investigator. However, the minister is still responsible to this house and should be accountable for the costs and time lines, especially in terms of what she is doing to make sure that voters have the facts they need.

Likewise, in relation to the Don't Cross the Line campaign, it is inevitable that the OCSAR report and the Ombudsman's investigation will increase the scrutiny of the government's management of the program. I assure the council that the opposition will not be deterred from pursuing the important matter of the promotion of safety for women against domestic violence because the government may choose to use an investigation as a shield against accountability.

Also, I am concerned that this incident raises an overarching concern about the level of public ethics under this government. From base level public servants to the Premier, the Rann Labor government needs to lift its performance in communicating with the public. We need to make sure that we raise the standards so the public can be completely confident that when they are getting public information they are getting reliable information. It is very worrying that the effectiveness of important public information initiatives—such as the domestic violence campaign—could be undermined by the distribution of misleading information.

The public expects government information to maintain the highest standards of truthfulness and accuracy and, often in campaigns such as this, public health and safety depends on it. I have no doubt about the sincerity and the depth of minister Gago's commitment to eradicate domestic violence. I call on her to do whatever she can within the government to repair the damage done to the campaign and urge her to that end to maintain full and frank communication with this council and with the public.

ADDRESS IN REPLY

The PRESIDENT: I remind honourable members that His Excellency the Governor will receive the President and members of the council at 4.15 today for the presentation of the Address in Reply. I ask all honourable members to accompany me to Government House.

[Sitting suspended from 16:04 to 16:49]

The PRESIDENT: I have to inform the council that, accompanied by the mover, seconder and other honourable members, I proceeded to Government House and there presented to His Excellency the Address in Reply to His Excellency's opening speech adopted by this council today, to which His Excellency was pleased to make the following reply:

To the Hon. The President and honourable members of the Legislative Council, thank you for the Address in Reply to the speech with which I opened the First Session of the 52nd Parliament. I am confident that you will give your best consideration to all matters placed before you. I pray that your deliberations will add meaning and value to the lives of our South Australian community.

NON-GOVERNMENT ORGANISATION COMMUNITY SECTOR

The Hon. T.A. JENNINGS (16:49): I move:

1. That this council notes—

   (a) that the South Australian non-government organisation community sector relies heavily on state government funding for delivery of services and payments of wages to workers in the industry and that this emotionally taxing labour which is most often performed by women workers is critical to the fabric of our community and to a broader goal of women's pay equity in Australia;

   (b) that the significant value of this labour is not always reflected in the pay those in the community sector receive and that consequently community sector workers' unions lodged an equal remuneration order with the regulator in March this year and that Fair Work Australia will hold hearings into that pay claim later this year;

   (c) that a similar pay equity case conducted in Queensland in 2008 resulted in pay increases of up to 37 per cent for workers in this same sector; and

   (d) that as of 18 June 2010 the Victorian government has agreed to back higher rates of pay for community sector workers in a deal where that government would underwrite salary parity for the community sector.

2. That this council calls on the Treasurer and the Minister for Families and Communities to fund the community services sector sufficiently to address this pay inequity still endured by South Australian community sector employees regardless of the outcome of the Fair Work Australia case so that South Australia can join Queensland and Victoria in fully recognising the valuable work of the non-government organisation community sector.

This motion deals with the community sector, which does incredibly valuable work, and also with the issues of pay equity, particularly the fact that women are paid less than men in this country in 2010.

The community sector employs over 200,000 people nationally and 87 per cent of those people are women. In the last three months to February 2010, the federal Equal Opportunity for Women in the Workplace Agency, which is a federal government agency of the ABS, noted that nominal earnings for females increased by 0.8 per cent compared with an increase of 1.4 per cent for males. Over the year to February 2010, nominal earnings for females increased by 4.5 per cent compared with an increase of 6.4 per cent for males. So not only is there already a wage gap that is gender-based, it is in fact growing.

I would like to talk a little about the community sector. It is a sector I have worked in for many years and it is a sector that is very valuable. It does the most valuable work, I think, that we see undertaken. The non-government community sector is marked by the fact that a lot of the NGO sector is doing charitable and good works and, if they were not doing these jobs, we would have to find somebody else to do them.

I would like to share with the council some stories about workers from this sector. I would like to talk to you about Mary, which is not her real name but it is a woman's name because as I have already mentioned there is an 87 per cent chance that this person working in the community sector would be a woman. She works for a community accommodation organisation. She works in a community home shared by two adult males and two adult females, all of whom have multiple

and serious physical and intellectual disabilities. She thinks of these people as clients but also she thinks of them as friends.

Two of her clients are in a wheelchair; they are unable to move about unassisted. The other two clients have limited mobility unassisted. One of the clients is unable to eat and has to be fed through a gastric tube. All four require complex combinations of medications to be administered throughout each day and, in order to perform the duties required to assist these clients with their day-to-day living, Mary has undertaken TAFE studies and she has qualified to at least the same level required of our tradespeople.

Mary works a full-time equivalent but her shifts are spread across a 24-hour seven-day a week roster including all public holidays. Additionally, often Mary is required to sleepover at a house, and that is an average of two nights a week. She has undertaken further courses in the administration, for example, of medication and gastric feeding. There are critical staffing shortages in this sector which means that Mary quite often has to do more sleepovers than this and work extra shifts. The extra sleepovers are problematic because Mary has her own two young children. Her partner also works shift work, so finding a babysitter who can do overnight extra nights at very short notice is quite difficult.

The organisation that employs Mary cannot afford to pay for the extra shifts, so they offer her a time off in lieu (TOIL) arrangement but Mary has often accumulated many weeks worth of TOIL. She can often work 50-plus hours a week for many weeks in a row. There are two staff members working together, in Mary's case, at all times but the staffing shortage means that Mary often has to work with the agency staff and that workers from the agency are not trained to administer medication and do gastric feeds, so Mary has to pick up all of those duties alone.

I will talk about another woman, Lyn (again, not her real name), who works in the community services sector. Lyn has multiple university qualifications. She works for a faith-based NGO and provides free financial counselling services to people in financial difficulty. There is a maximum income limit for those who wish to use Lyn's services.

Lyn notes with some irony that many of her clients actually earn more than she does. She stays with her employer because she believes in the work she is doing. Her employer is a good employer with great family friendly provisions and, because she can, as Lyn is the supplementary income earner in her household and her family does not rely solely on her income for day-to-day living expenses, she is able to continue doing that job.

On the other hand, Michelle is not in such a financially viable position. Both she and her partner work in the NGO community sector. Michelle has been doing the same job for six years, but her contract is only renewed for 12 months at a time, due to the process of tendering and the nature of this industry's short-term contracts. Her partner is currently working in a casual job.

Michelle loves her job, but she and her partner would like to buy a house. The reality for them is that over the last few years they have been rejected by several banks because neither of them has job security, yet she has been working in this industry in the same job for six years. I know Michelle is looking to move from the community sector because, if she wants a house for her family, she will need to find another sector to work in.

In 2010, as many members would be aware, there will be a pay equity test case that uses the new equal remuneration laws in the Fair Work Act 2009. This will be the first pay equity case heard before our new federal industrial relations body, Fair Work Australia. It is no surprise to members here that the reason it is the first cab off the rank is that the situation is so dire. It will be run by the ACTU and supporting unions will include, of course, the Australian Services Union.

A similar pay equity case was held in Queensland in May 2009, where they increased their social and community services and crisis and supported housing state award rates by between 18 per cent and 37 per cent as a result of the finding that they had pay inequity.

I note at the moment that deputy prime minister Julia Gillard seems to have come to the support of the community sector by saying that the Australian government has now agreed to work with the ASU to support Fair Work Australia in developing an appropriate equal remuneration principle for the federal jurisdiction and to provide research, such as labour market information, to assist Fair Work Australia in determining the pay equity claim.

In referring its industrial matters to the federal jurisdiction, Queensland ensured that the pay equity decision would be protected there. That is good news for Queensland's community services workers. There is also good news for Victoria's community services workers. On 19 June,

the Victorian premier John Brumby pledged his government's support for pay equity for the community sector when he said:

> We will factor in any wage increases into our service agreements with the community services organisations and ensure those wage increases are passed onto workers. This emotionally taxing labour—often performed by women—is critical to the fabric of our community, and the value of this labour is not always reflected in the pay they receive [because this is seen as traditionally women's work].

I urge the Rann government to look to the lead of the Bligh and Brumby governments, to look to the women of this country and to work for pay equity in South Australia.

In commenting on this issue, I note the words of St Vincent de Paul National Council Chief Executive Dr John Falzon, who said:

> It is up to all of us in the community sector to ensure that this translates into appropriate government funding measures so that workers are valued in their daily work with people who are pushed to the margins of society.

There has been support from employers in the past; and that was the great example in Queensland where we saw the Queensland pay equity employers group speaking out in support of the Queensland pay equity case. It is also speaking out in support of the corresponding federal case that is pending.

The Queensland pay equity employers group has a membership consisting of peak bodies, employer associations, employers and unions in the community services sector in Queensland, and they have said:

> Pay equity means better services for vulnerable Queenslanders. We support the principle of pay equity. Our sector delivers high quality services to the most vulnerable Queenslanders. Non-government community services make a significant contribution to our civil society by making it fairer, more just, and improving the lives and wellbeing of hundreds of thousands of Queenslanders. Without pay equity and funding to match, those services and that contribution are at risk.

Again, I urge in this motion that the Rann government look to give an assurance that it will match in its funding to the community sector the ability for any pay equity decision reached to be met by corresponding increases to funding particular programs that go to the community sector.

I would also like to urge the Rann government to uphold the calls of the community with respect to the Healthy State campaign (which is also part of this issue) to ensure that community sector workers are not continually put on short-term contracts; that they do not have to leave the sector because they do not know from month to month whether or not they will be continuing in a program. We need longer-term funding arrangements to be made. We also particularly need funding arrangements for community sector workers who do work with the most vulnerable in our community. We need to give them assurances that, when a program finishes, we will have at least made a decision whether or not that program is going to continue before the program finishes—a few months ahead would be nice, but even by the date would be quite good as well.

At the moment—and it has been my experience from working in this sector—sometimes you wait a month, two months, six months, up to a year to find out whether or not the program will continue. What happens in the meantime is that, of course, the charity sector (often faith-based organisations but not always faith-based organisations) pitch in with their own money—money from bequests, money that should have been guaranteed by the government. So, that longer-term funding and a commitment to ensuring that we pay our community sector workers enough so that they do not qualify for the services they are delivering would be good. I commend this motion to the chamber.

Debate adjourned on motion of Hon. B.V. Finnigan.

WORKERS REHABILITATION AND COMPENSATION

The Hon. R.I. LUCAS (17:02): I move:

> That the regulations under the Workers Rehabilitation and Compensation Act 1986 concerning claims and registration—Discontinuance Fee, made on 26 November 2009 and laid on the table of this council on 11 May 2010, be disallowed.

In speaking to the motion, I refer members who participated in this debate previously to the debates of June, October and November. It was concluded in November last year. Similarly, I refer new members of the chamber who did not participate in those debates to the previous debate which commenced in June 2009 and which concluded in November 2009. I also refer members who are considering their position on the legislation to the very well-considered (if I say so myself)

report of the Statutory Authorities Review Committee, which at the time comprised the Hon. Ms Zollo, the Hon. Mr Hunter, the Hon. Ms Bressington, the Hon. Mr Stephens and me, which was brought down in February this year just prior to the state election. In particular, I refer members to pages 62 to 64 of that report, which refers to the issue of self-insurance.

With that background, I can certainly shorten considerably my contribution to the debate. The issue of self-insurance has been often debated in South Australia and, as I indicated earlier, as recently as late last year. Put simply, what the Statutory Authorities Review Committee report included in its evidence were the significant benefits to workers, to employers and then ultimately to consumers through the provision of the self-insurance option in South Australia.

The evidence was conclusive—I do not think that it was even disputed by WorkCover—that self-insurers in South Australia, that is, businesses and companies that are allowed to self-insure, have a better return-to-work performance for their workers. For those in this chamber who are interested (and I would hope that is all members), one of the key factors in their interest in workers compensation is the issue of return to work performance: that is, is the scheme working to the benefit of workers and employees in terms of hopefully providing meaningful coverage during the period that they are injured or ill but, critically, how do these schemes perform in terms of getting workers back into work.

Everyone agreed in their evidence to the Statutory Authorities Review Committee that return to work was the critical measure in terms of measuring whether or not a workers compensation scheme is or is not working. Let me be the first to say that there is no perfect workers compensation scheme and there are no perfect employers and there can be criticism of self-insurers as there can be criticism of those employers within the WorkCover scheme, but, having made that statement at the outset, when one looks at the figures, it is pretty hard to argue against from the worker's viewpoint that self-insurance is certainly assisting because they have much better return to work performance measures.

