HOUSE OF ASSEMBLY

Wednesday, 18 May 2016

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:00 and read prayers.

The SPEAKER: No member of the ministry has seen fit to grace us with his or her presence in the house. It would normally be a minister who would move that the house give leave to the select committee to sit during the sitting of the house, but the member for Florey, ever resourceful, is going to do it for us.

Parliamentary Committees

SELECT COMMITTEE ON JUMPS RACING

Ms BEDFORD (Florey) (11:02): By leave, I move:

That the committee have leave to sit during the sitting of the house today.

Motion carried.

PUBLIC WORKS COMMITTEE: ADELAIDE FESTIVAL CENTRE PRECINCT UPGRADE

Ms DIGANCE (Elder) (11:03): I move:

That the 544th report of the committee, entitled Adelaide Festival Centre Precinct Upgrade, be noted.

This project forms part of the renewal of the Riverbank Precinct and will complement the redeveloped Adelaide Convention Centre and the footbridge to the Adelaide Oval. It will provide a pedestrian link between King William Street and the Adelaide Festival Centre, the Railway Station, the Adelaide Convention Centre and the Riverbank. It will also be a place to meet to enjoy a coffee at a café whilst appreciating the new plaza with its gardens and water feature. Pedestrians and vehicles will be separated, with vehicle access and the current Festival Drive being located beneath the plaza precinct.

The plaza redevelopment will be at the level of the current plaza precinct, stretching from behind the parliament buildings to Adelaide Festival Centre and Station Road. Station Road will become primarily a pedestrian tree-lined avenue, providing direct access from North Terrace to the plaza. There will also be easy pedestrian-only access from the footbridge to the Adelaide Railway Station.

This project also incorporates an upgrade to the Adelaide Festival Centre, including shell works for the Festival Theatre and entry and foyer works to both the theatre and the Dunstan Playhouse. As well as works along the northern Riverbank, the works will make the Adelaide Festival Centre accessible from the north as opposed to the current entrance off Festival Drive. The northern Riverbank works will be some of the first works to be undertaken, along with some temporary works to allow continued access to loading docks. This is essential to ensure the Adelaide Festival Centre and other businesses remain operational throughout the project.

In addition to these public works, there are two private developments occurring concurrently in the precinct, namely the Walker Corporation construction of the office tower and five-storey underground car park and the SkyCity expansion of the Adelaide Casino. Given the complexity and number of works occurring and the ongoing operation of the Festival Centre, coordinated scheduling is key to the smooth, safe and efficient delivery of all these projects.

The government is providing $170 million of the $210 million project costs for the plaza, Adelaide Festival Centre and northern Riverbank upgrade. Private developers are responsible for all costs of the other two developments. The state government and its authorities currently own the land for the project works and will maintain ownership post development. Lease arrangements will be negotiated with key stakeholders.

There are a number of heritage buildings and structures within the surrounding project. These have been considered and addressed as part of the concept planning and design, including

the view lines from the river. The appropriate state and federal approvals will be obtained for all project works. It is anticipated that the project works will commence in the latter half of 2016, with much of the public realm works completed by the end of 2017. The full project will be finalised by 2020, as restrictions will remain due to the private developments and in order to reinstate temporary access changes.

The committee appreciates that this project is still in its early stages and that there is a need to undertake some early and preliminary works. However, as a committee, we require the department—that is, the Department of Planning, Transport and Infrastructure, Renewal SA and Arts SA—to return and provide more detailed evidence on the final plans for the precinct once they have been completed.

I thank my fellow committee members for their contribution and also their unanimous support of this complex project and I also thank the committee staff for their work. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to the parliament that it recommends the proposed public works.

Mr WHETSTONE (Chaffey) (11:07): I, too, rise to provide a contribution to the 544th report of the Public Works Committee, entitled 'Adelaide Festival Centre precinct upgrade'. The project will hopefully breathe some life into what should be the centrepiece of Adelaide but has really fallen into a state of tiredness over the last decade. For more than 40 years, the Adelaide Festival Centre has been the heart of the performing arts here in Adelaide and, when completed in 1973, the centre was the nation's leading multipurpose arts centre and it quickly became the heart of successive festivals.

The Adelaide Festival Centre precinct upgrade complements the private sector components of the Riverbank precinct redevelopment which include the Walker Corporation and SkyCity developments. The focus on the submission put forward to the Public Works Committee related to the state-funded Adelaide Festival Centre precinct upgrade. The total expenditure for the upgrade is approximately $210 million, of which the government contribution is approximately $170 million.

There are many proposed facets to the project, including the development of the Adelaide Festival Centre, the Casino, the plaza itself and, of course, the underground car park. There will be a retail area and the office tower, as well as the much awaited underground car park that will replace the current car park that the people of this place utilise well.

Obviously what we were shown in the Public Works Committee are not the final plans, and there are many applications still to be lodged, designs to be reviewed and the independent process to go through, so I am sure we will be kept up to date with any changes. I do note that the walk of fame, featuring the names of more than 120 legendary South Australian performers who have performed at the AFC, will be a part of this project, and it will be unique in this state. I will wait to see the finished product and the number of visitors before making a personal judgement.

One of the big issues that we face with the project is the much-utilised footbridge. The department did tell us that there would be some interruption, but they are hoping that the foot traffic will be diverted to the two bridges either side of the footbridge. So, the Morphett Street bridge and the King William Street bridge will have to have foot traffic diverted that way. There are some ongoing negotiations with the Stadium Management Authority, SANFL and SACA so that we can reduce the impact of people using that footbridge while the Festival Centre Precinct is upgraded. There will be some disruption while that upgrade moves ahead, but, as I said, I support the 544th report of the committee and hope that it is an upgrade to Adelaide's centrepiece within the arts.

Ms DIGANCE (Elder) (11:11): I would like to thank my fellow committee member, the member for Chaffey, for his words of support on this project, and I thank him for mentioning the walk of fame, which will certainly be a feature of the whole new precinct. With that, I also thank the other members and recommend the report to the house.

Motion carried.

Motions

SOUTH AUSTRALIAN CRICKET ASSOCIATION PREMIER CRICKET MERGER

The Hon. P. CAICA (Colton) (11:12): I move:

That this house establish a select committee to inquire into and report upon the South Australian Cricket Association's (SACA) Premier Cricket merger decision, and in particular—

(a) the evidence relied upon by SACA to determine those district cricket clubs that are now the subject of the merger decision;

(b) any other criteria that may have been used by SACA or should have been used to justify the decision;

(c) the transparency and procedural fairness provided to the current clubs of SACA in the advancement and determination of the decision;

(d) whether SACA has fully complied with, and the intent of, section 15 of its constitution in making its merger decision;

(e) whether SACA is meeting section 3.1(a) of the objects and powers of its constitution 'to promote and develop the game of cricket in South Australia' with its decision; and

(f) any other related matter.

I understand that this motion will be supported and I thank the opposition and all members for that support. I have been asked by many, most recently, as to what was the genesis of this motion. From my perspective, it has been driven by nothing other than the way in which I think SACA has progressed this matter of mergers—in particular, the rationale adopted by SACA; the criteria they have used and relied upon; and, in many cases, the criteria they have not or should have used in making this determination.

I have held many discussions in recent times with people from the three clubs that were originally earmarked (or forced, some might say) to enter into merger talks. I have also had frank and open discussions with others from within cricket circles and advised each of them that this motion is not about their club. Indeed, it is not even about West Torrens, Port Adelaide or Woodville; it is about process, it is about procedure, it is about logic, it is about transparency, it is about fairness, and it is about the use of powers.

I am not opposed to mergers occurring in the district competition, but if they are to occur it has to be in the best interest of cricket in this state, underpinned by a transparent and logical process that brings people and cricket along with it and be driven by a high level of professionalism and strong leadership. To date, I believe these vital ingredients to be sadly lacking in the current process. You would remember, sir, the merger of our two mighty football clubs, Woodville and West Torrens—

The SPEAKER: Your club with mine.

The Hon. P. CAICA: That's right, and that brings me to a very important point which I am going to make just a little bit later. There is understandably, sir—and you have just displayed that—a high degree of emotion and self-interest when it comes to a merger of longstanding clubs, whether it be cricket or any sport. When looking at the future, it is important to have a glance at the past. We take strength from history and the past and what it is that we learn from that history, but it is more important to have both eyes focused on the future.

I often channel the Doug Thomas approach, which is similar to yours I might think, sir, and I apologise if that is not the case. West Adelaide, when it came to merger discussions, in Doug's terms would say, 'Look, we're happy to merge, but when we merge with anyone, they will be called West Adelaide, they will play at Richmond, and they will wear black and red.' The point I am making is there is a lot of emotion that is associated with merger discussions, and they can only occur successfully if they are driven by transparency and goodwill and underpinned by professionalism and leadership.

There is, without doubt, a level of support within cricket circles for the proposed merger to proceed. Part of this, I believe, is from people and clubs who are not a major part of the ongoing discussions that are occurring, and it is, if you like, a relief that it is not us and, 'If we do not show support then but for the grace of God go I and my club.'

I will make a few final points. This morning, it was reported that a SACA representative believed this motion to be a waste of taxpayer money and that this could be better spent on grassroots cricket. I might get that slightly wrong, but that is how I interpret it. I remind SACA and everyone that the government spent in excess of half a billion dollars to build a new magnificent

stadium: the home of cricket and the home of football. I was fortunately around cabinet at that stage and supported this expenditure, but so many of constituents—

Mr Whetstone: You got slotted.

The Hon. P. CAICA: What, you're saying you don't like the Adelaide Oval?

Mr Whetstone: No, I said you got slotted.

The Hon. P. CAICA: Yes, I got slotted, maybe, but that's a debate for another day. But my point on the expenditure on the Oval is this: so many of my constituents did not support it. They believed it to be a waste of money, and time has shown, and I believe it has been proven, that this was money well spent. This also included the expenditure of some $85 million to, amongst other things, retire SACA's debt.

We as a government, as a parliament, have skin in the game, so to speak, and this parliament has not only a right but I believe an obligation to continue to involve itself in any matters that are in the interests of cricket at all levels in this state: district, women's, juniors, turf and all other forms of organised cricket. It is not appropriate in the face of SACA's (and I call it their Officer Barbrady approach), 'There's nothing to see here.' It is vitally important that parliament, and importantly the people that we all represent, do not just accept this SACA assertion.

Finally, I thank again the opposition for its support of this motion and acknowledge the comments attributable to the member for Chaffey that this inquiry is unnecessary and that, in his view, SACA has handled this matter appropriately. I acknowledge that particular view. I obviously do not agree with this view. He might be right, but I do not think so. It will now be a matter, if this motion is supported, for a select committee to investigate and determine whether or not this is the case and whether or not the best interests of our great game of cricket here in South Australia are being best served. I commend the motion to the house.

Mr WHETSTONE (Chaffey) (11:18): I, too, rise to speak on the member for Colton's proposal to establish a select committee to inquire into and report upon the South Australia Cricket Association's Premier Cricket merger decision. The member raises a number of points in his motion, and I would like to put on the record that I do not entirely agree with all the points but, nonetheless, overall the opposition will support the establishment of the committee.

I do have a strong working relationship with SACA, because I think it is critical that all of the politicians understand just how important cricket (one of the major sporting codes here in South Australia) is, not only on a sporting front but also as a piece of the social fabric in engagement with our communities.

Again, the association with the state's cricket clubs, in my role as shadow minister for recreation and sport, is critical. While SACA is generally opposed to the select committee being established, they have no objections to being open and transparent through the committee about the process they have undertaken. So, following the number of poor performances at a state level in South Australia, the SACA will undertake a process to review the structure of grade cricket in the state. The premium grade, premier level, has been under review.

The South Australian Cricket Association commissioned Robert Zadow as the chairman, Geoff Daly and Bill Baker to investigate grade cricket competition on behalf of the SACA Board in March 2013, with the review completed a year later, titled the Zadow report. I have read the Zadow report with interest, and that report is really about reform within cricket, with keeping cricket as a sporting powerhouse in South Australia so that we can come back to the days of South Australia holding its head high when it comes to Sheffield Shield and those premier league competitions.

I guess we have under performed over recent decades, particularly with Sheffield Shield, and have developed a low number of regular Australian representatives. Every South Australian is proud when they have a South Australian representative on the national team, and it has been too few for too long coming out of South Australia on the national team, but the quality of South Australian representation has always been first class when we get a representative on our national team.

I know that as a youngster, following my father to the cricket at the Adelaide Oval, I was always proud of some of the greats who came out of South Australia, in particular I note the current

coach, Dizzy Gillespie. When we look at some of the other greats—Terry Jenner and the Chapel brothers—there have always been notable South Australians on the national stage. There seems to be no dispute with anyone with whom I have spoken that the gap between grade cricket and first-class cricket is increasing, even in the Eastern States, due to increasing levels of professionalism. At first-class level there is that gap between the premier league and A-grade cricket.

There is a consistent theme amongst retired cricketers and members of the Adelaide cricket association that the standard of grade cricket is falling, sadly, but that is acknowledged. We know that the Adelaide competition has by far the smallest number of male potential cricketers per grade club of any mainland state. In private interviews with representatives from all the grade clubs, there has been general agreement that we have too many teams in the current grade competition.

I note the member for Colton's comments that we look over our shoulder and look at the history within those district clubs and, yes, people are proud of their history. No-one wants to see clubs amalgamate and, as the member indicated, with amalgamations, whether within SANFL, SACA or any district competitions in any sports code, people obviously are disappointed and rely on their memories and the history of that code, but sometimes we have to look further afield for the betterment of the game, particularly for the future standard of that sport.

As I said, a discussion paper was presented to the SACA Board in May 2015 recommending a 12-team competition for the 2016-17 season as opposed to the current 13-team competition. In the initial discussion paper presented to the board no teams were initially identified for merger or exclusion. In June 2015, Andrew Sinclair, the president, and Keith Bradshaw, the CEO, met with club presidents confirming the incremental introduction of tied funding from 2015-16 and a 12-team competition for the 2016-17 season.

In November, the SACA Board decided the reduction of one team in first grade was to be focused on the western seaboard due to population demographics and historical difficulty in fielding junior teams by some clubs. Recommendations regarding Northern Districts and Southern Districts assistance and assisting Sturt in developing a strategic plan for Mount Barker were also adopted.

In February 2016, all clubs presented to the SACA Board and the board approved an offer of $500,000 and other associated costs to facilitate the merger. On 15 March 2016, Port Adelaide and Woodville wrote to SACA advising their intention to stand alone, and in the following week the SACA Board decided that Woodville should be retained and that the preferred position would be West Torrens and Port Adelaide to merge.

The proposal is to reduce the number of teams in the competition in first grade men's premier cricket competition from 13 to 12. I am advised that there was no proposal to close these clubs, and it is not within SACA's powers to do so. The SACA Board's decision in March 2016 now gives the identified clubs a number of choices: to merge, to remove themselves from first grade men's premier competition, or to compete in a different cricket competition, such as the Adelaide Turf Cricket Association.

The merger option is SACA's preferred position. It is all about future growth and sustainability. It is about reducing the numbers to create a competition that will make it a competitive powerhouse. As I said, I have met with and spoken with many proponents of the sport who are going to be impacted. I have had several discussions with the SACA CEO, Keith Bradshaw, and Cricket Australia representatives. I have spoken at length with the West Torrens Cricket Club and the Port Adelaide Cricket Club. I have had correspondence from every other district cricket club in South Australia. Whether by private email, phone call, correspondence or in conversation, everyone has aired a concern.

