LEGISLATIVE COUNCIL

Thursday 14 October 2010

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

PARKS COMMUNITY CENTRE

The Hon. R.L. BROKENSHIRE: Presented a petition signed by 813 residents of South Australia concerning the Parks Community Centre. The petitioners pray that this honourable house will call upon the state government to reinstate funding for the redevelopment, continuation of existing services and locating of new community services at the Parks Community Centre site.

ROAD FUNDING

The Hon. R.L. BROKENSHIRE: Presented a petition signed by 90 residents of South Australia concerning funding to roads in the southern suburbs. The petitioners pray that this honourable house notes that approximately $800 million in funding commitments have been made by the state and federal governments for a so-called superway in the northern suburbs of Adelaide and calls upon the state and federal governments to invest at least the same amount, if not more, in upgrading the Victor Harbor Road, Main South Road and the Southern Expressway.

PAPERS

The following papers were laid on the table:

By the President—

Report of the Office of the Employee Ombudsman, 2009-10

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

Reports, 2009-10—
- Dairy Authority of South Australia
- Legal Practitioners Education and Admission Council

Report into the Inquest into the Death of Adam Keneth McNamara
South Australian Election 2010—Report and Statistics
Regulations under the following Act—
- Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007—
  - Forfeiture Offences

Rules of Court—
- Magistrates Court—Magistrates Court Act 1991—Amendment No. 36

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

Reports, 2009-10—
- Boundary Adjustment Facilitation Panel
- Office for the Ageing—Administration of the Retirement Villages Act 1987

District Council By-Laws—
- Victor Harbor—No. 2—Moveable Signs
- Streaky Bay—
  - No. 1—Permits and Penalties
  - No. 2—Moveable Signs
  - No. 3—Roads
  - No. 4—Local Government Land
  - No. 5—Dogs
  - No. 6—Cats

Regulations under the following Act—
- Liquor Licensing Act 1997—Dry Areas—Short Term—
  - Coffin Bay Area 1
  - Semaphore

HUNT, MR D.

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) (14:22): I lay on the table a ministerial statement made today by the Minister for Police in relation to Mr David Hunt AO, QPM, C St John.

QUESTION TIME

PUBLIC TRANSPORT, ADELAIDE HILLS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:23): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question in relation to public transport for the Hills.

Leave granted.

The Hon. D.W. RIDGWAY: We saw, tragically, two days ago an accident on the South-Eastern Freeway with a semitrailer that was out of control. Tragically, a gentleman lost his life and other people were injured.

Members are well aware that the freight task for this economy in this state is likely to double in the next 10 years. Currently, 60 per cent of the population of people living in the Mount Barker region travel to Adelaide along the freeway by car. Under the government's 30-year plan, we are to see up to 50,000 extra people likely to be living in that particular area, and one can only assume that 60 per cent of those will also be travelling by car.

I recently attended one of the DPAC meetings, just to get a feel for some of the issues in the community. One woman in particular made a comment that she often travels with school-age children to Adelaide for excursions. I am not sure whether she was a parent, a schoolteacher or perhaps just a school SSO. However, she said that children often have to stand up on the bus because the bus is overcrowded and, of course, being a state STA bus, it allows people to stand up.

The Hon. B.V. Finnigan: An STA bus?

The Hon. D.W. RIDGWAY: No, a state bus.

An honourable member: A Hills Transit.

The Hon. D.W. RIDGWAY: A Hills Transit—that's it—but nonetheless, the children have to stand up. It seems to be only a matter of time, if the traffic increases on that road because of the population up there, before we see a tragedy, sadly, of a much more significant size than the one we saw this week.

The 30-year draft plan indicated that the government had some fanciful thought of light rail in the Mount Barker area. I have a copy of the Adelaide Hills/Murray Bridge directions map from the 30-year plan and there is absolutely no mention of any public transport infrastructure for the Mount Barker region. My question to the minister is: what is the government's public transport solution for the future protection of children and the people from the Mount Barker region?

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) (14:25): Let us correct the errors first. The honourable member was talking about 50,000 extra people in Mount Barker. In fact, the proposal is for about 7,000 extra dwellings. I suppose you could double that or increase it by slightly more than double for the number of people, depending on the size of households. That would lead to, roughly, a doubling of the current population which I believe, in the Mount Barker/Nairne area, is about 15,000. That is the first point I want to make.

The second point is that the honourable member talked about 60 per cent of people travelling by car to the city—commuting, I assume he means. He made the assumption that that would be the case in the future. However, one of the objectives of the 30-year plan is, of course, to ensure that there is more employment near to where people live. Indeed, some of the land proposed to be set aside at Mount Barker is, of course, for employment areas. Mount Barker was set aside really as the growth centre for the Hills many years or decades ago and, of course, it has become the natural centre, so there are many supporting service industries located around Mount Barker, and one would expect that to continue in the future. One of the objectives of the 30-year plan is to reduce the need for people to travel beyond their district for employment.

To suggest that somehow or other there is an issue with the freeway because, tragically, one person was killed yesterday—we have not yet heard about the investigation into that particular

accident but, given the volume of people travelling on that road every day (and I am one of them), there is significant—

The Hon. D.W. Ridgway: You don't work where you live.

The Hon. P. HOLLOWAY: Unfortunately, no; but if Parliament House could be located in the Adelaide Hills I would be very happy and probably so would the deputy leader. It would be a good idea perhaps to put it at Mount Barker.

The point is that the fact that there was one tragic accident on the road, given the volume of traffic, does not necessarily make that road unsafe. Whenever you have that volume of traffic on any road, whether it is Port Wakefield Road, Main North Road or Anzac Highway, inevitably, but unfortunately, you will have fatalities. There may potentially be some road safety issues involved, but I do not want to comment on those.

There is, obviously, the particular risk, with a steep road like the South-Eastern Freeway, of a truck's brakes failing. I have to say that I was rather intrigued yesterday that the Leader of the Opposition (who is the local member for the Hills) was suggesting speed limits as a solution. If you have a heavily-laden B-double truck, presumably the speed limit would have to be about 20 km/h, because that is about how fast a heavily-laden truck should be travelling down a road like that to ensure that it does not get out of control. I am not sure that if you had a 20 km/h speed limit on the freeway the Leader of the Opposition's constituents would be particularly pleased with that. Clearly, there are issues in relation to road safety and they will be addressed.

An honourable member interjecting:

The Hon. P. HOLLOWAY: The honourable member has raised this issue and I am going to clarify it. In relation to public transport, again, the honourable member misrepresented the 30-year plan. He will see that one of the potential solutions to transport in the Hills, one of the issues that was canvassed—and obviously this is something for the future that will need a lot of work, because we are talking about a 30-year plan—was the potential to have special bus lanes operating along the freeway. I believe that is referred to in the 30-year plan, and I would be happy to dig that out and show it to the honourable member. To suggest that you could have a light rail going to Mount Barker for 25,000 people would—

The Hon. D.W. Ridgway: Your original draft had a light rail line marked in a dotted line.

The Hon. P. HOLLOWAY: It was not a light rail; it was a bus track. I would imagine a light rail to Mount Barker would cost billions and billions of dollars, for a township of 30,000. It would be fanciful to suggest that was an option. Some people have suggested using the current railway. I used to catch the passenger rail when that was going, and it took about 70 minutes to get to Bridgewater. If it had to wind further around the Hills to Mount Barker it would be a two or three-hour trip, and no-one would use it. There are fundamental issues with rail through the Hills, as I am sure everyone knows, because of the steep and winding grades. However, the 30-year plan envisaged looking at the use of special bus lanes to deal with that issue.

At this stage the government is still going through the development plan amendment process in relation to Mount Barker. I think the final meeting was last night, and DPAC will then have to provide advice. So there is a long way to go before the first extra house is built. Of course there has been significant growth in Mount Barker over the past 30 years. Indeed, as I have pointed out often enough, I understand that the projected growth in the 30-year plan is less than the growth over the previous 30 years, but that is another story.

I reject the contention that no thought has been given to providing transport to that region. I know that the government has recently upgraded the bus interchange at Mount Barker, and it has been incredibly popular, like many of this government's public transport measures. They have been so successful and led to so much increase in patronage that they are already requiring upgrading, just like the so-called 'tram to nowhere' that members opposite used to talk about that has been extremely successful as well.

In relation to the question, I think these issues will be addressed over the 30-year period. They have been envisaged within the 30-year plan, but there is still a way to go before the implementation of that plan moves to the next stage.

PUBLIC TRANSPORT, ADELAIDE HILLS

The Hon. J.M.A. LENSINK (14:33): I have a supplementary question arising from the answer. Can the minister advise the capacity of the park-and-ride usage at the moment, and whether the government has any plans to expand it? If so, by how many spaces?

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) (14:33): They are really matters for the Minister for Transport. I happen to be the Acting Minister for Transport today, so I will see if I can get those answers from the department and bring back a response.

PUBLIC TRANSPORT, ADELAIDE HILLS

The Hon. M. PARNELL (14:33): I have a supplementary arising from the original answer. Even if the rezoning of new employment land takes place in Mount Barker, what proportion of the increase in population of workers does the government expect will commute to Adelaide by private car? If it is not 60 per cent, as it is at present, what figure does the government say it will be?

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) (14:34): Obviously those figures are just projections, but what the 30-year plan does is have the employment targets for the region. Clearly, they are commensurate with the population growth. As to what percentage that relates to, it would be easy enough to do that calculation, but I will take it on notice and get back to the honourable member.

LIQUOR LICENSING

The Hon. J.M.A. LENSINK (14:34): My questions are for the Minister for Consumer Affairs on the subject of liquor licensing:

1. How many licensed premises in South Australia have not had an inspection in the last three years?

2. How long does the average inspection take?

3. How many fines were issued, for what types of offences and how many in each category?

4. How many prosecutions were recorded, for what types of offences and how many in each category?

5. What action was taken as a result of prosecutions?

6. What has been the impact of the initiative from the 2009-10 budget of conducting 400 additional priority 1 inspections?

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) (14:35): I thank the honourable member for her important questions. The Office of the Liquor and Gambling Commissioner inspectors are responsible for the physical inspection of our licensed premises, and that is about ensuring compliance with the Liquor Licensing Act and other conditions of the licence as well. Inspectors also prepare reports for the licensing authority on new applications and applications which have the potential to impact on the local community.

The enforcement of the act is assisted by the police, and to this end SAPOL has a dedicated licensing enforcement branch. SAPOL also has dedicated drug action sergeants in all local service areas with responsibility for alcohol and drug management issues. For example, police have primary responsibility for policing matters such as minors, the service of intoxicated people, overcrowding, trading hours and other behavioural issues.

Licensed premises total approximately 5,600. They are assessed annually on a risk associated with three different categories to determine the frequency of their inspections. Priority 1 venues are inspected every 12 months; priority 2 are inspected every two years; and priority 3 are inspected every three years. The licensed premises throughout the state are inspected on a regular basis and premises considered high risk are flagged priority 1; those considered medium risk are flagged as priority 2; and those that are flagged as low risk are considered priority 3.

The estimated results for visits for 2009-10 are: priority 1, 1,364; priority 2, 1,390; and priority 3, 471. The estimated result for 2009-10 in priority 1 premises was 1,364 inspections, as I said. There was a minor variance between that and the target that was established. In terms of the details in relation to the other questions that the honourable member asked, I am happy to take those on notice and bring back a response.

FAMILY SAFETY FRAMEWORK

The Hon. S.G. WADE (14:38): I seek leave to make a brief explanation before asking the Minister for the Status of Women questions relating to the implementation of the Family Safety Network.

Leave granted.

The Hon. S.G. WADE: The Women's Safety Strategy was introduced in 2005. Under this strategy, the Office for Women manages the Family Safety Network. The Family Safety Network, I understand, seeks to ensure that agencies such as police, families and communities, and non-government DV organisations share information about support to high-risk families and take responsibility to support these families to navigate the service system.

I understand that, five years since the launch of the Women's Safety Strategy, the Family Safety Network is operating in less than half of the state's police local service areas. These are Holden Hill, South Coast (Noarlunga), Port Augusta, Port Pirie, Northern Metro (Elizabeth) and Western Metro (Port Adelaide).

One of the common myths which the White Ribbon Foundation seeks to address is that certain groups, whether cultural or socioeconomic, are responsible for the majority of violence against women. Domestic violence occurs across all sections of society. My questions are:

1. How does the government justify the focus of the Family Safety Network on areas with relatively low socioeconomic indicators?

2. Are the government's allocations under this program based on assessed risk?

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) (14:39): The Family Safety Framework seeks to ensure that services to families who are most at risk of violence are dealt with in a much more structured and systematic way, through providing a forum that enables agencies to come together to share information about those high-risk families, and to then take the responsibility for supporting those families to navigate through what can often be seen as a complex set of systems.

The Family Safety Framework has indeed been a great success and as, the honourable member outlined, it is now being rolled out to six regions throughout South Australia, and we are currently considering further rollout as well. In relation to the choosing of their sites, I have been advised that a number of issues are taken into consideration. The demand is only one, so that obviously there is a need.

There are other issues around the infrastructure in place in those regions that would lend themselves to the suitability of the Family Safety Framework, particularly where there are specific designated police resources for domestic violence. What we have sought to do, wherever possible, is to value add, so that where there are designated resources available we have sought to build on those and to enhance them through the Family Safety Framework arrangements.

These have all been considerations. We have also tried to value add in terms of the practices of various regions. Some regions had in place a network of information sharing that made them quite suitable for applying a Family Safety Framework, so clearly we have assessed a wide range of different attributes and circumstances and have sought to choose the most suitable places according to, as I said, a number of different assessors.

There has been an evaluation of the Family Safety Framework and that has demonstrated how effective this particular approach is. I have visited a number of these already, and the feedback from those agencies and individuals from different agencies participating in the Family Safety Framework speaks very highly of the benefits of this particular approach.

I have particularly spoken to a number of police officers involved, and on all occasions those people I have spoken to have indicated their high regard for the Family Safety Framework

and the benefits they believe it offers. So as I said, we continue to look for opportunities to roll out the Family Safety Framework further here in South Australia.

MURRAY-DARLING BASIN PLAN

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) (14:44): I table a ministerial statement made today by the Premier on the subject of saving the River Murray.

MARY MACKILLOP

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) (14:44): I table a ministerial statement made today by the Premier on the subject of Mary MacKillop.

QUESTION TIME

VICTORIAN BUSHFIRES ROYAL COMMISSION

The Hon. CARMEL ZOLLO (14:44): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question regarding the Victorian Bushfires Royal Commission and implications for South Australia.

Leave granted.

The Hon. CARMEL ZOLLO: The Victorian Bushfires Royal Commission recently handed down its findings into the tragic loss of life in 2009. This government has since provided an interim response to its recommendations. The desire to protect human life from a repeat of this tragedy has led to some interest from residents in high-risk areas in the possibility of installing shelters on their properties. Will the minister provide advice on any state government initiatives to assist South Australians who want to install bushfire bunkers before the next bushfire season?

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) (14:45): Following the devastating Victorian bushfires in 2009, which claimed 173 lives, there was considerable public interest both locally and nationally in bushfire bunkers or shelters as a means of enabling people to survive a bushfire. In particular, there was interest from a number of South Australians residing in high bushfire risk areas to install bushfire shelters.

While there are almost miraculous stories of those who survived these devastating bushfires by sheltering in bunkers, the Victorian Bushfires Royal Commission also heard details of seven people who, sadly, perished while sheltering in bushfire bunkers. In the immediate aftermath of the Victorian bushfires, this loss of life was less publicised than the stories of those who survived. At the time of the Victorian bushfires, there was no national standard for the construction of a bushfire shelter, so there was no way of being able to assess whether any particular design would provide a reasonably safe refuge during such a catastrophic fire event.

Bushfire shelters are fundamentally different from other buildings for fire safety. With most other buildings, the objective is to ensure that people can leave a building safely and quickly in the event of a fire. With bushfire shelters, the intention is to retain people inside the building, using it as a fire resistant container to protect them from the effects of a bushfire as it passes through an area.

A number of products have begun to appear on the market claiming to be bushfire bunkers but, without a national standard, it is difficult to assess whether these structures could deliver on their promise of being a safe haven in a bushfire. This prompted the Australian Competition and Consumer Commission to warn consumers about representations being made by those offering a bunker as protection from a bushfire.

In South Australia, a cautionary note was issued summarising all of the things that needed to be considered by homeowners contemplating installing a bunker. As a result of this uncertainty, the Australian Building Codes Board announced in September 2009 that it was developing a standard for bushfire bunkers as a matter of urgency. On 30 April this year, the Australian Building Codes Board released the Performance Standard for Private Bushfire Shelters which, I am advised is the first such standard in the world.