In terms of employers and businesses, the comparative levy cost at the time of the committee reporting was significantly lower. It was almost half: that is, 1.7 per cent of the levy rate having to be paid as opposed to, at that stage, the 3 per cent that WorkCover was charging. Of course, those lower costs mean that our South Australian businesses that are self-insuring are more competitive (all other things being equal) than those being covered under WorkCover, and it also means that they are more competitive with interstate businesses because their levy rates are obviously much lower than our average levy rate of 3 per cent.

That is important, as we would all accept because, if our South Australian businesses can lower their costs of operating, then the goods and services they produce can be lower and more competitive and they can employ more South Australian workers in those particular businesses. If we continue to increase the costs of doing business through our WorkCover or any other factor, then that of course means that those businesses will be able to employ fewer workers.

The lower levy cost is obviously good for employers, but ultimately it is good for consumers, good for workers and good for the South Australian economy if we can achieve it under the same scheme because the Workers Compensation Act applies to self-insurers as it applies to those run by the WorkCover scheme. It is the same act and the same requirements; it is just that it is obviously being done in a better and more efficient fashion by the self-insurers and therefore their costs are lower.

The committee also reported a lower lost time claim frequency per million dollars of remuneration amongst self-insured businesses and lower average claim numbers and costs, resulting in self-insurers having 22 per cent of claim liabilities even though they were 36 per cent of the scheme. There was a range of measures that the committee reported on. Again, I refer those members who are interested to pages 62 to 64 of the committee report for a summary of the debate about self-insurers.

I will quickly outline the context and why we are in this situation. The council, after a long debate from June through to November, voted to disallow the regulations. The strong majority view of this council was that they were unfair and they should be disallowed. This council voted them down. They were voted down on, I think, 18 November last year and eight days later on 26 November, this government, which says it is listening to the people of South Australia, reintroduced exactly the same regulations. So, the Legislative Council voted them down and, eight days later, Mike Rann, Kevin Foley and Co. thumbed their noses at the Legislative Council and the

people of South Australia and said, 'We know better. You voted them down; we're just going to re-introduce exactly the same thing.'

Of course, what the government then did—and it knew this—was that it then closed the parliament down in December so there was no opportunity to disallow the regulations again, and it refused to sit the parliament again until late May. So, for the period of the last six or seven months there has been no opportunity for the duly elected members of parliament in this chamber or in another chamber to reinforce the view that was first established back in November of last year.

That is why we are in this set of circumstances now. The council voted, disallowed. The government said, 'We know better,' reintroduced them and, because they closed the parliament down and kept it closed for such a long period of time, this is the first opportunity now to be able to ask those members of the Legislative Council who were here last year, 'Do you still have the same view?' and the new members to consider their position in relation to the disallowance of the regulation.

I am not going to repeat all of the Hon. Rob Lawson's excellent contribution of last year, but I refer members to a couple of figures which he highlighted and which I am sure were provided to him by Self Insurers of South Australia (SISA). Under this proposed regulation, there is a massive increase in the exit or discontinuance fee for a business that wants to leave WorkCover to become a self-insurer.

The Hon. Mr Lawson highlighted four or five examples. A petrol wholesaler with about 500 employees, currently paying a levy of $570,000 a year, under the regulation would have to pay a discontinuance fee of some $1.08 million. A furniture retailer with 250 employees, paying a levy of some $456,000, would pay a discontinuance fee of $852,000. An employer in the air conditioning installation industry with 1,000 employees, currently paying a levy of $2.7 million a year, would have to pay $5.1 million in discontinuance fees.

A very well-known private hospital in South Australia which had invested significant sums in preparing for self-insurance was faced with a $1.5 million discontinuance fee, which the private hospital simply could not afford to pay. A very well-known national transport group we are told faces a fee of some $7 million in order to depart the WorkCover scheme. In their case, they wanted to join the commonwealth ComCare scheme rather than become a self-insurer. These are some of the examples the Hon. Mr Lawson highlighted last year in terms of the significance of the increase in the exit fee.

If this is disallowed, what happens? The existing quite significant exit and discontinuance fees continue. So, there is still a complicated formula which is applied which was operating up until November of last year which, because it was significant anyway, still discouraged businesses from becoming self-insurers.

They had to go through considerable cost-benefit analysis to determine whether it was not only in their financial best interest but also in their employees' and workers' best interests to move to self-insurance because there was still a significant exit or discontinuance fee. Let's be quite clear on this: if this is disallowed, it does not mean that there is no exit or discontinuance fee; it means that the significant exit or discontinuance fees that existed until November of last year would still continue to operate.

I note in the government's response last year that it never really addressed the issue of what is in the best interests of the workers. I repeat that, if the key factor in a workers compensation scheme is return to work and self-insurers have much better return-to-work measures than the WorkCover scheme, my challenge to the government members, who I am sure will oppose this again, is to have them address that particular issue.

Why do they believe it is in the best interests of the workers to be locked into a scheme with such poor return-to-work performance outcomes and prevented from moving to a scheme of operation which has demonstrated, through self-insurance, that the return-to-work ratios for those businesses and employees are much higher? That is a challenge I give to the government members who are going to respond. The other thing the government wants to argue for is that in some way, if these companies leave the WorkCover scheme and become self-insurers, problems will ensue for the viability of the WorkCover scheme.

Again in the Statutory Authorities Review Committee report, there is reference to evidence from Mr Robin Shaw, who currently works for the self-insured employers in South Australia but, in a previous life, was a senior manager within WorkCover. He gave evidence to the committee which

to this point has not been challenged by the government, and again I leave it to them to respond. I quote the committee's report:

> Mr Shaw's evidence to the committee was that there was a view that too much self-insurance was a threat to the fund because it represented a loss of levies. However, Mr Shaw stated when he was an employee of WorkCover there had been two separate actuarial reports received by the board which made it clear that an increase in the extent of self-insurance from, say, 36 per cent to 46 per cent was no risk to the stability of the scheme.

I have been further advised that one of those reports was in October of 1998 by the then WorkCover scheme actuary, PricewaterhouseCoopers, which presented a report to the WorkCover board about the possibility that the growth in self-insurance might destabilise the average levy rate. I am told that PwC concluded, in part, that:

> If all self-insured eligible employers were removed from the scheme, the average levy rate would not increase, regardless of the definition of eligibility used.

I repeat that this was WorkCover's own actuary, so we are told—PricewaterhouseCoopers—that basically said to the WorkCover board that if all self-insured eligible employers were removed (that is, those who wanted to become self-insured were to leave the scheme), the average levy rate would not increase regardless of the definition of eligibility used. That dismisses the argument of the government members during the last debate that, in essence, this is what would happen, that if people left the scheme the average levy rate for everyone else would increase.

I would ask the government representative—because I assume the minister will not deign to get involved in the debate—whether he is prepared to get from WorkCover copies of that 1998 PricewaterhouseCoopers actuarial report and the second actuarial report to which Mr Robin Shaw referred, which evidently comes to the same conclusion, and provide copies of those actuarial reports to members so that they can be considered. As I said, I have not seen that. I am advised by Mr Shaw that that is the nature of the advice that PricewaterhouseCoopers gave in 1998, but there was obviously another actuarial report which I am also advised gave similar advice as well.

So, to conclude, that is my contribution. Obviously, I urge members opposite to support the motion. I have referred members to the debates of last year and to the Statutory Authorities Review Committee report. I have also issued a challenge to government members, or to the minister if he enters the debate, to provide answers to the issue of what is in the interests of the workers in relation to return-to-work ratios, but also to table copies of those actuarial reports which evidently debunk the claims that have been made by government members in the past and, I assume, in the future about the potential impact of this regulation being disallowed.

Debate adjourned on motion of Hon. B.V. Finnigan.

FAMILY RELATIONSHIPS (PARENTAGE) AMENDMENT BILL

The Hon. T.A. JENNINGS (17:20): Obtained leave and introduced a bill for an act to amend the Family Relationships Act 1975. Read a first time.

The Hon. T.A. JENNINGS (17:20): I move:

That this bill be now read a second time.

I am moving this amendment today because same-sex families currently face a legal inconsistency denying them and their children human rights in South Australia. Our legal system provides people with rights and defines their obligations. However, at present, same-sex couples have a number of obligations and responsibilities but are denied their rights in relation to parenting their own non-biological children.

Intentional child-bearing outside of heterosexual unions is perhaps the fastest-growing and most controversial genre of family formation to have emerged in the western world in recent decades. Large sectors of our community suffer legal discrimination and hardship arising out of the inadequate legal status of same-sex families.

Same-sex attracted individuals are not the only ones who suffer but their children, their parents, their siblings and society all suffer from such discrimination. Same-sex attracted families can travel interstate and have their relationships and parental bonds recognised by interstate and federal legislation but here in South Australia we lag far behind. South Australia recognises far fewer same-sex rights than any other Australian state or territory.

Changing family structures cannot be ignored. A supervising psychologist at the Children's Hospital in Boston in the United States, Lauren Benkov, recognised in 1995 that there is a need 'to

view lesbian families not as families on the margin to be compared to a central norm, but rather as people on the cutting edge of a key social shift from whom there is much to be learned about the meaning of family and about the nature of social change'.

This legislation is being moved because it is necessary, not to allow same-sex couples to have children—they are already having children—but to allow those parental relationships which are already existent in this state to be protected by law.

From the ABS in 2006-07 there were approximately 27,000 same-sex couple families in Australia. About 10 per cent of lesbian couples and 5 per cent of male homosexual couples already have children—for lesbian couples that is one in five. Approximately 40 per cent of childless lesbian couples intended to have children in the future. This is not something that we can start or stop; it is happening now and people are living it now, and we need to ensure that their rights and the rights of their children are protected.

In a major study of nearly 300 lesbian families in Australia conducted in 2001-02 by the renowned Dr Ruth McNair, a major source of concern for these families was a lack of real recognition which led to disappointment, grief and anger. It is particularly difficult for non-birth mothers—those mothers who do not carry and deliver the child. They have reported considerable difficulties such as being out of place with mainstream organisations and government institutions such as schools. They reported being ignored or rendered invisible by health providers and certainly not being accorded the legal responsibility to accurately reflect their parenting role in their child's life. One mother shared her experience:

> I was the non-biological mother in my previous relationship. When this broke down I initially had our daughter half the week. My ex-partner slowly decreased this and then she refused me any contact. I went through family court and mediation but there was no law to protect my rights and the primary bond I had with my daughter.

The devastating and destructive effects of not being recorded as the legal parent of the child have recently been examined by this chamber in the debates around the Statutes Amendment (Surrogacy) Bill, which was introduced by the Hon. John Dawkins.

Almost all the arguments that were made in relation to that bill pertain to the rights and interests of the child and the family unit, and they are all applicable here. Same-sex couple families face all the same problems in one partner not being recognised legally as the parent as the surrogate couples do. This includes difficulty in flying interstate or overseas, difficulties engaging with schools, health service providers and government agencies, difficulties in the break-up of a relationship in securing parental rights to the child, or difficulties in inheritance should the non-biological parent die.

In fact, when this matter was referred to the Social Development Committee, its report included the concluding remarks that it had heard no evidence to suggest that either marital status or sexual preference can predict whether an individual will be a good parent. Hear, hear to that. This is certainly the case. One aspect that can predict whether or not an individual will become a good parent is desire and planning. An inordinate amount of desire and planning go into same-sex couple families who intentionally go to the effort of bringing a child into their family.

A criticism often launched at the idea of extending same-sex parental rights to children is the idea that it is detrimental to the child. That is absolute nonsense. A number of studies have been done over many decades, and some health professionals have aggregated these studies, based on solid evidence-based research, into meta-analyses to derive some consistency.

One of these was conducted by Dr Ellen Perrin, Professor of Paediatrics at the Tufts-New England Medical Center in Boston, Massachusetts. She covered more than 15 studies that involved over 500 same-sex attracted couples and families. This evaluated across the studies possible stigma, teasing, social isolation, adjustment and sexual orientation and strengths. The vast consensus with these very consistent findings was that the children of same-sex parents do as well as children of heterosexual parents in every single way. There was no difference in intelligence, there was no difference in type or prevalence of psychiatric disorder, there was no difference in self-esteem, wellbeing, peer relationships or parental stress.

In fact, across numerous age groups and longitudinal studies no significant differences were found. The only difference, Dr Perrin concluded, was that the children of lesbian couples actually appeared to be less aggressive, more nurturing to peers, more tolerant of diversity, and more likely to play with toys that were designed for either boys or girls.

Adolescents with same-sex parents in a longitudinal study were the same in their intrapersonal adjustments—that included self-esteem, anxiety and depression—and they were also similar in their school success. Family relationships and social integration in adolescents in heterosexual parented families were the same as those of adolescents in same-sex parented families.