I think the important thing is that this select committee will bring further transparency, as I think has been on the table. One thing that we do need to keep our eye on is that participation in South Australia exceeded 100,000 for the first time in 2015, a great achievement for cricket in South Australia, and has increased by 40,000 over the last three years. I am sure that it would be fair to say that that increased participation rate has been with the introduction of Twenty20. The limited or one-day internationals have seen great focus put on the sport. It has been great for the sport itself.

I note that we have had some internationals, notably the India–Pakistan game. While the Minister for Recreation and Sport claimed it as one of the great events in South Australia, the focus still was not on what the Australian spectator expects, that is, to watch their national team compete. What I would like to think is that we would continue to put a focus on international cricket, but that we would put even more focus on bringing our national team on a regular basis to Adelaide.

The Hon. L.W.K. Bignell interjecting:

Mr WHETSTONE: The minister can talk all he likes, but where has the minister been—

The DEPUTY SPEAKER: Order! It is unparliamentary to interject and to respond to interjections. I am going to insist that all members listen to contributions in silence this morning. The member for Chaffey.

Mr WHETSTONE: My final say—

The DEPUTY SPEAKER: Sorry, your time has expired. We will give you another minute.

Mr WHETSTONE: We will support the select committee for the best interests of the game. Just to conclude with those remarks, I really think that, potentially, the minister should have stood up and intervened with this introduction of a select committee. I think that there needed to be much more leadership when it comes to this issue. Both the member for Colton and the member for Lee are passionate cricket supporters, and I think that in South Australia cricket is one of the national games that has been regarded as theirs for centuries.

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (11:29): I thank the member for Colton for his leadership in bringing this motion before the house, and I also thank the opposition for their support of this motion. I think it is an important expression, as the member for Chaffey said, of the importance of this game and the level of participation within our communities that the parliament conduct some oversight of this process that the South Australian Cricket Association has been involved in.

Some of you may know that I have a keen interest in this matter, not just as a cricketer—although I should make it clear to the parliament at a level very substantially below the level of cricket that we are talking about here today—but also because one of the clubs which is most concerned about this proposal from the South Australian Cricket Association is the Port Adelaide Cricket Club. This is a cricket club that has been in existence for many, many years and has serviced the community of which I am a part, and that is the Lefevre Peninsula community.

I think what is concerning to a club like the Port Adelaide Cricket Club, as well as to clubs like West Torrens and indeed several other of the leading cricket clubs, is the process by which this decision by the South Australian Cricket Association has been made. Certainly, the member for Chaffey is absolutely correct: we have not enjoyed the level of success that we would have liked to as a state for many years.

In fact, I can remember—well, let's be frank—bludging out of a university lecture and coming down to the last session of the last Sheffield Shield win in 1996, and that was an enjoyable experience. It was a very long time between drinks until we hosted another shield final: this season just gone past, albeit not with the same result. As tempting as it is for me as a Port Adelaide supporter to make some reflection on the fact that that may be related to it being held at Glenelg Oval, I will not, Deputy Speaker.

The DEPUTY SPEAKER: I am glad you have shown restraint.

The Hon. S.C. MULLIGHAN: That's right, I have done by best. What is very concerning about this issue is that the Port Adelaide Cricket Club, like many other cricket clubs, has a membership in the hundreds, and there are many more hundreds of people of those local communities who participate in the club, whether as coaches or trainers or volunteers, people who are given some sense of not only sport and recreation but also engagement in their community. I think all of us can get behind the idea that we should seek out opportunities and take those opportunities to improve the performance of our clubs at a club level, let alone at a state level.

However, what is not clear from what has been put to these clubs by the South Australian Cricket Association or indeed put to the SACA by the Zadow report are robust and transparent criteria

for making decisions about which clubs should be considered for mergers and which clubs should not be. Certainly, there is a significant number of reflections on the perceived failings of some of the clubs, including the one that I am obviously a great supporter of, the Port Adelaide Cricket Club, in terms of not always being able to field a full complement of youth and junior teams, for example. However, we know that some other clubs which are not in the gun when it comes to these merger discussions do not even field junior teams.

There is some reflection on whether clubs should be focused on providing avenues for women to participate in cricket, something that I and just about all of the clubs are very strong supporters of. Is that a criterion or not for considering which clubs should continue forward? Is it indeed just looking at the gross demographics of particular regions within metropolitan Adelaide, or is there some sort of demonstrated connection between those demographics and participation within club cricket and hence success in club cricket that should be looked at? That is not something that has been canvassed adequately by the Cricket Association or, indeed, by the report that was provided to it.

Providing a better understanding about some of those criteria are absolutely critical so that the communities as well as the clubs themselves can feel confident about the future of their club and feel confident about how their club will contribute to the success of state cricket in the future, despite the representations of the Cricket Association, whether they have been to me as a local MP or to the member for Colton or to many other members of parliament. As the member for Chaffey said, he has taken the time to meet with SACA to talk through the issues so that he can get his head around it.

Despite what has been said, as far as I can gather, there is still insufficient clarity about these issues. It does not give sufficient confidence to me as a member of parliament representing my local community, or to the member for Colton or indeed to many other people in the house, to simply allow this process to continue on where the clubs themselves, particularly those who are still involved in these discussions, feel that they are going to end up with an outcome which is not acceptable to them. It is not acceptable to the community, and it is not acceptable in the context of trying to provide the best possible base for providing success at a state level.

We have some fundamental problems with cricket here in South Australia, and they are not necessarily related to how successful we are at a state level. There are some fundamental problems when it comes to engaging with people to participate in sport. I know through my time playing club cricket how absolutely debilitating it is either to be in a team which turns up and cannot field 11 players, or turns up to play a team which cannot field 11 players.

It has got to the point now where there is no animosity towards teams and clubs who cannot field a full complement on the oval because all clubs know what it is like. All clubs know how hard it is, particularly to attract young players into those clubs, unless those players can be confident that the club can provide them with all of the opportunities of growth and development possible, so that that club can be a proud club which is able to, on merit, participate at the highest levels within the state associations and its players can, perhaps one day, find a pathway through to representing either their club at that high level or even represent their state or country at the highest levels.

It is very hard to attract people in, and it is very hard for a game like cricket to continue attracting people in when the time commitments can be so significant. I know, as somebody who has recently begun the wonderful journey of starting a family, how even more time poor you become. When a sport or a leisure activity then asks you to commit somewhere between seven and nine hours, each weekend, away from your family to participate, that is very tough.

When the member for Chaffey says it is great that participation is recovering because of things like Twenty20, I would recognise and agree with that, and I would add that I think the ongoing interest in women's cricket as well has been an important contributor to participation. The Cricket Association at the state level is doing all it can, all the way down, whether it is through the Turf Cricket Association, whether it is through its own grade association or whether it is through the suburban cricket associations, to try to ensure we have better representation in cricket.

It is absolutely critical and necessary that the parliament has a role in doing this. As to the argument that this is a waste of the parliament's time, that this is a waste of taxpayers' money,

respectfully, it is the parliament that has provided over $0.5 billion towards the redevelopment of the SACA and SANFL-shared, Stadium Management Authority-managed Adelaide Oval.

It is the parliament that has previously provided tens of millions of dollars to the South Australian Cricket Association for the improvement and redevelopment of their facilities. We did that on the basis that there would be benefits for cricket communities at all levels in terms of participation, in terms of performance and in terms of being able, as a state, to continue to contribute to providing success at the highest level.

I am vehemently, vociferously in support of this motion. It is absolutely critical that the SACA repays the faith that the parliament has shown in it in years gone by back to the parliament, to be able to convince us and convince the community of South Australia, beyond the closed-door cricket meetings that have occurred, that these mergers are necessary.

I welcome the opportunity for reform and improvement in cricket at all levels in South Australia, particularly if it leads to high participation and better success. All we are asking for as a parliament is some transparency and some accountability from these people who are appointed within their own club, who are custodians on behalf of South Australians of a $0.5 billion piece of infrastructure. We are asking them to participate in this process openly and transparently.

The Hon. P. CAICA (Colton) (11:39): I will be very brief. I thank all speakers for their contribution. I again thank the parliament for supporting this motion. I will just reinforce a couple of points. I, too, am not fearful of reform. In fact, we should all welcome reform, but it needs to be, as I said earlier, in the best interests of cricket, it needs to be agreed to by all levels of cricket, and it needs to be driven by proper and strong professional leadership. I will not hold the house any longer. I commend the motion to the house and I thank members for their support.

Motion carried.

The Hon. P. CAICA: I move:

That the select committee consist of Ms Cook, Mr Duluk, Mr Odenwalder, the Hon. Ms Rankine, Mr Whetstone.

Motion carried.

The Hon. P. CAICA: I move:

That the select committee have power to send for persons, papers and records and to adjourn from place to place and that it report on 30 November 2016.

Motion carried.

The Hon. P. CAICA: I move:

That standing orders 339 be and remain so far suspended as to enable the select committee to authorise the disclosure or publication as it sees fit of any evidence presented to the committee prior to such evidence being reported to the house.

The DEPUTY SPEAKER: I have counted the house and, as an absolute majority of the whole number of members is not present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

Parliamentary Committees

PUBLIC WORKS COMMITTEE: MORPHETTVILLE NEIGHBOURHOOD RENEWAL PROJECT

Ms DIGANCE (Elder) (11:42): I move:

That the 545th report of the committee, entitled Morphettville Neighbourhood Renewal Project, be noted.

The Morphettville Neighbourhood Renewal Project—

Members interjecting:

The DEPUTY SPEAKER: Members will leave the chamber and have their conversations outside. We are listening to the member for Elder. Thank you.

Ms DIGANCE: The Morphettville Neighbourhood Renewal Project is part of the Renewing Our Streets and Suburbs initiative. This initiative aims to renew 4,500 Housing Trust properties located within 10 kilometres of the Adelaide CBD by 2020. These are generally properties built before 1968. This renewal project includes both renovating properties and complete demolition and rebuild.

The intent is to improve the quality of public housing, provide properties that better suit South Australian Housing Trust clients, and improve the aesthetics and amenities of surrounding areas. The focus is on providing improved housing stock and new land for sale in existing suburbs, with increased housing density close to transport and other established services and facilities.

Morphettville is in a prime location to facilitate these aims. It is eight kilometres from the city, within two kilometres of Marion shopping centre and Glenelg, and the tram runs along the northern edge of the suburb and abuts the open space and wetland of the Morphettville Racecourse. The project incorporates at least 280 houses, public and private, over an 11 hectare area. The works will include the demolition of 75 properties, renovation of 24 Housing Trust houses to sell, upgrading a further 22 Housing Trust dwellings to be kept, and the creation of 151 new housing allotments that include 128 new houses or land for sale, 30 of which will be new affordable houses and 23 new Housing Trust properties.

The current density of the Housing Trust stock is 76 per cent. This project will reduce that to 24 per cent, in line with the South Australian Housing Trust aim of greater integration of Housing Trust stock with private properties.

As with any of these projects, some Housing Trust tenants will need to relocate. There is a one-on-one process whereby Housing Trust relocation officers will be working with these tenants to identify appropriate alternative accommodation. This process is ongoing. Consultation is continuing with key stakeholders, including the local community and local council; and the committee focused very strongly on this consultation process to ensure that it was in place.

The project will occur over three stages, with stage 1 to commence later this year and completion due by the end of 2020. Funding for the project will be sourced from the South Australian Housing Trust budget. It will be a self-funding project with the department required to expend $16.329 million (GST inclusive) to facilitate the project, with an estimated revenue of $31.122 million (GST exclusive) expected. The net surplus of over $14 million will be used by the department for other housing renewal projects.

I would like to thank my fellow committee members for their contribution and deliberation on this project, and I would also like to thank committee staff for their ongoing support and work. This is an exciting project for the suburb of Morphettville. It provides a great opportunity to revive the area and for private home owners to purchase land in a suburb ideally located between the city and coast, and well-serviced by public transport. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr WHETSTONE (Chaffey) (11:46): I, too, rise to speak on the 545th report of the Public Works Committee entitled Morphettville Neighbourhood Renewal Project. During the hearing of this project it was revealed that the Morphettville Neighbourhood Renewal Project is part of the state government's Renewing Our Streets and Suburbs initiative and is being managed and driven by Renewal SA on behalf of the South Australian Housing Trust.

We are told that the project will see the redevelopment of the Morphettville area, represented by a very good member down there. Dr Duncan McFetridge is doing a fine job in keeping peace, keeping harmony, and making sure he listens to every concern that his constituents raise.

The redevelopment will occur over three stages, with construction from late 2016 until late 2020. It will include the establishment of at least 151 new housing allotments; 128 new houses on new allotments for sale, including 30 new affordable houses or land for sale; the renovation and sale of the 24 Housing Trust properties; and 45 new and renovated properties retained by the South Australian Housing Trust.

Along the way, we noted that the 87 Housing Trust tenants will need to be relocated to allow for demolition of the 75 properties. I had some concerns over the consultation for these people to be

told that they are moving out. Also, there was a little bit of concern over a couple of the constituents down there who are handicapped, and they would have to be relocated.

We talked about reducing the overall time of public housing waiting lists. As I said during the hearing, if we are looking at reducing waiting lists with the same number of Housing Trust homes, I find it very difficult to understand how they are going to reduce the waiting lists with no more Housing Trust homes. Overall, it is a great project. It is a project that is needed for some renewal down at Morphettville, and I look forward to seeing the outcome.

Mr PENGILLY (Finniss) (11:49): As indicated by the member for Chaffey, yes, we do support the project on this side of the house, and I acknowledge the comments that have been made on both sides. However, it is worth remembering in this chamber that this government has sold off thousands and thousands of Housing Trust homes since it has been in government, since 2002, and this has been a long time coming in trying to get something else in its place. In supporting the project, we do not want to lose sight of what they have flogged off in order to survive.

Dr McFETRIDGE (Morphett) (11:50): I rise to speak on the report into the redevelopment of the Morphettville Housing Trust area. This is a great move. I have been over there a number of times to talk to constituents. I think the vintage of the homes over there is about the same as the house that my family and I lived in on Hogarth Road, Elizabeth South, so that is the early fifties. They do need to be refurbished and renewed, and I think this is a great project.

What I am very disappointed about is the hotchpotch sale by Renewal SA (formerly Housing SA) who are managing the sales of individual Housing Trust homes. This renewal project is going to be, in some ways, hamstrung by the fact these old homes still there are being sold off to private owners now. Unfortunately, some of those—and I am not saying those particularly at Morphettville—we see are cases where the new owners of these homes are renting them out and do not take much care of the property and certainly have no real concern about their tenants. We then see a ripple effect from potential bad behaviour—sometimes really bad behaviour—from these old homes, with who knows what is in them, to what we are redeveloping.

We have to make sure that, if we are going to give people a chance to come into a new home, whether it is owned by the private sector or the public sector, that home is going to be something they will want to be in all the time and be proud of and that the community is going to be a community they want to be involved in. If we are doing this sort of project, I appeal to the Housing Trust, and through Renewal SA, to look at what they are doing when they are doing this to make sure that they are not leaving little pockets of the very old-style Housing Trust homes there because they are deplorable.

I had one particular constituent who was in a wheelchair and her son was in a wheelchair and the changes that had been made to this house would have cost an absolute fortune. It would have been cheaper to put them into a newer home. The new homes I have been shown by Renewal SA when they came to brief me—and I thank them for that briefing—are really very stylish 2016-style homes. This is a great development. I look forward to seeing the old stock refurbished and renewed in South Australia and to make sure that the $10 billion worth of Housing Trust stock that this government owns is not just used as a cash cow to be sold off when the Treasury needs a bit of extra money. Let's make sure we protect the people in these homes.