Under normal processes, the earliest date for adoption of this standard in South Australia through the national Building Code of Australia would be 1 May 2011. An added difficulty in South Australia, as in other jurisdictions, is that there are very few people who have the expertise to be able to either design or assess proposals for bushfire bunkers against the new standard. Accordingly, a somewhat different approval process has been initiated, where designs are reviewed by a panel with technical building expertise rather than individuals.

In most normal circumstances, the assessment of buildings would be conducted either by qualified officers from local councils or private certifiers with the professional expertise to ensure that they comply with the relevant technical requirements. However, with the bushfire season soon to approach us, and with many local council officers and private certifiers without the expertise required to assess the structures, I took advice as to the best course of responsibly progressing this matter. I know that the Hon. Mr Brokenshire, as a resident of Mount Compass, has taken an interest in this issue, along with several other members in this place and elsewhere.

New development regulations were gazetted on 26 August, adopting the performance standard for private bushfire shelters as developed by the Australian Building Codes Board. To ensure new bushfire bunkers in South Australia comply with the performance standard, all applications to begin building these structures will be referred to the Building Rules Assessment Commission for its concurrence.

As many honourable members are aware, the Building Rules Assessment Commission is established by the Development Assessment Commission under the Development Act 1993. It is a peer referral group of technical experts appointed to ensure national consistency and timely decision-making on technical matters relating to compliance with the performance requirements of the Building Code of Australia.

This government remains committed to doing all it can to preserve human life and property in the event of a bushfire and to help make our state as safe as possible. The state government is moving quickly, but carefully, and taking a considered approach to ensure that South Australia's response to the Victorian Bushfires Royal Commission, and other bushfire issues, will help reduce the likelihood of a catastrophic loss of life in a similar bushfire event. I, along with all members in this place, genuinely hope that South Australia does not experience a catastrophic event to match Victoria's Black Saturday tragedy.

The state government is initiating a range of measures to ensure that South Australians have a greater awareness of the danger of bushfires and also provide considered policies to help lessen the chances of similar tragedies. The introduction of assessment controls for the building of bushfire bunkers in South Australia is one of many steps this government is undertaking for the safety of South Australians.

TRANSPORT SUBSIDY SCHEME

The Hon. K.L. VINCENT (14:50): I seek leave to make a brief explanation before asking the minister representing the Minister for Transport a question about the South Australian Transport Subsidy Scheme.

Leave granted.

The Hon. K.L. VINCENT: On 22 October 2009, Mr David Holst from Disability Speaks met with the Minister for Transport to discuss issues surrounding the South Australian Transport Subsidy Scheme (SATSS) vouchers. At that time, Mr Holst proposed that non-taxi licensed transport providers be able to accept SATSS vouchers in order to help expand the range of transport options available to people with disabilities. Mr Holst's proposal, indeed, has merit. My office has been contacted by numerous people who have waited hours for Access cabs, and it is clear that there is much room for improvement when it comes to transport for people with disabilities. My questions are:

1. Will the minister allow for SATSS vouchers to be used with non-taxi licensed transport providers?

2. What is the government doing to ensure that Access cabs are more readily available?

3. How many complaints has the minister's office received in the past 12 months regarding the availability of Access taxis?

4. What other action is the minister taking in order to expand the range of transport options for people with disabilities?

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) (14:52): I will take the member's question on notice and seek to get an answer from the transport department as soon as possible.

CEMETERY REGULATIONS

The Hon. R.P. WORTLEY (14:52): My question is to the Minister for State/Local Government Relations. What are the implications for the Local Government (Cemetery) Regulations 2010 relating to parking and driving offences?

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 25 May 2010, I released the draft Local Government (Cemetery) Regulations 2010 for consultation with local government, the funeral industry and cemetery authorities. The regulations, which are subordinate to the Local Government Act 1934, were last reviewed in 1995 and were required to be remade by 1 September 2010. The Governor in Executive Council approved the regulations, and they were gazetted on 12 August 2010.

The new regulations include a small number of changes of a relatively minor nature. The key policy considerations were plain language disclosure statements for funeral arrangements, coffin standards, unclaimed memorials and penalties for driving and parking offences within cemetery grounds.

Unfortunately, media reports in today's *Advertiser* allege that the local government cemetery regulations give new powers for parking inspectors to enforce penalties in cemeteries. These reports are misleading, and I can confirm that there are no new offences for people parking and driving in cemeteries and no new measures for parking inspectors coming into cemeteries.

The previous regulation 27 provided for one penalty of $200 for a breach of any regulation. The previous regulation 23 provided that a person in charge of a motor vehicle in a cemetery 'must comply with any lawful direction of the cemetery authority as to the driving or parking of vehicles'. I am advised that, while breaches are not common, in the past cemetery authorities needed to take offenders to court to control all parking and driving breaches.

The replacement regulations, which commenced operation on 1 September 2010, provide cemetery authorities with the option of issuing an expiation notice for driving or parking offences within the cemetery grounds. The expiation fees for offences are a maximum of $21 and $50 respectively, rather than $200 if the matter went to court. So, for a parking offence you are up for $21 under the new regulations instead of $200 under the former regulations. You do not have to be a mathematician to work out that that is a real benefit to people.

I am advised that this would avoid these expensive court costs for an offender and replace them instead with an on-the-spot fine or similar arrangement. During consultation with stakeholders on these regulations, cemetery authorities indicated that expiation fees may help authorities to better manage these driving and parking types of offences, things like (I have been informed) people taking short cuts and driving their cars through cemetery parking grounds, excessive speed in parking lots and people using the cemetery car parks to access other facilities nearby; so they are in fact not using or visiting the cemetery at all but off doing their shopping or something (that is my interpretation, anyway).

There is no need for families and mourners to be distressed by what they read in the paper today. They should not be distressed or worried by those misleading claims. It was a disgraceful beat-up that has caused a great deal of distress to those people who visit their loved ones in a cemetery and it was completely unnecessary and misleading.

CEMETERY REGULATIONS

The Hon. R.L. BROKENSHIRE (14:57): By way of supplementary question, will the minister advise how many times cemetery managers and owners have taken people to court, and how will they police these regulations?

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) (14:57): As I said in my answer, these offences have been rarely enforced in the past. Nevertheless, the upgrading of the regulations was an opportunity, as they had not been changed for some time, to improve them and we did it in extensive consultation with the industry.

The Hon. A. Bressington interjecting:

The Hon. G.E. GAGO: It was extensive. The honourable member questions how extensive the consultation was. It is absolutely outrageous. She does not know what she is talking about. She is making comments in this place and she has no idea what she is talking about in terms of the extensive consultation that occurred in regard to these regulations. We even have the LGA supporting these announced changes. The Cemeteries Authority supported these regulations, so it is in line with the views of the industry. That is responsible government.

The second question, if I recall, was how these matters would be enforced. It would depend on the arrangements between the cemetery authority and local councils. Different cemeteries have different arrangements in place. I have been advised that an authorised officer would have the powers to initiate an expiation, and cemetery authority people also could be delegated that responsibility, as could local council officers.

There are different types of arrangements in place, and it would depend on where that delegated authority lay. It is no different to the current arrangements. These same authorised officers, I have been advised, are those who are responsible for enforcing breaches in the current parking and driving offences in cemeteries.

So, I have been advised that there is no difference to the enforcement or the offence except that, instead of them all necessarily having to go off to court and face a fine of $200, they can be expiated, and I said the range of fees is $21 or $50 respectively, for parking and driving offences.

OLYMPIC DAM

The Hon. M. PARNELL (15:00): I seek leave to make a brief explanation before asking a question of the Minister for Mineral Resources Development about the Olympic Dam expansion.

Leave granted.

The Hon. M. PARNELL: On 26 September this year in South America, Andrew Mackenzie, the chief executive of BHP Billiton's non-ferrous metals division, gave an overview of the company's plans for the Olympic Dam expansion. Included was a timetable for expected copper production. The scale of copper production in Mr Mackenzie's presentation is vastly more than the 750,000 tonnes of copper product per year included in the 4,600 pages of the draft environmental impact statement the company released last year. In fact, a graph on slide 12 of the presentation shows that BHP Billiton now expect to scale past the full 750,000 tonnes of production included in the draft EIS in just year 11 of the expansion, and past the one million tonne mark included in their EPBC Act application in just year 17.

Members may recall that BHP Billiton set the time frame for the assessments in last year's draft EIS at 40 years. By this end point, year 40, the company, according to their latest statement, have now forecast that they will be producing 1.4 million tonnes of copper per year, almost twice the figure included in the environmental impact statement.

Members will also know that this project has been declared a major development, under section 46 of the Development Act. Section 47 of the Development Act, addresses the issue of a significant alteration to the original proposal. It says, in subsection (2)(b), 'if a proposed amendment would in the opinion of the Minister significantly affect the substance of the EIS', a further round of public consultation and public submissions is triggered.

The proposed BHP Billiton plan is now twice what was previously revealed to the South Australian people in the company's 2009 draft EIS, and that has major flow-on impacts in terms of, for example, water demand, the size and impact of the desalination plant proposed for Upper Spencer Gulf, the size of the tailings dams, the size of the waste rock piles, energy use, greenhouse pollution, to name but a few—not to mention the requirement to fully rehabilitate and decommission the mine site at the conclusion of operations. My questions are:

1. Considering the vastly different scale for the Olympic Dam expansion now proposed by BHP Billiton, will the minister, firstly, exercise his responsibilities under section 47 of the Development Act to require BHP Billiton to undertake a review of their EIS?

2. Will he ensure that any amendment to the EIS will go through a thorough public consultation phase?

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) (15:03): I know the honourable member is implacably opposed to the Olympic Dam expansion and will do whatever he can to try to misrepresent it. The fact is there is an EIS that BHP have released. They are now in the process of responding to that, and I would expect that a supplementary environmental impact statement from BHP will be available to the government, perhaps by the end of this year.

BHP's EIS outlines the scale of production that they envisage, and the government will be assessing it on that basis. Whether the head of one of their divisions might have been speculating on how much production there could be in 40 years, 11 years, 17 years or whatever hence is one thing. What BHP is seeking approval for is what is in their environmental impact statement, and that is what the government will be assessing.

The PRESIDENT: The Hon. Mr Parnell has a supplementary question deriving from the answer.

OLYMPIC DAM

The Hon. M. PARNELL (15:04): Has the company indicated to you their revised scope for this project, and are you categorically ruling out requiring them to undertake a review of their EIS?

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) (15:04): As I said, BHP has indicated to me that they will be responding to the original proposal they put forward, and that will cover them up to 750,000 tonnes, I believe, of production. If they wanted to extend beyond that, clearly they would have to apply and the process would begin again.

After all, the current Olympic Dam operations went through a number of expansions. I believe the original indenture allowed for expansions up to the current level of 350,000 tonnes, from memory. The original indenture envisaged the particular level of production, when BHP wished to go beyond that, and that is why they are going through the application procedure. That is why the indenture is being renegotiated. That is why the environmental impact statement is before us now to permit this doubling or thereabouts of production.

If BHP wishes to double production again, then one imagines that will inevitably mean that they will go through the same sort of process they are going through now if they seek to go beyond what would be their approval limits. That is what has happened in the past, and I do not see any reason why that would not be the case in the future.

BUSHFIRE TASK FORCE

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) (15:06): I table a copy of a ministerial statement relating to the Victorian bushfires made earlier today in another place by my colleague the Minister for Emergency Services.

QUESTION TIME

GLOBE DERBY PARK

The Hon. T.J. STEPHENS (15:06): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning questions about the planned development at Globe Derby Park.

Leave granted.

The Hon. T.J. STEPHENS: The first annual report of the Housing and Employment Land Supply Program has identified Globe Derby Park as a future growth area for residential development for northern Adelaide. According to table 3.18 of the report, the area is to be rezoned from rural living and recreation to residential by 2013. For this to occur, the plan states that Globe Derby Park Racecourse must be closed.

The minister will recall the compensation fight the Gawler Harness Racing Club had with the Rann government when its land was compulsorily acquired to make way for the Northern Expressway. One has to wonder whether this is another case of the Rann government making big plans without consulting the community appropriately. My questions are:

1. What consultation has taken place in relation to the decision to rezone Globe Derby Park?

2. Will the minister listen to the local community on the proposed rezoning?

3. Has the minister consulted Harness Racing South Australia about this proposal and, if not, when will the minister consult Harness Racing South Australia?

4. Does this government have a new plan for a home for harness racing in Adelaide and South Australia if this plan goes ahead?

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) (15:07): This Housing and Employment Land Supply Program report takes the 30-year plan and the land that was envisaged for future development and puts some detail as to all the potential areas where Adelaide might grow. There are numerous potential areas of growth envisaged in that report. The government has no intention of compulsorily acquiring land, any more than has been the case in the past when land has been examined for rezoning.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Of course, if you have an expressway, yes, that is when you do. If you are going to build a road then, yes, you do compulsorily acquire land for that purpose. In relation to this particular area around Globe Derby, I remind the honourable member that that is adjacent to the salt fields. I understand there has been some investigation involving the LMC, Delfin and, I think, the Ridley Corporation, who own the salt fields, to look at the potential of whether that area could be used for housing given that it is not that far from the CBD.

Obviously, whether that proceeds will depend on its viability. As that land is adjacent to the area around Globe Derby, one would imagine that there would be a number of issues to be faced in relation to that, not the least of which would be relocation of those operations. One would envisage that, before any expansion in that area of Globe Derby were viable, it would depend perhaps on the viability of that particular proposal. All the Housing and Employment Land Supply program seeks to do (and it will be updated every year) is look at those areas which are being considered for future growth.

In relation to harness racing, I am not sure who owns that property, but it is my understanding that it is owned by a committee, and it would really be up to the committee to decide what it wishes to do with its land in the future. Just because one is investigating areas within the 30-year plan does not automatically mean that the government will compulsorily acquire that land; in fact, generally speaking governments do not compulsorily acquire land for anything other than for purposes such as roads or essential infrastructure.

All this program does is simply look at land that has potential for urban growth in the foreseeable future. It is up to the owners of that land, and to developers who may wish to purchase it, as to whether or not those plans come to fruition. The program will be updated every year and, if it transpires that the Ridley land at the salt fields is not viable for housing, that would be taken out of the plan in the future and some other areas would be looked at. All this program seeks to do is provide a map of areas for potential future growth.

I should also say that the maps are extremely detailed in that they show virtually every dwelling that has been built between 2005 and 2009. So it shows where growth has been and it shows land that is potentially available. For example, there is a series of steps that would have to be taken for much of the land in that area, particularly if it is not zoned for housing; many considerations would have to take place first.

In relation not so much to Globe Derby Park but to the adjacent area at the salt fields, significant studies of the viability of any such development taking place are currently being undertaken. That will determine the future of that area, and probably any potential for development of adjacent areas. That will be the determinant. It certainly will not be a case of government compulsorily, or otherwise, I suspect, acquiring any land in that area.

HIGH-RISK WORK

The Hon. B.V. FINNIGAN (15:12): My question is to the Leader of the Government, the Minister for Industrial Relations.

Members interjecting:

The PRESIDENT: Order!

The Hon. B.V. FINNIGAN: Will the minister provide details of changes to the licensing of high-risk work?

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): I thank the honourable member for his important question. On 1 September 2010 the government introduced a new occupational health and safety licensing system for high-risk work. Qualified South Australian workers will now be issued a national licence to perform prescribed types of high-risk work for the first time. Introduction of this new nationally-recognised high-risk work licence is aimed at making safer those workplaces where high-risk work is performed. High-risk work includes scaffolding, rigging and dogging, and the operation of certain pressure equipment, steam turbines, cranes and hoists.

The new licensing system implements the National Standard for Licensing Persons Performing High Risk Work 2006 and is included in the regulations under the Occupational Health, Safety and Welfare Act 1986. The key feature of the new high-risk work licensing system is the linkage of training to the vocational, education and training sector. It is expected that there will be significantly improved safety outcomes that will flow from this linkage. The changes include the requirement for people holding qualifications in high-risk areas to convert, over a five-year period, to the new licence. Workers who have qualifications relating to the operation of forklifts will also need to convert to the national standard. The licence, which will include photo identification, would require renewal every five years.