The take-home message from this study by Dr Perrin was the very consistent findings from evidence-based peer-reviewed studies: there was no significant difference to be found. In fact, studies have consistently shown that children's psychosocial adjustment is influenced more by family processes, such as parental conflict, than it is by family structure. Other studies show that social support and access to services are more important to positive child-raising outcomes than anything else.

This bill makes it even more imperative, as the current situation denies legitimate parents their rights and access to services in this state. The Australian Institute of Family Studies acknowledges that community support for families, including access to family supports and health and welfare services, is predictive of family functioning and child wellbeing, and that the pressures associated with discrimination may have an adverse effect on the couple relationship and also compromise their parenting. So by not having this legislation to provide for the rights of these people and their children, it is creating harm and causing discrimination, stress and anger, and it is discriminating against families.

A recent South Australian government policy document entitled 'South Australia's mental health and wellbeing policy' acknowledged clearly in its outlining principles that participation and social inclusion are keys to positive mental health. Also I note the Labor Party platform for the 2002 election was for Labor to support 'a comprehensive review of all state legislation to remove discrimination against gay, lesbian, bisexual and transgender people'. I look forward to their cooperation on this matter.

In fact, the current situation as it stands is in breach of the United Nations Convention on the Rights of the Child to which Australia is a party. One of the core principles of this convention is respect for the best interests of the child as a primary consideration. How is it in the best interests of a child to have their access to a parent either restricted, ignored or belittled? Specifically, I point to article 2.2 which states that parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions or beliefs of the child's parents, legal guardians or family members.

It goes on in article 3.1 stating that all parties shall take appropriate legislative and administrative measures to ensure that the child's protection and care for his or her wellbeing. I consider that a legally protected relationship with his or her parents is imperative if not vital for the wellbeing of any child. The Chief Judge of the Family Court of Australia, Chief Justice Alastair Nicholson, said in 1997 (more than 10 years ago):

> One of the fundamental misconceptions which plagues me is the failure to understand that heterosexual family life in no way gains stature, security or respect by the denigration or refusal to acknowledge same-sex families. The sum social good is in fact reduced, because when a community refuses to recognise and protect genuine commitment made by its members, the state acts against everybody's interests.

This bill does not grant rights to homosexual people that heterosexual people do not currently have. This bill does not allow something to happen that is not already happening. This bill is actually not progressive, extreme or radical. It simply brings South Australian legislation into line with other states and with federal legislation.

Couple relationships provide people with love, companionship and support. They provide opportunities for having children and raising families. As such, couples are a fundamental building block of our society. Changing social attitudes during the late 20th century, and of course into this century, have led to an increase in de facto and same-sex relationships and an increase in the number of those couples who are choosing to become parents and start their own families. These are members of our society: they are our children, siblings, parents, brothers, sisters and friends. We must accord them with the same rights that heterosexual couples already enjoy. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

SOUTH AUSTRALIAN AQUATIC AND LEISURE CENTRE

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (17:33): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. HOLLOWAY: I refer to a question without notice today from the Hon. Tammy Jennings regarding the new State Aquatic Centre at Marion. As I suggested in my previous answer, while there is a strong temptation to use question time to elicit some cheap publicity, it is also incumbent on members to conduct at least some research before asking questions based on unsubstantiated rumour and innuendo. The people of South Australia expect higher standards of their members of parliament than simply using the cloak of privilege to peddle slurs and rumours.

I am informed that the media unit of the Office of the Premier was involved in planning a site visit to inspect the progress of construction at the new state aquatic centre. That visit did not involve the attendance of the Premier but rather the Minister for Recreation, Sport and Racing. I am reliably informed that this proposed visit has been postponed but this was not due to the Premier's absence overseas. As I said, he was not planning to attend.

In fact, my office contacted Candetti Constructions during question time and was assured that the accusations made by the honourable member were 'rubbish'. At no time was there any discussion between the Office of the Premier's media unit and Candetti Constructions to erect walls to accommodate a media opportunity. No walls were erected and no walls were subsequently removed.

As the honourable member is new to this place, I trust that this will be a valuable learning experience. I advise her that in future she take time to research her questions and ensure they are based on fact rather than gossip before coming into this place to try to traduce reputations and score cheap political points.

INDEPENDENT MEDICAL EXAMINERS

The Hon. A. BRESSINGTON (17:35): I move:

That this council—

1. Calls on the Minister for Industrial Relations to initiate an inquiry into—
   - (a) The improper use of interstate independent medical examiners, including allegations of—
     - i. the use of interstate independent medical examiners in preference to South Australian medical practitioners who are suitably qualified and available;
     - ii. interstate independent medical examiners being engaged by claims managers because they are likely to provide a report more favourable to the claims manager's interests; and
     - iii. interstate independent medical examiners engaging in unorthodox practices designed to intimidate injured workers;
   - (b) The allegation that Employers Mutual Limited, case managers, is intentionally deterring South Australian medical practitioners from working as independent medical examiners by, amongst other things, paying them less than that paid to interstate independent medical examiners and by delaying payment for work completed;
   - (c) The allegations that Employers Mutual Limited and other claims managers are 'doctor shopping' by engaging multiple independent medical examiners until a report considered favourable is received;
   - (d) The number of independent medical examinations conducted by interstate independent medical examiners each year over the last four years; and
   - (e) The number of independent medical examinations conducted and how many injured workers have been required by their case managers to have an assessment by an independent medical examiner each year over the last four years.
2. Requests the minister to table the report on the findings of this inquiry.

I move this motion in response to feedback I have received from numerous constituents and professionals about the use of interstate doctors as independent medical examiners (IMEs). For members who are not familiar, claims managers are able to require an injured worker to attend an appointment with a medical specialist for a so-called independent medical examination. The claims

manager may or may not provide the medical specialist with the injured worker's claim file or other medical reports that have been undertaken. The medical specialist will be asked to answer one or more questions relating to the existence and management of the injured worker's medical condition.

The subsequent report of the medical practitioner, provided it complies with the relevant guidelines, can then be used to determine the injured worker's entitlements and in any relevant legal proceedings. An injured worker must attend the independent medical examination, for failure to do so would be considered a breach of the obligation of mutuality and could result potentially in the discontinuance of weekly payments under section 36(1) of the Workers Rehabilitation and Compensation Act 1986. There is no specific provision in the Workers Rehabilitation and Compensation Act dealing with IMEs and, as such, there is no limitation on the justification for the number of independent medical examinations that a case manager can require an injured worker to attend.

As I mentioned at the outset, numerous allegations have been made, both publicly and to me personally, concerning the improper use of interstate IMEs. These range from the use of interstate IMEs over South Australian medical practitioners to perceived doctor shopping by claims managers for a favourable report, to intentionally deterring South Australian doctors from working as IMEs.

While I would prefer to establish a select committee to inquire into these allegations and believe that this would be a more appropriate forum for such an inquiry, I know that the prospect of establishing such a committee would probably be slim. Instead, I am asking the Legislative Council to call upon the minister responsible for the WorkCover system to conduct a thorough and fair inquiry or investigation and report the findings back to this parliament.

In so doing, I have endeavoured to capture each allegation made in the terms of reference for the minister's inquiry, and it is these that I will now address. First, it has been alleged that some claims managers, particularly within Employers Mutual Limited, have developed a preference for interstate IMEs. As was detailed in a recent *Sunday Mail* article, this comes at considerable expense.

According to WorkCover's Independent Medical Examiner's Agreement (Schedule of Fees), an IME is able to claim a maximum of $439.50 per hour for travelling to conduct an examination. When travelling from interstate—particularly New South Wales and Queensland (as some do)—this fee soon mounts up. Rosemary McKenzie-Ferguson, founder of the Work Injured Resource Connection, queried in that article:

> If [the surgeon] flew down [from Queensland] it would take at least five hours travelling time at a cost of $2,200, so you have to question why a local orthopaedic surgeon couldn't be found to do the same job.

Further to this, it has been alleged to me by both legal and medical practitioners that some interstate IMEs have a reputation for being pro WorkCover; that is, they are more likely to provide a report that is favourable to the claims manager's interests and hence detrimental to the injured workers.

Given that claims managers are able to be selective in who they engage to conduct an independent medical examination, and the significant payments available (particularly to interstate IMEs), one can see that there is indeed the potential for the independence of medical examiners to come into doubt.

This allegation was reinforced by comments made by the President of the South Australian branch of the Australian Medical Association, Dr Andrew Lavender. In the *Sunday Mail* article, Dr Lavender described fly-in IMEs as 'hired guns' and went on to say that claims managers are 'trying to seek someone who, instead of giving an independent opinion, is giving the opinion that they [as in claims managers] want'.

Dr Lavender again repeated his concerns on FIVEaa the following day. I make the point that when the President of the local Australian Medical Association is willing to go public with such concerns they should be taken seriously.

Additionally, as I was going to detail in a question that I was going to ask the minister today on industrial relations, constituents have alleged that specific interstate IMEs are engaging in what can only be described as threatening and intimidating conduct.

One injured worker who suffers work-related post-traumatic stress disorder spoke of being yelled at for daring to take notes during the interview, had a finger pointed at him and dug into his chest in a threatening manner and then was told that his aggressive behaviour was unacceptable and that the interview would be terminated if he did not stop taking notes.

While I do not suggest that this is an issue because of the use of interstate IMEs, it is possible to link such conduct to the allegation that some interstate IMEs are pro WorkCover, and as such I think it appropriate that the minister inquire into these allegations in this context.

I have also asked the minister to inquire into the allegation that some claims managers are intentionally deterring South Australian medical practitioners from acting as IMEs by paying less than that provided for in the schedule of fees and by delaying payments.

These allegations have been made to me by a South Australian medical practitioner who, citing this and the burdensome paperwork involved, now refuses to treat or assess injured workers. Dr Lavender, again on FIVEaa, also queried whether the increase in the use of interstate IMEs was 'because we just can't find doctors in South Australia willing to provide the WorkCover services'.

As I detailed earlier, there is no restriction on the number of independent medical examination reports a case manager can request. This has led to some injured workers being required to see multiple IMEs (as many as seven or eight, and in some cases more), and subsequently allegations that case managers are in effect doctor shopping for a favourable report.

I believe that it was the Hon. John Darley on FIVEaa who claimed that one of his constituents was required to undergo no fewer than 50 independent medical examinations, and that on one day he had three booked—one after another.

As I have come to learn, claims managers rarely operate in the best interests of the injured worker and, given that significant reliance is placed upon IME reports, it is not inconceivable that, if dissatisfied with one report, claims managers will simply request another. This, of course, ties in with the allegation that claims managers have a preference for some IMEs who are known to write unfavourable reports for injured workers.

It is for this reason that I have also asked the minister to report on the number of injured workers required by the case manager to see an IME and also how many independent medical examinations have been conducted each year over the last four years. This is so that we can also gain an understanding of the prevalence of their use. I have also asked the minister to report on the number of assessments conducted by interstate IMEs in the same period.

The WorkCover system is just one of the scourges that this parliament has inflicted on the sick and vulnerable of this state: people who have gone to work in good faith, been injured through no fault of their own and who are from there on treated like criminals. They are victims turned into villains and destined to live a subhuman life of deprivation, pain and suffering just to save a few bucks. We introduced the most horrid and inhumane legislation in this place in 2008, one of the shames of the state, all in the name of reducing the unfunded liability that had blown out to almost $1 billion at that time.

Most of us in this place were aware that the unfunded liability came about because of the tail of injured workers who were kept trapped on the system rather than redeemed, and redeemed in a way where they would live their lives with relative ease. We also know that the unfunded liability figure was rubbery to say the least, basing that calculation mainly on the number of injured workers on the scheme and then calculating how much it would cost to pay them all out until they reached the age of 65, which for most injured workers is a highly unlikely prospect.

So, in fact, WorkCover created the problem. Then the government and media stirred up the fear campaign of another State Bank disaster scenario which caused a reaction of the public calling for someone to fix this, which led to the government putting forward the solution of punishing injured workers to stop a financial disaster. This is commonly known as 'problem, reaction, solution', a technique used to give the impression that the government is coming to the rescue when in fact this technique allows the manipulation of the situation to put in place its preferred solution.

We all pretty much know that the solution put forward was never intended to deal with the plight of injured workers caught up in a system that is allowed to crucify them because no amendments to give injured workers a reasonable appeal process were acceptable to either of the major parties. We can all guess that the solution was in fact to appease big business and let them off the hook while the corporation spent who knows how much on promoting its so-called return-to-

work successes with patronising advertising and someone learning how to use a saw, for God's sake. This would be laughable if it were not so tragic.