When mum and dad moved to 85 Hogarth Road, it was a great opportunity for them to get into a house with three boys (my two brothers and I) at the time. They were both working. Mum was a schoolteacher and dad was a fireman. It was a great opportunity to have a relatively cheap home as a start and that happened right throughout Elizabeth. What we see now though is that a lot of the tenants in Housing Trust homes are people who have financial challenges, are out of the mental health system or the prison system, and have a lot of personal issues. They need wraparound services, and we see that this is happening in some areas. We saw the transfer of homes to some of the NGOs (Anglicare and the like) recently.

In 2008, I understand the government signed up to a COAG agreement to transfer 35 per cent of Housing Trust homes. It was not to sell them, but to transfer the management and lease these homes to the NGOs so that they could not only manage the homes, but also provide

those wraparound services that many of these vulnerable people in these homes now require in this day and age.

This is a good development. Let's hope that the people who get the opportunity to move into these new homes value them because it is a great area over there. It is close to downtown Glenelg and all the wonderful beaches along there, the Morphettville racetrack, the open space, the wetlands, and Sturt Creek—it is a great area. I look forward to seeing the redevelopment go ahead.

The need to make sure we do this wherever we can across South Australia, not only in Adelaide but also in the regional towns where there is very old Housing Trust stock, is something that I think we need to pay attention to. Refurbishing and redeveloping like this is a great thing.

Ms DIGANCE (Elder) (11:54): I would like to thank my fellow members, the member for Chaffey, the member for Finniss, and the local member for the area, the member for Morphett, for their contributions, and I note the bipartisan support that this project brings. I also appreciate the passionate comments by the member for Morphett, and I do recognise, as he said, that it is 'a good development'. So with that I recommend the report to the house.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE: INQUIRY INTO THE SEXUAL REASSIGNMENT REPEAL BILL 2014

Mr ODENWALDER (Little Para) (11:55): I move:

That the report of the committee into the Sexual Reassignment Repeal Bill 2014 be noted.

The Sexual Reassignment Act commenced operation on 15 November 1988, and has since remained substantially unamended. The Hon. Chris Sumner MLC, then attorney-general, noted in the other place during the second reading of the Sexual Reassignment Bill 1987, that it was the government's intention to regulate the undertaking of sexual reassignment procedures, and to provide a mechanism allowing for the legal recognition of reassignment of a person's sex.

Prior to the enactment of the Sexual Reassignment Act, although sexual reassignment procedures were being performed in South Australia, there was no process enabling the amendment of birth certificates to recognise reassignment of sex. The Sexual Reassignment Act was the first legislation of its type in Australia, regulating the approval of medical practitioners who may carry out 'reassignment procedures', the approval of hospitals in which reassignment procedures may be carried out, and the process and the required criteria for a person to change the sex recorded on their birth certificate.

On 15 October 2014, the Sexual Reassignment Repeal Bill 2014 was introduced in the Legislative Council. This bill would repeal the act. The Hon. Tammy Franks MLC in the other place noted during the second reading of the bill that the act had not been reviewed since its commencement, and in her view did not serve either 'the transgender community, the broader community, or the medical health professionals of this state'.

Although well intentioned, the Sexual Reassignment Act had, in her words, 'never worked'. On 3 December 2014, the bill was withdrawn by the Legislative Council and referred to the Legislative Review Committee for inquiry and report. The committee wrote to a number of organisations and individuals inviting submissions to the inquiry, and 18 submissions to the inquiry were received, and seven public hearings were held.

The majority of submissions raised concerns with respect to the need for ministerial approval of medical practitioners who may carry out reassignment procedures under part 2 of the act. A number of submissions also raised concerns regarding the need for ministerial approval of hospitals which may allow the use of their facilities for the purpose of carrying out reassignment procedures, also required under part 2 of the act. No public hospitals are approved to allow the performance of reassignment procedures upon adults. It was suggested private hospitals are reluctant to seek approval. This was considered to be reducing access to medical treatment by the gender diverse community.

The need for a magistrates court to approve applications for the recognition of a change of sex, and to issue a ‘recognition certificate’ under part 3 of the act, was criticised by many of the submissions, and the committee accepted that magistrates should not be required. It was suggested that submitting applications direct to the births, deaths and marriages registration office, would be a suitable option for implementation in South Australia and the committee agreed with this approach. The submissions and evidence also criticised the need for the prior carrying out of reassignment procedures before a person satisfies the criteria allowing for an amendment of the register of births to occur. The committee also accepted these criticisms.

The committee considered the need for consistency between the process to amend the register of births and the guidelines used for the amendment of other government records including the information set out on passports at a federal level or other documents at a state level which are often used as identity documents. Without consistency it was noted that people can be left in possession of a passport or another official government document which records a person's sex as being different from the sex recorded on a person's birth certificate.

Consistency was considered by the committee to be the best option. The introduction of a non-specific or what is otherwise referred to as 'a non-binary sex' was also given consideration and the evidence suggested a need for such a third category of sex, and this was accepted also by the committee. The committee contemplated a process allowing for self-determination of legally recognised sex without the need for a medical diagnosis or treatment. For reasons of providing some level of protection and possible support to members of the community seeking to utilise any new regime, a requirement to produce medical evidence in support of an application was favoured. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Motions

NUCLEAR FUEL CYCLE ROYAL COMMISSION

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (11:59): I move:

1. That in the opinion of this house, a joint committee be established to consider the findings of the Nuclear Fuel Cycle Royal Commission, focusing on the issues associated with the establishment of a nuclear waste storage facility, and to provide advice, and report on, any South Australian government legislative, regulatory or institutional arrangements, and any other matter that the committee sees fit.

2. That in the event of a joint committee being appointed, the House of Assembly shall be represented thereon by three members, of whom two shall form a quorum of assembly members necessary to be present at all sittings of the committee.

3. That a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

The Nuclear Fuel Cycle Royal Commission's final report was delivered to the government on Friday 6 May. As we are all now familiar, it is a comprehensive report that makes 12 key recommendations, the most significant of which, of course, is for us to pursue the establishment of a fuel and intermediate-level waste storage facility in South Australia.

The royal commission did find that it was both safe and viable to pursue a used fuel waste storage facility and that there would be extraordinary economic benefits for South Australia. However, the commissioner also found that it was necessary for there to be broad social and specific community consent and that such a proposal would not be achievable without those two things being present.

He also noted that political bipartisanship would be an essential feature in the potential for South Australia to increase our involvement in the nuclear fuel cycle, and this is obvious, because it reflects the long-term generational impact of the royal commission's recommendations. For obvious reasons there could be no commitment to such a long-term solution without that extending beyond the limits of any particular political cycle, or indeed the life of any one particular government of any particular persuasion.

We have, of course, released the royal commission's report and announced a detailed consultation process through which all South Australians will have the opportunity of putting forward their views. This motion is an element of that process. It proposes the establishment of a joint house select committee to consider the findings of the Nuclear Fuel Cycle Royal Commission. A joint house select committee is important because both houses of the South Australian parliament should be involved in this matter.

The reason we have chosen to focus on the nuclear waste storage facility is that that is, if you like, the near-term possibility which requires our attention. It suggests that we should also focus on a particular element of that facility, and that is to provide advice and report on any South Australian government legislative regulatory or institutional arrangements or any other matters the committee sees fit. It is in that sense that we think the broadest possible cross-section of both the parliament and indeed the political arrangements should be represented on this committee; so, government members, opposition members and crossbench members represented in equal proportion.

This committee will enable the parliament and parliamentary representatives, or at least a committee of us, to analyse and debate the royal commission's final report, and in doing so contribute to the broader community engagement process on this report. Ultimately, it will be a question for governments to decide on whether we do expand our role in the nuclear fuel cycle, but the work of the joint house select committee will help inform the government's response to the report, which I intend to deliver to the parliament by the end of the year.

The royal commission's final report provides a substantial evidentiary base for South Australians to consider and does mark the beginning of an important process. That is not to say that the 15 months that span the royal commission's report have not involved some degree of community engagement, but we do know that there is a relatively low level of understanding of the findings of the royal commission's report.

There is a substantial body of opinion that, essentially, people are uncomfortable about making a decision about how they feel about this matter, because they do not have enough information to do that, so the public consultation process is not merely about trying to gauge community views about this matter but also to assist more people in this community to actually have the information necessary for them to arrive at a judgement.

In a real sense, what we are doing through this process is not asking people to decide: we are asking people to give us the permission to decide. What we really want is for people to have reached the conclusion that, 'We've had our say. It's now over to the political process to have their say and to analyse what we've said.'

We are not abdicating the responsibility of leadership. We accept the responsibility of leadership, but what comes with that is a corresponding responsibility to engage as many citizens as possible, and that is at the heart of our consultation process. It is at the heart of why we want this committee established, and we believe that this committee could be one of the most important committees this parliament has ever established, as it makes a valuable contribution to this most important decision about our state's future.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:06): I rise to speak on the Premier's motion to indicate to the house that the opposition will support this motion and agrees with the government that the appropriate course now to deal with the recommendation, if any recommendation is otherwise taken up by any governments, is that it be done with the social licence to support the same. This is a measure upon which that can be embraced and, appropriately, the terms of reference of the joint committee proposed will focus on the nuclear waste storage facility.

Members will be aware that, of the four areas of investigation and consultation resulting from the report from royal commissioner Scarce, this was the one that in certain circumstances had an identified financial benefit for the state. We accept that the purpose of this exercise will be to identify the wishes of the public, that they will have had an opportunity to consider the material presented in the report to then form a view and submit a view to a forum, which can then comprehensively consider that and provide a report to the parliament.

Having been invited to have two representatives on the committee, the opposition has identified that the shadow minister for the opposition in the state parliament (member for Stuart) will be nominated together with the Hon. Rob Lucas in another place. These two members of this parliament are representative of each of the houses. They are most senior in respect of the area of resources and, of course, Treasury from our side of the house, and that is a measure of how we view the importance of this progressing in a mature, orderly and effective way. We thank those two members for indicating their willingness to undertake this task.

I say that particularly because we would expect that the government will allocate sufficient funding and resources for this joint committee to be accessible and available and convene in a manner that enables South Australians across the state, from border to border, to have the opportunity to present. Not everyone has email and not everyone has the capacity to prepare a written submission, and we want all South Australians to have the opportunity to have a say if they wish.

I note, as I am sure the Premier has, that already some South Australians, individually or whether they be from academia, the resource world, the environment world or, indeed, union representatives yesterday, have spoken up with their views and their opinions in respect of any advance in this area. We want to ensure that all of them have an opportunity to have a say.

The joint committee, once established, will need some time to undertake that responsibly, to ensure that it is effective and that it is able to comprehensively take those submissions. It is a task that will be unenviable in its magnitude but we support the motion and we thank the two nominated members from the opposition for taking up that challenge. We ask the government to join in to ensure that senior members of the government are also nominated, and we look forward to the deliberations and ultimate recommendations of the committee.

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (12:10): I thank the Deputy Leader of the Opposition for her support for the motion and her foreshadowed nomination of alternatives and, once the bill returns to this place, we will indicate on behalf of the government the representatives who will be offered for service on this committee. I commend the motion to the house.

Motion carried.

Bills

LOCAL NUISANCE AND LITTER CONTROL BILL

Second Reading

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (12:12): I move:

That this bill be now read a second time.

I will read some of the speech and then seek to insert the remainder in *Hansard*. Local Nuisance and Litter Control Bill 2015: littering and activities that cause nuisance such as noise, smoke and dust can affect our enjoyment of local areas.

The Local Nuisance and Litter Control Bill is innovative and necessary legislation that will considerably improve local nuisance and litter management services to the community. The bill will result in improved amenity for communities, in particular reduce litter and illegal legal dumping in towns, regions and cities throughout the state. Communities currently experience considerable confusion about the delineation between state and local government roles and responsibilities related to local nuisance issues. Councils are better placed to respond quickly and effectively to most local nuisance issues as they have a local presence.

Further, community expectation of local government with regard to policing environmental protection matters is very high. A community survey undertaken by the Local Government Association in 2006 indicated that 66 per cent of respondents considered councils are best placed to manage nuisance issues. South Australia is currently the only state in which local government responsibility in this area is not legislated to some extent.

State government, through the EPA, has been negotiating with local government for more than 20 years to find better solutions for dealing with local nuisance issues. In 2012, the Statutory Authorities Review Committee, having inquired into the operation of the EPA, recommended in its 56th report that legislative reform be considered to clearly define the responsibilities of the EPA and other authorities, including local councils, with regard to dealing with these issues.

In 2013, the LGA established a Local Excellence Expert Panel consisting of the Hon. Greg Crafter AO, retired judge Christine Trenorden, and Professor Graham Sansom to establish a vision for the council of the future. A recommendation of this panel was that the responsibility for investigating and resolving matters of local environment nuisance be accepted as part of the function of a regional council on condition that the EPA provide support in the form of expertise and equipment. This bill will deliver on both of these recommendations.

The object of the act is to improve the management of nuisance and littering across the state. The bill will protect individuals and communities from local nuisance and reduce the prevalence of litter across South Australia, particularly along roadsides and in tourist and shopping precincts. In so doing, the bill will improve the amenity value of local areas and promote the creation and maintenance of a clean and healthy environment.

The bill will clearly delineate responsibility for managing nuisance in the community to local government, reinforcing the responsibilities of the EPA to manage nuisance on EPA-licensed sites under the Environment Protection Act 1993. The bill will limit the responsibility of local government to nuisance issues. More serious offences will continue to be referred to the EPA. The bill will provide consistency of service to the community across council boundaries, better regulatory tools for enforcement, and will deal more effectively with vexatious complaints.

The bill proposes a modern legislative scheme for litter control in South Australia that will provide considerable deterrence, including higher penalties for more serious offences; improvements in the usability of surveillance for evidence gathering in the case of illegal dumping by linking an offence to the registered owner of a vehicle; non-government organisations to undertake compliance activities subject to approval; and the establishment of a public litter reporting scheme in South Australia.

I seek leave to insert the remainder in *Hansard* without reading it.

Leave granted.

Benefits to the community

The benefits to the community will be significant. In relation to nuisance the Bill establishes consistency in the management of nuisance across South Australia and provides the community with a more effective local service for the management of nuisance complaints. The litter elements of the Bill will benefit the community through providing modern tools for policing litter and illegal dumping, providing heightened deterrence, and will ultimately result in a cleaner environment, particularly in peri-urban and regional areas where illegal dumping is a considerable problem. This benefit will have flow on positive effects to councils by improving amenity and reducing ongoing litter management and illegal dumping clean-up costs.

Consultation

Consultation to develop the Bill has been extensive. A discussion paper was released in March 2013 to commence consultation directly with local government. Five regional meetings, across the State, were held with local councils to support consultation on the discussion paper.

A Ministerial Working Group was established to guide the drafting of legislation and provide governance for the project. The Working Group consisted of representatives from the EPA, LGA, Department of Health and Ageing, SA Police, KESAB and the Office for Local Government.

The LGA also established a reference group to assist with development and review of the detail of the drafting instructions. The reference group consists of local government officers from the City of Charles Sturt, City of Salisbury, Rural City of Murray Bridge, and Alexandrina Council as well as representatives from Eastern Health Authority, LGA and the EPA. The reference group met regularly over an 18 month period.

In July, 2015, the Bill was released for public consultation for a six-week period. The consultation process included direct communication with local councils, the LGA of South Australia, regional local government associations, Members of Parliament, industry groups, fast food businesses, government agencies, and other relevant stakeholders. Six public meetings were held across the State; in Adelaide, Karoonda, Naracoorte, Wudinna, Victor Harbor, and Port

Pirie. The consultation has shaped the Bill into legislation that is innovative in its structure and tools, and limits the resource intensiveness of regulatory practice to local government.