Improved safety is the centrepiece of these reforms, and the new licensing system, based on the national standard, will make the training, assessment and licensing of high-risk work consistent across Australia. Furthermore, this new system will allow high-risk work licences for South Australian workers to be recognised in all jurisdictions across Australia. New administrative systems to ensure a smooth transition to the new licensing system in South Australia have been put in place by the government. Applicants for licences will now be able to apply for their high-risk work licence at any of the 20 Service SA customer service centres in metropolitan and regional South Australia or through an Australia Post outlet.

Application numbers are expected to exceed 118,000 in the first five years of the scheme's operation. SafeWork SA has therefore ensured that stakeholder education about the new requirement has been a high priority since 2008. In addition to providing up-to-date information on its website and through a range of media, SafeWork SA has conducted stakeholder information sessions in all parts of South Australia for the general public, associations and employers who are likely to be affected by the upcoming changes. A communications campaign will also be implemented during the first years that the new national licensing system is in operation to ensure that South Australian workers needing to apply or transfer to the new licences are aware of the requirements.

I am very pleased that industry feedback to date has been positive, based on the safety benefits. There is strong industry and community support for the move to the new national system. Indeed, the new high-risk work licensing system has made a very good start, with SafeWork SA receiving 1,709 applications for new high-risk work licences and conversions of former certificates and tickets during September, the first month of operation.

SEAFORD HEIGHTS DEVELOPMENT

The Hon. R.L. BROKENSHIRE (15:16): I seek leave to make a brief explanation before asking the Leader of Government Business questions regarding the Seaford Heights development.

Leave granted.

The Hon. R.L. BROKENSHIRE: In recent weeks, since we last sat, two world-renowned and highly respected wine writers have criticised the decision of the government to put on the market the land at Seaford Heights. Also in that time, a very specialised soil type analysis report has been released which identifies that the soil type on the Seaford Heights proposed land

subdivision is one of only three soil types in the state that allow premium wine grapes to be grown. So far they have not been able to be planted because the land has been tied up with the Land Management Corporation. My questions are:

1. Will the government still be rubber-stamping this development and just putting a buffer zone on the south-eastern side of the development?

2. Will the minister agree to rezone stages 2 and 3 of this development if he proceeds with approval for stage 1?

3. Will the minister also at that time rezone Bowering Hill and take it out of its existing planning category?

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) (15:18): I answered a question on this in estimates on Wednesday but I am happy to reiterate some of the points I made then. The proposed Seaford Heights development, adjacent to the Seaford rail extension, has been zoned for residential development for more than a decade; it might even be more than 20 years. Seaford Heights is not used for wine production; in fact, I think the only use on part of it has been an ostrich farm. To my understanding, it has never been used for wine production, and it is no secret that the availability of land for housing there was a factor in the decision by the federal and state governments to invest $291 million to extend the rail line to Seaford.

The City of Onkaparinga has been widely consulted by the government in relation to this land during discussions on the realignment of the urban growth boundary in December 2007; after the publication of the Planning and Development Steering Committee's review; before the drafting of the 30-year plan when the government issued its future directions statement; during the Growth Investigations Area process that sought to identify land use options in the southern region; throughout the drafting of the 30-year plan; as part of last year's consultation process that shaped the final version; and also in consultation with the government that led to the agreed statement of intent for the Seaford Heights development plan amendment.

During these numerous opportunities to raise their concerns and to influence the shape of the 30-year plan, the City of Onkaparinga did not object to the development of Seaford Heights. In fact, it was my understanding that they had even tried to change it away, including reducing some of the screening of that area from the Victor Harbor Road, but that is another issue. The City of Onkaparinga had agreed to amend the development plan, as the existing zoning policies were considered out of date and no longer reflecting best practice.

Unfortunately, of course, in the shadows of a council election, the City of Onkaparinga has decided to renege on this agreement and resolved that this land should be back-zoned to rural. This decision flies in the face of logic and surely goes to the competency of the council in dealing with a seemingly straightforward planning matter. Facing this situation, I have been left with little alternative but to pick up where the council has failed in its duties.

We have been going on for years. Council agreed to it, getting right to the end stage and then, at the last minute, with a local government election and some last-minute lobbying, it has suddenly just walked away from the process. If every council were to do this—and I have said this before—we might as well pack up our bags in this state because, if every group that was opposing some change in its area were to prevail, nothing would happen in this city.

As I said, this land has never, to my knowledge, been used for winegrowing; it was used as an ostrich farm. It is unfortunate if, suddenly, a study of geology has found that it is apparently much better grape growing area than apparently the areas where all these winegrowers have obviously not known what they were doing in the last 150 years, where they have been growing wine in other regions of the McLaren Vale basin.

It is rather unfortunate, of course, that this discovery had to happen just before a council election, just at the end of a rezoning process that has been going on for many years. As I said, the commonwealth and state governments are spending $291 million to bring a rail line over the Onkaparinga into this area, I would have thought at the request of and for the benefit of the local citizens in that area.

I can confirm that I have instructed the Department of Planning and Local Government to prepare the documentation required for the amendment to the development plan to be taken over by me, as minister. I will examine all the cases and, as I say, I think a number of reasonable points

have been made by the local people, and certainly they have been put to me by the local member for the area, Mr Leon Bignell, in relation particularly to the protection and screening from the Victor Harbor highway of any development that were to take place.

Protection of the character and production capacity of the Willunga Basin is a key policy concern of the government. Specifically, the 30-Year Plan for Greater Adelaide calls for the Willunga Basin to be reserved for agriculture, viticulture, tourism, tourist accommodation and biodiversity-related purposes to guarantee its importance as a tourism drawcard and major wine producing area. To deliver on these objectives, I have asked the Department of Planning and Local Government to progress discussions with the City of Onkaparinga to address management of primary production land in the Willunga Basin.

In the short term, I expect the department to convene a working group of relevant stakeholders to undertake a detailed conversation about the issues confronting the basin, with recommendations to be made back to me in due course. I expect that this working group will address a range of matters, such as:

- reviewing the adequacy of existing planning policy to ensure consistency with the 30-year plan (and remember the 30-year plan talks about protecting the agricultural integrity of the McLaren Vale area); and
- assessing existing land division policies in rural zoned land to ensure land parcels are of sufficient size and dimension so as to limit the possibility of further division leading to urban encroachment and fragmentation of rural lands.

One of the greatest consumers of good agriculturally productive land is subdivision into rural living-type farmlets. You can drive through the Adelaide Hills, as I did last weekend, and see a number of land sales in those areas of larger holdings, which of course have at some time in the past been subdivided into much smaller holdings.

Back in the 1980s, I think, to protect the Barossa Valley, changes were made to prevent subdivision below a minimum size within the Barossa Valley—I think it was about 40 hectares, from memory. Also, steps had been taken to ensure that no dwelling could be put on an allotment smaller than 25 hectares, as I believe the provision to be.

Clearly, if one is to protect the Willunga Basin, that is the sort of measure that should be investigated here. It is one of the things that I expect this group to look at, to see whether it is appropriate here and, indeed, for that matter, other parts of the Adelaide Hills—around Mount Barker, for example. Outside the urban growth boundary would be a good case. If we continue to divide up productive agricultural land into small holdings of less than 25 hectares, or so, that land will ultimately become economically unviable in terms of agricultural production.

There is a legitimate demand by people who want to live on hobby farms and the like, but we have to be very careful where we locate those farms because it is those farms, I would suggest, that are taking far more land out of effective agricultural production than residential housing development, where allotments are much smaller. That is one of the matters I would like to see addressed through this committee.

The honourable member also raised the issue of Bowering Hill. Part of the group's function is to review existing planning and policy in relation to Bowering Hill to ensure consistency with the 30-year plan. I remind the honourable member that, although Bowering Hill is part of the urban growth boundary, the government did indicate that it would not rezone Bowering Hill but look at the potential of the area for tourism and other uses compatible with viticultural, tourism, tourist accommodation and biodiversity purposes within the McLaren Vale region. So, that will be part of what the group will look at regarding Bowering Hill.

Also, we will be ensuring that planning controls allow for primary production and tourism to be integrated within the Willunga Basin. So, I have asked the member for Mawson, Leon Bignell, to participate in these discussions along with an elected representative from the City of Onkaparinga. This will ensure that the department has local input from locally elected—

The Hon. R.L. Brokenshire interjecting:

The Hon. P. HOLLOWAY: Well, Mr Bignell has been elected. He is the member for the area. He is the appropriate person to be on the working group. He has been elected as a representative of the area. We will ask the council to provide a representative from the City of

Onkaparinga, so it will have a representative as well. This will ensure that the department has local input from locally elected representatives at both levels of government.

The key to the success of the work of the department and the working group will be tackling interface issues between land uses, particularly between rural and urban land use. This work will guide appropriate ongoing management of primary production land, ensuring the preservation of the Willunga Basin's character and production capacity. I think I have covered all the matters that the honourable member asked about.

The Hon. R.L. Brokenshire: Stages 2 and 3.

The Hon. P. HOLLOWAY: That is right; he asked about staging. The only action I propose to take at this stage is in relation to the Development Plan Amendment council released for public consultation. It covers the entire 77 hectares. What is referred to as stage 1, is the land that the Land Management Corporation has contracted to the developer; the Fairmont Group. As I understand it, the development plan amendment being considered by the council, as I said, has taken some two or three years of work, and obviously significant effort has been put into that process by those involved.

In relation to the Land Management Corporation, there are clearly a number of issues that would need a lot more thought before that process was started. To my understanding, no work has been done in relation to any latter stages of development on that land, but I repeat that my understanding is that the zoning of most, if not all, of that land has been residential for many years. Obviously, what happens in those stages will be something for another day.

STATUTES AMENDMENT (ARTS AGENCIES GOVERNANCE AND OTHER MATTERS) BILL

In committee.

(Continued from 30 September 2010.)

Clause 50.

The Hon. G.E. GAGO: I have answers to some of the questions asked by the Hon. Rob Lucas during the committee stage, so I will deal with them first. In relation to the question asked by the Hon. Rob Lucas about Carrick Hill about the removal of the requirement for ministerial consent for the disposal of objects of artistic, historical and cultural interest, I advise that such a restriction has not existed in relation to the Art Gallery, Museum or State Library. Like these major collecting institutions, Carrick Hill has a formal de-accessioning policy, which has and will be conscientiously followed.

The de-accessioning policy is part of Carrick Hill's collection policy, which is based on that of the Art Gallery of South Australia, and it is also checked against best practice, through Museums Australia Inc., the peak body for the museum industry and professional practice in Australia. The removal of section 13(6) also preserves the artistic and cultural freedom that the statutory authority model was selected to ensure.

In relation to a series of questions asked in relation to a staffing matter relating to the library, I have been advised that the Libraries Board does not have the power to employ staff. The staff required to operate the State Library are employees of the Department of the Premier and Cabinet and are employed under the Public Sector Act 2009. The act has replaced the Public Sector Management Act 1995, which would have been in operation at the time of the events raised by the Hon. Rob Lucas. Accordingly, the responsibility for staffing matters was and is held by the Chief Executive of the Department of the Premier and Cabinet, not the Libraries Board. The chief executive determines where within the department's hierarchy the delegations for various human resource matters will rest.

The events under question relate to a staff disciplinary matter and are therefore subject to a level of confidentiality. Further, I can advise that the powers used in the matter were those contained in the Public Sector Management Act 1995 and have no relevance to this bill.

The Hon. R.I. Lucas interjecting:

The Hon. G.E. GAGO: Hold your horses. I have a little pile here—just relax. In relation to a question asked by the Hon. Rob Lucas in relation to the equivalent provisions under the Public Sector Management Act that have been used as a protection against ministerial involvement in staffing matters, I have been advised that in the last session it was established that employees of

the Art Gallery, Carrick Hill, State Library and SA Museum are employed under the Public Sector Act 2009, which replaced the Public Sector Management Act 1995.

The Hon. Rob Lucas noted that the other arts acts contained provision whereby no ministerial direction may be given in relation to employment matters such as appointment, transfer, remuneration, discipline or termination. He asked for confirmation that protection against ministerial involvement was also afforded to employees of these four agencies. I confirm that this is provided by section 33B of the Public Sector Act 2009.

The Hon. Rob Lucas indicated that an answer provided to his previous question on changes to the board's powers was insufficient and that therefore in committee he would query the board's powers under the powers section for each act. I have been advised that during the debate the Hon. Robert Lucas asked whether the arts boards are to be given greater powers than exist under the current acts in relation to particular provisions.

I provided a response confirming that each of the arts boards is a body corporate and as such holds the power of a natural person. While some of the existing acts do not provide an exhaustive list of powers that may be used by the boards, this does not mean that they do not currently have that particular power. The honourable member has indicated his dissatisfaction with the level of detail provided in this previous response, and therefore I will provide further explanation.

The existing arts acts have been drafted and amended over a 60-year period. This has, not surprisingly, resulted in a large degree of variance in how the clauses, including powers, are written, in addition to the powers provided by the incorporating provisions in each act. He will see that the powers and functions sections include phrases such as 'the board may, for example', or 'exercise any other power that is necessary for or incidental to the performance of its functions'. Such phrases give the necessary power to undertake a wide range of activity related to the operation of an artistic or cultural institution.

It is on this basis that I am able to confirm that all of the arts agencies currently have the power to undertake the activities questioned by the Hon. Rob Lucas, such as sell or supply food or drink, charge entry fees, accumulate and dispose of collection items, and exercise their power within or outside the state. Given that the bill does not create any material change to the board's powers, it could be asked: why make these changes?

The lack of clarity in the current acts creates additional work for the boards, Arts SA and the Crown Solicitor's Office. It is not uncommon for an arts board to need to seek advice from the government regarding whether it can undertake a specific activity. While the answer is invariably yes, for the reasons I have explained, it is prudent for the board to seek formal confirmation before embarking on a new strategy.

This situation is created because the powers section in the majority of the arts acts does not sufficiently reflect the activities undertaken by arts and cultural organisations in a modern environment. Therefore, as part of the present exercise to introduce clear, consistent and contemporary governance arrangements, it was obviously sensible to incorporate a more extensive and relevant list of powers.

As advised in my previous response, the powers set out in section 6 of the Adelaide Festival Corporation Act 1998 provided the model for the provisions included in the bill. This list provides a helpful guide for the boards and should minimise the need to seek advice in future. It should be noted that the powers clause opens with 'the board may, for example, do one or more of the following:', indicating that the list of powers is neither prescriptive nor exhaustive.

There was also a question relating to whether the chair or the board expressed concern to the government in relation to any proposed changes in the bill. The arts governance review, from the outset, included an extensive consultation process. Throughout the project, boards and other stakeholders have been kept informed, had the opportunity for input and been provided with responses to queries raised.

An initial advice letter was sent to each board chair and chief executive in February 2009. The letter provided an overview of the project and indicated that consultation meetings would be scheduled. In March and April 2009, Arts SA met with the chair and chief executive of each organisation to discuss potential updates to the acts that had been identified in the review. It should be noted that the suite of changes discussed was at concept stage only. The purpose of the early

consultation meetings was to discuss possible changes and to invite input from the boards as to any changes they might like to see.

Following these meetings, each organisation was provided with a list of changes that could apply to the relevant act and a written response was requested. The responses were then collated, questions raised by the boards were answered and amendments to some recommendations were made. The updated suite of recommendations was then submitted to the Minister for the Arts and the Minister Assisting the Premier in the Arts, for consideration.

The next round of consultation occurred in October 2009. When the initial draft of the bill was circulated to the boards, it was their first opportunity to examine the drafting of specific clauses. This process resulted in several queries from boards, most of which were satisfied by some explanation. Some queries resulted in adjustments to sections of the bill.

A final draft of the bill was then circulated in February 2010. This version incorporated amendments from the previous round of consultation and some further changes identified by parliamentary counsel. As with the previous round, some queries were received and these were answered.

The consultative process during the development of this bill has been thorough and has dealt with some complex issues. In a speech on this bill, Mrs Redmond acknowledged the consultation process undertaken. Each chair and chief executive has received a detailed explanation of the proposed changes and has been given multiple opportunities to provide feedback. Over this period, any concerns expressed to the government have been noted, responded to and, in some cases, resulted in changes to the proposed amendments.

In relation to a query about the ministerial direction and control clause for each act, the matter of the ministerial direction and control clause has been raised repeatedly. In response to this matter, I will come back to the fundamental purpose of the arts portfolio governance review.

However, I will first provide some clarification regarding the Crown Solicitor's Office advice, referred to in previous responses. I have been informed that the previous information to me could have been taken out of context, and I want to clarify that it should not be viewed as creating a precedent for other legislation. The Crown Solicitor's Office advice related to the arts statutory authorities, and concluded that each of the organisations is subject to some degree of ministerial direction and control.