I understand that no government can afford to pay out millions of dollars in redemption payments and have the fees for business so high that no-one can afford to invest in this state but I also understand that no government can afford to abandon the sick and vulnerable and not suffer a backlash, something that will take more than re-engaging and reconnecting with the community to fix. The only thing that will fix this government's standing in the eyes of the people of this state is to commit to putting people back together instead of crushing them with the systems we legislate for.

Now we have claims that even the independent medical examinations are fraudulent in some cases, so any hope that an injured worker may have had with an honest medical practitioner could well have been circumvented. This begs the question: what kind of medical practitioner would write a report that damned a person to a life of deprivation and hardship to please a corporation and use bullying and intimidating behaviour as well? What kind of corrupt and indifferent network has WorkCover Corporation managed to establish nationally if these allegations are true and why would we as legislators turn a blind eye and a deaf ear to such claims?

With the legislation that we introduced in 2008, we made very sure that if any injured workers were going to appeal against the decisions that were made, it was highly likely (in fact, legislated for) that their payments would be stopped until that dispute was resolved. We have a system now where they cannot appeal. We have many allegations that IMEs are writing reports in the best interests of the claims managers and there is no way that these injured workers can counter any of that.

If we in this place are happy with this state of affairs for injured workers then again I say: shame on us. As I stated, I would prefer to air these allegations before a select committee. However, failing this, I think it is appropriate that the minister inquire into the matters referred to above and report the findings. If it is found that there is indeed something very wrong with the current approach to the use of IMEs, it would then be for the minister or indeed this parliament to take steps to rein in any identified abuse. I commend this motion to the house.

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

CONSTITUTION (GOVERNMENT ADVERTISING) AMENDMENT BILL

The Hon. M. PARNELL (17:50): Obtained leave and introduced a bill for an act to amend the Constitution Act 1934. Read a first time.

The Hon. M. PARNELL (17:50): I move:

That this bill be now read a second time.

Members would be aware that in the closing days of the last parliament a select committee of this house into government-funded advertising handed up its report. Included amongst the 22 recommendations in that report was a recommendation that government policies, in particular, the state government's advertising policies and guidelines, should be revised to reflect the recommendations of the committee. The committee then went on to recommend a whole new regime for government advertising to be assessed and approved. Recommendation No. 2 of the committee's final report states:

> At this stage the Committee proposes that any changes to these processes should be implemented administratively and not by implementing legislative change. The option of legislative change should be considered again after a period of two years or so has expired to allow a reasonable assessment of the effectiveness of any changes;

It is quite clear that there will not be any changes on the government's initiative; therefore, I think it is appropriate for me to at least introduce legislation to show the type of change that would be needed if we are to move from a system of government advertising that is based around the government of the day using public funds inappropriately to one where the public interest predominates. Recommendation No. 6 of the committee's report states:

> Public accountability for government advertising should be improved by introducing new review and approval procedures involving the Auditor-General and based on the new model introduced in 2008 by the Commonwealth Government.

The commonwealth government advertising guidelines seemed a good idea at the time but, as we all know, those guidelines have well and truly been thrown out the window at the federal level and the government has sought to use our taxpayer funds in a campaign going head-to-head with the

mining industry. In that process they have sidelined the Auditor-General and what we are seeing is effectively party political ads being paid for through the public purse. They have completely ignored their own system and their own accountability mechanism.

This bill seeks to introduce the basic rules around publicly-funded advertising campaigns. Members might remember that, when the committee handed down its report, as well as the majority report of 22 recommendations, there was, not surprisingly, a dissenting report by the government members of that committee. I also took the opportunity to put in a number of additional recommendations. In my additional statement I said:

> Much of the public criticism of government advertising campaigns over recent years has been around the lack of perceived public benefit from many of these campaigns. An increasingly cynical public sees many advertising campaigns as a blatant misuse of taxpayers' funds for purely partisan political benefit. There is no public benefit in generic government advertising campaigns that simply declare that the government has a vision or that its most recent state budget was a good one. Such campaigns can and should be distinguished from those that provide useful information or advice to help South Australians access services, behave more responsibly or understand their rights and obligations as citizens.

The additional recommendation which I sought to introduce as part of that report but which was not accepted by the majority was a recommendation that the advertising policies and guidelines should be amended to ensure that advertising campaigns that do not pass overriding public benefit tests are not publicly funded. I pointed out two of the existing objectives of government advertising that I think were the ones that led to the most abuse, and they were the objectives to raise awareness of a planned or impending initiative and to report on performance in relation to government undertakings.

So this bill seeks to create a default position, which is that public funding should not be used for advertising, and then seeks to set out the circumstances in which advertising is appropriate. The key clause in the bill is clause 3, which inserts new section 10B into the Constitution Act. The operative provision is 10B(1), which states:

> A public authority must not undertake or arrange any advertising except as permitted by this section.

New subsection 10B(2) provides:

> Subsection (1) does not apply to the following kinds of advertising by a public authority.

The bill then lists 10 or 11 areas of legitimate public interest where public funds are properly spent on advertising.

The first category is advertising designed to reduce the risk to life or serious injury. Into that category fall all of the road safety messages that we are familiar with seeing in print, hearing on radio and seeing on television—advertisements that remind people not to creep over the speed limit or to wear their seatbelts. There is very little doubt that those types of advertising are in the public interest. Clearly, they are.

The second category is advertising relating to the prevention or investigation of crime. Again, I think most people would accept that advertising that encourages people to ring Crime Stoppers, for example, when they become aware of some offence that has been committed, or to report suspicious behaviour, is a valid use of government advertising.

The third category of exemption is a reasonable level of advertising aimed at promoting public health. Within that category would fall campaigns such as campaigns against excessive drinking, campaigns that promote healthy eating, or important campaigns that often fall on deaf ears in this place in relation to smoking.

The next category of exemption would be a reasonable level of advertising for the purposes of consumer protection. Again, most of us would accept that the government has a legitimate role in helping to keep people safe from scams, and we often hear the Minister for Consumer Affairs in this place making a statement about protecting people from a range of dodgy practices. There are also new and emerging consumer protection issues—issues of cyber safety, for example—where government advertising can legitimately be spent helping people keep themselves safe and avoid being ripped off.

The fifth category of exemption is a reasonable level of advertising advising citizens of their legal obligations. Again, that should not be exceptional. There are laws that we expect the community to abide by. We know that ignorance is no excuse. Government advertising reminding people of their obligations is a valid use of public funds, and those advertising campaigns can be as simple as reminding people of their obligations not to litter.

The next category of exemption is a reasonable level of advertising of goods and services that generate economic activity in the state or revenue for services funded by a public authority. Clearly, the government is in the business of providing things like public transport and we should be advertising those services.

The next category is the publication of notices relating to goods, services or places operated or funded by a public authority for community benefit. Again, if public moneys are going into events, whether they be festivals or whatever, then certainly a level of advertising is appropriate so that people know that these goods and services are available.

We then get into categories that really need no discussion. Notices required by law—of course, they must be publicly funded. The advertising of tenders, the advertising for recruitment of staff by public authorities—again, they are not exceptional. I have a catch-all provision in this list of exceptions which is advertising approved by the parliament.

The reason for my introducing this bill is that it seems that the administrative approach—where governments are encouraged to do the right thing to self-control, if you like, so that they do not spend money outside the realm of public interest expenditure—has not worked and it looks unlikely that it will work. It has failed at the federal level and we have no indication that it is even going to be considered at the state level. Therefore, legislation of this type is the alternative method of keeping our governments to account and making sure that public funds are not wasted on unnecessary public advertising. I commend the bill to the house.

Debate adjourned on motion of Hon. Carmel Zollo.

[Sitting suspended from 18:02 to 19:45]

FOOD SECURITY AND SUSTAINABILITY

The Hon. M. PARNELL (19:50): I move:

That this council—

1. Notes the convergence of over 700 farmers, academics, government officials, health and community workers, environmentalists, educators and others held at the University of South Australia in February 2010 under the banner 'From Plains to Plate: the Future of Food in South Australia';

2. Notes the release of a Food Convergence Declaration summarising the discussions and ideas that emerged from this gathering;

3. Notes in particular the focus in the declaration on the importance of zoning land to ensure food security and the need for food security and sustainability to be explicitly acknowledged as central government policy priority; and

4. Calls on the South Australian government to work with the community to develop a shared vision for the future of food in South Australia and to adopt the recommendations included in the declaration.

From 10 to 13 February this year over 700 farmers, academics, government, health and community workers, environmentalists, permaculturalists, small growers, gardeners, students, educators and other community members gathered at the University of South Australia for 'From Plains to Plate: the Future of Food in South Australia'.

Through four days of workshops, presentations and discussions the participants united in their commitment to build a more just and sustainable food system to ensure the security of South Australia's food into the future. The outcome of the four days of that convergence was a declaration—a consensus document—by the participants which has great value to us in South Australia and which includes some 18 recommendations as to how we can move to a more sustainable food system in this state.

I want to put on the record these recommendations, and the motion that I have moved in parliament calls for the government to work with the community to develop a shared vision for the future of food in South Australia and to adopt the recommendations included in this declaration. The declaration commences as follows:

Food is one of our most fundamental human needs, yet the current industrial food and agriculture system is facing serious challenges. Our ability to produce and distribute food is threatened by environmental issues like climate change, land degradation through erosion and salinity, declining water availability and the peaking of world oil production. Economic challenges, like the rising costs of food relative to income and the concentration of the food

system in the hands of fewer and fewer corporations, have serious implications. Corporate concentration affects the ability of citizens to access good food, to know the origins and contents of their food and to shape a food system that truly nourishes. Issues of access to good food also highlight the serious health effects of our current diet demonstrated by the escalating prevalence of diet-related illnesses in our communities.

Under the heading 'Food Security and Sustainability', the convergence declaration has a number of recommendations, and it commences with the following preamble:

Every Australian has the right to healthy, affordable and safe, locally-grown food. Already urban, rural and remote communities across South Australia are working to develop the local food systems we need. They are cultivating and sharing food, skills and knowledge through a diversity of methods, from community gardens and backyard sharing, to farmers markets, community shared agriculture, the development of regional food groups and other community-based strategies. However, focussed and innovative government partnership is required in South Australia to address the growing challenges to our food system.

The first recommendation states:

Among the many possible approaches, we call for the establishment of a government agency for Food Security and Sustainability. Such a body would unite the many disparate government approaches to food and agriculture under one agency to support diverse community and private initiatives for a health-promoting, just and sustainable food system.

The second recommendation states:

We call for the security and sustainability of our food to be explicitly acknowledged as a central policy priority, which is reflected in government programs and made an integral aspect of political discussion and debate. In practical terms, it is important that the responsibilities of the current ministerial portfolio for food should include not only food production and the food industry as an important contributor to the economy, but also a prominent focus on community food needs as a key element of economic, social and health-related wellbeing.

The third recommendation states:

In keeping with this, government policy and advisory bodies with responsibilities relating to food should have their charters and membership include specific attention to issues of community access to food, and local food security and sustainability. As a means of developing a clear focus on these questions, the Minister for Food and all senior officers with related responsibilities should report to Parliament at least annually on actions being taken and concrete progress made. We acknowledge the enormous potentials of urban food production to cultivate healthy and nutritious food close to the communities where it is to be consumed, reducing carbon emissions and oil dependency while increasing local food security. The proposed 30 Year Plan for Greater Adelaide provides an immediate opportunity to address the continuing availability of adequate areas of land suitable for food production close to population, with priority for preventing further alienation of productive land.

I note that the minister in this place yesterday referred to the prime agricultural land around Mount Barker as not being particularly relevant to the production of food, yet it is precisely that area and areas like it, high rainfall areas, that we need to make sure are preserved for food production. The fourth recommendation states:

We call for detailed planning to establish entrenched land zoning for food security, to ensure the protection of nominated urban, peri-urban and rural high-quality agricultural land in perpetuity to ensure adequate local food production and distribution for the needs of local communities.

The fifth recommendation states:

We call for rebates to support urban food production and incentives that improve the quality of the land, including through composting and vermiculture, and the withdrawal of financial incentives from industries that degrade the landscape.

The sixth recommendation states:

In the face of both environmental and social challenges, we support measures that assist farming families, households and innovators to remain on the land, and support additional measures for transitioning to sustainable farming systems. We believe that community-based initiatives such as farmers' markets, regional food groups and Community Shared Agriculture provide powerful models for directly supporting farmers to meet local needs.

The seventh recommendation states:

To support this transition, we call for greater government funding for sustainable and organic farming approaches, including through provision for education and agricultural extension, research and development, and the development of sustainable value chains. Research into and trialling of new farming crops and livestock by agencies such as the CSIRO, including into indigenous varieties suited to Australia's uniquely balanced landscape and climate, is essential in this transition.