Key elements

The Bill provides a straightforward definition of local nuisance that is designed to evolve with the needs of local government over time through the ability to prescribe nuisances under Schedule 1. The Bill also establishes three distinct classes of litter to differentiate between the seriousness of different types of offending. There is general litter that is of a benign nature, class B hazardous litter (that includes litter types that may cause an immediate danger or hazard), and class A hazardous litter (initially limited to asbestos). Each class of litter is also structured so that it may evolve over time with the needs of local government to manage new forms of litter as necessary.

Liability of vehicle owners

It is commonplace to see cigarette butts and other litter thrown from vehicles, and illegally dumped waste has typically been transported by vehicle to its destination, particularly where large quantities are involved. Currently, it is not sufficient to identify the license plate details and a description of the vehicle to prove a vehicle-related littering or illegal dumping offence.

To improve enforcement ability, the Bill seeks to apply an onus on the owner of the vehicle for an offence committed in association with or from that vehicle, which would bring South Australian laws into line with all other Australian jurisdictions. This function operates similar to speed camera and red-light camera infringements, where the owner of a vehicle has the option to declare a third party was responsible for the vehicle at the time of the offence.

This provision will also be critical to establish enforceable public litter reporting as it will allow for an expiation to be issued to the owner of a vehicle identified via licence plate and other identifying attributes under such a programme.

Public litter reporting

While it is possible to report littering in South Australia to Police, there is currently no dedicated public litter reporting programme in place. This is in part because it is difficult to determine the offender under current South Australian laws. The Bill, in addition to applying responsibility to the owner of a vehicle, contains a provision to allow for improved public reporting of litter by formalising a citizen's notification of littering. This provision stipulates that the contents of the notification may constitute evidence of the offence, which will allow expiations to be issued as a result of public litter reports, as is the case in all other Australian jurisdictions.

Significant provision for civil remedy by affected parties

The Bill allows for courts to order civil remedies. This allows councils, administering bodies, individuals or other body corporates who have been impacted by a contravention or a potential contravention to apply to the courts for a civil remedy.

The inclusion of civil remedies provisions will provide an alternative route for complaint resolution that may be exercised separately from the council or administering body. This will be particularly useful in circumstances where a council or administering body has been unable to determine a contravention through its own investigation and is unable to progress a complaint to the satisfaction of the complainant.

Ability to negotiate a civil penalty

This provision will allow councils or administering bodies to enter into negotiation, or apply to the relevant court, for a civil penalty. The EPA has used civil penalties successfully in administering the Environment Protection Act 1993.

The Bill contains an option for the Minister, councils or administering bodies to negotiate a civil penalty with an alleged offender rather than applying to the court for a criminal penalty. This will provide a lower cost alternative to prosecution that benefits the regulator as well as the alleged offender. Negotiations are voluntary and if an alleged offender chooses not to negotiate; the Minister, council or administering body has the opportunity to apply to the court for a penalty.

The Bill contains another option for the Minister, councils or administering bodies to apply to the Environment Resources and Development Court for a civil penalty as an alternative to criminal prosecution. Civil penalties may only be used for offences that do not require proof of intention or recklessness.

Compliance standards set via regulation

The Minister will be able to establish, via regulation, standards to further guide the implementation of the Bill. There will be provision for standards to be constructed to guide evidentiary provisions that would prove an offence. This provision will not limit the ability to prove an offence where a standard is not in place but be used as an improved determination where it is possible to define such standards. Councils will also be able to permit activities to occur outside of the standards where appropriate. The Minister will be required to consult with councils, administering bodies, the LGA, and the community in developing a standard.

Councils may work together to address nuisances

The Local Government Act 1999 allows for councils to establish regional subsidiaries. The Bill will support such arrangements by allowing for sharing of authorised officers between councils, and for other administering bodies to act on behalf of one or more councils.

Regional arrangements will allow smaller councils in particular to administer the Act by agreements with adjoining councils. These provisions will allow for one authorised officer to undertake duties across multiple council areas. However, such arrangements may also benefit larger metropolitan councils given their proximity to each other.

Other organisations may undertake compliance

The Minister may prescribe other organisations or public authorities as administering bodies through regulation for all or part of the legislation. Administration of the legislation by such agencies may be limited by the Minister, including the limitation of powers for authorised officers. Administration of this legislation in state waters will need to be performed by a state government agency or administering body, noting that councils do not necessarily have jurisdiction within navigable waters of the State.

This provision allows broader access than local government and enables greater enforcement. For example, KESAB, who has advocated litter prevention for over 40 years, has shown interest in taking on an enforcement role. Such a provision would allow this to occur, subject to approval from the Minister. It would also allow other organisations to contract to local government to provide this service. There is precedence in this approach with the Royal Society for the Prevention of Cruelty to Animals (RSPCA) administering the *Animal Welfare Act 1985*.

Where an organisation seeks to be an administering body (i.e. not a council) the Minister must consult with the LGA. The Minister may approve an administering body with conditions. For example, a condition may be applied that, in order to operate in the area of a council there must be an agreement in place with that council to do so.

The Minister may also allow administering bodies that are not councils to regulate all or some council generated nuisance or littering as part of the prescription/authorisation process. This would allow KESAB, as an example, to regulate litter from council activities.

This Bill will provide significant benefits to local communities across the State through the implementation of best practice litter regulation resulting in cleaner streets, towns, cities and regions through. The Bill creates flexibility in the regulatory options available to councils to manage local nuisances and innovative regulatory tools that will reduce the incidence of littering.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause contains definitions of terms used in the Bill.

Part 2—Objects and application of Act

4—Objects of Act

This clause sets out the objects of the Bill to which the Minister, councils and other persons or bodies involved in the administration of the Bill must have regard and seek to further. The objects are—

- to protect individuals and communities from local nuisance;
- to prevent littering;
- to improve the amenity value of local areas;
- to promote the creation and maintenance of a clean and healthy environment.

5—Interaction with other Acts

Subclause (1) provides that the Bill is in addition to, and does not limit, the provisions of any other law of the State.

Subclause (2) provides that the Bill is not intended to be construed so as to prevent any person from being prosecuted under any other enactment for an offence that is also punishable by the Bill, or from being liable under any other law of the State to any penalty or punishment that is higher than a penalty or punishment provided by the Bill.

Subclause (3) provides that nothing in the Bill affects or limits a right or remedy that exists apart from the Bill and compliance with the Bill does not necessarily indicate that a common law duty of care has been satisfied.

Subclause (4) provides that the Bill does not apply in relation to an activity authorised by an environmental authorisation within the meaning of the *Environment Protection Act 1993*.

However, under subclause (5), the Bill will apply in relation to the travelling by road of a vehicle used in connection with the following prescribed activities of environmental significance as specified in Schedule 1 of the *Environment Protection Act 1993*:

- a waste transport business (category A);
- a waste transport business (category B);
- dredging;
- earthworks drainage.

6—Territorial and extra-territorial application of Act

This clause provides for extra-territorial application of the Bill if conduct engaged in outside of the State results in local nuisance within the State and that conduct would, if engaged in within the State, constitute a contravention of the Bill.

Subclause (2) clarifies that the conduct could include a failure to act.

Part 3—Administration

Division 1—Councils

7—Functions of councils

This clause provides that councils are the principal authority for dealing with local nuisance and littering in their respective areas.

The functions of a council are—

- to take action to manage local nuisance and littering within its area;
- to cooperate with any other person or body involved in the administration of the Bill;
- to provide, or support the provision of, educational information within its area to help detect, prevent and manage local nuisance and littering;
- such other functions as are assigned to the council by the Bill.

Councils must, in performing their functions, have regard to—

- the guidelines adopted or prescribed by regulation for managing unreasonable complainant conduct;
- any other guidelines adopted or prescribed by regulation to assist councils in performing their functions.

8—Annual reports by councils

This clause requires councils to include details of the performance of its functions under the Bill in its annual report.

Division 2—Administering bodies

9—Administering bodies

This clause enables the Governor to declare a body to be an administering body for the purposes of the administration or enforcement of the Act and to confer certain functions conferred on councils (under the Act) on the body and its officers or employees. This is to enable bodies like KESAB to be involved in the administration or enforcement of the Act.

10—Delegation

This clause enables an administering body to delegate a function conferred on it to a committee of the body, an officer or employee of the body or an officer or employee of the body for the time being occupying a particular office or position.

11—Periodic reports by administering bodies

This clause requires an administering body to report to the Minister at such intervals as the Minister requires on the performance of its functions. The report must be laid before both Houses of Parliament.

Division 3—Authorised officers

12—Authorised officers

This clause provides that all police officers are authorised officers for the purposes of the Act, and enables the appointment of officers by the Minister or councils.

13—Identity cards

This clause provides for the issuing of identity cards to authorised officers. An authorised officer must produce the identity card for inspection by a person in relation to whom the officer intends to exercise powers under the Act.

14—Powers of authorised officers

This clause sets out the powers of authorised officers in connection with the administration or enforcement of the Act. Under this clause, an authorised officer may—

- at any reasonable time, enter or inspect any premises or vehicle;
- during the course of the inspection of any premises or vehicle—
    - ask questions of any person found in or on the premises or vehicle;
    - open a part of, or thing in or on, the premises or vehicle;
    - inspect any substance, material or thing found in or on the premises or vehicle;
    - take and remove samples of any substance, material or thing found in or on the premises or vehicle;
    - require any person to produce any plans, specifications, books, papers or documents;
    - examine, copy and take extracts from any plans, specifications, books, papers or documents;
    - take photographs, films or video recordings;
    - take measurements, make notes and carry out tests;
    - remove, or seize and retain, any substance, material or thing that has or may have been used in, or may constitute evidence of, a contravention of the Act;
    - require a person who the authorised officer reasonably suspects has committed, is committing or is about to commit, an offence against the Act, to state the person's full name and usual place of residence and to produce evidence of the person's identity;
    - require any person to answer any question that may be relevant to the administration or enforcement of the Act;
    - give directions as to the stopping or movement of a vehicle;
    - give any other directions reasonably required in connection with the exercise of a power conferred by any of the paragraphs above or otherwise in connection with the administration or enforcement of the Act.

The remaining subclauses provide safeguards around the reasonable use of force and other potential abuses of power by authorised officers, and prohibits the hindrance or obstruction of authorised officers.

15—Limit of area of authorised officers appointed by councils

This clause enables authorised officers appointed by council to exercise their powers outside the council area including within the area of another council or outside the State if they believe on reasonable grounds that an offence has been committed under the Act within the council area that requires the exercise of powers outside the council area.

16—Provisions relating to seizure

This clause deals with seized items and sets out procedures for their forfeiture or return to their owners and entitlement of owners to compensation. It also enables the Minister or a relevant council to dispose of forfeited items in such manner as the Minister or council may direct, including by sale, from which the proceeds are to go to the Minister or council as the case may be.

Subclause (2) clarifies that the section does not apply in relation to items removed or disposed of under clause 31 following non-compliance with the requirements of a nuisance abatement notice or litter abatement notice, or items collected, removed or disposed of by a council under the *Local Government Act 1999*.

Part 4—Offences

Division 1—Local nuisance

17—Meaning of local nuisance

This clause is definitional in nature and specifies what constitutes and what does not constitute a local nuisance. A local nuisance is—

- any adverse effect on an amenity value of an area that—
  - is caused by—
    - noise, odour, smoke, fumes, aerosols or dust;
    - animals (including insects), whether dead or alive;
    - any other agent or class of agent declared by Schedule 1;
    - unreasonably interferes with or is likely to interfere unreasonably with the enjoyment of the area by persons occupying a place within, or lawfully resorting to, the area
- insanitary conditions on premises that unreasonably interfere with or are likely to interfere unreasonably with the enjoyment of premises occupied by persons in the vicinity
- unsightly conditions, of a kind declared by Schedule 1, on premises caused by human activity or a failure to act;
- a contravention of, or failure to comply with a provision of an environment protection policy, or of any other Act or law, declared by Schedule 1;
- anything declared by Schedule 1 to constitute a local nuisance.

However, a local nuisance does not include anything declared by Schedule 1 not to constitute a local nuisance. See Schedule 1 for a list of these things.

The clause further clarifies when conditions on premises will be taken to be insanitary, namely if an authorised officer reasonably believes that—

- the premises are so filthy or neglected that there is a risk of infestation by rodents or other pests; or
- offensive material or odours are emitted from the premises.

18—Causing local nuisance

This clause contains the two offences relating to local nuisance.

The first is the offence of carrying on an activity intentionally or recklessly and with the knowledge that local nuisance will result. The maximum penalty for this offence is $60,000 for a body corporate or $30,000 for a natural person.

The second is the offence of carrying on an activity that results in local nuisance. Intention does not form an element of this offence. The maximum penalty for this offence is $20,000 for a body corporate or $10,000 for a natural person.

Liability for causing local nuisance rests prima facie with the occupier or person in charge of the place where the local nuisance-causing activity was carried on.

The clause also clarifies that the term 'carrying on an activity' includes a failure to act.

19—Exemptions from application of section 18

This clause enables councils to exempt persons in respect of certain potentially local nuisance-causing activities from the application of clause 18, for example, construction or demolition works, concerts or events or activities using amplified sound. Before granting an exemption, a council will need to be satisfied as to the adequacy of an applicant's site nuisance management plan to prevent, minimise or address any adverse effects on the amenity value of the area and also that exceptional circumstances exist that justify the granting of the exemption. An exemption must be published on a council's website.

20—Person must cease local nuisance if asked

A person must, on request by an authorised officer, cease an activity, or remove from premises owned or occupied by the person any substance, material or thing that, in the opinion of the authorised officer, is causing local nuisance. The maximum penalty for this offence is $5,000 or an expiation fee of $210.

21—Regulations for purposes of Division

This clause enables regulations to be made for the purposes of the Division including regulations that—

- prohibit, restrict or regulate an activity, or the use or sale of a substance, material or thing, or the use or installation of equipment or infrastructure relevant to the prevention or management of local nuisance;
- prohibit, restrict or regulate the manufacture, possession, transport, storage, use or disposal of a substance, material, equipment or thing that causes local nuisance; and

- provide for the removal or destruction of a substance, material, equipment or thing that causes local nuisance;
- provide for compliance standards, and testing or monitoring standards, procedures or techniques (including sensory techniques), to be applied or used by authorised officers in detecting or identifying local nuisance;
- provide for the taking, analysis or testing of samples relevant to detecting, identifying or monitoring local nuisance including—
  - the persons who may take, analyse or test those samples;
  - the places where those samples may be analysed or tested;
  - the reporting of the results of the analysis or testing of those samples.

Division 2—Litter control

22—Disposing of litter

Subclause (1) sets out the principal offence of littering, namely, a person must not dispose of litter onto any land or into any waters. The tiered penalty structure means that there are higher penalties for disposing of larger amounts of litter or different classes of litter, ranging from class A hazardous litter which is the most toxic to general litter which is the least toxic.

Subclauses (2) and (3) clarify which activities will or will not fall within the principal offence.

Subclause (4) sets out the defences to the offence, namely, disposal on one's own property or on some other person's property with their consent, or accidental disposal, provided all reasonable steps are taken to retrieve the litter.

Class A hazardous litter is defined as domestic or commercial waste comprised of—

- asbestos;
- material containing asbestos;
- any substance, material or thing of a kind prescribed by regulation;
- a combination of litter referred to in a preceding paragraph of this definition and any other litter.