The advice referenced, but did not rely solely on the fact that each act is committed to a minister. The legal advice examined other aspects of each act to determine the level of ministerial involvement, such as appointment of board members, approval of budgets and the power to issue certain directions or policies. The legal advice is only applicable to the acts of the arts portfolio. The confusion surrounding this matter is an excellent example of why the governance review was first conceived. As the arts acts have been drafted over a 60-year period, they contain a large degree of variance and do not clearly or adequately address the operations of an arts agency in today's environment.

It is inefficient and impractical to expect the boards or government administrators to repeatedly seek legal advice on the question of the extent of the ministerial control. This bill aims to introduce consistent, clear and contemporary governance arrangements across the arts portfolio. There is nothing revolutionary contained in the bill. It applies common sense and good practice and provides clarity for all parties. The proposed ministerial direction and control clause is appropriate for these organisations, and in a number of cases it actually reduces the degree of control provided for in the existing acts.

In assessing the appropriateness of the proposed clause it is useful to look at the basic principles which underlie the selection of the statutory authority approach as the governing model for these organisations. This model establishes them as government entities and affords them status, stability and protection in consequence. However, by creating statutory authorities the government is able to assign responsibility for certain matters to the boards of those authorities.

In the case of these organisations, artistic and cultural decision-making is deliberately removed from the government. As I have stated previously, the state's enduring cultural and artistic legacy should operate without political influence. The clause proposed in the bill limits the degree of ministerial direction and control to that of a general nature. Furthermore, it introduces the consistent exclusion of ministerial direction in relation to artistic or cultural matters across the whole arts portfolio. This approach is clear and proper.

The Hon. R.I. LUCAS: I thank the minister for the responses that she has just put on the public record. It clarifies, in part, the value of going through in some detail the provisions of statutes amendment type legislation because the advice that the minister has now just given is completely contrary, in significant parts, to the advice that the committee was given when last the committee met.

I want to refer, in particular, to the critical issue of ministerial power of control and the legal advice that had been provided, so we were told, to the government about those ministerial powers of control and direction. In doing so, I note that some time at around 9 or 10 o'clock this morning I received an email from minister Hill's office providing answers to a number of the questions I had put to the minister. Given the commitment to try to get through this bill this afternoon, I worked my way through the information that had been provided. The minister has now just read onto the record answers she has obviously been provided by minister Hill's office which replicate what I have received but which have, obviously, deliberately excluded the critical issue of the changed legal advice to the government in relation to the ministerial control and direction clause.

I had been provided it by way of email at 9.06am today but I do not think I opened it until after the Statutory Authorities Review Committee meeting, which concluded around 11 o'clock this morning. There is no reference to this critical issue of the changed legal advice that the government is now saying it has in relation to this issue. I think that is unacceptable. It is an example of the duplicity of this government, sadly, and the minister and his office that he has chosen to provide to a member of the committee answers to questions, but on this critical issue of the changed legal advice he has obviously decided not to, and it was only at the end of the minister's explanations there that it became apparent that the government was now changing its position in relation to, supposedly, the legal advice it received.

I want to make it absolutely clear what was the nature of the advice to the minister that the government gave us, gave this committee and gave this chamber in relation to this issue back on 29 September, because I read it onto the public record at that time. The question that I had put was: which arts bodies, as a result of the proposed legislation, will have greater ministerial control powers in their governing acts than under the current acts? The answer was as follows:

> The arts acts in their current form have variation in the provisions referring to ministerial direction and control. These range from no reference to general or unqualified control. Some also have exclusions relating to artistic or cultural activity and decisions. In undertaking its initial research into government's frameworks, Arts SA sought advice from the Crown Solicitor's Office specifically in relation to the impacts of the various ministerial control provisions currently in use. The fundamental point in the CSO advice—

and I emphasise this—

> was that, regardless of whether there is an explicit statement of ministerial control, the fact that an act is committed to a minister provides the minister with the degree of control over the body corporate established under that act. Such direction and control is unqualified unless there are provisions that limit it.

So, the government said to this committee that, if there were no specific powers of ministerial control and direction, the mere fact that the act had been committed to a minister gave that minister unqualified direction and control over that particular body. That advice was explicit. I will conclude the advice that the government gave at the time, as follows:

> You will note that the clause included in the bill clarifies the fact that the boards are subject to ministerial direction and control but limits this to direction that is general in nature. It specifically excludes direction relating to artistic or cultural decisions. This approach preserves the board's independence in relation to artistic or cultural matters whilst maintaining an appropriate level of governance. In summary, there are no greater ministerial control powers arising from the proposed bill, rather it introduces a degree of qualification and exclusion for some institutions.

That advice was clear and unequivocal. It was the fundamental point in the Crown Solicitor's advice that the mere fact of committing an act to a minister gave that minister unqualified direction and control.

Having raised these questions during the committee stage, I suspect that someone within the Crown Solicitor's Office, perhaps at a more senior level, has reviewed the nature of the advice given to this parliament. You will recall, Mr Chairman, that during the last stages I indicated that I did not accept the nature of the advice that the government and the Crown Solicitor's Office gave us in relation to this.

In essence it said that a number of other bodies, which do not have any power of direction or control provisions in their legislation, would, on this interpretation of the legal advice, be subject to unqualified powers of control and direction by the minister simply by the mere fact of the

government committing the act to the particular minister. I have not seen the advice that the minister has now read onto the public record, but what the minister has just said on the public record is quite different from the legal advice that this committee was given back on 29 September in terms of defence of the government's position.

The government has sought to muddy the waters even further by, in some bizarre and inexplicable way, saying that this advice really relates to only arts and cultural institutions. That is a legal nonsense. If the government is to argue, as it did two weeks ago, that the mere committal of an act to a minister means that the minister has unqualified powers of control and direction, that is unrelated to the issue of whether or not it is an arts or cultural body.

It is a general legal principle that the government used to justify its position two weeks ago. It has nothing to do with arts and cultural bodies specifically. There are other provisions where there are differences in relation to arts and cultural decisions that particular arts bodies may wish to take, or might take on a daily basis in relation to their normal activities; yes, they are specific. However, that was not the issue we were discussing two weeks ago.

That aspect of the advice which has been read onto the public record today is a legal nonsense—that in some way the advice of last week now relates only to arts and cultural institutions. I think the advice we have received today is closer to the situation in reality. As I said, it is completely contrary to the legal advice that the government put on the public record in defence of its position some two weeks ago.

This is an important issue in relation to these dozen or so arts bodies, but it also has wider implications in relation to many other statutes that relate to powers of ministers and their powers of control and direction over various statutory authorities, whether or not they are arts and cultural bodies. Now is not the time to take up those other issues. We can take those up at a later stage.

In thanking the minister for that particular response, as I said, I am concerned that at this late stage we have now been given this completely different legal advice and legal position of the government. As I said, I am also concerned at the duplicity of the minister (or his office) in not providing that answer in the general answers he provided to my office earlier this morning and having it just read onto the record at 3.30 this afternoon as we progress through the committee stage of the debate.

The Hon. G.E. GAGO: I want to absolutely reassure the honourable member that there is no conspiracy going on here to deprive him of information, as he is suggesting. In fact, I am advised that the Crown's advice in relation to the ministerial direction and control was only finalised at about lunchtime today, and we sought to pass on all other relevant responses that we had earlier in the day. Unfortunately, that information was not available and, as I said, that advice was only finalised at lunchtime today. So he can rest assured, he can sleep easy tonight, there is no conspiracy against him to deprive him of any relevant information.

The Hon. R.I. LUCAS: I have learned through bitter experience never to take the word of a Rann government minister on any issue, including that one.

The CHAIR: You might want to stick to the clause.

The Hon. R.I. LUCAS: I accept the fact that it is a question of trust, and who do you trust? I do not trust Rann government ministers in relation to most issues.

The CHAIR: You might want to stick to the clause in the bill and get on with it.

The Hon. R.I. LUCAS: I accept that is the advice that has been given to the minister in charge of the bill in this chamber. It is not her direct responsibility; it is the responsibility of minister Hill and his officers who have passage of the legislation. I do not accept the cute response that this has only just been concluded at lunchtime today. Indeed, even if it had been, they managed to email the earlier responses at 9.06 this morning.

If it was available at lunchtime today, emailing it to me at 1 o'clock today would have at least given the opposition two or three hours to consider what is now radically different legal advice and a radically different construction on the government's justification for changes to the minister's control on direction provisions for all these arts bodies. There is not much more that I can do at this stage about the changed government position. As I said, the government's justification now is closer to reality than its justification two weeks ago in terms of the nature of its legal advice.

I have some questions in relation to the clauses open now for the Libraries Act. In particular, I wanted to refer to clause 61 of the bill and section 35 of the parent act, which is the

provision relating to the copies of materials to be lodged with the board and the parliamentary librarian. I seek confirmation from the minister that the current legislation (and the proposed legislation) does require a copy, not just of books or the division of a book, but newspapers, magazines, journals, leaflets, records, cassettes, films, videos, audiotapes, etc., produced by any South Australian to be made available to the State Library and the parliamentary library at the expense of the person producing the item.

Forgetting about books and things like that, in particular, let me refer to music CDs, videos and cassettes, and things like that, that are produced. In the consultation you have had with the parliamentary librarian, and the State Library more importantly, are they currently being provided at cost to the producers to the State Library and to the parliamentary library?

I would assume that the answer to that must be no, because of the sheer scale of what this provision actually outlines. Has there ever been a penalty imposed on a publisher under this? There are penalties proposed under the bill of $2,000 to $2,500; I suspect they are less under the existing act. Has there ever been an action taken by the library or the parliamentary librarian against people who have not produced said copies of documents, etc., to the library or the parliamentary library?

The Hon. G.E. GAGO: I have been advised that there has been no change between the bill and the existing act, so section 35(5) of the current act is the same as new section 35(6) in the bill. So there is no change, and in terms of the action taken and penalties, I will have to take that on notice.

The Hon. R.I. LUCAS: I am happy for that aspect to be taken on notice, but, in the discussion about amending the legislation to reflect contemporary practice, was the issue raised by the librarian or the parliamentary librarian that this provision is too wide and broad in its scope? It is ignored by many publishers in South Australia. Any of us who have any connection with the music industry in South Australia through family or acquaintances will know that there are literally thousands of music CDs, etc., produced every year, and I am absolutely positive that they are not being provided to the parliamentary library, and I suspect most, if not all, are not being provided to the State Library. Was this issue, when the acts were being amended, raised by the library or the parliamentary library in relation to a need to amend the provisions of the legislation?

The Hon. G.E. GAGO: I have been advised that the parliamentary librarian was consulted and she was not agreeable to reducing the breadth of the items supplied under legal deposit. However, what we have done is include in the bill new section 35(4), which gives the parliamentary librarian the power to approve receipt of material in electronic form.

The Hon. R.I. LUCAS: As I said earlier, I am happy for the minister to take on notice whether there have ever been any actions taken against people for non-provision of material, but it is an extraordinarily wide provision. I would have thought that, in particular in relation to the parliamentary library, as opposed to perhaps the State Library, there is an issue as to whether or not the parliamentary library should be provided with a copy of every record, cassette, film, video, audiotape, CD, DVD or other item made available to the public designed to store and facilitate the reproduction of visual images, sound or information. Certainly in my discussions with those who have had anything to do with the parliamentary library over the years, there is agreement that we have enough difficulty storing the newspapers and books that we currently have, let alone—

The Hon. J.S.L. Dawkins: There's no room for staff.

The Hon. R.I. LUCAS: And staff, as my colleague said—continuing to require all that I have just referred to, together with most of the other things, such as magazines published in South Australia, such as *Rip It Up*, and a whole variety of other things like that. Obviously, they all need to be provided to the parliamentary library as well as the State Library.

However, the minister's advisers and the parliamentary librarian have indicated a desire to keep all of those items required to be provided to the parliamentary library, and I am happy to leave it at that. They are all the questions I have in relation to the Libraries Act provisions.

Clause passed.

Clauses 51 to 65 passed.

Clause 66.

The Hon. R.I. LUCAS: The next package of amendments relates to the South Australian Country Arts Trust. Can the minister indicate whether the chair or the board of the Country Arts

Trust expressed concerns about any provisions of the final legislation and, if so, what were the provisions and the concerns about the final government bill, if any?

The Hon. G.E. GAGO: I have been advised that they have expressed no concerns.

The Hon. R.I. LUCAS: Under Part 5, section 27—Regulations, new subsection (2)(b) is common to all of the arts bodies. It provides:

> (b) provide for the admission, exclusion or expulsion of members of the public to or from premises of the Trust or a part of those premises;

I note that, under the current Libraries Act, there is that particular provision, which is reflected in the proposed bill, but I do not believe that this provision is in the current South Australian Country Arts Trust legislation.

First, can the minister confirm whether that is the case, that this power does not exist or that this specific regulation provision does not exist; if it does not exist, what is the reason for the inclusion of the power to exclude or expel members of the public from premises of the South Australian Country Arts Trust?

The Hon. G.E. GAGO: I have been advised that, currently, the Country Arts Trust has no regulations in relation to powers to expel and exclude, so this is a new provision, and it has been put in place should they need to use it.

The Hon. R.I. LUCAS: Has the Country Arts Trust had a problem in its recent past, when it has raised the need for such a power to exclude or expel persons from the South Australian Country Arts Trust premises?

The Hon. G.E. GAGO: I have been advised that we have sought to put in place common regulation-making powers across all arts acts.

Clause passed.

Clauses 67 to 72 passed.

Clause 73.

The Hon. R.I. LUCAS: The next section of clauses relates to the Film Corporation. I direct the minister's attention first to clause 78 of the bill, which relates to section 11 of the parent act, the South Australian Film Corporation Act. In terms of the current powers of the South Australian Film Corporation, it indicates that it 'shall have the sole and exclusive right to produce, or arrange for the production of, film for or on behalf of the government of the state or for and on behalf of any instrumentality or agency of the state or the government of the state'.

The current powers are therefore very broad; it gives considerable powers to the Film Corporation. The proposed bill reduces significantly the powers of the Film Corporation; in essence, it takes away the long-held monopoly right of the Film Corporation to solely and exclusively produce and arrange for the production of films for the state. In the discussions with either the chair or the board of the Film Corporation, did they at any time express concerns about the government's proposal to remove what is a monopoly power previously enjoyed by the Film Corporation in this area?

The Hon. G.E. GAGO: I am advised that it was, in fact, the request of the South Australian Film Corporation to remove that provision. The corporation saw it as something that was unnecessary and outdated, so it sought agreement from the government to remove it.

The Hon. R.I. LUCAS: Was there evidence that this provision was being ignored by some government departments and agencies, that is, that the Film Corporation had not been used by government departments and agencies? Certain information provided to me has been that some government departments and agencies had, contrary to the provisions of the South Australian Film Corporation Act, been engaging private sector film companies for the production of materials. Had that evidence been provided to the government and, if it had, what, if any, action had the government taken for what were breaches of the Film Corporation legislation?

The Hon. G.E. GAGO: I have been advised that that provision is something that was designed back in the 1970s and that it was simply no longer practical or relevant in today's setting; therefore, the Film Corporation asked for it to be removed.

The Hon. R.I. LUCAS: I appreciate that, but that was not my question. My question was: had the government been provided with evidence that government departments and agencies had

been ignoring the provisions of the Film Corporation legislation and engaging private sector production companies to produce materials for them?

The Hon. G.E. GAGO: I have been advised no, not specifically.

The Hon. R.I. LUCAS: Given the answer 'no, not specifically', will the minister indicate, if it was not specifically, what sort of information the government was aware of in relation to breaches of this particular provision by government departments and agencies?

The Hon. G.E. GAGO: I have been advised that we based it on common sense and the fact that changes and improvements in technology have simplified filmmaking considerably, and the fact that the Film Corporation requested that we remove it.

The Hon. R.I. LUCAS: This is a fair indication of one of the problems this government has in terms of accountability and responding to what are just simple questions. Anybody who has had any experience with government operations in this state is aware of government departments and agencies that have been employing and utilising private sector production companies for materials that are then uploaded onto their websites. Why can the minister simply not answer a question honestly and say, 'Yes that is the case; there have been breaches; we are aware of them and we're going to fix them,' instead of the obfuscation that we have just heard from three endeavours to get a simple answer from the minister? It is an example of what is wrong with this government, not just in terms of handling this legislation but in handling many issues.