The eighth recommendation states:

Food labelling should clearly indicate products that may contain ingredients derived from genetic engineering processes and techniques, or that employ nanotechnology in their production or packaging. Consistent with the South Australian Government's moratorium on the commercial production of genetically modified crops, we

call for an end to field trials of genetically modified crops. Such a measure is essential to protect farming and food industries from contamination.

The ninth recommendation states:

Food waste along the entire supply chain is a major environmental and climate change issue. Food waste comprises around 40 percent of what remains in household rubbish after recyclable materials and garden waste have been captured. By composting food waste, we not only reclaim nutrients, but also divert waste from breaking down in landfill where it can produce methane, a greenhouse gas 20 times more potent than carbon dioxide in terms of its heat-trapping ability.

The tenth recommendation states:

In addition to diverting food waste from landfill, the amount of food waste across the supply chain needs to be significantly reduced. Research by The Australia Institute in 2009 revealed that Australian households throw away more than $5 billion worth of food each year. Wasting food not only wastes embodied nutrients and energy, but also wastes water, one of our most precious resources. In a recent report by the Stockholm International Water Institute, UN Food and Agriculture Organization, and International Water Management Institute, it was estimated that in the United States, 30 percent of food is thrown away, equivalent to pouring 40 trillion litres of water into the garbage.

There are three recommendations under the heading of public health. Recommendation 11 states:

Significant government investment is required to enhance food literacy in schools and the community. Food literacy is essential to strengthen knowledge, skills and confidence in food preparation and cooking as well as household menu planning and food budgeting. The essential role of food in celebrating community and promoting health also needs to be recognised through greater support for community food events and shared eating.

Recommendation 12 states:

We call for government to take action to ensure healthy and sustainable food on the public plate, including schools and child care, hospitals and aged care, prisons, government departments and the armed forces.

Whilst not in the recommendation, I think we could add Parliament House to that as well. It continues:

The United Kingdom's Healthier Food Mark is one example of how such a project could be implemented.

Recommendation 13 states:

To cultivate more informed food choices and further public consciousness on the importance of healthy eating, we support the movement for more thorough food labelling, including interpretive front-of-pack labelling. The UK's 'traffic light' labels suggest one model for informing food choices.

In relation to the economic side of the food industry, the declaration states:

Under the current industrial food and agriculture system, farmers receive less for their work while food prices continue to rise. Land is degraded and rural and remote communities disintegrate. The market-based export-oriented agricultural economy in its present form is failing to sustain healthy rural communities, to improve farmer livelihoods, to increase the sustainability of our food system or to increase access to healthy fresh food for all. To ensure the security of our food system, a new food economy needs to prioritise local markets.

Disconnected from the true costs of food production, the price of food is artificially low, ignoring externalities such as environmental impact, declining public health and the erosion of rural and remote communities. The expansion of diverse, community-based food strategies such as community supported agriculture and farmers' markets are essential strategies to promote distribution mechanisms that provide farmers with a fair price, reflective of the dignity of their work and the true costs of production.

The industrial food economy favours the concentration of corporate control in the food system. This is expressed locally by the dominance of the two main supermarket chains, resulting in Australia having the most concentrated retail food sector in the world. The dominance of corporations erodes the ability of farmers to demand fair prices for their produce, and reduces consumer access to information about the origins of their food. It detracts from state efforts to sustain regional communities and develop an environmentally responsible economy.

Under 'Education', there are five final recommendations, which are as follows:

Recommendation 14. With the serious decline of rural and remote communities and farming numbers, the appreciation of good food and its cultivation must become central to all schooling. Students must learn the skills of sustainable food production and have opportunities to develop these skills. We acknowledge and celebrate the pioneering work already being carried out by teachers and parents in many South Australians schools with school gardens and kitchens.

Recommendation 15. We call for greater government financial, curriculum and professional development support to strengthen and expand this important work. Increased funding for communities across the spectrum of socioeconomic status to engage with school garden and kitchen projects is essential to this. Likewise, we encourage the expansion of these programs into broader initiatives that cultivate understanding of the food system and an appreciation of good food through strengthening links with farms, farmers, and farm education programs. It is essential that funding for community-based food initiatives supports the longevity of existing projects as well as new initiatives.

Recommendation 16. We call for an expansion of opportunities for students to engage with sustainable agricultural education, incorporated into the South Australian Certificate of Education (SACE). At the tertiary level, we call for approaches to sustainable and just food systems to be incorporated into agricultural programs and other programs where relevant. Crucially, social and ecological literacy needs to be an essential part of all teacher education.

Recommendation 17. We call for the reinstatement of horticulture courses in major regional centres such as Mount Barker and Murray Bridge, and for the revision of those courses to cultivate sustainable approaches to food production in the face of climate change and peak oil, in consultation with South Australia's many experts in sustainability and agriculture.

Recommendation 18. Likewise, we call for government support to facilitate access to good land for new farmers to enter sustainable food production without an immediate burden of debt.

The vision elaborated in this declaration was not just four days in February at the University of South Australia. The work is ongoing, and I draw members' attention to the fact that this weekend, on 25 June in fact, there will be an event held in Adelaide with representatives from a number of countries including East Timor, Korea, Japan and Indonesia sharing their experiences with community food production and that is an event that is being chaired by Carol Vincent of the Farmers Federation. The document concludes:

Good food is one of our most fundamental human needs, requiring action across a diversity of sectors. Already elements of a just and sustainable food vision are germinating on farms, in backyards and community spaces around South Australia. For this vision of a secure and nourishing food future to flourish amid the environmental, social and economic challenges we face, it demands that all sectors unite to place food at the centre of their work.

I commend the motion to the house.

Debate adjourned on motion of Hon. I.K. Hunter.

MENTAL HEALTH (REPEAL OF HARBOURING OFFENCE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 May 2010.)

The Hon. T.A. JENNINGS (20:05): I rise to conclude my comments on the Mental Health (Repeal of Harbouring Offence) Amendment Bill. I said at this time that I would be bringing the voices of carers to this debate. It is a voice that was not heard in context when the original amendments that became section 105 were first moved. As many members here would know, there were many years of discussion and consultation regarding the new Mental Health Act which is set to take effect next Thursday. However, this particular amendment to include a harbouring offence in that act was never the subject of community consultation.

Thank you to those members who attended a briefing in this place today on the bill. In particular, special thanks to the head of Carers SA, Rosemary Warmington, and the head of the Mental Health Coalition of South Australia, Mr Geoff Harris, who attended that briefing and spoke to interested members.

I will share just one story from a carer; that is, a woman who has a sister with a bipolar disorder. Her official diagnosis came only four years ago, and that woman's parents and siblings would say that there has always been something about her that, at times, made her difficult to understand. She was, however, never difficult to love. She has a generosity beyond compare and a great sense of compassion for others. She is intelligent and articulate, she holds a university degree; and this carer considers herself very fortunate to have a sister with bipolar disorder in her life.

She has been an invaluable support at times as a sister, but when her diagnosis finally came, after she suffered acutely from the disorder for about 10 years, she had already been placed on a lengthy treatment order. During the 10 years that she remained undiagnosed, she was treated for everything from schizophrenia to borderline personality disorder. She was prescribed a vast array of medications, all with various forms of side effects, some of which have been quite severe and permanent.

When manic, this woman's sister becomes obsessive and compulsive. Their parents have often been called at all hours of the day and night, while the sister has been requested by the police to provide family assistance to calm her down. That family has seen many psychiatrists during her treatment orders and visited her in almost every single public institution for mental health patients in Adelaide.

Mental health professionals across the board have expressed concerns about the lack of resources, funding, expertise and so on to adequately care for mental health patients. This woman writes that she has seen this take a huge toll on her parents, and it must be very difficult for any parent to see their child suffer this way.

During the time that this woman's sister has remained undiagnosed, she was detained on too many occasions to count. She often talked of suicide, but, thankfully, she has never undertaken that course of action and she has always turned to family at times like these so that they can talk to her and get her the support she needs. She has also made many attempts to escape or abscond from detention. This woman says, 'I hope in some way that this is because of the level of support she receives from her family and friends when she does so.'

The one thing that this woman can say with absolute surety is that, at the height of her sister's illness, strong-armed tactics of the law do nothing to help her sister. Her sister is not a law breaker; she is sick. Armed police have gone to her home to detain her and this terrifies her because, in her mind, these people are out to do her harm. I would say that it does not take mental illness to feel those emotions when police are breaking into your house to detain you. These officers are rarely trained to deal with mental health patients, which is no fault of their own, and often respond to her as though a criminal and she has often been handcuffed and put in a paddy wagon.

The sister does not blame the police as they are not trained to deal with mentally ill people, but they are trained to deal with lawbreakers. I would at this stage urge that we need more training for our police forces and other professionals in dealing with people with lived experience of mental illness. This woman writes:

> If my sister were ever to escape detention I hope she comes straight to me but I believe if the new harbouring law remains in place it would deter people like my sister from going to family and friends [or myself]. Mentally ill or not they love and trust the people they turn to for support at the worst times [without a level of trust] and the harbouring law [clause in this new Mental Health Act] will destroy that trust.

This woman writes that she understands that:

> ...sometimes people escape [or abscond from] detention and do terrible things including committing suicide but how many more terrible things would happen if people believed they had nowhere to turn to for support?

At this point I should note that these family members are often the only people that somebody with a mental illness who is absconding from detention has left in their life to turn to for support. She continues:

> Most people who have a loved one with mental illness only want what's best for them. We work with an inadequate mental health system [at the moment] to try and get them the best possible treatment. We already call crisis health professionals and police if we need to before our loved ones are detained and we would continue to do this if they escaped detention.

However, we do not need this harbouring offence hanging over our heads. The woman goes on to say:

> Writing it down makes it sound like having a sister with a mental illness is something we deal with easily but it's not. In reality these times are very traumatic and difficult for all of our family But I think how much worse it would be for my sister to be 'dobbed in' by me and for my children to have to witness their aunt being dragged out by police knowing I caused this to happen. And then thinking that she would never turn to me for help again is just too distressing to contemplate. If you ask me would I be prepared to pay a fine or go to jail to help my sister—I would like to say I would do it without a second thought. But if I get fined or go to jail where would that leave my partner and children?
>
> This law makes caring a crime in an area that needs all the carers it can get. Please get rid of it. There are so many better ways to help families deal with their mentally ill loved ones.

On that note, I commend this bill to the council.

Debate adjourned on motion of Hon. I.K. Hunter.

STATUTES AMENDMENT (SURROGACY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 May 2010.)

The Hon. T.A. JENNINGS (20:13): I rise to speak in support of the Statutes Amendment (Surrogacy) Amendment Bill 2010 on behalf of the Greens. The Greens stand tonight to support

this bill. We note that it changes the clause of the original bill that limited retrospectivity to five year old children and that this clause extends retrospectivity to 10 year old children.

As members would know, the current bill was introduced on 12 May 2010 by the Hon. John Dawkins and that the original bill was first introduced much earlier, on 21 June 2006. It was passed as the Statutes Amendment (Surrogacy) Act 2009 in the Legislative Council on 18 June 2008. It then took the House of Assembly a lot longer before it passed the bill on 19 November 2009. The original bill will come into effect in November 2010.

This bill provides protections and parental recognition for the biological parents of a child carried to term by an altruistic surrogate. As members would know, there have been strong campaigners: the Hon. Mr Dawkins has taken up the case, as has my honourable colleague, Mark Parnell. Many other members in this place have worked to have this bill introduced and passed.

It has been done largely on behalf of Clive and Kerry Faggotter who have a son, Ethan, through the means of an altruistic gestational surrogacy. No money changed hands, apart from costs in regard to that surrogacy. I also note at that time the Hon. Ian Hunter suggested an amendment, which failed to get up, which would allow this altruistic gestation or surrogacy to also apply to same-sex couples. Of course, that amendment was supported by the Hon. Mark Parnell and, should it be put again today, it would be supported by me, but that was ultimately rejected.

In the debate on this bill, Mrs Faggotter shared personal details about herself. She appeared before a standing committee on the matter to talk about her own physical problems, which preclude her from being able to carry her own child to term. Sharing such a personal detail takes considerable mental and emotional strength, and I pay tribute to Mrs Faggotter for doing that.

This bill recognises a number of issues in relation to parents who have successfully brought a child into this world through surrogacy measures. These are people who go to enormous lengths to bring a much-wanted child into the world, in the same way as same-sex couples who are co-parenting a child. The issues include the absence of a parent's name on the birth certificate leading to difficulties travelling interstate and overseas, enrolling in schools and kindergartens, signing school notes or excursions, and, as I discussed earlier on today, the issues of inheritance and legal rights should one parent die and the other is not recorded on the birth certificate. It is not appropriate for parents to adopt their own child simply to access the legal rights associated with parenting when they already bear all the responsibilities and they already have that family connection of love.