Class B hazardous litter is defined as—

- when disposed of onto land or into waters—
  - live cigarettes or cigarette butts;
  - used syringes;
  - waste glass (whether or not broken);
  - any substance, material or thing of a kind prescribed by regulation;
  - a combination of litter referred to in a preceding paragraph of this definition and general litter;
- when disposed of into waters—any disused or decommissioned vehicle, appliance or device or part of such a vehicle, appliance or device or any other structure or thing that an authorised officer reasonably suspects is being used, or is intended for use, in the waters as an artificial reef.

General litter is defined as any solid or liquid domestic or commercial waste (other than hazardous litter), including—

- cigarettes or cigarette butts;
- chewing gum;
- food or food scraps;
- beverage containers;
- packaging;
- clothing, footwear or other personal accessories or personal items;
- furniture;

- garden cuttings or clippings or other plant matter;
- garden landscaping material;
- dead or diseased animals;
- vehicles or vehicle parts;
- machinery or equipment used in farming or agriculture;
- demolition material (including, but not limited to, clay, concrete, rock, sand, soil or other inert mineralogical matter);
- building or construction material or equipment;
- any material or thing used or generated in the course of carrying on a prescribed activity of environmental significance;
- any substance, material or thing of a kind prescribed by regulation.

Further key terms used in section 22 are defined in subclause (5).

23—Bill posting

A person must not post a bill on property without the consent of the owner or occupier. The maximum penalty for this offence is $10,000 or an expiation fee of $315. Subclause (2) additionally makes a person who distributed or authorised the distribution of such a bill guilty of an offence with a maximum penalty of $20,000 for a body corporate or $10,000 for a natural person. The clause further sets out a defence to the second offence, namely lack of foreseeability, and enables a court to order compensation for loss or damage to the property caused by the commission of either offence.

24—Litterer must remove litter if asked

This clause requires a person, if requested by an authorised officer, to remove any bills or other litter posted or disposed of in contravention of the Division and to dispose of it as directed. Failure to do so attracts a maximum penalty of $5,000 or a $210 expiation fee.

25—Citizen's notification

This clause enables evidence of the commission of an offence to be provided by way of a citizen's notification. It will enable the making of regulations allowing a member of the public to forward a citizen's notification (which could include a photograph) of suspected littering or bill posting activity which constitutes evidence of the matters in the notification.

Division 3—Miscellaneous

26—Liability of vehicle owners

This clause presumes an owner of a vehicle to have committed an offence if an activity is carried on in, at, from, or in connection with the use of the vehicle, resulting in an offence against section 18, 22 or 23 (a principal offence).

The clause provides further safeguards for owners and alleged principal offenders and evidentiary provisions to maximise a successful enforcement regime under the Act whilst ensuring that the risk of convicting the wrong person is avoided. Precedents for this clause are to be found in the *Road Traffic Act 1961*.

The clause does not apply if—

- the principal offence is an offence against section 22 (disposing of litter); and
- the vehicle from which the litter was disposed of is—
  - a taxi; or
  - a train, tram, bus, ferry, passenger ship, or other public transport vehicle that was being used for a public purpose at the time; and
- the litter was disposed of by a passenger of the vehicle.

27—Defence of due diligence

This clause allows for a defence of taking all reasonable precautions and exercising due diligence to avoid the commission of an offence under section 18 (causing local nuisance) or 22 (disposing of litter).

The defence, as applied in relation to an offence committed in the course of undertaking a prescribed activity of environmental significance (to the extent referred to in section 5(5)), requires proof that the person—

- had taken reasonable steps to prevent or avoid the circumstances that gave rise to the offence including by putting in place any systems or safeguards that might reasonably be expected to be in place; and
- complied with the requirements of any notice under this Act that related to preventing or managing the circumstances that gave rise to the offence; and
- as soon as becoming aware of the circumstances that gave rise to the offence—
  - reported those circumstances to the Minister or the relevant council; and
  - took all reasonable steps necessary to prevent or reduce those circumstances.

A person may, despite availing themselves of a defence under this clause, be considered to have contravened section 18 or 22 for the purposes of—

- any proceedings under section 33 in respect of the contravention;
- the issuing or enforcement of a nuisance abatement notice or litter abatement notice in respect of the contravention;
- the making by a court of an order under section 45 in proceedings for an offence in respect of the contravention.

The clause does not apply in relation to a person who is charged with an offence under section 46.

28—Alternative finding

If, in proceedings for an offence against the Part, the court is not satisfied that the defendant is guilty of the offence charged but is satisfied that the defendant is guilty of an offence against the Part that carries a lower maximum penalty (determined according to relative maximum monetary penalties), the court may find the defendant guilty of the latter offence.

29—Notification to EPA of serious or material environmental harm

This clause requires a council that has reason to believe that an offence committed under section 18 or section 22 has, or may have, resulted in material environmental harm, or serious environmental harm, within the meaning of the *Environment Protection Act 1993*, to notify the Environment Protection Authority of that belief.

Part 5—Nuisance abatement notices and litter abatement notices

30—Nuisance and litter abatement notices

This clause provides for the issuing by the Minister or a council of nuisance abatement notices or litter abatement notices and is a mechanism for securing compliance with Part 4 of the Act. Such a notice enables the Minister or council to require a person to undertake a range of measures to achieve compliance. If urgent action is required, the person may be issued with an emergency notice which may, at least initially, bypass some of the procedural requirements of a written notice. The person may appeal against a notice to the ERD Court. Failure to comply with a notice is an offence attracting a maximum penalty of $60,000 for a body corporate and $30,000 for a natural person or an expiation fee of $500. It will also be an offence, attracting a maximum penalty of $25,000, to hinder or obstruct a person complying with a notice.

31—Action on non-compliance with notice

This clause provides the Minister or a council with the option of taking action required by a notice if the notice is not complied with by the person to whom it was issued. The action itself may be taken by an authorised officer or some other person authorised by the Minister or council. The clause further provides for cost recovery options available to the Minister or council as against the person in default, including debt recovery, interest, and having a charge imposed on land in favour of the Minister or council in accordance with a scheme prescribed by the regulations.

32—Appeals

This clause sets out procedures relating to an appeal to the ERD Court against a nuisance abatement notice or litter abatement notice.

Part 6—Civil remedies and penalties

33—Civil remedies

This clause provides that applications for orders of an injunctive nature may be made to the ERD Court. The Court may also make orders for damages (including exemplary damages). Subclauses (4) and (5) limit the Court's power to make awards of exemplary damages. The clause further provides for procedural matters around who has standing to make an application and the right to make an application in a representative capacity. The Court may make interim orders including orders made *ex parte* pending the final determination of a matter. Under subclause (18), if, on an application under the clause alleging a contravention of the Act, the Court is satisfied that the respondent has not contravened the Act and has suffered loss or damage as a result of the actions of the applicant, the Court may require the applicant to pay the respondent an amount in compensation.

34—Minister or council may recover civil penalty in respect of contravention

This clause provides for civil penalties. The Minister or a relevant council may, if satisfied that a person has contravened the Act, recover (by negotiation or in civil proceedings in the Environment, Resources and Development Court) an amount as a civil penalty in respect of the contravention instead of prosecuting the person for the relevant offence. Other features of the scheme are:

- a civil penalty can only be pursued if the relevant offence does not require proof of intent or some other state of mind and the factors to be considered in deciding whether to use the provision or prosecute in the ordinary way, are the seriousness of the contravention, the previous record of the offender and any other relevant factors;
- the notice must be served on the person (at least 21 days before any application to the court is made under the provision) advising the person that he or she may elect to be prosecuted in relation to the contravention, and if the person does so elect, civil proceedings cannot be commenced under the provision;
- civil penalties negotiated by the Minister or council are capped at the maximum penalty specified under the Act for the relevant offence and the amount of any economic benefit acquired by the person or accruing to the person as a result of the contravention however the court can order, as a civil penalty in respect of a contravention, payment of an amount not exceeding the criminal penalty for the relevant offence and the amount of economic benefit as referred to above;
- civil penalty proceedings are stayed if criminal proceedings are commenced in respect of the same contravention and can only be resumed if the person is not found to be guilty of the offence (note that the wording of subsection (1) would preclude the commencement of criminal proceedings in respect of the contravention if a civil penalty has already been recovered from the person in respect of the contravention, so this provision is only relevant where civil proceedings have not yet been finalised);
- the time limit for bringing civil penalty proceedings is three years or, with the authorisation of the Attorney-General, up to 10 years;
- the court can, in an application for a civil penalty, make an order for the payment of costs as the court thinks just and reasonable.

Part 7—Miscellaneous

35—Constitution of the Environment, Resources and Development Court

The Environment, Resources and Development Court is, when exercising jurisdiction under this Act, to be constituted in the same way as it is when exercising jurisdiction under the *Environment Protection Act 1993*.

36—Delegation by Minister

This clause sets out the powers of the Minister to delegate functions and powers conferred on the Minister under the Act.

37—Service of notices or other documents

This clause sets out a range of optional methods of effecting service where the Act requires or authorises a notice or other document to be given or served on a person. Companies may be served in accordance with the provisions of the Corporations Law.

38—Immunity

This clause relieves the Minister or an authorised officer or any other person engaged in the administration of this Act from personal liability for an honest act or omission in the performance, exercise or discharge, or purported performance, exercise or discharge, of a function, power or duty under the Act. Subject to subclause (3), a liability that would, but for subclause (1), lie against a person lies instead against the Crown. A liability that would, but for subclause (1), lie against an officer, employee, agent or contractor of a council lies instead against the council.

39—Protection from liability

A failure by the Minister or a council to perform a function under this Act, does not give rise to any civil liability.

40—Statutory declarations

If a person is required by or under this Act to provide information to the Minister or a council, the Minister or council may require that the information be verified by statutory declaration and, in that event, the person will not be taken to have provided the information as required unless it has been so verified.

41—False or misleading information

This clause creates an offence of making a false or misleading statement in furnishing information or keeping a record under the Act. The offence attracts a maximum penalty of $50,000 for a body corporate and $20,000 for a natural person.

42—Confidentiality

This clause prevents a person from divulging any information gained in the administration of the Act relating to trade practices or financial matters except as authorised under the Act, by consent of the person from whom the information was obtained, for administration or enforcement purposes or for the purpose of legal proceedings arising out of the administration or the enforcement of the Act. The offence attracts a maximum penalty of $25,000.

43—Offences

This provides that proceedings for an offence under the Act may be commenced by—

- the Director of Public Prosecutions;
- the Minister;
- an authorised officer;
- a relevant council;
- the chief executive officer of a relevant council;
- a police officer;
- a person acting on the written authority of the Minister.

44—Offences and Environment, Resources and Development Court

Offences constituted by the Act lie within the criminal jurisdiction of the Environment, Resources and Development Court.

45—Orders in respect of contraventions

Under this clause, a court may, incidental to criminal proceedings under the Act, order a person who, in contravening the Act, has caused injury to a person or loss or damage to property, to take specified action to make good any damage or prevent further damage and publicise their contravention of the Act and its consequences and any other orders made against the person and reimburse the Minister or council for costs incurred by it or to pay a person damages for injury, loss or damage suffered by any person as a result of the contravention. The court may also order the person to pay the Minister or council the value of any economic benefit acquired by the person as a result of the contravention. Any value of economic benefit paid to the Minister must be paid into the Environment Protection Fund.

46—Offences by bodies corporate

This clause is a standard clause operating across the statute book that attributes liability for offences committed by bodies corporate to directors of the body corporate or members of the governing body of the body corporate, subject to certain qualifications. This is so that directors and members cannot, in carrying on their activities as a body corporate, hide behind the corporate veil.

47—Continuing offences

This clause provides for continuing offences and allows a further penalty for each day on which the offence continues, of not more than one fifth of the maximum penalty applicable and, where a person has already been found guilty of an offence, allows for the conviction of the person for a further offence against the relevant provision and an additional penalty of not more than one fifth of the maximum applicable penalty for each further day on which the offence continues.

48—Recovery of administrative and technical costs associated with contraventions

Where the Minister or a council successfully prosecutes a person, the Minister or council may recover from the person costs and expenses incurred in relation to technical procedures undertaken for the purposes of the prosecution.

49—Assessment of reasonable costs and expenses

Where it is necessary to calculate the reasonable costs or expenses incurred by the Minister, a council or some other person or body, those costs and expenses are to be assessed by reference to the reasonable costs and expenses that would have been incurred in having the action taken by independent contractors engaged for that purpose.

50—Evidentiary provisions

This clause sets out a number of evidentiary provisions in relation to matters required to be proved by the Minister or a council in proceedings under the Act.

51—Regulations

This clause sets out the general regulation making powers under the Act.

Schedule 1—Meaning of local nuisance (section 17)

1—Things that are not local nuisance

This clause sets out, for the purposes of section 17, things that do not constitute local nuisance. They are:

- noise or other nuisance from blasting operations carried out as part of a mining operation within the meaning of the *Mines and Works Inspection Act 1920* or *Mining Act 1971*;
- noise or other nuisance from any activity carried on in accordance with a program for environment protection and rehabilitation that is in force for mining operations under Part 10A of the *Mining Act 1971*;
- noise or other nuisance from the keeping of animals in accordance with a development authorisation within the meaning of the *Development Act 1993*;
- noise or other nuisance from any other activity carried on in accordance with an approval, consent, licence, permit, exemption or other authorisation or entitlement granted under any other Act (other than this Act);
- noise or other nuisance from fireworks displays;
- noise or other nuisance from sporting venues;
- noise or other nuisance from community events run by or on behalf of a council (subject to any conditions imposed by the council);
- noise or other nuisance from public infrastructure works;
- noise or other nuisance from vehicles (other than vehicles operating within, or entering or leaving, business premises);
- noise or other nuisance that may be the subject of proceedings under—
  - the *Community Titles Act 1996*; or
  - the *Strata Titles Act 1988*; or
  - the *Residential Tenancies Act 1995*;
- an activity on, or noise emanating from, licensed premises within the meaning of the *Liquor Licensing Act 1997* in respect of which a complaint may be lodged with the Liquor Licensing Commissioner under section 106 of that Act;
- behaviour in respect of which a complaint may be lodged with the Liquor Licensing Commissioner under section 106 of the *Liquor Licensing Act 1997*;
- noise principally consisting of unamplified music or voices, or both, resulting from an activity at domestic premises;
- noise from activities carried on in the normal course of a school, kindergarten, child care centre or place of worship;
- noise created by a dog barking or otherwise that may be the subject of an offence under section 45A(5) of the *Dog and Cat Management Act 1995*;
- aircraft or railway noise;
- noise caused by emergency vehicle sirens;
- noise outside of the human audible range.

Schedule 2—Related amendments, repeal and transitional provisions

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *Local Government Act 1999*

2—Repeal of section 235

This clause repeals section 235 (Deposit of rubbish etc) as this will now be dealt with under Part 4 of the measure.

3—Amendment of section 236—Abandonment of vehicles

This clause removes the term 'or farm implement' from section 236 as abandonment of farm implements will now be dealt with under Part 4 of the measure.

4—Repeal of section 240

This clause deletes bill posting provisions from the *Local Government Act 1999* as it is now to be dealt with under Part 4 of the measure.

5—Amendment of section 254—Power to make orders

This clause deletes items 1 (Unsightly condition of land) and 3 (Animals that may cause a nuisance or hazard) as these matters will now be dealt with under Part 4 of the measure.

Part 3—Amendment of *Motor Vehicles Act 1959*

6—Amendment of section 139D—Confidentiality

This clause makes a consequential amendment to the *Motor Vehicles Act 1959* in relation to accessing information relating to registered vehicles for the purposes of Part 4 of the measure.

Part 4—Amendment of *Summary Offences Act 1953*

7—Repeal of section 48

This clause deletes bill posting provisions from the *Summary Offences Act 1953* as it is now to be dealt with under Part 4 of the measure.