I cannot see what is the problem with the minister and the government's advisers acknowledging that there has been a problem. When one looks at the existing powers of the corporation, section 11(aa) says that the corporation:

> shall have vested in it, by force of this section, all rights in any film made for or on behalf of the government of the state;

I am not a lawyer, but if one reads that, if other departments and agencies have been having a film made for or on behalf of those particular agencies, section 11(aa), which I think is not reflected in the proposed bill, would, as it says, give the government or the Film Corporation all rights in any film. That would be a very interesting legal dispute.

Members may be familiar with private production companies undertaking contracts with government departments and agencies. This provision has existed for many years—that aspect of what the minister is saying is correct—but the dilemma is in asking honest questions in this chamber, hoping to get marginally honest and genuine responses. The minister and her advisers are not prepared to acknowledge that there would appear to have been a problem, and the government is seeking to address it through this particular provision. I do not think there is any particular problem with the government acknowledging that there is an issue, and the passage of the legislation may well assist its resolution. Having asked the question three times and not getting a response, I do not intend to delay the committee stage any more on that particular provision.

However, section 11(ca) of the powers of the corporation provisions of the existing legislation states:

> may, for the purpose of participating in any scheme for the financing of film production, advance moneys to any person, or persons, upon such security and such conditions as the Corporation thinks fit;

That clause does not appear to be reflected in the redraft of the powers of the corporation, but do the government's advisers believe that some other clause gives the government exactly the same power the Film Corporation currently has under section 11(ca) of the existing legislation? If the answer is yes, what particular provision of the bill does it believe gives it exactly that power?

The Hon. G.E. GAGO: I have been advised that it is section 11(e) of the act that provides similar powers.

The Hon. R.I. LUCAS: In relation to the current legislation for the Film Corporation, section 23—I think if I am correct in my reading, and I seek clarification from the minister—appears to be unamended by the proposed legislation; is that correct?

The Hon. G.E. GAGO: I have been advised that section 23 is to be removed.

The Hon. R.I. LUCAS: Thank you for that clarification. So, have the powers that the corporation has under the existing section 23 (which, as the minister has just clarified, is now to be removed) been completely replicated in the proposed powers under the government's bill, or are

there particular powers under the old section 2 which the corporation had and which have now been removed in the proposed redraft?

The Hon. G.E. GAGO: I have been advised that they have been generally replicated, as they are also bound by the appropriation, finance and audit acts.

The Hon. R.I. LUCAS: I therefore specifically refer to section 23(2), which makes it a requirement that the funds of the corporation, that is all the funds of the corporation, 'shall be kept and maintained at the Treasury and shall consist of'. Is that provision—that is, the funds of the corporation shall be kept and maintained at the Treasury—still part of the proposed bill?

The Hon. G.E. GAGO: I will have to take that on notice.

The Hon. R.I. LUCAS: In my view, that is an important issue which, hopefully, can be resolved in the next stage as we complete the discussion of the legislation, but I am happy for the minister to take it on notice.

I think I omitted to ask this general question when we moved onto the Film Corporation clauses: did the chair or the board express any concerns about the final draft of the bill as it relates to the Film Corporation; if they did, what were their concerns?

The Hon. G.E. GAGO: I have been advised that, no, they did not raise any concerns.

Clause passed.

Clauses 74 to 82 passed.

Clause 83.

The Hon. R.I. LUCAS: Minister, did the chair of the South Australian Museum or the board express any concerns about the final proposed legislation as it relates to the museum and, if so, what were their concerns?

The Hon. G.E. GAGO: I have been advised that they did raise a number of queries. They sought assurance that the clause that related to managing premises, new section 12(b), covered control of common laneways in the cultural precinct. Our response was, 'We advise that the act does not determine which premises are vested.' They queried what responsibility the regulation-making powers relating to parking control placed on the board, and requested funding to cover cost implications. Our response was, 'We advise that this already exists in the current SAM regulations and is currently managed by the museum.' They queried the clause on submitting budget for approval and indicated that it was impossible to accurately predict costs and income. We advised:

> Budget approval is already required under the funding agreement. Difficulties in accurate budgeting are an administrative not a legislative matter.

They queried the need for ministerial approval to expend funds and were advised that this is a common approach for publicly-funded organisations and standard in contemporary legislation and, therefore, to be included in the SAM Act. They appeared to be satisfied with those responses.

The Hon. R.I. LUCAS: Particularly in relation to the ministerial power of control and direction, as I indicated when I spoke previously, there had been some concerns from some arts bodies about the government's changes in relation to the power and control clauses. The minister has now acknowledged that the South Australian Museum board or chair raised those particular issues. In particular, were the concerns being raised by the South Australia Museum board that it would make it difficult for the board to be able to actually do what it believed it needed to do with the particular budget and governance requirements that government was requiring of it? If that was the case, what was the government's response to the concerns being expressed by the museum?

The Hon. G.E. GAGO: I have been advised that, in fact, there were two queries that related to budget procedures which were already dealt with under other provisions. They were already required to meet those standards so, in fact, there was no change to the requirements on the board and it simply provided better clarification.

The Hon. R.I. LUCAS: Did the chair or the board express concerns that the government might find difficulty in getting people prepared to serve on boards (such as the Museum) with the proposed changes that the government was including in the legislation?

The Hon. G.E. GAGO: In relation to concerns expressed about getting people to serve on the board, I am advised that that was done in the initial rounds, which were the conceptual stages

only. In fact, the government withdrew the particular proposals relevant to those concerns early in the piece and the proposals never made it into the bill.

The Hon. R.I. LUCAS: I thank the minister for that advice. As I said, a couple of weeks ago there was considerable concern expressed (at least to me) by people who serve on a number of these arts bodies about aspects of the legislation. Not having been part of the consultation, I accept what the minister has indicated, that the concern was in relation only to draft proposals which have now been removed. I am not in a position to know the accuracy of that response, but I accept it on face value.

The current legislation for the Museum, the South Australian Museum Act (and this is one of the great joys of going through legislation in detail), contains a provision in section 16B which relates to the finding of meteorites. It provides:

> The Board may offer and pay rewards—
>
> (a) in respect of the delivery of a meteorite to the Board;
>
> (b) in respect of any information leading to the finding or recovery of a meteorite.

So, Mr Chairman, if any of your constituents have such information they may well receive a monetary reward.

I would be interested to know—and I am happy for the minister take this on notice, because I guess she would not have an answer now—whether any reward has ever been paid under this provision; and, if so, how many? The section also provides:

> A person who finds a meteorite in this State shall as soon as practicable after the finding notify the Board and furnish any other information that the Board may require.

I note that the penalty for not doing so is $100, so if you find a meteorite and do not notify the Museum as soon as practicable, you are subject to a penalty of $100. Could the minister advise how many people have been penalised? I suspect the answer is zip, but I would be interested to hear the answer. That is the existing legislation. The proposed legislation seems to have taken the issue of meteorites to a whole new level, if I can use that phrase. New section 22 provides:

> Property in meteorites vests in Board
>
> (1) The property in all meteorites to which this Part applies (other than those submitted for registration by the Board before 14 August 1981 and duly registered) is vested in the Board.

In my layperson's reading of that provision it seems that the government, and the Museum in particular, is now asserting its right, by this legislation, to the ownership of all meteorites in South Australia. It also provides:

> (2) A person who acquires or disposes of a meteorite to which this Part applies must, not later than 1 month after the acquisition or disposal, notify the Board in writing of that fact.

If you do not, there is now a penalty not of $100 but of $2,500. The new section further provides:

> (3) A court may, after convicting a person of an offence under subsection (2) in relation to a meteorite, order that the meteorite be forfeited to the Board.
>
> (4) A person must not, without the authority of the Board—
>
> (a) purport to sell a meteorite that is the property of the Board; or
>
> (b) have, in his or her possession, a meteorite that is the property of the Board.
>
> Maximum penalty: $2,500.

New subsection (7) provides:

> In proceedings for an offence against this section, an allegation in a complaint that a meteorite to which the proceedings relate was, on a date specified in the complaint, the property of the Board will be taken to be proved in the absence of proof to the contrary.

So, that is a neat reversal of onus of proof in relation to the penalty provisions here.

I ask the minister: why is it that the government is now asserting the right of the Museum Board, in essence as I understand it, to own all meteorites in South Australia and provide now very significant penalties of up to $2,500 for persons who do not immediately forfeit their meteorites to the South Australian Museum?

The Hon. G.E. GAGO: I have been advised that all these provisions are the same as in the existing act. New subsection (7) is the same as section 18(2) in the existing act; the only difference is that the penalties have been increased.

The Hon. R.I. LUCAS: Has there been a problem in relation to meteorites in South Australia which has necessitated the increase of the penalties from $100 to $2,500? Has there been an issue in relation to meteorites and the Museum?

The Hon. G.E. GAGO: We have simply adjusted the penalties right throughout the bill to bring them in line with contemporary penalties.

The Hon. R.I. LUCAS: Has there been a problem in relation to the existing provisions of meteorites and the South Australian Museum, or is this just a general increase in penalties across the board and there is no particular issue in relation to meteorites and the South Australian Museum.

The Hon. G.E. GAGO: I have been advised no.

The Hon. R.I. LUCAS: As to the issue of regulations, I think the last arts body we were dealing with referred to the issue of prescribing fees for the parking of vehicles on premises of the board. There is a general provision now for this one (the museum act) and for all of them. Is the provision prescribing fees for the parking of vehicles at the museum in the existing act or regulations for the South Australian Museum, or is it a new provision for the South Australian Museum?

The Hon. G.E. GAGO: I will just ask the honourable member to clarify whether he means fees for parking or penalties.

The Hon. R.I. LUCAS: I think it is (2)(g)—prescribed fees for parking of vehicles.

The Hon. G.E. GAGO: I have been advised that the ability to prescribe fees is a new provision, and it is part of the standard regulation powers in all acts.

The Hon. R.I. LUCAS: I just want to clarify again: the minister has referred me to section 16A of the existing act in relation to the issue of meteorites. Section 16A(2) states:

> Where a person was, immediately before the commencement of this Part the owner of a meteorite, he shall notwithstanding subsection (1) retain ownership of the meteorite.

Can I just clarify that the new provision now specifically refers to 14 August 1981? Is that the date on which that particular section of the South Australian Museum Act came into operation? I am assuming that is the case, but I just seek confirmation.

The Hon. G.E. GAGO: I have been advised that section 22(1) exempts those submitted before 14 August 1981.

The Hon. R.I. LUCAS: I understand that, but the minister said that this provision reflects exactly the same provision in the parent act. I am asking her to confirm that 16A(2) of the current act does not actually refer to a date. It says that, where a person was immediately before the commencement of this part the owner of a meteorite, he or she can own the meteorite. It would appear that at some stage when the act was amended previously it said, 'Okay, if you have owned a meteorite before such and such a date, it is yours, but after this date we assert our right to own it.' I am just confirming—it would appear to be the case—that the date of 14 August 1981 that the minister has provided in her proposed bill is in fact the date on which that part of the existing act, that is section 16A(2), commenced.

The Hon. G.E. GAGO: I have been advised that part 2A came into effect in August 1980 and we assume that that is about where the date came from.

The Hon. R.I. LUCAS: That does not appear to make sense, if that is the case. If the minister's advisers have said that, in essence the meteorite provisions are exactly the same as they currently exist, and if the minister is now saying that the cut-off date is actually a year earlier, we would appear to have an unknown area between August 1980 and 14 August 1981. What the proposed bill is saying to us is that the property of all meteorites is vested in the board other than those submitted for registration by the board before 14 August 1981 and duly registered. So, the proposed bill would appear to be saying that the museum owns all meteorites, other than those that might have been owned by private citizens, having gone through a process prior to 14 August 1981.

The Hon. G.E. GAGO: I have been advised that it is section 16A(2) of the existing act that states that it will come into effect within one year after the commencement of this part; so, August 1980 and then within one year, 1981. That might account for the year.

Clause passed.

Clause 84 passed.

Clause 85.

The Hon. R.I. LUCAS: Has the chair or the board of the State Opera expressed any concerns about the final proposed bill as it relates to the State Opera of South Australia and, if so, what were those concerns?

The Hon. G.E. GAGO: I have been advised that they raised no concerns.

The Hon. R.I. LUCAS: Does existing section 21 of the State Opera of South Australia Act relating to staffing arrangements remain a part of the proposed government legislation?

The Hon. G.E. GAGO: I have been advised yes.

The Hon. R.I. LUCAS: Section 21, relating to staffing arrangements, provides:

(5) The employing authority is, in acting under this section, subject to direction by the Minister.

(6) ...no Ministerial direction may be given by the Minister relating to the appointment, transfer, remuneration, discipline or termination of a particular person.

Section 21(11) provides:

The State Opera does not have the power to employ any person.

Can the minister explain to those of us who do not understand the operations and staffing arrangements of the State Opera what specifically is the provision that will remain in the proposed legislation which states that the State Opera does not have the power to employ any person?

The Hon. G.E. GAGO: Section 21 does not appear in the bill because it is unchanged. I have been advised that it continues to exist.

The Hon. R.I. LUCAS: I understand that because the minister confirmed that earlier. However, as I look at the staffing arrangements, for example, the appointment of authorised officers, powers of officers, etc., the existing section, which the minister says does not get changed—I accept that—provides:

The State Opera does not have the power to employ any person.

I am just asking for an explanation of what exactly that means. We have provisions which relate to staffing arrangements of the State Opera, yet there is a provision which the minister says stays, which states that the State Opera does not have the power to employ any person.

The Hon. G.E. GAGO: I have been advised that section 21(1) defines that the employing authority may employ staff. The employing authority has been assigned to the Chief Executive of the Department of the Premier and Cabinet, who has, in turn, then delegated that authority to the Director General of State Opera.

The Hon. R.I. LUCAS: The employing authority for State Opera is the Director General now, on delegated authority from the CEO of DPC?

The Hon. G.E. GAGO: I am advised yes.

The Hon. R.I. LUCAS: So, the provisions that talk about the employing authority being subject to direction by the minister, etc.—all those sort of issues—they would still relate to the CEO of DPC, or do they relate to the Director General of the State Opera?

The Hon. G.E. GAGO: We will have to take that question on notice.

The Hon. R.I. LUCAS: When the parliament debated this issue of employing authorities for government departments and agencies two or three years ago, I think I flagged some of the potential issues and complications there would be further down the track for those in the public sector and for those of us in control of legislation that governs the public sector. I think this might be one of the many issues we are going to have to address, but I am happy for the minister to take that on notice.

I do note (and we have had this debate before in relation to the ministerial powers of control and direction) that the general government provision is that the minister will have a general power of control and direction; that is, no ministerial direction can be given in relation to certain staffing issues. When I asked some questions earlier, the minister's advisers referred me to the Public Sector Act, which we debated only back in 2009, for a number of other bodies where these particular provisions were included in their parent act. So, we have a mixture in this statutes amendment bill.

Having now had a chance to look at the Public Sector Act after our last debate, I refer the minister to the actual drafting only in 2009, which parliamentary counsel included in the legislation the parliament has approved. It states:

> *employment decision* means an administrative decision relating to the employment of a person, including an administrative decision relating to the engagement, promotion, transfer, remuneration, entitlements or termination of employment of a person and the decision to take disciplinary action against a person;

In particular, I refer the minister to the specific use by parliamentary counsel, and approved by parliament, of two different aspects of employment decisions: one is remuneration and one is entitlements. Parliamentary counsel has obviously seen a difference between a remuneration package for a public sector employee and the entitlements of a public sector employee. I think one can immediately think of potential differences between remuneration entitlements, and that is why parliamentary counsel has drafted that. Under this bill and the existing act, it states:

> However, no ministerial direction may be given by the minister relating to the appointment, transfer, remuneration, discipline or termination of a particular person.

It specifically excludes entitlements. As I read this, it relates not just to the State Opera but also to some of these other arts bodies: the minister has a general power of control and direction, but cannot issue a ministerial direction in relation to remuneration; but that power has excluded and continues to exclude specifically the issue of entitlements for those public sector employees.

Given the current debate about remuneration entitlements for public sector employees, I ask the minister why, specifically in the proposed legislation, the government has now restricted the drafting just to remuneration and excluded entitlements, which had previously been included in the Public Sector Act only debated in 2009 by this parliament.

The Hon. G.E. GAGO: Basically we are being asked about clauses that remain unchanged by this bill, and therefore we are unable to comment on drafting decisions made in respect of the public sector bill that has been passed by this parliament.

The Hon. R.I. LUCAS: I think anyone interested in the entitlements and remuneration packages of public sector employees would not find that a very comforting response from the minister. In this one we have a statutes amendment bill, which is under this claim of blanket coverage for all agencies for uniformity. As I said two weeks ago, there is a great danger, when governments come saying that this is just simplifying and making consistent the legislation for public sector employees, that if you do not go through these provisions, in the end you do not know what you are voting for. The minister's response would give no comfort to any public sector employees in this area.