Structures of families are constantly changing as our society changes around us. Regardless of members' personal views and political allegiances, I am sure all members would agree that the most important aspect is to ensure that those children we bring into this world are raised by people who love and care for them and that those parental relationships are recognised and protected by law.

This bill is to be commended for taking a step towards the recognition and valuing of a family unit that has come about through surrogacy. It obviously has reference to the particular case of the Faggotter family taken up by the Hon. John Dawkins, and I pay him a great deal of respect for all that hard work.

For a range of reasons, the bill took a great deal of time to pass through both houses of parliament and, whilst it is a welcome and positive change, it still leaves many (namely, same-sex couples) in legal limbo, where the rights and wellbeing of both parents and child are not protected. The bill posits the welfare rights and interests of the child as paramount, and this sentiment is to be commended. One can only hope that such sentiments are also expressed in this place in relation to other legislation concerning the welfare of children. On that note, I support the bill and commend it to the council.

The Hon. J.S.L. DAWKINS (20:18): In summing up the debate, I thank the Hon. Tammy Jennings for her contribution, which has been the only contribution made to this debate. However, there are many others around this chamber who have indicated their support to me without wanting to speak to the bill in front of us. I do thank the Hon. Tammy Jennings for her sincere comments.

I remember well the amendment put forward by the Hon. Ian Hunter, which was supported by the Hon. Mr Parnell and other members of the chamber. I will remain always grateful to those who, despite the fact that the amendment failed, did not try to pull the bill down and that the bill went through this place on the voices and eventually was passed emphatically by the House of

Assembly. As the honourable member said, it took longer than most of us would have liked, but the bill did pass the House of Assembly 31 votes to seven.

In relation to this bill, it is unfortunate that we had to come back so quickly with an amendment, but it was amongst all of the large range of amendments that were put to me by the minister's department last year. It escaped the attention of all of us, including our very good friends in parliamentary counsel, until after the bill had gone through.

It has been said that this is just about Clive and Kerry Faggotter and their son, Ethan. Certainly, the Faggotters have been a driving force behind what I have done in this area over a number of years now. However, I think the point that the Hon. Tammy Jennings emphasised was that Mrs Kerry Faggotter has been prepared to be up-front and she has been prepared to tell the world—or tell South Australia at least—about the problems—

An honourable member interjecting:

The Hon. J.S.L. DAWKINS: Thank you, minister. I will put that on the record and acknowledge that interjection—that South Australia is the world!

Mrs Faggotter has been prepared to tell everybody who wanted to listen about the problems she has had. Not everybody else wants to do that. There are a number of other people who will be similarly impacted upon by the passing of this amendment bill tonight who have not been out there publicly but who have also probably been denied the ability to get their names on the birth certificate of their biological child as a result of us just missing that five year deadline through delays in the House of Assembly.

May I also say—I will not say plead—that I would be very grateful if my colleagues in the House of Assembly allow this to make a speedy passage through their chamber. It was frustrating for myself, my staff and certainly Mrs Faggotter to go into the House of Assembly on a number of occasions when we had been promised that it would be debated only to see it adjourned for no particular reason. I would be grateful if it could be dealt with in an expedient manner in the House of Assembly. Having said that, I commend this bill to the house.

Bill read a second time and taken through its remaining stages.

AUTISM SPECTRUM DISORDER

Adjourned debate on motion of Hon. A. M. Bressington:

That this council calls on the Minister for Disability as a matter of urgency to—

1. Increase funding to Autism SA and any other similarly funded non-government organisation to enable them to provide services and support for people diagnosed with Pervasive Developmental Disorder—Not Otherwise Specified commensurate to those available to people with autism and Asperger's Syndrome; and

2. Implement measures to—

   (a) address any disparity in services and support provided by Disabilities SA between people diagnosed with Pervasive Developmental Disorder—Not Otherwise Specified and autism and Asperger's Syndrome;

   (b) ensure a single definition of Autism Spectrum Disorder that encapsulates Pervasive Developmental Disorder—Not Otherwise Specified is used universally throughout government departments and agencies;

   (c) improve access to and expedite diagnostic services for Autism Spectrum Disorder; and

   (d) increase awareness of this condition so as to aid early identification, community acceptance and decrease the associated stigma.

(Continued from 12 May 2010.)

The Hon. K.L. VINCENT (20:25): I rise to put on the record the support of Dignity for Disability for the Hon. Ms Bressington's motion. In order to provide people with PDD-NOS with additional resources, as well as an increased sense of inclusion within the disability community, we at Dignity for Disability believe that Pervasive Developmental Disorder—Not Otherwise Specified (more commonly known as PDD-NOS must be recognised throughout all government departments and agencies as one of the many autism spectrum disorders.

In this state people with PDD-NOS have limited access to early intervention services (as provided by Autism SA through commonwealth funding) and are not eligible for any funding from Disability SA. I am told, in fact, that there are many people with PDD-NOS (and, indeed, their

parents) who have tried to have their condition rediagnosed as autism in the hope of gaining better access to services. At a personal level, I find this notion highly distressing, as I would consider having to redefine my disability as being no different from being asked to alter my race or gender. While I recognise that this comment may appear somewhat inflammatory, I consider it justified, as I have lived with my disability since my first breath and will live with it until my last, and see it as a major part of who I am—a part of which I am very proud.

To this end, I must also put on the record that having PDD-NOS officially recognised on the autism spectrum will not be a holistic solution, as services available to people with autism are themselves currently far from sufficient. Therefore, whilst having PDD-NOS recognised will be a step in the right direction, until disability services in South Australia are given a complete overhaul, this will be a step that is altogether far too small. In any event, I commend the Hon. Ms Bressington for putting forward this motion.

Debate adjourned on motion of Hon. I.K. Hunter.

PAYROLL TAX (NEXUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 June 2010.)

The Hon. B.V. FINNIGAN (20:28): On behalf of the Leader of the Government, I thank all honourable members for their contributions on this bill, in particular the Hon. Rob Lucas who asked a number of questions regarding the Payroll Tax (Nexus) Amendment Bill 2010. On behalf of the Hon. Mr Holloway I provide the following responses. The Hon. Mr Lucas stated:

> I seek from the government and their officers more details on the particular example that had evidently been highlighted to the member for Davenport. We are asking not for the name of the company but for details of the example in terms of the specific problem, the extent of possible avoidable payroll tax involved and any other detail that might assist members in understanding the particular problem that the government in other jurisdictions are seeking to stamp out.

I am advised that a large national employer who has employees who regularly provide services in more than one jurisdiction in a month had been paying payroll tax on an incorrect basis. The employer had been paying payroll tax based on the place of residence of their employees and not where the wages were paid, as the relevant provisions then required. This resulted in a large refund being due in one jurisdiction which was only partly offset by underpayments in some other jurisdictions, including South Australia. This situation caused all jurisdictions to review the nexus rules in relation to where services are provided by an employee in more than one jurisdiction during a month.

During the review process, concerns were expressed by some jurisdictions about the appropriateness of the payroll tax nexus (the location of the bank account) due to the ability of an employer to direct employees to situate their bank accounts for wage payments in a particular jurisdiction to take advantage of differential payroll tax rates and thresholds, that is, to forum shop for the lowest rate/highest threshold jurisdiction. In addition, concerns were raised that the bank accounts could be located offshore, avoiding the payment of payroll tax in any jurisdiction in these cases. Therefore, jurisdictions agreed that the principal place of residence of an employee is a more suitable tax nexus to use going forward than the location of an employee's bank account to address the potential avoidance opportunity.

From a policy perspective, the employee's principal place of residence location is the preferred nexus, as the location of the bank accounts can, in some cases, have no relationship whatsoever to the location of the employee or where the relevant services are provided. I am advised that the example that occasioned a review of the nexus provisions was not forum shopping per se, but the issue was raised as a possibility due to consideration of that matter, and jurisdictions have acted proactively to move toward a more sound and harmonised basis for payroll tax nexus in these circumstances.

The Hon. Mr Lucas also asked: whilst he understood government did not consult before, subsequent to the legislation have any industry groups or industries contacted the government and expressed their concern about either the overall nature of the legislation or, indeed, any aspect of it? I am advised that Revenue SA issued a bulletin on their website to announce the proposed new nexus arrangements for payroll tax on 29 June 2009 and all other jurisdictions also announced the changes on or around that date. I am advised that, since the bulletin has been published, Revenue SA has received no adverse comment from industry in relation to the proposed changes.

Similarly, since the bill has been introduced, I am advised Revenue SA has received no adverse comments and is not aware of any comments being received in other jurisdictions.

The honourable member also asked: was a particular body consulted and, if not, why not; and if they were consulted, were any concerns raised by that particular body in relation to the proposed legislation? I am advised that the body referred to by the honourable member is the State Taxes Liaison Group (formerly Revenue SA, Accountants and Solicitors Consulting Group). They were not consulted on this bill. This is not the normal approach, as this group is usually consulted about impending legislative changes and, indeed, the group often provides valuable input in relation to proposed amendments.

I am advised that, due to the fact that these amendments were agreed to between all jurisdictions, there was limited scope for meaningful consultation to occur. A template amendment was drafted by the New South Wales parliamentary counsel, and therefore all jurisdictions would have had to agree to any changes. It is the normal practice of the government to consult on amendments to legislation, other than some anti-avoidance and budget measures. However, for the reasons stated, this did not occur in relation to these changes. It is also noted that this amendment provides a harmonised approach across Australia, something which industry bodies regularly seek.

The Hon. Mr Lucas also noted the member for Davenport sought written confirmation from the Treasurer in relation to what he thought might have been a changed definition for wages. His reading of the Treasurer's response is that he did not believe a written response was necessary because he had taken advice and indicated there had been no change to the definition or the practical impact of the wages section of the legislation. If that is the case, the honourable member asked the minister to confirm that again on the record in this chamber during his response to the second reading. I am advised and can confirm that there has been no change to the definition of wages.

I wish to thank again honourable members for their contributions and I commend this bill to the house.

Bill read a second time.

In committee.

Clause 1.

The Hon. B.V. FINNIGAN: Honourable members have indicated informally that they have some questions regarding clauses of the bill, and as officers are not present this evening, I suggest that progress be reported.

Progress reported; committee to sit again.

LAND TAX (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

The Hon. R.I. LUCAS (20:26): I rise to support the second reading of the Land Tax (Miscellaneous) Amendment Bill. I will make some general comments first before addressing some of the particular details of the legislation. Land tax reform in South Australia has had a long and chequered history. I note the contributions in another place, with everyone claiming credit for land tax reform in South Australia. I want to put on the record my very strongly held view that land tax reform was due to the work of two groups in the community: the Land Tax Reform Association, led by the now Hon. John Darley (in those days he was not 'the honourable': he was just the simply titled Mr John Darley) and the Liberal Party.

This is not an issue that was raised in the last couple of years. For those who want to be fair to the history of this, in both cases it has been raised for a number of years. I pay tribute, originally, to the former leader of the opposition, Rob Kerin and subsequent Liberal leaders, Iain Evans, Martin Hamilton-Smith and Isobel Redmond, who also championed the cause. A constant through the whole debate has been Land Tax Reform Association and the Hon. John Darley. I am sure he would be the first to acknowledge it was not just him.

There was originally a small group of very hardworking people who got that up and going. Credit should also go to the Hon. Nick Xenophon, who was active with that group in the period leading up to the 2006 election. Some changes were made. The government of the day, prior to 2006, having said that it was not prepared to do anything on land tax reform and that there was

nothing that could be achieved, was dragged kicking and screaming to introduce some limited reform, and protest meetings were held in the marginal electorates of Norwood and Hartley, leading up to the 2006 election. Up to 1,000-odd people turned out on relatively cold winter evenings to protest.

The government realised that this was not just an issue being pushed by a small group of dissidents and their political opponents and that there was a grassroots rebellion building. The government of the day made some limited changes leading up to 2006. The Liberal Party promised further land tax reform in the 2006 election but, of course, it was not elected and could not do anything about it, and then the debate continued from 2006 to 2010, with massive property valuation increases. The modest changes that had been made prior to 2006 were immediately swallowed up by those property valuation increases, and the same groups were active again in terms of placing pressure on governments and alternative governments to come up with a policy response.

Again, it was the Liberal Party which led the way in the political sphere, and the Land Tax Reform Association was very active. There were protest meetings and a lock-out meeting at the Norwood Town Hall attended by 700 to 900 people. I cannot remember exactly how many now, but the occ health and safety officer was saying that no more would be allowed in, and 50 to 100 people were unable to enter that particular debate that evening to talk about land tax reform. Again, it was the Liberal Party which came up with the policy response and then the Labor government responded.