Part 5—Transitional provisions

8—Continuation of by-laws under section 240 of the *Local Government Act 1999* relating to bill-posting

This clause continues council by-laws dealing with bill posting, and section 240 of the *Local Government Act 1999* which enables those by-laws to be made, until such time as the by-law is revoked or expires (whichever is sooner).

9—Continuation of orders made under section 254 of the *Local Government Act 1999*

This clause continues the operation of certain orders under section 254 and section 254 itself until the order is complied with or for such longer period as may allow the person or council to exercise any rights or powers in relation to the order under Chapter 12 Part 2 of the *Local Government Act 1999*.

Mr TRELOAR (Flinders) (12:16): I rise today to speak on behalf of the opposition and indicate to the house that I will be the lead speaker on this particular bill. I also indicate that we will be supporting the Local Nuisance and Litter Control Bill, which is the state government's response to continued calls to deal better with local nuisance issues, and these have been going on for some time.

For over 20 years, the Environment Protection Authority has been negotiating with local government to find better ways in which to deal with these issues. Of course, local government provides the shopfront to all our local communities and often nuisance and litter issues are brought to local government in the first instance anyway, so it stands to reason that we give them the legislative ability to deal with the issues that come to their desk.

In 2003, the EPA and local government formed a subcommittee to seek agreement on how best to share the responsibility of local nuisance and litter offences through the Environment Protection Act 1993, so it was some 13 years ago that that subcommittee was first formed. In 2005, amendments passed the parliament allowing local councils the opportunity to voluntarily opt in as an administering agency with cost-recovery provisions. Only one council in the entire state chose to do this and that was the Whyalla city council in May 2009.

In 2012, the Statutory Authorities Review Committee handed down its report, entitled, 'Inquiry into the Environment Protection Authority'. The inquiry, originating from questions raised about the EPA's role in site contamination, recommended that:

The Minister should consider the possibility of legislative reform to clearly define the roles and responsibilities between the EPA and other authorities (eg. local councils etc.) when dealing with minor/local environmental nuisances.

That is, in fact, recommendation No. 4.

In 2013, the Local Government Association established a Local Excellence Expert Panel to establish a vision for the council of the future. Membership of that committee included the Hon. Greg Crafter AO, retired judge Christine Trenorden and Professor Graham Sansom. That panel recommended that:

…the responsibility for investigating and resolving matters of local environment nuisance be accepted as part of the function of a regional Council on the condition that the EPA provide support in the form of expertise and equipment.

In essence, it is that recommendation that provides the background to this particular legislative bill.

As I said, this bill is set to deliver on this recommendation, improving the management and consistency of nuisance and littering offences across the state. Essentially, the bill gives local councils legislative power to deal with these issues and raises the penalties for illegal dumping. Key elements of the bill include establishing a public litter reporting scheme, and non-government organisations undertaking compliance activities subject to ministerial approval (predominantly councils, but can also include other organisations such as KESAB).

I note, as an aside, that KESAB this year is celebrating 50 years as an organisation here in this state. I know there is a motion, in fact it is my motion, before this parliament later to congratulate them on that and to highlight the good work they have done with regard to keeping the environment and the landscape in this state clean. Of course, one of the real success stories of litter management in this state, above any other state, I believe, is the fact that we can recycle our cans and bottles, and there is a deposit scheme available to residents of South Australia, which gives some incentive to not throw those bottles and cans out of the window, but to actually collect them up, and they have some value.

The other elements of the bill include introducing higher penalties for serious offences as a deterrence mechanism. People need to know that they are going to be stung if they break the law. Also, it enforces liability of vehicle owners for an offence committed in association with, or from, that vehicle; significant provision for civil remedies through the courts, with the ability to negotiate; and, lastly, enabling councils or other appointed body to work together to address nuisance offences.

The version of the bill that is before the parliament at the moment was introduced on 24 November 2015 and is a substantially amended version, following the consultation process. There was extensive consultation. I would like to make mention of the good work done by the Hon. Michelle Lensink, in the other place, shadow minister for environment, and also the good work that her office undertook in the consultation process while Michelle was off becoming a first-time mother. So congratulations to her; she is back at work now and is watching this bill closely, I know.

There was a lot of consultation. In the first instance, the Local Government Association (LGA) were not supportive of the bill. I understand now they have reached a position where they are not opposed to the bill. I guess in that regard there have been enough amendments to satisfy their concerns, although I know for a fact that there are some regional councils and local councils, probably suburban as well, which still have some lingering doubts about the effectiveness of this bill and what it might mean to their council operations. Certainly of major concern is the apparent cost shifting from state government to local government. No doubt the minister will be able to address that with her closing remarks.

With regard to vehicle owners, the bill applies the responsibility of the offence on the owner of the vehicle where an offence has been committed in association with, or from, that vehicle. Currently, it is not sufficient to identify the licence plate details and a description of the vehicle to prove a vehicle-related littering or illegal dumping offence.

This, sadly, has become more and more common, and particularly in the country areas, the regional and rural areas throughout the state. Because of, in some cases, prohibitively high fees to access a public dumping facility or a public resource centre, people take it upon themselves to head out into the scrub with a ute-load or a trailer-load of their household rubbish and simply dump it along the roadside, or deeper into the scrub. This becomes an offence under this law and, of course, proving liability has always been difficult. This legislation allows that to be better proven.

If the owner was not responsible for that offence, a statutory declaration would need to be completed, following the same process for traffic offences where the owner was not the driver of the vehicle at the time of the offence. So this provision is critical in establishing enforceable public litter reporting. The move will bring South Australia in line with other states across Australia. It gives the opportunity for the general public to report offences. If they see illegal littering or dumping occurring, they have the opportunity to report that.

Whilst it is possible to report littering in South Australia to the police, there is currently no public litter reporting program in place. This is, in part, because it is difficult to determine the offender under current laws. This legislation will improve that. The new bill, in addition to applying responsibility to the owner of the vehicle, also outlines a citizen notification of littering. This provision

stipulates that the contents of the notification may constitute evidence of the offence, which will allow expiations to be issued as a result of public litter reports. Once again, this will bring us in line with other states.

In March 2013, the government released a discussion paper, with the draft bill released for consultation in July 2015. So, for the second half of last year, much consultation was undertaken with the public, with local government and also with the Environment Protection Authority. Forty-nine formal submissions were received and the majority were from councils. About one-third of the councils were supportive of the bill in principle at the time, a further third remained silent regarding support or opposition, with the remaining one-third opposed to the bill in its entirety. Obviously, since a change has been made to the proposed bill, more councils are supportive and, as I said, the LGA has taken a position of not opposing it.

The consultation process unravelled a huge list of issues with the original bill in its existing form. Most of the key issues raised were not limited to but included: resourcing impacts on councils, that they saw it simply as a cost-shifting exercise, the inclusion of class A hazardous litter and also that the definition of nuisance needed to be determined. During the consultation process, some councils expressed concern that legislation was merely the state government handballing responsibility to local councils.

Concerns were also raised about the need for support and the cost of accessing required resources and equipment. I made the point earlier in my contribution that local councils are the shopfront and the first port of call. Wherever people are looking to make a complaint about littering or nuisance, it is invariably to the council. This gives them the responsibility and ability to manage those complaints. The EPA currently provides various equipment to local councils to perform tasks within the local nuisance and litter area. These tools and resources will continue to be supplied.

Class A hazardous litter has been a bit of a sticking point. Serious concerns were raised regarding the extensive list of substances which were once classified as class A hazardous materials. Councils expressed a lack of expertise to be able to identify and handle such materials, and the consequences if they did. Many of the substances classified as class A were hard to identify. For example, various liquids, which may include agricultural chemicals or household chemicals, exist in containers that council authorised officers would not even know existed, let alone be able to identify.

All class A substances were removed, except for asbestos. This was a logical conclusion to that concern. The reason asbestos was not removed from the bill was that asbestos dumping, of course, is a serious issue within our community, with offences occurring too frequently across the state. It was felt that this must be included as a class A substance to enable greater community fight against this offence.

Councils are already tasked to clean up asbestos when dumping occurs. Of course, there were probably five decades worth of construction throughout the state where asbestos was commonly used in housing and building construction, so invariably asbestos will still be discovered from time to time when renovations are being undertaken or demolition occurs. The bill does provide the opportunity to extend this list at a later date above and beyond asbestos as a class A substance.

There were also issues and concerns raised regarding the potential breadth of nuisances covered by the proposed legislation and how these would be assessed. I note the bill now includes a schedule 1, which identifies what actions do not constitute a local nuisance under the proposed legislation. Compliance standards will be developed to assist authorised officers in determining nuisances of various types. A few of the other issues that were raised included but were not limited to:

- exemptions;
- regional access to a magistrate for warrants;
- cooperation between councils, through our local government associations, which exist even in regional areas;
- annual reporting information;
- regulation of other administering bodies;

- powers of authorised officers; and
- limited area of authorised officers appointed to councils.

Generally, most of the concerns seem to have been rectified within the bill, or at least there will be further clarification done through the regulations. I understand that regulations will be developed in liaison with the LGA and councils. Often, the devil is in the detail, but those regulations will be developed at least in consultation with the enforcing body.

I might just raise a couple of questions that we have for the minister, and I am hoping that the minister may be able to address these in her closing remarks rather than our going to committee on this particular bill. We do support the bill, and I understand it has been at least 10 years, or probably 15 years, in the making. Certainly, the briefing we received from the government agency was complete and concise. They were able to answer all our questions and they highlighted the amount of work that has been done in this area over the last 10 or more years.

I guess my queries to the minister really are about the budgetary impact for the state government and for councils, and what that is likely to be for councils and the EPA, which has government oversight. I am wondering too, in all of this, particularly with the increased stick that is being wielded over illegal dumping, what the predicted outcome on litter rates might be as a result of this legislation, and whether the government has done any modelling on whether we are likely to see a reduced incidence of dumping.

Given that we are the last state, I understand, to move to this type of legislation, what has been the experience with this sort of legislative framework in other states? I know that we have a couple of other speakers who probably want to speak from a local perspective, so with those remarks I indicate that we support the bill and look forward to its passage.

Ms COOK (Fisher) (12:32): I rise to indicate my support for the bill and to make some remarks. I take the control of litter extremely seriously in my electorate and have done so for some time. I take great pleasure in enjoying time with my local Lions Club (Aberfoyle and Districts) on Road Watch, where we keep our roadways clear of items of rubbish on a regular basis.

I think the forward impact of rubbish such as plastic into our creeks and waterways, and the disruption it has on our ecosystem, is something that we need to take very seriously indeed. This very important bill will establish some much needed clarity and consistency regarding the responsibility for dealing with littering and local nuisance, as well as highlighting the importance of thorough consultation and cooperation.

Along with other members in this place, I receive complaints from constituents regarding a range of things like noise, illegal dumping, animals, smoke, and also unsightly premises. These are often known as neighbourhood junkyards, where hoarding or collecting large numbers of items in residents' yards happens. These items can include things such as cars and furniture, piles of recycling and other rubbish, just to name a few items. This causes significant anxiety to locals and neighbours.

South Australia is the only state in Australia where local government is not legislated to some extent in relation to their responsibility in this area. Because of the frequency of the occurrence, it is essential that clear guidelines exist for dealing with such complaints so that all residents in South Australia are privy to the same type and level of response.

There are non-mandatory provisions in the Environment Protection Act 1993 for councils to manage nuisance, but they really are applied inconsistently across our state, and that generates quite a degree of confusion. Local councils by nature have very strong local knowledge and connections, and therefore have a vital role to play in the management of environmental nuisance issues, which this bill is designed to enhance. It is vital that local and state governments work effectively together to ensure that all parties understand the division of responsibility. This bill sees the scope of local government made clear in relation to managing nuisance in its community, while more serious offences will continue to be referred to the EPA.

The development of the Local Nuisance and Litter Control Bill 2015 has been underway since late 2012, and the extensive consultation that has resulted in a much more robust bill should be

commended. The discussion paper, which was released in March 2013, was extensive, and formal consultation on the draft bill commenced in July 2015. We have also seen a ministerial working group consisting of reps from the EPA, the LGA, the Department of Health and Ageing, SA Police, KESAB and the Office for Local Government, which was established to guide the drafting of legislation and provide governance for the project.

There were 49 submissions received during the consultation, and I am confident that, because of the extent of this consultation and high level of cooperation and assistance that has resulted, the transition to the new arrangements should be smooth and beneficial. While the bill consolidates several pieces of legislation to provide modern and more effective laws over time, which are expected to lead to cost savings for the provision of community services, some of the other areas in the bill interest me particularly, such as—alluded to previously by the member for Flinders—the Dob in a Litterer program, which includes an app. This is a great way to engage with modern society.

The Dob in a Litterer app within the bill provides the statutory basis for using the registration of a vehicle to hold the owner responsible for acts of littering. This app has been developed by Green Industries South Australia, and it will see members of the public able to report littering offences, using car registration, to the EPA. As the app and supporting website have already been developed, it is anticipated that the community will be able to start reporting offences as soon as the act comes into operation, which we hope will be in the second half of this year.

I am advised that, initially, reports and issuing of fines will be processed manually until there is an understanding of the sheer volume of reports. I hope that this will not be too extensive and I hope that the public, through more publicity, will be able to curtail some of these practices. Potential options for administering the program could include the expansion of the role of the EPA call centre. There will also be a need to have a discussion on how revenue from the program will be administered and how that program will be promoted. These issues will also be addressed in the implementation plan, which is forthcoming.

I am also particularly interested in the section relating to unsightly premises. The bill includes improved controls for unsightly premises, as I alluded to before, known as neighbourhood junkyards. We are no doubt familiar with them as a form of local nuisance. Councils have raised concerns with the state government in recent years that current powers in this area that are within the Local Government Act are not always effective and that they would welcome reform. The bill will provide that reform and give greater authority for councils to order the rectification of unsightly conditions and insanitary conditions on premises and improved tools for the enforcement of notices.

Where a nuisance abatement notice has been issued requiring the clean-up of an unsightly premises and it is not complied with, the council may then carry out that work and recover the costs for doing so. There are safeguards in the application of the laws, so where a person is issued with a notice, they may appeal to the Environment, Resources and Development Court within 14 days of service. This issue is one of the more frequent things that is reported to me within the electorate office, so I actually welcome this change.

All of these things will help with our environment and, importantly, help with our ecosystem. When dealing with such matters that cross jurisdictions, it is imperative that we are clear and transparent and there is a demarcation of responsibilities. This bill does just that and brings South Australia in line with other states across the country. Importantly, from my fundamental values, just as with other services that we provide, like education and health, the bill ensures that South Australians, regardless of where you live and who you are, can rely on a consistent service and assistance when it comes to issues such as local nuisance. I strongly commend the bill to members.

Dr McFETRIDGE (Morphett) (12:39): I rise to support this bill as a very necessary piece of legislation. All of us in this place would receive complaints from constituents about piles of rubbish and old cars left around the place that really do detract from the amenity of our communities. The need to assist local government in having the power to compel people to tidy up their premises, to remove rubbish, to remove old cars, is something this legislation will be able to do, and we look forward to its coming in. I will just read a letter from the Environmental Health Officer at the City of Holdfast Bay, Don McInnes, to a constituent of mine, in which he states:

> In response to your request for the City of Holdfast Bay to act against the owner of the land on which materials stored that is causing you offence [he gives the address], I inspected the site on 9 March, 2016.
>
> The enabling power for me to issue an Order against the owner of the subject land is set out in Section 254 of the Local Government Act…
>
> The observations I made on 9 March led me to conclude that the invocation of the Act to issue an Order to ameliorate the unsightly condition is unnecessary, because the unsightly condition does not detract significantly from the amenity of the locality in which your home is located.
>
> Notwithstanding the preceding, I have, without suggestion of compulsion or issue of an Order, required the owner of [this property] to remove the material. Furthermore, I put to the owner that the installation of a fence and/or gate would ameliorate the situation.