It is not just the State Opera, as there are some of these provisions for other bodies as well. Just a year ago parliamentary counsel—the government (it was their legislation)—specifically referred to differences between remuneration and entitlements as an employment decision definition, with all the flow-on ramifications of that. Two weeks ago, when I raised questions, the minister said, 'Go to the Public Sector Act; that's the Bible as it relates to some of these bodies; others, we have to look at the legislation.' The minister said that we will have uniformity in all of this. Yet with some of them we will have entitlements being protected from a ministerial direction, but with others the minister has a general power of direction, as she says, and there are these exclusions for certain things.

As it relates to remuneration, the minister, he or she, cannot direct in relation to remuneration but, in relation to entitlements, clearly there will be the power, given the minister's legal advice, because the minister says there is a general power of control and direction and these provisions exclude various issues such as remuneration, termination, discipline, etc.

Specifically, for some of these bodies and public sector employees, entitlements have now been left out of what the government said was going to be a template which applied to all public sector employees and all of these arts bodies. On the basis of consistency, it will be the same. Yet,

what the minister is saying is that, clearly it will be different in relation to the protections for some public sector employees within some of these particular agencies.

As I said at the outset, I am no expert on arts bodies and arts organisations, but the minister has been asked, and frankly I think the response is unacceptable in terms of explaining why, given that she said we need to have the same provisions applying to all arts bodies, she is now saying, 'Well, okay if they are different in essence, that is because they are in the existing legislation. I am being asked about existing legislation and that was done back in 2009 or many years ago or whatever it happens to be.'

So, I leave on the public record the concerns in relation to that. The minister and the government have obviously taken this as a deliberate policy decision for some reason. They are not prepared to defend the reasons why they have taken this deliberate policy decision. I suspect they have not discussed it with the PSA, or indeed other employee organisations that represent the workers in these particular areas, whether it is what used to be the AJA, the media and arts industry alliance, or whatever it might happen to be called these days—the employee organisations that represent those particular public sector workers.

If the minister is not going to provide any greater detail there is nothing much more I can do at this stage. We can move to the next package of amendments which relate to the final arts body, which is the State Theatre Company.

Clause passed.

Clauses 86 to 89 passed.

Clause 90.

The Hon. R.I. LUCAS: The final arts body that the legislation covers is the State Theatre Company. Did the chair of the State Theatre Company or its board express concerns about any aspect of the final government bill, and, if so, what were those concerns?

The Hon. G.E. GAGO: I have been advised no.

Clause passed.

Remaining clauses (91 to 94), schedule and title passed.

Bill reported without amendment.

Bill read a third time and passed.

STATUTES AMENDMENT (BUDGET 2010) BILL

Adjourned debate on second reading.

(Continued from 30 September 2010.)

The Hon. R.L. BROKENSHIRE (17:05): In previous budgets, I have been able to give successive governments accolades for good initiatives, good budget management and good outcomes for the state. Clearly, every budget is going to have some measures in it that are not acceptable to certain elements of the community.

This particular budget will go down in history as a budget that has worked against the best interests of many sectors in South Australia. It is a budget that did not have to be framed as it has been. In fact, I believe that Treasury has had far too much input and that people on the Sustainable Budget Commission—although they obviously did not have all of their wishes granted—have far too much say in the way government is run.

An honourable member interjecting:

The Hon. R.L. BROKENSHIRE: The honourable member raises the issue of the caucus, that is, the backbench of the Labor Party in government. Sadly, I do not believe that caucus is being listened to, and that takes away the democracy of government. I say that because I have spoken quietly in the corridors of this parliament to a number of colleagues in the Labor Party who have quietly expressed major concern about what the executive and cabinet of this government have put to the community.

In a moment, I want to speak particularly about job losses and what I believe are illegal initiatives in this budget process with respect to worker entitlements. I am sure, sir, you feel very much the way I do—as do many other members in this house and, I trust, the House of

Assembly—when I start to talk about some of these issues. They are unprecedented not only in my time as a member of parliament but in my living memory.

First, I want to get into the management side of this and touch on the leak. I do not think the parliament or the community of South Australia will ever be told where the leak came from, with the Sustainable Budget Commission full report going to some of the media the day before the budget. There was hype about how tough and draconian this budget was going to be, and there was specific build-up by the government to shock and horrify people.

I believe that the government did leak the Sustainable Budget Commission report, and I will say why: if you were a senior manager with electronic access to the Sustainable Budget Commission report, and you were genuinely concerned about what was going to happen to the state, to the Public Service, to the delivery of services to South Australians and the disgraceful way in which the government addressed issues like the closure of the Parks and the issues around entitlements and agreements being broken and torn up and expected to be ratified by the parliament, particularly here in the house of review, where they will have a shock, I think, coming to them (I hope so anyway), you would have released it weeks before. Why? Because that would have given the Public Service Association, members of parliament, the community of South Australia, interest groups, etc., time to go in there and lobby. They would not leak it the day before the budget.

We had outrageous things happening like the suggested closure of the Repat Hospital, which I know many of us would block; we would be there day and night to block it if they tried that. However, it was all part of the game—the game to try to shock and terrorise the South Australian community and then come in with an allegedly softer budget. I want to go back to why this budget is like it is today.

Only 8½ years ago, the state government's revenue was about $7 billion. This budget has a revenue of about $15 billion, and it has doubled—within a few hundred million dollars—just in that period of time. I ask you: how many people in the workforce have had their wages doubled in that eight-year period? Except for executives and some people in senior positions in government and the private sector, the answer is none. In fact, in real terms many have struggled to keep up with inflation. I will come to that point of struggling to keep up with inflation and the issues around CPI, and of the goodwill that was put forward by the Public Service Association, by Unions SA and by the workers with respect to the Treasurer saying that he could afford only 2.5 per cent.

I have sat here and watched waste after waste after waste—and there is waste, when you have a budget nearly doubling. All of us would love our budget to double in eight years. I am a farmer, and I would love the revenue stream to double in eight years; you would love your household budget to do that. You would be able to go out and do things you have wanted to do for a long time, but in your own personal business or private household budget you just cannot do them. There is waste after waste, and I will highlight a couple of instances because I want to put them on the public record. These things slipped into the budget very quietly; not even the media took much notice of them.

The RAH, the new greenfield site, is one. The government said that would be $1.7 billion. It also said that it would do a public-private partnership and—before it came into office—that it would not privatise. So, again we are getting mixed messages from the government. There is $100 million built into this budget. Imagine what that could do for workers' entitlements, imagine what that could do for community centres, and what it could do for young people trying to get into child and adolescent mental health services, or for speech pathologists, psychologists, etc. The list goes on.

That $100 million was sneakily put in there. We cannot even imagine how $100 million could be spent. But that is where this mismanagement has occurred. I understand that the $100 million is there because there has not been a good result in respect of expressions of interest for the public-private partnership, so the worst-case scenario is that this government may have to take the project on itself.

There are other projects, such as the Adelaide Oval. I understand that the AFL effectively held a gun to the head of the government and said, 'We want to get these other clubs going on the Gold Coast and in New South Wales. We're sick of financing Port Power. We need to get this location happening in Adelaide.' This government rolled over for the AFL more than it bowed to public pressure, and suddenly there was $485 million or thereabouts, and then another $35 million. Time after time when the government is pressured by the big end of town, or when it pursues its own pet projects, it just pumps in more money. We now have a situation where we have a bill (to

which I foreshadow I will move amendments) to give the government an out on what is, in my opinion, the most deplorable part of this budget.

On budget day we saw honourable members gathered around the Treasurer and cabinet members, in particular, who, we are told, unanimously signed off on the budget. I do not believe that a lot of those cabinet ministers were involved in much of that process; if they were, why did they sign off on cutting workers' entitlements? Some of them are ministers only because the unions backed them in. They are actually here, endorsed by the union, in a privileged position and earning a pretty good salary, yet apparently they unanimously signed off on doing over workers when it came to wages and conditions, and unanimously signed off on bulldozing the Parks, affecting people who are most vulnerable in the western suburbs.

It is time we exposed what is really going on in cabinet, and I appeal to backbenchers. They are in a difficult position. They know that there will be a cabinet reshuffle in the next year or so, that there will allegedly be a change of leadership and senior members of the executive, and they do not want to rock the boat. However, for the sake of bona fide South Australian citizens, they need to rock the boat.

Today we had a rally—a very good rally, one that surprised the government—and it is probably only the first surprise for the government, if it does not wake up. This government is good at gymnastics and doing backflips. What it is saying is that there will be some hue and cry for a little while but that it is 3½ years before the next election and people will not remember.

The government will get its budget savings out of kicking families: families that I see day in and day out—families that Labor backbenchers, the crossbenchers and opposition members also see. They are bleeding hard because their wages are not going up at CPI in real terms. Their input costs to their household budget are exceeding CPI. We have not even started to see yet just how far that is going to go. Look at what the government is going to do with water, and then have a look at issues like electricity and other utility costs, and it goes on.

I want to touch on the desal plant because it is mentioned in the budget papers and it is another example of pretty ordinary management. Recycling; aquifer recharge, storage and recovery; stormwater harvesting projects—all those things were opposed. Opposition to a desal plant—let's just have a look at that. We are talking about a $1.8 billion desal plant which was not costed and funded. The government actually refused even to look at it.

When polling said that the government was in trouble with water, they backflipped and said they would build a desal plant. Apparently, the Premier and the then prime minister, Kevin Rudd, went for a late night walk and Kevin said, 'We need votes in South Australia, too. We will give you some more money and you can double it from 50 gigalitres to 100 gigalitres.' Then what happens? They find out that there are cost pressures there, so again the easy way out is to kick the workers.

I want to talk about the workers, funding cuts to adult re-entry education, and rent increases to pensioners in Housing Trust homes, and then I want to talk about a personal passion of mine where I declare my interests as a farmer, and that is how they are gutting PIRSA. They are ruining agricultural opportunity in this state at a time when we need to reflect and remember that we did not get out of the global financial crisis because of mining. We got out of the global financial crisis through our agricultural exports.

We have grown this state through agricultural exports, yet they are ripping PIRSA apart. They are pushing the dedicated public servants from PIRSA, who I have worked with for years, into the private sector. They are shutting down research centres. It is just a disgrace what is going on, and they talk about the fact that they are a strategic government. Well, if they were, I would be giving them credit here today, but there is no strategy other than the polling and 'what do we do when we get a bad media story and what we do to try to get on the front page with a good news story?'

I am foreshadowing some amendments, and I ask honourable members to have a close look at them. Today we had indications from the crossbenchers, for which I thank the Greens and the Hon. Ann Bressington. While the Hon. John Darley was not there because of other business with the parliament, he indicated, as was read out, that he was very concerned about what was happening with these issues. The Hon. Kelly Vincent also spoke very strongly about the fact that she was absolutely frustrated and angry at what was happening to these workers at the coalface.

We hear the Treasurer talk about rack 'em, pack 'em and stack 'em. That was a throwaway line because one of the things some of these senior cabinet ministers have been trained in,

probably at our expense as taxpayers, is one-liners. We have this massive team of spin doctors—64, I believe. There were no cuts there. There were no cuts to the ministers even though the Sustainable Budget Commission recommended cutting ministers. Do you know how much it costs? I know because I had the privilege. It was about $2 million a year when I was a minister to run my office and everything else. It is over that now. So you could have saved $6 million easily. In fact, the Sustainable Budget Commission says that you could have saved more, but I think we will say $6 million—not a bad recurrent saving. We did not see any cuts there at all.

What do we see? About the Public Service, we will get into the real debate on the amendments to the issues around these targeted separation packages that are allegedly voluntary but rumoured to be potentially 'push comes to shove' if they do not get their numbers. I want to talk about some basic morals here. I want to talk about some fairness and the fact that I believe that with this budget the government wants us to support them in what I believe is an illegal activity. I will say why it is an illegal activity.

I am no lawyer, and many members often say they are not either, but we have probably all studied enough law in other studies we have done, and become involved in enough law working with parliamentary counsel and legislation day in day out, to know that a contract is a contract. If the central elements of a contract are in a contract—and I know essential elements of a contract are in an enterprise bargaining agreement—then that is a contract at law. If either party breaches it, they have broken the contract and they have broken contractual law.

I believe what the government is trying to get us to do here is override the fact that they are breaking the law and get us as a parliament to rubber-stamp its breaking the law. That is how serious I think this issue is. If the government does not agree with that, I would like to see some detailed explanation at committee stage to show us what legal advice they have from crown law that says that they can do this to people and that says that they can bring this into this house.

We have been bought out before. We have been intimidated before: it was called the Murray-Darling Basin handover bill in 2008. Remember that? It was all agreed to federally, it was supposed to come back through here and we were supposed to shut up, say nothing, sit down and say, 'Well done, Premier; well done, government; well done, COAG; well done, Prime Minister; we now have a save the Murray bill and it is going to be handed over.' Have a look at the mess we have got!

What happened when I moved one amendment? You sometimes know when people are behind your back and, when I looked around, in the President's Gallery were two ministers who were very unhappy with me. I reckon that, if it were legal, they would have shot me because I moved an amendment to try to protect the irrigators and to try to protect businesses.

Do you know what the government said when I moved the amendment and asked some questions? They said, 'We will not support your amendment.' I asked, 'Why won't you? You have critical human needs part A. This is part B of critical human needs. You need water to drink to live and you need food to eat to live, and we don't want to import it all from China and India. We want to grow it here and we want to export that food.' They said, 'Well, we will let industry have as much water as they want, but we will not let irrigators.' I asked why not, and they said, 'Because industry creates jobs.' Do agriculture and horticulture not create jobs?

I raise this because the government simply just does not get it, in my opinion. They forced us into this in 2008; let's not let them force us into a precedent here that will destroy the working conditions that successive Labor and Liberal governments in this state have worked hard for. As I said on the steps, a Dunstan government, a Bannon government, an Arnold government, a Brown, an Olsen or a Kerin government would not have done anything like this retrospectively.

The Hon. B.V. Finnigan: Oh, come on!

The Hon. R.L. BROKENSHIRE: Retrospectively. We will hear from the Hon. Bernie Finnigan later on, because he is actually here—

The Hon. B.V. Finnigan interjecting:

The Hon. R.L. BROKENSHIRE: We did not sign an agreement with workers and then do them over a few months later. I would also like to know—

Members interjecting:

The Hon. R.L. BROKENSHIRE: Here are the people the union put here now defending, and we will hear from them. We will hear from them, and we will hear how hard they fought in caucus to stop these measures. I do not think so.

The Hon. R.P. Wortley: You're a hypocrite.

The Hon. R.L. BROKENSHIRE: No, Russell, I am not a hypocrite.

The Hon. R.P. Wortley: You wanted to destroy the unions.

The PRESIDENT: Order! The Hon. Mr Wortley should not provoke the person on his feet.

The Hon. R.L. BROKENSHIRE: Thank you, Mr President. The Hon. Russell Wortley can say what he wants; I am not a hypocrite. As a farmer, I have been proud to be a member of an association, and I have been a member of that association because I need protection and someone to collectively bargain for me against the big milk processors. That is why the unions are here, too.

The one good thing the government is doing is to allow the strengthening and building up of union membership because people are going to wake up. All along the line, previous governments worked to try to come up with a better working relationship between workers and government publicly to avoid strikes and get efficiency dividends within the workforce, but in a fair way so that, if you trade off in one area, you get a gain in the other.

That was not bad, but if this legislation gets through—and it will be unfortunate economically for the state, as we probably have the best track record in Australia in regard to the lack of strikes—in my opinion, the only hope left for these workers will be to strike. Have the government thought about that? What other hope will they have? How can a union go to a government and feel confident in taking something to their members if the government says one thing and after an election does another?

One of the other things that I want to foreshadow is whether the government had actually done any work on plans to cut workers' entitlements, because it did flag that it was going to look at reducing the workforce with voluntary separation packages. I will give the government that—it probably talked about it for a year. However, on the issue of entitlements, the government did not flag that at all, and the first time we found out about it was on budget day.

I want the government to have the guts to actually tell us and show us in documentation (in committee) whether or not it had already planned this before the election, because it was framing that budget. I just want the government to be honest with workers and with the parliament on that matter. Was this something that came up two weeks before the budget was printed? Let's find out the truth about all that.