I give that historical perspective because, as I said, having looked at the debate in the House of Assembly, there were many jumping onto the podium to claim credit for leading land tax reform, including the embattled and embarrassed Treasurer of the day, Mr Foley, but the credit for it goes to a grassroots movement. It was an uprising recognised by a couple of groups and certainly championed by the Liberal opposition during that time.

We welcome the fact that reluctantly, grudgingly, the Labor government was dragged kicking and screaming to provide some relief in response. Only weeks prior to that, having indicated publicly that it would be financially irresponsible to provide any land tax relief, all of a sudden the polling—

The Hon. R.P. Wortley interjecting:

The Hon. R.I. LUCAS: As the Hon. Mr Wortley would know, once the polling came in and it was indicated that they had to do something, all of a sudden it was no longer irresponsible financial management to provide land tax relief; it was part of a responsible financial package that the Rann government said that it was going to introduce.

Nevertheless, however we got here, we welcome the fact that we have arrived at this particular stage. It certainly is not the end of the task. As the Hon. Mr Darley has indicated, and I certainly support, this really tackles one important part of the land tax reform debate, but it misses the mark completely on another equally important part, that is, the commercial investment we are losing at the moment.

I thought the Hon. Mr Hood might have recounted the program he saw on one of the Foxtel business channels in the period leading up to the election, in which interstate or national investors were saying to national investing audiences, 'Don't invest in South Australia because their tax regime, in particular their land tax regime, is the worst in the nation,' and recommending that they invest their dollars in states other than South Australia. That is the sort of climate that exists.

The reality is, when one is talking about land tax imposts, in particular in the million dollar plus bracket (we are talking about commercial property and commercial investment), we are still massively out of kilter with most of the other state jurisdictions. Our land tax impost in that area is massively out of kilter.

Certainly, it is the sort of area, as we look to the future, whether that be in four years or eight years, where judgments will need to be made by my political party and other political parties. The first part of solving the problem is recognising the problem, and at this stage this government has not even recognised the problem that we are losing investors and we are losing investment dollars because of the land tax rate, in particular above the million dollar mark.

When one looks at the median value of a house in Adelaide, it is now $400,000 plus, so you are really only talking about 2½ of those in terms of going through that million dollar barrier. So, if we are talking about commercial properties, clearly the million dollar mark 20 years ago (or

whenever this rate was stuck) was very pricey, but that is no longer the case. Property values have increased significantly and we are losing investment dollars because we are uncompetitive in that rate and in the million dollar plus area.

In terms of the process of handling this bill, given that we have just had the debate about payroll tax, my understanding from discussions with the Hon. Mr Darley is that this evening he has tabled two amendments. Speaking personally, I understand the arguments for it, but we have not had the opportunity to take the amendments to our joint party room. We will meet on Monday to discuss those amendments. I flag to the representative of the minister in the chamber this evening that certainly from our viewpoint we are prepared to support this bill going into committee but not progressing beyond clause 1 this week, because we will not be in a position to determine a position on the amendments until Monday evening. Certainly speaking on behalf of the party, I indicate to the government that we would be prepared to expedite it on Tuesday of next week, having determined our position.

It would certainly assist us if, at some stage in the concluding stages of the second reading, the minister tomorrow morning could indicate the government's view on the two amendments flagged by the Hon. Mr Darley, and in particular what estimate of revenue implications either amendment might have on the budget. It is the Hon. Mr Darley's advice and assessment that they will be modest or miniscule, but it would assist us if the government was able to indicate whether it agreed with that assessment and, if not, to give some indication of the revenue impact of the two amendments.

Along those lines I seek information from the government in relation to the revenue impact of the various proposals within this legislation. We know from the government's original announcements—I think in January this year—that the cost of this relief was to be, I think, $52 million a year. *The Advertiser* quotes Mr Foley as saying that there would $52 million per annum in lost revenue over the next four years, a cost estimated in January of $208 million over the four years. That seems an unusual estimate, if I might venture a comment from Treasury, in that it would appear to indicate that it is an equal cost revenue for each of the four years. To my mind the estimate would probably vary between each of the years over the four year budget estimates, and I therefore seek a response from the government as to the breakdown estimate Treasury has provided in terms of the cost to revenue of the changes.

I can go through them. What is the cost to revenue for each of the budget forward estimates years from the increase in the threshold from $110,000 to $300,000? Separately, what is the cost to revenue of the adjustments to the tax bracket $300,000 to $550,000? Separately again, I refer to the changes in the tax bracket from $550,000 to $750,000, and, separately again, the government's estimate of the cost to revenue over the forward estimates of the indexation provision being included in the forward estimates.

One minor change that has been made in the bill is the land tax exemption for land that is used for residential aged-care facilities. What is the revenue impact in each of the financial years of that particular change? I think there is a further change in relation to profit and not-for-profit organisations that operate approved aged-care facilities. What is the cost in the forward estimate years for that particular provision that has been included? What is the estimate for each of the financial years of the forward estimates period and what is the total impact on revenue of the changes that we are being asked to approve in this budget?

As I have said, I am cynical—but that is too strong a word; 'sceptical' is probably a better word—of the estimate the Treasurer provided in January of $52 million a year for each of the four years. That just does not ring true to me. I therefore seek either a confirmation of those numbers or, if they are not the correct numbers, what the actual numbers are for each of the four years. In particular, I seek the breakdown of the cost of each of the individual changes that have been incorporated in the legislation.

I want to respond to one of the other contextual matters that the Hon. Mr Darley referred to in his contribution. The man known as the welsher from the west—but I think more accurately described as the member for West Torrens—made a series of outlandish and extraordinary claims, as is his wont. He makes claims but never pays his betting liabilities to me. In those claims, he indicated—and the Hon. Mr Darley has corrected the record, but I want to correct the record as well—or accused the Liberal Party of having some secret land tax plan and that that secret involved the Hon. Mr Darley initiating and commissioning a review of land tax.

As the Hon. Mr Darley has indicated, that is not correct, and it was not correct, obviously. It was publicly announced—it was no secret—I think by the then shadow treasurer, and certainly confirmed by him and I think also by the Leader of the Opposition, that there would be a review. If elected, a Liberal government would initiate a review of land tax. In particular, we had indicated that one of the areas that we believed needed to be addressed was the investment impact of the uncompetitive nature of our land tax rate in the dollar on properties above $1 million—the issue I raised earlier. That was one of the issues that needed to be addressed. There were many others as well, but that was one of the issues that needed to be addressed.

That review was to be chaired as appropriate by the treasurer of the Liberal government, if we had been elected. There would be a number of members of that review committee, one of which was intended to be the Hon. Mr Darley, not because he was a member of the Legislative Council interested in this issue—but that is obviously one part of it—but because he had been a champion of land tax reform through the Land Tax Reform Association over a long period of time. As I think has been demonstrated even during this debate, the Hon. Mr Darley has greater knowledge on land tax issues than any other person in the parliament, including the Treasurer, not that that probably says much. It is all relative, I guess.

It is my judgment that the Hon. Mr Darley knows more about this land tax issue than anyone else in the parliament. He would have been a most appropriate member of a review committee chaired by a Liberal treasurer.

The Hon. J.S.L. Dawkins: He knows more than all the rest of us combined.

The Hon. R.I. LUCAS: Yes. So, there was no secret 'nudge, nudge; wink, wink' tax plan. As an opposition, all we said to individuals or groups who approached us was the same thing that we said to journalists who approached us. The welsher from the west, the member for West Torrens, with others, did try to put the story around, pre-election, that there had been some secret deal negotiated. Journalists spoke to me and others relaying allegations that were being made, and we said to the journalists exactly what we said to individuals and associations, exactly what we said to anyone who asked what our position was on land tax. I reiterate that today.

I am happy to support the comment from the Hon. Mr Darley, but I am disappointed that the member for West Torrens would seek to attack and denigrate the Hon. Mr Darley in the way that he did in the House of Assembly, suggesting that in some way he would be party to some sneaky deal with the Liberal Party. That was the smelly inference the member for West Torrens made in his contribution. Mr President, I guess you would be unsurprised by that sort of contribution from the member for West Torrens, as you know him well—as, indeed, do I.

However, enough on that particular issue. In relation to other aspects of the legislation, the member for Davenport, the shadow treasurer, Mr Evans, raised a series of questions in the House of Assembly debate on this, in particular in relation to the formula that would be used to establish this indexation principle. The questions were put and, after the bill went through, the Treasurer provided to the member for Davenport a copy of a two page note headed 'Land Tax (Miscellaneous) Amendment Bill 2010—Additional Information'; however, it was never incorporated into the *Hansard*.

I will incorporate some of the aspects of that answer into my contribution, because they are important, as I will indicate later. The note to the member of Davenport read:

On 12 May 2010, Department of Treasury and Finance (DTS) officers briefed you on amendments contained in the Land Tax (Miscellaneous) Bill 2010.

I stand corrected, Mr President; these were issues raised by the member for Davenport in a briefing with Treasury officers. The note continued:

At that meeting you requested additional information. Please find below the additional information requested:

Formula used to calculate average percentage change in land values

- Each year the Valuer-General will calculate the average percentage change in land values relevant to land tax.
- This percentage change will then be applied to the previous year's index value.
- The index value will be set at 1 for the 2010-11 land tax year. The index value will be applied to 2010-11 thresholds only when the index value is greater than all previous years' index values.

- While it is a matter for the Valuer-General to determine an appropriate method for calculating the average percentage change in land values, the following working formula summarises the Valuer-General's proposed approach:

Working formula

Index value year *x* equals index value year *x* minus 1 multiplied by (1 plus average percentage change in site values)

Average percentage change in site values equals residential percentage growth multiplied by (1 minus A) plus non-residential percentage growth multiplied by (A).

A equals percentage of total taxable land that is non-residential, equals

total non-residential site value divided by total non-residential site plus total residential site value multiplied by B

B equals estimated proportion of residential land not subject to a principal place of residence exemption (currently 25 per cent)

Residential (R) percentage growth equals

total R SV year *x,* for R property assessments in year *x* minus 1 minus total R SV year *x* minus 1 divided by total R assessments year *x* minus 1 multiplied by 100

Note: calculation includes vacant land zoned for residential purposes.

The Valuer-General maintains a property database that includes a land use code for each property, and he will use this information to determine which properties are to be treated as residential.

The (R) growth formula aims to ensure that the percentage growth measured from one year to the next is based only on assessments that were in force in both years. Any new assessments created over the year (generally resulting from land division) will fall into the calculations for the following year.

Non-residential (NR) percentage growth equals total NR SV year x, for NR property assessments in year x minus 1 minus total NR SV year x minus 1 divided by the total NR assessments a year x minus 1 multiplied by 100.

Note: calculation includes vacant land zoned for commercial industrial purposes but excludes primary production land. Consistent with the formula (R), the formula for NR growth compares like with like from one year to the next.

Example of average growth and calculation of index value.

That is in a table which I will seek leave to have incorporated into *Hansard* without my reading it.

Leave granted.

	Year 1	Year 2	Year 3	Year 4
Residential growth	9.0%	2.0%	-1.0%	4.4%
Non-residential growth	7.0%	4.0%	-2.0%	4.4%
1 — A	63%	63%	63%	63%
A	37%	37%	37%	37%
Average percentage increase	8.3%	2.7%	-1.4%	4.4%
Index value *applied to thresholds*	*1.000*	*1.027*	*1.027*	*1.058*

Year 1 will be 2010-11

The Hon. R.I. LUCAS: That is the formula which was explained by the Treasurer's advisers and which was to be included in this bill. As a result of the hard work of the Hon. Mr Darley and his advisers, I am now informed that the formula has now been changed completely; that is, the advice given to the member for Davenport, and through him to other members of the House of Assembly, has now been changed completely.

The minister was kind enough to give to me a copy of his proposed answer to the second reading contributions which now outlines the new formula. I trust that the minister will include that new formula in the *Hansard* record; and, if he does not, when we get to the committee stage, I would propose to do so. It will be self-evident to those assiduous readers of *Hansard* that, as a result of the work of the Hon. Mr Darley, the government's proposed formula for the land tax—this complex calculation—has changed significantly.

In pursuing this issue of the new formula, I am endeavouring to understand it as best I can. I have listened to the contribution of the Hon. Mr Darley and I have read the brief contribution to be made by the minister. As I understand it, the Valuer-General some time between late May and late June—but certainly before 30 June—will have to make this calculation in order for the indexation to be applied. For the first year it will be just before 30 June 2011.

My understanding is that the Valuer-General will be aware of all the site values, both commercial and non-commercial, that have paid land tax in the 2010-11 financial year, because this calculation, we know, is done at a certain date, namely 30 June, which will be 30 June 2010 for 2010-11 financial year.