I have seen photographs of this particular mess, and I do disagree with Don (I get on very well with Don): this is not something I would like to have next to my place. The installation of a fence or a gate would certainly help. Don goes on to say:

> There is a prospect that the declaration by Parliament of the Local Nuisance and Litter Control Bill 2015, will provide an instrument that may be appropriate to address the matters of concern to you. I will re-visit the issue on the eventual declaration of the Local Nuisance and Litter Control Act 2015.

This piece of legislation is needed, is necessary, and, while beauty may be in the eye of the beholder, these piles of rubbish are a health hazard, certainly a physical hazard, a trip hazard and a fire hazard. They are an unnecessary blight on our communities in 99 per cent of cases, so anything we can do to make sure that our communities can be enjoyed by everybody and not allowed to be degraded and littered by a few is something we should do. With that, I support the bill.

Mr WHETSTONE (Chaffey) (12:42): I, too, rise to make a contribution to the debate on the Local Nuisance and Litter Control Bill and to indicate support for it. It is a bill in the state government's response to continued calls to better deal with local nuisance and litter issues. This has been going on for many, many decades—people illegally dumping, the drop off of the unwanted.

We have seen some measures in place, particularly in the Riverland in the electorate of Chaffey, where councils have been proactive. They have had the hard waste pick-up collections and they have decided that they would put more investment into bins to better highlight the need for people to be tidy and look after the environment. My electorate is surrounded by parks and it has the great River Murray running through it, and they are wonderful environmental assets that need to be protected, particularly from waste and dumped large articles—cars, furniture, household equipment and the like—that really impact on the beauty of the environment.

I highlight that one of the major areas in the bill includes the crackdown on illegal dumping, which is of huge concern. It seems that we are addressing it, but people continue to dump illegally. In December 2015, it was highlighted. The Riverland district ranger, Phil Strachan, who was known to many in the Riverland as the spokesperson up there, took 10 department workers to clear more than two tonnes of rubbish from the Katarapko Creek area. They found the details of at least four individuals by inspecting those items that had been dumped and then went on to prosecute.

One of the ways they did that prosecution was a little bit tongue in cheek. They found the details. Phil knew that person but he did not go to that person to report him—he actually went to his mother and whispered in his mother's ear that, if this was to continue, more action would be taken. Funnily enough, this person's mother dealt with the issue, and he has since come forward, cleaned up some of the rubbish and also made an apology. So there are more ways to skin a cat.

Obviously, household rubbish and, as I said, furniture have been a major issue for illegal dumping. We have also dealt with campsites over long weekends, particularly the Easter period. That has always been a real concern, particularly along the river. A lot of that rubbish blows into the river, blows into the parks, and some of the native fauna are scarred, because a lot of it is not biodegradable; it does not break down and sits there for months, even in some cases for years, particularly cans and bottles. I think that people need to be more aware.

The council is being proactive, as is the department. I just would like to touch on an issue with the department, and that is that the Treasurer seems to have this view that it is much easier to take away money from DEWNR or the department than it is to give them money. Long have I heard that the department is having resources taken away from it. Its budget is being reduced, and dealing

with this rubbish reduction is having an impact on that department. There is a lack of staff numbers dealing with rubbish removal, a lack of staff numbers dealing with monitoring and also doing a collection when it comes to those people who are using the campsites along the river.

Again, I commend the Department of Environment for the work that it is doing in prosecuting and in the clean-up. In many cases, volunteers work with the department to do those clean-ups. Also, we have had a number of issues with rubbish from fast-food outlets, and that is having a significant impact on car parks, particularly in areas surrounding those fast-food outlets. That is again adding to the pressure. I would like to commend some of the KESAB initiatives, particularly the service clubs that walk the highways, the parks and the river. You often see a team of them on the side of the Sturt Highway, cleaning up.

They do a damn fine job of looking after their communities and volunteering their time to picking up and making sure that they keep our highways and parks clean of litter. We have had some great examples in some of our local towns. Waikerie and Loxton are two notable towns that have been given Tidy Towns awards over time. Berri's Town Beautification Committee has organised to make sure that the people of Berri have great pride in their town, as have Renmark and Paringa. It is great to see them.

My electorate goes to the Victorian boundary, and one thing that is very noticeable in South Australia is the lack of cans, bottles and rubbish on the side of the road, on the side of the federal highways. When you get yourself into Victoria and New South Wales, all of a sudden there is a sea of glass, cans and litter. It does show that the container deposit is working. While people have that container deposit mentality, they also are more reluctant to throw the rubbish out of a moving vehicle.

In closing, I want to touch on hazardous litter. Something that has become very obvious in my electorate in the Riverland and the Mallee are green posts, broken vineyard posts that need to be dealt with. The minister turns a blind eye to the green posts. A program needs to be put in place to deal with the CCA green posts, chemicals and asbestos pipe. These are issues that are of real concern. DrumMUSTER is a working program and Chem Drop is a working program. More needs to be done, but I do commend this bill and I welcome more contributions from people on this side.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:49): I rise to speak on the Local Nuisance and Litter Control Bill 2016 and indicate that some concerns have been raised with me about this bill. I will refer to one matter quickly and that is the announcement by the federal government that it is going to fund the research and approval process for the disposal of carp. I welcome that. I thought this was a great initiative. Apparently, it has been operating in a number of other countries.

When I have been a guest of the member for Chaffey in the Riverland—excellent trips they are—the people in charge of the protection of the Murray from, in particular, native pests such as carp have explained what projects have been used and the almost insurmountable job to actually get rid of these things to give a chance for native fish species to continue to flourish or at least survive in this environment of carp.

One of the problems has been the EPA's apparent approach to the burying of dead carp. Apparently, when you catch them, you still cannot throw them back—this is two or three in someone's bucket when they go home after fishing. They have all of these magnificent traps in the locks along the river which are not being used because of the problem of not being able to empty them out, put them into a hole, cover them with dirt and let them go to decomposition as a carbon-based item.

How we have not dealt with that in the past is just beyond me, given that, apparently in Victoria, because it is across the border where they also have the River Murray snaking through their region, they have been able to deal with this. We have been dropping the ball there. We have had some magnificent infrastructure go in up in the Riverland to add extra regulators. Now is the time to do it. It is a great initiative of the federal government. I would just hope that the state government is active in making sure that the two-year approval process occurs and, in the meantime, we are able to dispose of carp in a sensible, practical manner without harm to the soil environment.

Getting back to the bill, I cannot help but note that, although this bill had a gestation period of recommendation of 10 years after a community survey was done, which apparently concluded that the overwhelming majority decided that councils would be best placed to manage nuisance matters, we are, all these years later, here. It has also been four years since the Statutory Authorities Review Committee told us, in considering a review of the EPA, that the EPA needed to have its jurisdiction tightened and, obviously, there was a recommendation for councils to take up this area of responsibility. Thirdly, it has now taken three years since the March 2013 discussion paper to develop how this was to be managed to come in.

Coinciding with the issue of the bill, in about June last year, the government decided that it was going to introduce a whole new planning law regime. That has been through the parliament. What is left of it, in its mashed up, amended form, has now been proclaimed. We note that the government—over the next five years, apparently, not 18 months—are going to draft all of the codes of behaviour, conduct, rules and regulations to affect it.

Is it not interesting that this coincides with a time when the government says, 'Councils are hopeless'? 'They are inconsistent. We need to take back planning laws and all of the money that goes with it—all of the income that is earned on applications for the consideration of approval for planning. They are inadequate and too incompetent to do that. We cannot trust them to do it.' The Attorney-General, as the Minister for Planning, says, 'I have to take that back. I need to take responsibility because they are hopeless.'

Yet, at the very same time, they are saying, 'We will give you this. We will give you the responsibility of fining people or giving a civil remedy for them dumping rubbish on the side of the road, and you can deal with all of the noise disputes. You can deal with the police when people call them because they have noisy neighbours or there are bands too loud or music too loud in neighbouring areas.'

These are penetrating and very difficult issues. They are offensive to the victims, obviously, whether they are a victim of having litter dumped in front of their house or property, or have their sleep disturbed all night. I do not discount how difficult it is for people but, for so long, and the government has been aware of it for 10 years, it has been a problem and nobody has done anything about it.

Each time it has been raised in the general arena, people have said that the council have dealt with that. Yes, the council have dealt with it so far by saying, 'I am sorry, madam, you need to go to the EPA,' or 'You need to deal with it by reporting it to the local police,' and then, of course, that does not happen. In my area, we do not even have a police station; unfortunately, the one in Norwood is about to have its time even more restricted. We know from annual reports on police that those things are just not followed up. They are minor in the scheme of the myriad of responsibilities they have, but they do not get resolved.

Dumping rubbish has become more and more prolific mainly, I think, because we make it so hard for people to effectively dispose of their rubbish because of the cost of doing so, facing fines for dumping all sorts of things. In recent years, I have read stories about dead horses being dumped, as well as furniture, mattresses and other offensive waste, which is so costly now to get rid of, and of chemical waste being disposed of and left on neighbouring industrial sites. Councils do not want to take them, but people have to dispose of them. So, what do they do? They drive up past Belair National Park and they dump it out on the side of the road.

The government's response to this is to say, 'Well, we'll give these hopeless, useless councils a new job, and this is the new job that they are going to do, and we will give them the right to be able to charge for it.' The income for the cost to manage these issues is currently, I suggest, not being addressed by appropriate prosecution of offenders, as in dumping rubbish or when loud music continues to blare. There is not really a resolution; there are attempts by the police when they have time to intervene, but it is clearly not adequate.

I find it very curious that we are being asked to support a change of regime, where the government says, 'We're finished with this. This is too messy and detailed and minor for us to deal with. We'll give it back to those lovely councils to deal with it. We're not going to give them any money to do it, but we'll give them the right to charge for it.' That in my view is a very unsatisfactory situation.

As a local member, I have of course considered these matters with my local areas of responsibility. I have the Norwood council, I have part of the Burnside council and part of the Adelaide Hills Council; some of them have left it up to the LGA to deal with the issue. The Burnside council became very public about their concern about the transfer of responsibility without adequate support. Indeed, I had a letter from the Burnside council's chief executive when this matter was promulgated originally as the proposed draft bill. The concerns raised included the definition of local nuisance being too broad and that is going to be a challenge for whoever in SACAT, or other administrative determinations, to deal with it.

There are implementation issues, the transfer of responsibility from state government to local government without any funding to go with it and, of course, the never-ending cost that will be needed for training (again, there is no money to do any of this) and expenditure on their staff to sufficiently train them to deal with what is often a mediation role in determining neighbourhood disputes. In addition, they are concerned about the significant amount of potential legislation that will be affected by this.

The call for them was not to have this responsibility dumped on them. I undertook for the council to at least raise this matter in the parliament. Whilst we are prepared to support this bill, it is not without attention to the fact that the government is doing this in a way to rid themselves of the pesky responsibility of dealing with local constituents. At the same time, they made a quantum grab, of course, and were scathing of councils in respect of their responsibility on low-level planning matters. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 13:00 to 14:00.

Ministerial Statement

ARTS FUNDING

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:00): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: In the 2015 federal budget, the arts community was shocked by the announcement that over $100 million would be redirected from the Australia Council for the Arts to create a new discretionary fund for the then minister for the arts, Senator George Brandis. Minister Brandis wanted to create a National Program of Excellence in the Arts (NPEA) which favoured major organisations and traditional art forms over new, innovative and experimental art.

I wrote to minister Brandis soon after the announcement to express my concerns about the insecurity these cuts created for many of our local arts organisations who rely on a mixture of state government and Australia Council funding to survive. I also spoke about these cuts on many occasions in this place and had my concerns dismissed as 'rubbish' by the Leader of the Opposition.

After the federal cabinet reshuffle, I was able to meet with the new minister, Senator Mitch Fifield, and again reiterate my concerns. Minister Fifield, to his credit, returned $8 million to the Australia Council and broadened the scope of the renamed Catalyst fund. Unfortunately, this was not enough, and last week six South Australia-based companies were informed they were unsuccessful in their Australia Council four-year funding applications.

Those companies are Slingsby and Brink, both renowned for their theatre for young people; the Australian Experimental Art Foundation and the Contemporary Art Centre for South Australia, who contribute in our visual art space; Vitalstatistix, a contemporary and experimental theatre based in Port Adelaide; and Tutti Arts, which specialises in supporting artists with disabilities. On top of these, many other organisations also received less funding than they had in previous years.

On Friday, I announced that in response—

Mr Marshall interjecting:

The Hon. J.J. SNELLING: I notice the Leader of the Opposition thought all of this was rubbish. When I raised these issues, the Leader of the Opposition called them, and I quote, 'rubbish'. The Leader of the Opposition is in absolute denial about these cuts and the severity of these cuts. He is quite happy to front up to arts events and arts organisations but, when it comes to defending arts organisations in South Australia, he simply does not care.

On Friday, I announced that in response to these cuts the state government, through Arts South Australia, will suspend the need for an investment or funding partner in 2017 for local arts organisations, in current multiyear funding terms, affected by the Australia Council's four-year funding outcomes and extended the closing date for this funding round to 26 August 2016. We are also redirecting existing arts funding to the Arts Organisation Program to increase opportunities for these organisations to access state funding.

The arts community in South Australia relies on a strong independent small and medium sector to feed into our major companies, and everyone across the industry will be affected by these changes. Last week, the State Opera presented the world premiere of *Cloudstreet*, and last night State Theatre presented the world premiere of Andrew Bovell's latest work, *Things I Know To Be True*. Both of these works—

Mr Gardner interjecting:

The Hon. J.J. SNELLING: Well, indeed, State Theatre Company did receive funding and we certainly acknowledge that but, as Rob Brookman pointed out last night, he was not happy that this had been to the enormous expense and detriment of small to medium companies and pointed out that many of the actors who appeared last night in *Things I Know To Be True* had started their careers in the small to medium arts sector—a sector that the Leader of the Opposition clearly does not give two hoots about. Both of these works are being—

Mr PISONI: Point of order, sir: improper motives being imputed on members.

The SPEAKER: I do not think the minister is imputing improper motives; he is being quite straightforwardly insulting, and the response to that is either to grin and bear it or to withdraw leave. Minister.

The Hon. J.J. SNELLING: Both of these works are of exceptional quality, and it is worth noting that many of the artists, as I said—writers, producers and directors—got their start in our small to medium sector. Their success relies on the health of the same group that last week was devastated by these cuts. I have met with the Adelaide Festival Centre and will be meeting with other major organisations, including the Art Gallery, to discuss how they can support the small and medium sector during this time.

I welcome federal Labor and the federal Greens policy positions to restore unspent Catalyst funding to the Australia Council if elected. In the meantime, the state government will continue to work with all our incredible arts organisations, providing support to them during this time of upheaval.

The SPEAKER: The less combative Minister for Communities and Social Inclusion.

PINERY BUSHFIRES

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (14:06): I seek leave to make a ministerial statement.

Leave granted.

The Hon. Z.L. BETTISON: The Pinery bushfire started on Wednesday 25 November 2015. Two lives were tragically lost and 31 members of our community injured; six of those people suffered severe injuries. The fire escalated rapidly across four local council areas in the Mid North of the state and caused major damage to more than 83,000 hectares in the areas of Owen, Hamley Bridge, Wasleys, Kapunda, Freeling, Tarlee and Greenock; 97 homes were destroyed and about 630 other structures, causing extensive damage to vehicles, equipment and crops. There was extensive loss of stock, paddock feed, hay stores, straw paddocks and unreaped crops.