Irrespective of what other members say, as I said, morally, it is wrong and, contractually, there is a legal agreement. I am being hard with the government in my comments, but I am also being honest and fair. The government has an opportunity to support these amendments and actually find a pathway through a very bad decision. So, there is an opportunity here for the government to revisit this issue. While we are debating this bill, the government could actually say, 'We've made a mistake. You can't breach an enterprise agreement that you have signed off on,' and I understand that the Premier actually signed documentation with the unions prior to the election about some of these matters. This is wrong and it has to be fixed—

The Hon. R.P. Wortley interjecting:

The Hon. R.L. BROKENSHIRE: I find this ironic. The Hon. Russell Wortley calls me a hypocrite. I take a great deal of pleasure in looking after the workers who work for me. It is actually a huge privilege to be able to employ people, but I do not think that this government thinks that any more: it is putting people on contracts and treating them in a shabby way. Morale is not good in the Public Service, and why should it be? We have a rack 'em, stack 'em and pack 'em attitude with the DCS.

Having been the minister, I am fearful about what is happening with security and safety for DCS officers. We are apparently jamming more and more people into the prison system; we are not building any more prisons. It is not a nice place to manage when things are reasonable, but when you are racking, stacking and packing 'em and you are not putting in officers to complement that, it is even worse. That is just one example.

Another example is the downsizing of the services. When I went to the Parks rally with Tammy and others on Sunday, I saw all those government cars locked up. Those cars provide services. The government wanted to close and bulldoze all that.

Another point I want to make involves workers' conditions. Of course, labour is a cost to business, but we need people to provide services. In fact, 70 per cent of the government's budget is wages, but it comes back to the government, because the workers go home and feed families and spend that money, and it comes back around. It is an essential part of the economy.

We heard what was said out there today by one of the heads of the union movement—the engine room of an economy these days, and you can look at it on a scale every time productivity commissioners bring down a report. Public Service expenditure and expenditure in the public sector and on capital works are significant ways to ensure strong economic growth. The people to whom I refer do not get so much money that they go and put it in the bank and invest it for their retirement; they spend every damn dollar of it and, most of the time, both adults in the family have to work, anyway—that is how tight it is getting. Not only is the Public Service being done over here, but what message does this send to the private sector? If it is good enough for the government to break an agreement, it is good enough for the private sector to do so. As a state, we will really go backwards.

The final point I want to make is the irony of this situation. The Hon. Russell Wortley talks about me being a hypocrite. I do not mind—sticks and stones! Names do not hurt me, but not looking after workers does hurt me. I want to see them looked—

The Hon. R.P. Wortley interjecting:

The Hon. R.L. BROKENSHIRE: How many workers have you ever employed? I want to finish with this point: if the private sector tried to do in an enterprise agreement what the government has just done to the union and the workers in the Public Service, do you know what would happen? The government would pay—rightly so—with taxpayers' money—rightly so—to take the private enterprise in question to the Industrial Relations Commission. Yet they think it is all right to have one set of rules for some workers and some sectors and another set of rules for government. Well, I am sorry, but whether you are a government or private employer, there are rules and laws that are set down in this state and this nation, and the government has to abide by them in the same way as the private sector does—and a lot more will be said by my colleagues about this issue.

This issue will not go away. We have already seen what happened with WorkCover, and we are now seeing the mess coming into our offices, day in and day out, as a result of what is happening. We are seeing people such as Rosemary McKenzie-Ferguson handing out hampers and vouchers just to keep families going. We have seen what happened, and that was bad enough. This is equally as bad, and this time we have a chance to reverse the decision.

I will say more about this when I introduce the cuts, but you cannot have retrospective legislation. Whether Labor or Liberal, very, very rarely do governments ever bring retrospective legislation into this house. In fact, I can recall only a handful of times when retrospective legislation has been introduced. This is retrospective legislation. I will just touch on three examples of what has happened, and lots of colleagues would have had this. This is from a police officer:

> It has come to my attention that, as a result of the latest State Budget release, a proposal is being presented to reduce long service leave in the public sector from 15 days to nine days. This reduction will affect about 3,500 members of South Australia Police.

So, forgetting a huge part of the Public Service per se, just in police, 3,500 police officers, plus 3,500 police officers' families. If you make a decision to do certain things, such as getting money to buy a car or to put carpet in your home, or maybe to send your kids to a special sporting event or whatever, you budget on the fact that once your union, boss or you yourself, by collective bargaining (whichever way you do it because there are a lot of ways) signs off on a deal, you can budget on that. You can go home to your spouse and say, 'Well, here's what we have to spend each week.' So, 3,500 officers and their families there—people who have devoted years of service to the community of South Australia. Another one says:

> I work alongside of them. They are deeply concerned, and they ask that members of parliament do not support the government bill. The members of the South Australian police force strongly ask that you do not support this change.

I have another one here, which says:

I would like to sincerely and vehemently express my disgust and shock at the behaviour and intentions of the current state government. I am the next generation of public servant, a generation the South Australian community needs to attract and retain in the Public Service to ensure that the South Australian public is supported through the next two decades, during which—

and this is important, too—

the majority of public servants, the baby boomer generation, will be retiring and taking their 30 long and dedicated years of public service away from us.

We did some research on the reason long service entitlements in the public sector went initially from seven days for every year after qualification, to nine and then to 15, and the reason, really, when you simplify it, is two things: brain drain and losing experience. I understand that 15 days after 15 years came in to stop the brain drain and to prevent losing the experience—and both are very important. That was in the 1970s and early 1980s, I am advised.

Since then, we have seen massive changes in the private sector which now entice people out of the public sector. I did not really understand this when I was a farmer; most of the time, I just received the bureaucratic material that came through. When you become a member of parliament, you work with public servants every day, and when you are privileged to be a minister you work with them even more closely, and you realise that they are rightly proud of what they do and that they are delivering a very important service in whatever sector they work for the benefit of the community.

So, whilst pay is a pretty important part of everyone's interest, for the right reasons, they are prepared to accept, in a lot of cases, a lower rate of pay in the Public Service for so-called job security. I suggest to honourable members today that job security has been thrown out the door.

They are already heading down a contract path, there is not the job security there used to be and now you are going to rip up an agreement with respect to entitlement. So, where is the job security? Where are the entitlements, the benefits which might mean, over a very long period of time if you are a loyal foot soldier working for the Public Service, that you might recoup some of the money you could have earned had you been in and out of the public and private sectors? Some, unfortunately, now have no choice. That is why it was brought in—we need to remember that today.

What will happen to experience and the brain drain? With experience, if you are two or three years away from retiring—and the government argues that it has put up a good package; let us assume that that is correct—you will contemplate leaving early because it gives you an extra two or three years' retirement. So, there is experience gone.

If you are a young person who is enthusiastic and keen because you have a job delivering services for the community in the so-called security of the Public Service, you will think that there is no security here and that you might as well become one of those who has seven job changes in their lifetime and surfs the best possible salary increases you can get. This is a very downward, slippery slope for the state's future when it comes to good Public Service delivery. I will read another letter:

It has come to my attention, as a result of the state budget release, of a proposal being presented to reduce long service leave.

I received many such letters from police when I was police minister and I still keep in touch with them, and I am sure a lot of other members have had letters from police. I have also received a lot of letters from other public servants. The bottom line is that they are all appealing to us, as their last possible chance to get some fairness, some equity and some decency back into the employer/employee relationship. At the moment, I suggest, any goodwill that existed between the Public Service and the government is at risk of being totally destroyed, and that is wrong.

I now wish to speak about a few other issues with respect to the budget, in particular funding cuts to adult entry education. Not all of us had the opportunity years ago to go through SACE and tertiary education. In fact, a lot of people up until the last 10 or 15 years were not able to go into year 12 and SACE, but they wanted to be able to re-enter at 21 years for a variety of reasons.

Places like Christies Beach High School and Hamilton High School at Marion do a wonderful job when it comes to re-entry. Some of those people in the southern, northern, western and south-western suburbs are vulnerable and did not have access to additional funding. Those re-entry opportunities at those high schools gave those people a new chance of a career path, a

new chance of hope. I have been told that they are at risk of closure as a result of this. We will lose these specialist high schools, which is a disgrace again.

I tell the government today that it has been jacking up its TAFE fees and cutting back what is being delivered at TAFE. This cost recovery in this budget—everything is about full cost recovery—is nonsense. What do we pay taxes for if, on top of the paying the taxes, we have to have full cost recovery for everything, for goodness sake? It is lunacy.

Teachers have told me that these people will not go to TAFE. I asked, 'Why won't they go to TAFE? TAFE is good—I've been to TAFE.' They said, 'Robert, they can't afford it, first, and secondly they won't go to TAFE because they will be intimidated because TAFE is part of a huge department.' These teachers, student counsellors and students themselves are encouraged and trained to develop interaction between students in their standard years in these high schools and adults, and they feel comfortable there.

We are going to put those people on the scrapheap, and obviously that is bad for them; it is irresponsible. I do not have problems with governments—and all of us, for that matter, being economically prudent—but if we are going to be rationalist and extreme, which we are seeing here with some of these issues, it will cost. It will cost in mental health, public housing, medical health and Centrelink payments.

Here we are, going out and targeting overseas, and saying we have to get other people here for jobs. I do not have a problem with that—that is great. That is how the nation was built. All of our ancestors come from overseas—

The Hon. T.A. Franks interjecting:

The Hon. R.L. BROKENSHIRE: —except for our Indigenous people, of course. Certainly, in the case of all us Anglo-Saxons and non-Indigenous people, our ancestors came from overseas. The fact of the matter is that we are going to put people on the scrapheap, and then we are going to give incentive packages to bring other people in to pick up the skilled jobs.

Again, it is just about getting to the next election. I do not know about other colleagues, but I am sick and tired of listening to initiatives that are just meant to win the next election. Do we not have a responsibility, as our ancestors had, to ensure that we make this place better for our children and for their children? That really is not happening with this budget.

I will be saying more to the minister himself about this matter. Ministers will go to a CEO and say, 'The Treasurer tells me that I have to get a 5 per cent efficiency dividend in my portfolios.' The CEOs are on incredible amounts of money now—far more than the Premier; CEOs' salaries have jumped up like you wouldn't believe in the last few years. So, a lot of these CEOs are on $300,000 or more. For a lot of workers in this state, that is six years' wages; they have to work six years to get what the CEO gets in one year.

So, it does not affect the CEO. In fact, the CEO will probably get a pat on the back and be taken out privately to dinner, with the minister saying, 'Well done, thanks very much. You helped me get through this difficult period when I had to come up with my efficiency dividends.' The CEOs are going to recommend things that they think are okay, but they will not have any consideration for social inclusion or issues affecting our society—and that is wrong. It is not necessarily the responsibility of the CEO, who is merely delivering for the minister.

It is wrong, because I do not think that in bilateral budget processes this government has considered the consequences enough. I think it has left it to the minister concerned, as much as to say, 'This is your target. You have to save $150-$200 million here. I really probably don't care that much how you do it—just save it.'

I do not believe that this cabinet actually sat in the last couple of weeks as a cabinet looking at crossing the t's and dotting the i's, which is what a cabinet should be doing. You should not have been out of this state in the last two weeks, in my opinion, running around everywhere before you deliver a budget. You should be finetuning that budget, and you should be having special cabinet budget committees just looking at the ramifications and challenging the Treasurer. I do not believe that the cabinet has challenged the Treasurer at all, and that is why we have a mess here that we are debating today.

I want to talk about rent increases. I met a lady down at the Parks on Sunday who is furious about the $7.50 a week increase in her housing trust pension. Now, I know the minister was in a difficult spot in the media, but she was very flippant when challenged about this

$7.50 increase. She basically tried to flick-pass it across and said, 'Well, it won't be any more than 25 per cent of their income.'

Well, with good maths, no; it might have been 24 per cent but that is not the point. The point is that that $7.50 a week was not given by the Rann government. By the way, it is not the Rann government's money, and it is not the parliament's money: it is taxpayers' money, of which the government is custodian. It is not the government dishing out its money: it is money belonging to the people who work and pay the taxes.

In this case, it was the commonwealth government using money obtained from our commonwealth taxes, where prime minister Rudd said, 'Here is $7.50 a week because utility costs are going up and we feel for the pensioners. We have heard the message.' He said to them, I understand possibly at COAG, when they were all sitting around there listening intently, 'COAG, this is what we're doing. We're giving pensioners $7.50 a week rise and we want the $7.50 to stay in their pocket.'

Within a flash (as quickly as the Melbourne Cup in 2007), before prime minister Howard could make a sensible statement about what had happened in COAG with respect to the start of the botched Murray-Darling handover bill and discussions on weirs and things, the Premier raced out of that COAG and got a press release out saying they were going to build a weir and spend $25 million or $50 million or something on it. If they build it now it is $250 million. The point is that, like a knee-jerk reaction, as quick as a flash out comes a press release from the government saying, 'We agree; we sign off. This government will not hit the pensioners through Housing Trust for any of that $7.50.' It did not last more than a year. They have broken another promise.

I am privileged because my mum happens to be, unfortunately, a war veteran so she gets a better pension than the base pension. She deserves it from the point of view of what my father, and many other men and women in World War II, went through. The point is that, even on a war widow's pension, it is very hard to make ends meet. You see people who are aged 75 and 80 years of age who will not turn their heater on in the wintertime and sit with a blanket or go to bed at 7 o'clock at night.

They might be able to go down to the senior citizens club or the RSL that night but they are counting money all the time. They might have a few hundred or a few thousand dollars saved up in a bank account but they are scared to touch it. You say to them, 'Take a bit of it; you can't be cold.' No, they will sit there with a blanket. It is the same when it is hot: there is an air conditioner but they will not turn it on; they will get a fan. This is wrong. Here we have a government that has done in pensioners for $7.50 a week.

I want to talk about the Parks Community Centre. All my colleagues have something to add so I will keep it short. This is pretty passionate stuff for all of us because the priorities are wrong. I think that cabinet should be able to work out the priorities better than this. Why would a cabinet sign off on bulldozing the Parks Community Centre? Because developers are knocking on the door. I have nothing against developers. We need more houses, and so on, but I question whether or not we can put development ahead of responsibility for social service delivery. I think we have to do some social service delivery responsibility first.

There was a grand plan to extend Westwood Park and reinvigorate that area but they said, 'The new community coming in here won't need the Parks. They won't need that, and the old community, well, we will negotiate with the council for something. We will build some shop front and we'll put family and community services in, and we will put primary health care, Housing SA and some other government services into those shops.' I look back through the history of that and, whether you like them or not, former premiers Don Dunstan and John Bannon did a damn good job with the Parks Community Centre. It was purpose built because of the special needs of the western suburbs. The special needs of the western suburbs have not changed. In fact, I would argue that they have increased.

I want to put this on the public record because, like other colleagues, I will be sending this to some people: the western suburbs have the least amount of open space of any area—north, south, east and west. The western suburbs have the least amount of open space. We saw them promise the western suburbs people, loyal voters for the Labor Party, that they would never sell Cheltenham. Straight after the election they sold Cheltenham; now they are trying to sell St Clair.

The Hon. R.P. Wortley: Who owns Cheltenham? We don't own Cheltenham.

The Hon. R.L. BROKENSHIRE: Let us have the select committee going again and we might get the truth this time about the deal that was done between the owners, the SAJC, and the hundreds of millions of dollars that goes in from the government to the racing industry. We might get to the truth if we have another select committee. If you want another select committee I am happy.

There was St Clair, now we have the Parks, and six schools are being closed. The point I want to raise is that, if the government were innovative, strategic and responsible, do you know what we would do to the Parks? You would not keep running the Parks down so that you could say it is tired and dilapidated. To those of us who were there on Sunday: is it tired and dilapidated? I do not think so. It has purposely had a lot less money put into it over the last couple of years in an effort to make it look that way, but it is actually structurally good. In my opinion, it is sound and modern; it is about 30 years old.

If the government really means social inclusion, why does it not say, 'We are going to use this as a model, because it is a damn good model. We are going to put one of these in each region in the state. Not only that, we will get people trained in the Public Service to strategically work through the Parks Community Centre model and we will export the concept and bring some dollars back in. We will sell some intellectual property on how to improve the social wellbeing and fabric of the community'?

The world is screaming out for that. We have it at the Parks but, no, we will bulldoze it to put some short-term money back into Treasury—wrong again. Fortunately, we had a great opportunity, with a total bombardment by the media. It must have been pretty hard for a lot of senior government ministers to even eat their breakfast in the morning when they picked up *The Advertiser* and the *Sunday Mail*, because the papers got behind it and they flogged them.