When we get to May 2011, that is all done and dusted. He will know all the properties that have paid land tax. He will also be calculating or estimating those properties that will be paying land tax in 2011-12 and comparing like with like. The Hon. Mr Darley referred to some of this in his contribution, saying, 'Well, for example, you can't include from the first year, say 2010-11, land which is unsubdivided at a certain value and then, if the land is subdivided in the following financial year and therefore is at a higher value, incorporate that in the formula because that would be misleading.' He did not use those words, but he is nodding to me that, in essence, that is the point he was making.

Equally there would be situations where properties which would be paying land tax in 2010-11—at 30 June 2010—would not be paying land tax at 30 June 2011 because there would have been a change of ownership or use or a variety of other reasons.

What I want to have clear in my own mind is: how is the Valuer-General in practice, and Treasury, going to manage this process? They have to make a decision before 30 June but, of course, the land tax payable properties for 2011-12 cannot be confirmed until 30 June has passed, because 30 June is the operative date for those properties to pay land tax for 2011-12. I have indicated what the old formula was, and I am looking for a confirmation during committee for the reasons why the government changed that formula to the formula that has now been put. It does appear to make more sense, and I understand that is to do with a lot of the work from the Hon. Mr Darley.

However, we need to have on the record from the government why its position has changed so markedly. It needs to explain the reasons for the change, having advised the shadow treasurer that this is how the formula will operate. That bill went through the House of Assembly with members being told, 'Here's the formula' (quite a complicated formula), and now, when it gets to the Legislative Council, the formula has changed completely. I was discussing this with the member for Davenport over the dinner break, and he said, 'Well, have we been misled again?' I said, 'Well, you probably have been; this is the same Treasurer. But maybe this is because the Hon. Mr Darley and others have pointed out that the formula you are using did not make any sense at all and would lead to a number of—errors may be too strong a word; inequities is probably a better word—and that the government has agreed to change the formula based on a sensible consideration of the issues the Hon. Mr Darley has raised.'

The government needs to stand up in this house and explain why the formula has changed and its reason for changing it, but then it has to explain how this new formula will operate. I have raised only one of the issues in terms of the practical task of how this job will be done. How on earth can the 2011-12 values for those properties which will be paying land tax be calculated before 30 June when you do not know whether or not a property is land taxable until 30 June has passed and you know what the ownership arrangements are and a variety of other issues such as that? The land tax judgment is made as at 30 June; it is not done for the financial year.

A number of other technical and practical issues need to be teased out during committee. I indicated this earlier but I indicate it again for the benefit of the minister that there are two reasons: the Hon. Mr Darley does have two amendments, but we have not considered them and we will not be able to consider them until Monday evening. Therefore, we are happy for the bill to go into committee tomorrow but not to progress beyond clause 1. We are prepared to debate the issue and expedite it on Tuesday to assist the government's program.

Secondly, I repeat for the minister's benefit that if the government can provide some estimate of those cost impacts that would be useful for the opposition's consideration of the legislation. With that, I indicate opposition support for the bill.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (21:09): I thank members for their contributions to this debate. The Hon. Mr Lucas has just indicated that he wishes to raise some issues, and I will endeavour to have those available as soon as possible so that we can facilitate the finalisation of this debate next week. Like the opposition, the government has not yet had a chance to have a

look at the Hon. Mr Darley's amendments in detail, so we will do that. I will have a look at *Hansard* and endeavour to get a response for the honourable member to the issues he has raised.

With those comments, the government obviously looks forward to the passage of this bill so the much-needed relief on land tax can be delivered, but we will come back to that matter, perhaps briefly tomorrow if I have any answers, and finalise this next week. With those comments, I commend the bill to the council.

Bill read a second time.

HEALTH PRACTITIONER REGULATION NATIONAL LAW (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 22 June 2010.)

The Hon. J.M.A. LENSINK (21:10): I thank the honourable members who yesterday enabled me to speak last so that I could make a further contribution this evening. This bill will mean that the operation of the following professions of medical, nursing and midwifery, dental, physiotherapy, chiropractic, pharmacy, psychology, optometry, osteopathy and podiatry will transfer to the National Registration and Accreditation Scheme from 1 July. Interestingly, the occupational therapists have been excluded until 2012, and in addition, medical radiation practitioners, Aboriginal and Torres Strait Islander health professionals and Chinese medicine practitioners will come on board from 1 July 2012.

The new scheme, which is to be administered by the Australian Health Practitioner Regulation Agency, will have offices in each state or territory. A national board has been established for each of the professions, which was enabled by the passage of Bill A and Bill B through the Queensland parliament. I was slightly confused yesterday about the structure of all the different bodies and so forth, and so I am grateful that I have a copy of a document, which I assume was downloaded for me—

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): I would also be grateful if you did not have to compete against too many conversations, too.

The Hon. J.M.A. LENSINK: Thank you for your protection, Mr Acting President—the Australian Health Practitioner Regulation Agency. It is a four or five page document, if anybody is interested in googling it, entitled 'Frequently asked questions'. It actually has a physical drawing of the structure, which is quite useful.

So from this I understand that the peak body involved is the Australian Health Workforce Ministerial Council, under which sit the advisory council, the national boards and the agency. Beneath the national boards are accreditation authorities and national committees, state, territory and regional boards, and there are a lot of arrows going in lots of directions, so I would encourage anyone who is interested to go and find that themselves.

The ministerial council has the overarching role, which is something that is not ideal, given that it is not a directly elected body, but be that as it may, and it provides directions to the national agency and national boards about policies. There is also the Australian Health Workforce Advisory Council, which is there to provide independent advice to the ministerial council.

The agency, which I think is having a number of state staff transferred to it, is the regulatory authority, and therefore it has largely an administrative role. The boards themselves (and there will be boards to represent each health professional group) have the role of registration, standards, codes, approving accredited programs of study, assessment of overseas trained professionals, referring matters about registered health practitioners to their respective tribunals and, in addition, maintaining a national register.

The boards will consist of members appointed by the ministerial council and will have a mixture of practitioners and community and consumer bodies. It is not abundantly clear as to what the state and territory boards are exactly going to look like, and I note from the minister's second reading explanation that we can have some idea of what five of the 10 professionals will look like in that at a state level nursing, midwifery and physiotherapy will have state boards and dentistry and psychology will have a form of regional board.

I would appreciate it if the government could provide some idea of what is going to happen with the other five professions and how it was determined that those structures would be

formulated in that way because it is not immediately apparent on reading all of the material that I have read, which is quite a large amount of material.

In terms of registration, there will be a number of categories: general, specialist, provisional, limited, non-practising and student registration. There will be requirements for continued professional development and having some form of professional indemnity insurance which has been in place for some time and which is why I actually dropped my own professional registration, because I was not about to pay for indemnity insurance when I was not using it.

There is a requirement for each state and territory to have an external complaints and review process, and I understand that it has been left in the hands of each of the states and territories to determine their own process. In South Australia, this will be the South Australian Health Practitioners Tribunal, and the government has tabled some amendments to that.

It will be a significant change for the health practitioners because it is the role of the boards themselves at the moment, which are larger bodies. The tribunal will have three members sitting to hear most of the complaints and so forth. Again, I think there will be some teething problems in adjusting to the way that those operate, so I wish the tribunal well in determining how it sees its way forward.

There are some other specific South Australian amendments in the bill, including licensing of pharmacies in relation to which the government again has some amendments. There will also be continued restrictions on the sale of optical appliances and protocols to ensure that there is cross-communication with the Health and Community Services Complaints Commissioner such that complaints that are received by boards must be referred to the commissioner, which is appropriate.

Again, I foresee that these provisions do have the potential to become messy given that the bill states that the relevant board and commissioner must find a way to agree. If they cannot, it defaults to the South Australian Health Practitioners Tribunal and the commissioner then has the right to complain, if you like, to the minister if they are not satisfied with that process.

We have had a lot of rhetoric about the importance of making sure that all of the provisions are identical so that it is consistent, but I note from the contribution from the member for Morphett that this has been undermined by the fact that New South Wales has succeeded in having its practitioners excluded from the new NRAS disciplinary process, which I find a little bit alarming. I think that, in the way South Australia's disciplinary matters have been managed, it has been a very important role for the boards and this should be made consistent.

In the case of New South Wales, it will not be NRAS but it will be their Health Care Complaints Commissioner. My question for the government on that matter is: what advice has it received in relation to the risks posed by the concession to New South Wales and does it believe that there has been some compromise in the integrity of the scheme by excluding all those practitioners in Australia's most populous state? Those are my general remarks on the larger matters in the bill.

There are a few of us, I think, who received some correspondence from specific health representative bodies, and I will conclude by making some reference to those. The Australian Psychology Association, which I think has not had a great relationship with this government particularly in regard to the way they choose to consult with it, produced a 26 page submission which it provided to the government.

They have said in their correspondence to us that they sent in submissions relaying the concerns of their profession. I am disturbed that they say that they have had no reply or response to these and as such they have only just been made aware that the bill was being introduced into the Legislative Council. I regret that on this occasion we will not be able to assist them with their concerns, which we have stood for strongly in the past, mainly in relation to the issue of psychometric testing, which is defined as 'the administration and interpretation of tests of intelligence and personality'.

I have been a strong supporter of their position on this for some time. I can understand that the issue of hypnosis is a little bit harder to nail down because it is quite vague and open to different professional interpretation, but certainly in relation to psychometric testing I am very strongly of the view that they should not be tests which are administered by some sort of clerk within either a human resources company, WorkCover or any other body that may seek to use them because, if they are not applied and interpreted correctly, then the person who is being tested can be at some significant disadvantage through incorrect reports. Be that as it may, it is too hard,

and I apologise to the psychologists who wish that we would be able to have that kept within legislation, but from our side of the benches we are unable to do so.

The pharmacists have also sought legal advice and, in relation to corporate pharmacy services providers and the issue of restricted pharmacy services, they are concerned that there is some grey area I think in relation to directorships and whether they would continue to be able to be involved. That is a grey area for which I understand the government has drafted amendments which we will discuss in due course.

The Australian Medical Association wrote a letter to the Chief Executive of SA Health which has been provided to a number of us. They express concern, as we have, about clause 4 of the bill. That is something that has been discussed extensively, and I will not talk about that again. They have sought a public interest test to accompany ministerial intervention. As I referred to last night, I understand there were three Senate recommendations from the committee that reported in August last year which were adopted by the ministerial council in some way. I was not able to ascertain by what means that was done—whether it is just a policy decision or whether there is some instrument—so I will seek a clarification from the government on that point. In any case, we have an amendment drafted which we will be moving in due course.

They hold concerns about exemptions for mandatory reporting in relation to spouses and partners. They also hold concerns about the use of the terms surgeon and physician. People using those terms and therefore holding themselves out and misleading the public is a consumer safety issue. There were concerns expressed with tribunal arrangements as well, but I understand that we have not actually drafted an amendment in that regard. I think that would be rather too complex from this side of the benches.

The suspension of registration in the public interest and the inclusion of the Pharmacy Practice Act provisions are in the draft bill; however, that latter matter I think is fairly reasonable and we support that. I indicate those specific professional contributions we have had, to outline that not everybody has been happy with every provision in this bill. With those comments I will largely endorse the bill, except for those areas I have outlined that we are not supportive of and commend the bill to the house.

The Hon. J.A. DARLEY (21:26): I rise briefly to indicate my support for the second reading of this bill. As already highlighted by a number of other honourable members, this bill has a long history stemming over a number of years. I do not wish to re-canvass the points already made by other honourable members, other than to say the following.

The proposed scheme relies on a consistent approach by all jurisdictions in relation to essential aspects of the legislation. I understand that this point essentially forms the basis of at least one of the government's arguments as to why we should proceed down the path of adopting the Queensland legislation, rather than the corresponding law model as adopted by Western Australia.

Having said that, I also believe that there is a lot of merit in the arguments we have heard from the opposition, regarding the need to preserve this parliament's sovereignty and its ability to scrutinise future amendments. I do not believe that adopting the corresponding law model will have a negative impact on the consistent approach in relation to this legislation to such an extent as to make it inoperable. For that reason I foreshadow that, whilst I will not stand in the way of the passage of this bill, I will nevertheless be supporting the amendments of the opposition.

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

SUPPLY BILL

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

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (21:28): I move:

That this bill be now read a second time.

This is, of course, the Supply Bill, which appropriates an amount from the Consolidated Account to enable the functions of the state to continue until the budget is passed. Members would be aware that the budget is due to be brought down in September, so the Supply Bill is necessary to enable the functions of government to continue until that time. I look forward to speedy debate on this bill so that it can be passed and proclaimed before the end of the financial year.

Debate adjourned on motion of Hon. J.M.A. Lensink.

At 21:29 the council adjourned until Thursday 24 June 2010 at 11:00.