The community came together and it flogged the government, and a lot of members of parliament also got involved and worked with them to flog the government. Push came to shove, and the government backflipped. I say that is good. We want to see a backflip on some of the other draconian measures in this budget, not the least of which is breaking a legal contract through an enterprise agreement.

I would like to finish with PIRSA and SARDI. When you go into the House of Assembly, you see two things on the carpet: wheat sheaves and wine grapes. They are there as a symbol of the fact that this great state was built on an agricultural base. We will see the world grow from 7 billion to 9 billion people over the next 20 years or thereabouts. That is a massive increase, and all those people will be hungry and want food. Mining is good too, but it is not sustainable. It is an easy one for a government when China and India are building all their infrastructure and need those commodities to support that; it is a no-brainer. However, why would you destroy opportunities to grow your food and agriculture?

In this budget, the government set a 10 per cent cut in SARDI's research budget. Go to the South Australian Research Development Institute headquarters at West Beach and look at what it has done with research in agriculture and aquaculture; it has been fantastic. I was worried a while ago when I heard that the CEO was retiring; I thought it was strange. I have a SARDI tie he presented to me. He is a proud man and he led a great SARDI, and I wondered why he was leaving.

I know now: he knew what would happen to his budget. He could not look after his staff and he could no longer look after his responsibility to develop opportunities for growing economic agriculture and aquaculture in this state. I believe that is why he left. Of course, he has not been questioned on that, but why else would he leave when he was doing such a great job? He is not an old man.

The government now wants full cost recovery. Farmers have done it pretty tough over most of this decade, and overdrafts are up and mortgages up. When times were nowhere near as affluent for government in terms of its coffers—in the 1970s, 1980s and 1990s—successive governments, Labor and Liberal, through the department of agriculture, did not talk about full cost recovery. They did not get rid of agronomists from the department of agriculture who were writing bulletin sheets and fact sheets and who were doing research and working with farmers.

They were there, and there was no cost recovery. That was part of what government did: provide services for people to grow and enhance the state economically and socially for the betterment of all. That is not happening now. We saw 110 PIRSA staff flicked with the budget in

2009, and in this budget the government wants to get rid of another 180. It is wrong, and we will rue the day it happens.

It is not acceptable for the government to say that the private sector will do this. Yes, some of those scientists, agronomists and researchers will go and work for Landmark, Elders, CRT and the rest of them, but they will not do the research, and information will not be as pristine as the information that farmers get from PIRSA because the carrot for people working in the private sector is that they have to sell certain products at big margins. That was not the case with PIRSA when they were giving extension agronomy services and the like.

To conclude, this budget was not the roaring success that might have been indicated in the following days, with Kevin Foley shaking hands with ministers and backbenchers, getting pats on the back, and all the spin of his PowerPoint presentations. It is not a good budget. The core debt in this budget is way up towards where it was back in the State Bank days, with all the other things we could go through, involving 333 Collins Street and investments like Scrimber. We now have core debt up there at a time when, as was said today at the rally, the revenue has never been better for government, state and nationwide.

It is not right that decent people who are just trying to do their job and contribute to this community are being hit the way they are, and there were many other ways that the government could have recurrently addressed its problems. The government made the problems; it should fix them with the least stress on the community. I am not happy with this budget, and I look forward to hearing from colleagues.

The Hon. T.A. FRANKS (17:57): I know that the evening is drawing to a close, so I will make a start on my speech to this budget. I would like to flag that the Greens are opposed to many sections of this budget, not least being the cuts to the public sector both in numbers and in entitlements of public sector workers. We have also been quite critical of the attacks on education, specifically the moves to amalgamate co-located schools. We have some grave reservations there, that that be done in a consultative manner.

Particularly, we have voiced our opposition to the changes in this budget to adult re-entry. I note that we are not looking at closing down those schools. I do understand that we are looking at restricting access in those schools to those students who are under 21. There was a lot of talk in estimates that this is being done because students are using those schools as leisure courses or WEA courses. We would dispute that and say that, if that is the problem, then tackle that as the problem and do not cut access to everyone who is over 21 to those schools.

We will also address the Parks issue and we are very happy that the government has made some concessions there. The Greens spoke to the Supply Bill just before the end of the financial year, and it was quite odd at the time that we did not yet have an appropriation bill or a budget. Of course, we went to the election here in this state on 20 March, so we have been told that we needed all this time until September to get that budget together.

In Tasmania, where they also went to the polls on 20 March, they had their budget well in time for the appropriation and supply bills to be considered. Also, in the UK it took them only 50 days after the election, and they have a much larger budget to deal with than ours—and that was a change of government, not a continuing stagnant government. I think that the Tasmanian budget, which was brought down on 17 June, was helped by the Labor coalition Greens government which perhaps gave them a little bit of a push along to get their budget well in time before the end of the financial year.

We have seen with this budget an unusual process, which I hope that other states do not replicate, where we have had the referral of advising on budget cuts which, as the Hon. Robert Brokenshire said, did not come from government itself but in fact a Sustainable Budget Commission. This was a body which was not actually funded when it was first announced, and that boded really badly. I think the fear is well founded that perhaps it was an ill thought out approach.

That $2.5 million was eventually found to fund the Sustainable Budget Commission and we, of course, saw the leaked documents of all the recommendations from that Sustainable Budget Commission. I note that there was a range of recommendations in there that did not see the light of day under this budget that we have before us, that would have been far preferable to the Greens. Some other measures as well: we would like to see the superway not given the priority it has. We have grave concerns that the Adelaide Oval redevelopment seems to be skyrocketing in costs.

Let us get to the heart of this particular budget before us. We have attacks on the public sector. We have an announced 3,740 jobs to be lost in the public sector through taps on the shoulder. We are told at this stage that it will not be a mandatory move; it will be in fact through voluntary separation packages that those jobs will go, and those packages will in fact be quite generous. I express concern that that many packages are actually going to cost an awful lot of money and take away an awful lot of capacity from our public service that we may never replace in this state.

I do admit and I do acknowledge, as the Labor government will be quick to point out if I do not notice this at the moment, that we will see new jobs in the public sector as well, but by no means on the same scale as the cuts we are about to see. Those new jobs may not have the history and the expertise, and they will in fact spend a lot of their time reinventing the wheel; and again I am not so sure that that is a positive way to move forward.

The fundamental premise upon which the Greens oppose these cuts is the way in which the government has gone around announcing both cuts for the public sector, when we have been assured previously, before the election, that these things would not be happening, and cuts to public servants' conditions, and particularly leave, that we know were not the subject of any discussion in any enterprise bargaining with the unions and we know were not ever put on the table by the government in these bargaining negotiations. They have simply been legislated after the fact, after people have bargained and negotiated in good faith with this government which is a Labor government and which purports to stand up for the working people of this state. This government has lost its way.

I would note that I stood with other members of the crossbench: the Hon. Kelly Vincent; John Darley, who sent his good messages of support; the Hon. Ann Bressington; the Hon. Robert Brokenshire; and the Hon. David Ridgeway today on the steps of Parliament House at a public sector rally, united in opposition to these cuts to entitlements for public servants. I said at that rally that the government, when announcing these cuts, said that this was an internal blow, and that this was trimming the fat, if you like. It did not describe public servants as what they in fact are: those who create the social capital of this state.

It did not actually name the public servants' occupations when it talked about these cuts to the leave entitlements. It did not say that this is going to affect nurses and midwives and firefighters and ambulance officers and student support officers and people who work in the health services and people who work with the most vulnerable in our community. Again I will say that, when you cut these people in their positions and also you cut their entitlements, you will lose capacity in our public sector.

One area where I have grave concern that we will lose a lot of capacity, because we have no fat to trim there, is the area of child protection. We already know that child protection is an onerous, difficult job. The people who work in that area have a lot to deal with in their working lives that many of us here would not even dream about and would not even think about. We know that there are problems with retention in that area. We know that there are also problems with inexperience in that area. These cuts will cut child protection commitments made by the Rann government.

We also know that these cuts and these changes in what has been negotiated in good faith, by an overriding legislation, a bully boy tactic, if you like, set precedents that we are quite concerned about. We would like to put on record that we have some concerns about what implications these changes to public sector entitlements have. I would ask: has the government considered any other leave entitlements? Has it looked at maternity leave cuts? Are they the next on the table in the next budget round?

Have they sought legal advice? We would like to know if there is any legal advice that the government actually has the ability to take these measures. We would really like to know whether or not the precedent set by this bill, and this budget, will be replicated by Labor or Liberal state and territory governments across the country. We would also like to know whether or not other entitlements are for the chopping block. That legal advice from the government, I think, will be mirrored by union legal advice that we will be seeing in the coming weeks.

One particular issue of concern is: at what point did the government decide that this was going to be part of its budget? Was it before or after it made a commitment to the public sector in the wages enterprise bargaining salary group offer of 7 December 2009, when it promised the

continuation of the current provisions in relation to security of employment? The government also promised existing conditions to continue. We would like some answers to that.

I will quickly move onto cuts to education. We have some concerns that the green schools program has been lost. We would like to know whether those green schools initiatives that have been successful in previous years will continue and how schools will be able to be green schools. Are there any other funding streams coming to those schools, or is that simply all show?

We have had the media releases, we have had a few glitzy solar panels on a few schools and a few rainwater tanks, and now we are moving on because the media is not as interested any more in the new green schools project. We also have some concerns about small schools losing funding and access to Student Services Officers (SSOs). We would like to know how many small schools will be looking at losing a Student Services Officer? How many Student Services Officers in full-time equivalents will be cut by this budget?

We point to the amalgamation process of co-located schools. It is my understanding that, the day after the budget was announced, schools were approached by departments and told that, if they were a co-located school, they had to amalgamate—and I give the example of Parafield Gardens Primary School, which has already gone through an amalgamation process with the junior primary and the primary school and the Parafield Gardens High School, but I know that there are dozens of schools involved in this process. They were told, 'There's no choice. It's a budget saving measure. You can kick up a fuss but, if you do so, we'll just change the legislation to make sure that our budget goes through.'

I have asked for an assurance that section 14 of the Education Act will be followed, whereby any school that does not wish to amalgamate or close has access to a review process, and that review process is actually quite comprehensive. I understand that it was the previous member for Taylor who was responsible for this fantastic review process which—

The Hon. S.G. Wade: A Labor member.

The Hon. T.A. FRANKS: A Labor member, a former minister for education, a former member, in fact, for my local area, and I think I may have even preferenced her once on a voting card.

The Hon. S.G. Wade: Pretty low, I'm sure.

The Hon. T.A. FRANKS: Not too low, but certainly not first. I would like to see that this review process is guaranteed to these schools. Have these schools been assured in writing that they have access to this review process, or have they been led to believe that they have no choice? Of course, the review process includes their local council, and it includes a consultation with the parents, teachers, students and the community of that school.

It is actually quite a wide-ranging review process and, of course, those reviews come before both houses of this parliament. We would like some assurances that schools that have been told they have to amalgamate have not been told under false pretences and that they realise they have a way to oppose that measure.

Similarly with adult re-entry, particular schools have been targeted by the government in terms of restricting access to adult re-entry. Those schools are waiting for answers to their questions. In the debates when I have been listening to the estimates committee this week I have heard that everyone they are looking to get out of these schools is wasting education or department moneys by doing leisure courses and filling in their spare time—making it sound like they are the ladies of leisure of Burnside, perhaps. The reality is far from that.

We are assured already that TAFE is not going to be able to take them, and people who want to do year 11 or 12 are not necessarily able to afford TAFE. The people who need adult re-entry to do year 11 or 12 are clearly not financially well off, and they obviously have been disadvantaged. These are people, it has been said time and again this week, who are looking for a second chance. Often they have been failed by the education system the first time around. Often society has failed them. Some of them are young parents, some are refugees, some are Aboriginal or Torres Strait Islanders—they are people who really do need that second chance.

One of the questions I ask is: where will adults go if they do not just want to go to university and they are not going to do the STAT test (to which we have been assured they can have access), and they are not going to do a foundation course to get into university but they want to become a police officer? How will the requirements for entry to SAPOL for people who will

undertake this adult re-entry be fulfilled? Similarly with defence: how will the requirements for those who are simply taking the SACE in terms of getting into the defence forces (and the RAAF in particular has been noted to be one particular stream) afford those people access to the profession of their choice?

What was the reason the government chose the age of 21 years as the cut-off age for opportunity for adult re-entry? Why was 25 years not the age at which we in this state determine youth to have ended? Why was that age not chosen? Has any advice been sought about whether this is an age discrimination issue, and are there implications in this for contravening age discrimination legislation?

We would like to know what is going to happen to the 4,500 (or thereabouts) students who will now not be afforded a second chance at education. I would like to know the numbers that the government estimates this will affect. I would also like to see any work that the government has done on how many people are doing these courses as WEA or leisure-style courses and how many are genuinely there trying to get a second chance at life through a high school education.

I will move on now to the Parks. The Parks has been in the media, of course, and many of us know and love the Parks and are very happy to have seen somewhat of a backflip on this issue. But the announcement that the Parks would be closed was an absolute aberration. Quite rightly, the media and community have stood up and said: no. To its credit, the Rann government has listened. I hope that we will get some assurances that the local council (the Port Adelaide Enfield Council) will be consulted more appropriately on the future of the Parks. I see that Monsignor Cappo is to head a review into the use of the Parks and that he will do that through a phone and online survey.

I would hope that more work will go into consultation on the future of the Parks than was done by the Sustainable Budget Commission, because it clearly had no idea what it was recommending when it recommended to cut that facility. The least sustainable thing you can do is cut something as valuable and precious as the Parks.

My colleague the Hon. Mark Parnell will also speak to this bill in the next sitting week, but I will wrap up with a few words of warning to this Labor government. While I stood on the steps of Parliament House today, there were union leaders to protest this move. Many of the Labor members have come through the union movement. That union movement, as they know, is nationwide, and I will read some words of concern coming from the country. Firstly, from Sydney, the CPSU federal secretary, David Carey, said:

> The government has just left fly with a slap in the face for hardworking and loyal public servants. How can any employer be allowed to unilaterally change and remove conditions and then ask employees to bargain in good faith?

Karen Batt, a branch secretary from Victoria, says:

> Comments attributed to treasurer Foley that South Australia should have moved in a similar manner as premier Kennett did in the 1990s are ignorant of the impact of that those draconian measures had on working families in Victoria.

Finally, from WA, a state not known for its radical history in its union Labor government-led progressiveness, the Civil Service Association Secretary, Toni Walkington, said:

> It is with deep concern that we learnt of the South Australian government's plans to cut 3,750 jobs, a threat to review the no-forced redundancy commitment given prior to the March 2010 election, the removal of leave loading and the reduction of long service leave undermines good faith negotiations. What this Labor government has done is an attack at the heart of the union movement and it is an attack at the heart of good faith negotiations.

We will enter into future debate on this bill in the spirit of good faith negotiations. We welcome the Hon. Robert Brokenshire's amendments to the bill before us, and we look forward to a robust and fruitful discussion.

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

WINDLASS, MR K.

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) (18:17): I table a ministerial statement relating to Mr Kunmanara Windlass made by the Premier.

APPROPRIATION 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) (18:17): I move:

That this bill be now read a second time.

In doing so, I remind members that the Treasurer's budget speech was tabled in this house on budget day, 16 September. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

1—Short title

This clause is formal.

2—Commencement

This clause provides for the Bill to operate retrospectively to 1 July 2010. Until the Bill is passed, expenditure is financed from appropriation authority provided by the Supply Act.

3—Interpretation

This clause provides relevant definitions.

4—Issue and application of money

This clause provides for the issue and application of the sums shown in Schedule 1 to the Bill. Subsection (2) makes it clear that the appropriation authority provided by the Supply Act is superseded by this Bill.

5—Application of money if functions or duties of agency are transferred

This clause is designed to ensure that where Parliament has appropriated funds to an agency to enable it to carry out particular functions or duties and those functions or duties become the responsibility of another agency, the funds may be used by the responsible agency in accordance with Parliament's original intentions without further appropriation.

6—Expenditure from Hospitals Fund

This clause provides authority for the Treasurer to issue and apply money from the Hospitals Fund for the provision of facilities in public hospitals.

7—Additional appropriation under other Acts

This clause makes it clear that appropriation authority provided by this Bill is additional to authority provided in other Acts of Parliament, except, of course, in the Supply Act.

8—Overdraft limit

This sets a limit of $50 million on the amount which the Government may borrow by way of overdraft.

Schedule 1—Amounts proposed to be expended from the Consolidated Account during the financial year ending 30 June 2011.

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

At 18:18 the council adjourned until Tuesday 26 October 2010 at 14:15.