Recovery operations are continuing following the devastating fire. We know this is an ongoing challenge and our efforts have shifted from immediate recovery to medium and long-term activities which are essential to the affected individuals, families, businesses and communities. On 6 May 2016, I joined the member for Grey, Mr Rowan Ramsey, to announce joint commonwealth state funding of additional recovery assistance for the communities hardest hit by the bushfire. This announcement includes vital funding of:

- $260,000 for a mental health outreach program for 12 months to be administered by the Department of Health and Ageing;
- grants of up to $10,000, through the primary producer recovery grant program, to help eligible farmers clean up, remove debris, repair damaged equipment and make other general repairs and get life back to normal again;
- community development programs and projects for up to two years will also be funded; and
- the operation of the state recovery centre for 12 months, including increased re-establishment grants, case management and Australian Red Cross relief and recovery support.

A vital aspect of the recovery effort is the Local Recovery Coordinator who works with the local community and also chairs the local recovery committee, which meets fortnightly and includes leaders and representatives of local and state government, the commonwealth Department of Human Services and service organisations. I would like to welcome Alex Zimmermann to the role of Local Recovery Coordinator, replacing the outgoing coordinator, Vince Monterola.

Mr Zimmermann is currently a chief inspector with SA Police and the Local Service Area Commander for the Barossa region. He is experienced in working with local communities and emergency management. On behalf of the state government, I welcome Mr Zimmermann to the role, and I am confident he will continue to provide a high level of support to help the local community recover from the fire. I also take this opportunity to thank Mr Monterola for his hard work and commitment during his time in the role. He has shown great dedication to the individuals and communities impacted by the Pinery fire.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Little Para) (14:10): I bring up the 23rd report of the committee, entitled Subordinate Legislation.

Report received.

Question Time

ROYAL ADELAIDE HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:10): My question is to the Minister for Health. Six weeks after the government issued a major default notice to require SA Health Partnerships to identify a firm technical completion date for the new Royal Adelaide Hospital, can the minister advise the house the date on which technical completion will occur?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:10): I certainly will once I have a date from SAHP that I have confidence in. To date, that has not been forthcoming, but I can assure the house, as I did yesterday, that as soon as we are in a position to make public a date for technical completion I will make that public. But I can say I have two priorities: firstly, the safety of patients—patient safety is my first priority, that we safely move patients and that we commission this new hospital, and on that matter I will not compromise; the second issue is the safety of the workers on site.

Contrary to the urgings of the opposition, I will not be putting any undue pressure on the builders of this new facility that would in any way compromise the safety of the workers on that site.

They are my two priorities on which I will not compromise. The hospital will be finished when it is finished.

Members interjecting:

The Hon. J.J. SNELLING: It has been operating down there for 170 years; a few more months isn't going to make a terrible amount of difference.

The SPEAKER: I call to order the leader and deputy leader, the member for Morialta, and the members for Stuart, Goyder, Chaffey, Finniss, Adelaide and Kavel for forced cackling.

Parliamentary Procedure

VISITORS

The SPEAKER: I call the member for Giles, but before I do so I should welcome to parliament students from Whyalla High School, who are guests of the member for Giles.

Question Time

COPPER MINING STRATEGY

Mr HUGHES (Giles) (14:12): My question is to the Minister for Mineral Resources and Energy. Minister, can you update the house on the recently launched Copper Strategy and whether there have been any early outcomes for jobs and growth in the state's resources sector?

Mr Bell: Good Liberal policy: jobs and growth.

The SPEAKER: I call to order the member for Mount Gambier. The Treasurer.

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:13): Jobs and growth, sir, that's what we are all about. I thank the member for his question and his support not only for the mining sector but of course for the people and children of Whyalla.

South Australia has ambitions to be a major supplier of copper to the world and that has been laid out in the recently released Copper Strategy. South Australia is home to the world's fourth largest copper deposit at Olympic Dam, as well as operating copper mines at Prominent Hill, in the Far North, and Kanmantoo, in the Adelaide Hills.

While these operations continue to support 300,000 tonnes a year of exported copper, South Australia is home to 68 per cent of our nation's known copper resource, and we can do much better. To do that, we must bring forward investment in projects to develop identified deposits and support explorers to discover even more copper to add to our resource inventory. For more than a decade, the Plan for Accelerating Exploration has played a crucial role in supporting survey work that helps identify targets and then provides financial assistance to drilling programs to confirm the existence of potential deposits.

One of PACE's earliest successes was its support for the discovery of the Carrapateena copper and gold deposit north-east of Port Augusta in South Australia's burgeoning copper belt. Building on that initial support, the government has had an early initiative in the design of the Copper Strategy to provide $10 million to support research into a process for improving the levels of copper in concentrate—support that was criticised by the Leader of the Opposition.

The success of that research has provided confidence to OZ Minerals to accelerate its investment in developing the Carrapateena project. This is welcome news for South Australia, as it will not only provide investment and jobs opportunities in the Upper Spencer Gulf during the construction and operation of the mine but it also has the potential to flow through to downstream jobs in the copper treatment process.

OZ Minerals has identified Whyalla as the preferred site for its $150 million copper concentrate treatment plant near the Arrium steelworks—great news for the people of Whyalla.

Members interjecting:

The Hon. A. KOUTSANTONIS: I can tell that members opposite are complaining about it being in Whyalla, but we make no apology for it at all. The process the state government supported OZ Minerals to develop will be a key component in the proposed Whyalla concentrate treatment plant. Not only will that plant support the development of the Carrapateena project but it also offers an opportunity to improve the efficiency at OZ Minerals' operating mine at Prominent Hill. Of course, there is also potential for that plant to be used by other copper proponents, not just here in South Australia.

OZ Minerals has been invited to apply for major project status for the approval process for the plant, with a two-year construction phase expected to begin in 2017. Once all board and government approvals are in place, OZ Minerals aims to have the Carrapateena mine operating by 2019, employing more than 400 people during a 20-year mine life.

This is the Copper Strategy in a nutshell: government support for exploration and research that leads to discovery and innovation, which in turn supports our regional communities with jobs not just at the mine but in value-adding and processing. We as a government welcome the progress made by OZ Minerals in developing this important research project, and the opportunity it provides to diversify and strengthen the economies of Whyalla—giving its children and its communities opportunities for jobs into the future—as well, of course, as the Upper Spencer Gulf region.

The SPEAKER: Before the leader asks his question, I call to order the members for Schubert and Hartley.

ROYAL ADELAIDE HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:17): My question is to the Minister for Health. What is the minister's plan B, given that he said on 5 April this year that a major default notice is the most serious legal step short of terminating the contract with SA Health Partnership?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:17): My plan is for SAHP to rectify and come to us with a cure plan for the faults. That's how it works.

Mr Marshall interjecting:

The SPEAKER: The leader is warned.

Members interjecting:

The SPEAKER: The member for Schubert is warned, the deputy leader is warned, and the Minister for Health is called to order—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: —as is the Treasurer.

EXPORT INDUSTRY

Mr PICTON (Kaurna) (14:18): My question is to the Minister for Investment and Trade. Can the minister advise the house of South Australia's export performance and the government's support to increasing trade?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (14:18): I commend the member for Kaurna for his question—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The Treasurer is warned.

The Hon. M.L.J. HAMILTON-SMITH: Exports are vitally important for jobs in his electorate, and that is why building robust trade and export growth is seen by the government as a sure pathway to a strong economy and further jobs. About 65,000 South Australian jobs are supported by exports, and South Australia's government is committed to seeing this number grow. We are bucking the

national trend and racking up significant increases in the key areas that our international trade missions have focused upon.

Where state government can make a difference, we are making a difference. Excluding minerals, petroleum and the global downturn in resources, South Australia has recorded an 8.8 per cent increase in goods exported during this period—

Members interjecting:

The Hon. M.L.J. HAMILTON-SMITH: —and listen, because a lot of this is in their electorates—

Members interjecting:

The SPEAKER: The members for Hartley and Chaffey are warned.

The Hon. M.L.J. HAMILTON-SMITH: This included:

- wheat, up $306 million or 26 per cent;
- wine, up $178 million or 15 per cent;
- meat and meat preparations, up $108 million or 8.9 per cent;
- vegetables and fruit, up $114 million or 25 per cent; and
- other items, including bulk barley, up $163 million or 6.8 per cent.

These are the results that the South Australian government, working with primary producers and exporters, are achieving. These results reinforce the state government's focus on growing the premium food and wine, agriculture and advanced manufacturing sectors.

Just last week, the Chief Executive of the South Australian Wine Industry Association, Brian Smedley, wrote to me to thank the state government for its recent China-Shandong business mission. He said, and I quote:

> …early indications that many wine companies are continuing discussions with the contacts made and this hopefully will result in worthwhile business for South Australian wineries.

We will continue to work with Mr Smedley to improve on the work we do and the results we are getting. Emerging markets are also becoming increasingly important to South Australia's export story. Strong growth was recorded in export markets of ASEAN and the Middle East, as well as the more traditional partner markets like the United States, the European Union and Canada.

Many of the South Australian players in the export market are small to medium enterprises in various phases of growth and maturity. The state government is committed to supporting these small businesses in their efforts through regular business missions to target markets, cultural training and market entry strategy development training, and through funding programs like the very successful Export Partnership Program. Exporters are also able to obtain advice from TradeStart advisers who are well versed in their needs. The EPP is an important program for businesses, which has been designed in response to reduced uptake in the last two years of the former Gateway Business Program.

Today, I announced $791,000 of EPP grants to 33 local companies, and demand for this program shows no sign of slowing with round five closing on 27 May, and I would encourage companies to apply. Companies like Mighty Kingdom, a recent recipient of a $25,000 grant, now designing apps that are played by approximately 200,000 children every day in over 40 countries. There is a long list of companies: Rossi Boots, Steriline Racing, Micromet, Hartwig Flying School, Ferguson Australia, AQUAessance and Podpac.

South Australian businesses are creating jobs and enterprise by exporting their goods and services to the world, and the state government is right behind them.

ROYAL ADELAIDE HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:22): My question is to the Minister for Health. Will the minister now confirm that the new Royal Adelaide Hospital will not admit its first patient until 2017?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:22): No.

The SPEAKER: The member for Wright.

JUSTICENET SA

The Hon. J.M. RANKINE (Wright) (14:22): My question is to the Attorney-General. Can the Attorney update the house on the 2016 Walk for Justice in support of JusticeNet SA?

The SPEAKER: Is the Attorney able to update us?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:23): Yes, I am, and I thank the honourable member for her question. Yes, I was very happy, actually, to participate in the walk this week. It means getting up quite early in the morning—in fact, I was up before some opposite were. The walk commenced at 7.30 from the outside of the University of Adelaide Law School, and there was a magnificent scene as 600 brightly-coloured purple T-shirts were worn by people participating in the walk who assembled there.

They were treated to a brief speech by me, after which they headed off—and I, even though dressed in civilian clothes, was amongst them. I can tell people that the weather this year was much better than last year because it drizzled for the whole morning last year, but this year it was lovely weather.

The SPEAKER: Did you rouse them?

The Hon. J.R. RAU: Yes, I did. I set up a reasonable pace. I was at the rear of the vanguard, of the people at the back, until we reached Parliament House, at which time I had to come here to a meeting, so I completed 90 per cent of the course. The really important thing though is that the walk, so far, has raised $46,000, which looks like eclipsing the fundraising effort from last year, which is very good. I sincerely thank all of those who participated in the walk, for their enthusiasm in being up and dressed in their activewear so early in the morning.

Ms Chapman interjecting:

The Hon. J.R. RAU: Not me.

Ms Chapman interjecting:

The Hon. J.R. RAU: Were you in activewear?

An honourable member: Serving breakfast.

The Hon. J.R. RAU: I never got to the breakfast because I had to come here, but anyway—

Members interjecting:

The Hon. J.R. RAU: This is important information, please. The walk took a five-kilometre route past the Botanic Gardens, Adelaide Oval and across the footbridge, through the Riverbank Precinct, at which point I, as I said, joined my comrades in Parliament House. Many prominent people from the legal profession participated, including the heads of all the jurisdictions. I think the deputy leader was there and there were many others.

JusticeNet provides essential legal services to vulnerable South Australians. I would like to acknowledge, and I think the deputy leader would agree with this, the very important effort on the part of the legal profession in South Australia by way of their donation of pro bono work. That is very significantly appreciated in relation to this. This is very important work, particularly at a time when

our community legal centres are subject to drastic cuts by the federal government. There are some very difficult adjustments indeed ahead required there.

JusticeNet is to be commended for taking an innovative and forward-thinking approach to the provision of legal services. I would like in particular to mention Mr Tim Graham, the executive director of JusticeNet, who is to be commended for establishing and promoting JusticeNet, which has assisted many vulnerable South Australians.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:27): My question is to the Minister for Health. Will the minister's department's proposal for the $17.5 million upgrade to the second floor of the allied health building at The Queen Elizabeth Hospital to accommodate palliative care adequately address the overcrowding envisaged by the transfer of the Hampstead services to The Queen Elizabeth Hospital?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:27): We are working through these issues with the clinicians and, as soon as I am in a position to say that those issues have been worked through, I will be in a better position to come back to the house. At this stage, these are issues that are still being worked through.

PORT GERMEIN JETTY

The Hon. P. CAICA (Colton) (14:27): My question is to the Minister for Transport and Infrastructure. Can the minister provide the house with an update on what action the South Australian government is taking to repair the damage to the Port Germein jetty caused by last week's king tide and damaging wind gusts? Thank you for the fine work on Henley jetty.

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:28): Can I thank the member for Colton for the question and also his interest in preserving and maintaining jetties across the South Australian coastline. As we are all aware, South Australia is blessed with many, many kilometres of pristine coastal and inland shorelines, many of which are serviced by important marine infrastructure, such as jetties, that South Australians love to enjoy.

Last week's significant storm event, king tide and wind gusts forced the closure of jetties across our coastline. Fortunately, most of our jetties only suffered minor damage with most reopening very quickly, mostly the next day, after being inspected by engineers and a quick response from contractors and the Department of Planning, Transport and Infrastructure staff. Unfortunately, though, the heritage listed and longest jetty that we have in the state, in the member for Stuart's electorate, the Port Germein jetty, as well as the Moonta jetty, suffered more significant damage.

The level of damage at the Port Germein jetty is quite severe. The jetty is a little over 1,200 metres long, I think, and is certainly the longest jetty that we have in South Australia. The damage appears to be mostly confined to a span of about 60 metres approximately halfway down the length of the jetty. It will require extensive repairs, including the replacement of some girders, decking and handrailing, and I am advised that the expected costs are likely to be somewhere between $150,000 and $200,000 to complete them. I am advised by the Department of Planning, Transport and Infrastructure that the supporting piles and crossheads (i.e. the supporting jetty frame) has, fortunately, been found to be in sound condition.

I am pleased to announce that the state government will work in collaboration with the District Council of Mount Remarkable to ensure these repairs are made as quickly as possible so that the jetty can be reopened to the public and the local community as soon as possible. We estimate that the repairs are expected to be completed within eight weeks and, as we have done with other jetty works around the state, we will be engaging a South Australian company to complete this work.

I would also like to advise the house that the Moonta Bay jetty, as I mentioned earlier, also received some significant damage and is currently closed. Both the council and the department are undertaking works to repair the damage to both the jetty and the council's swimming enclosure platform. I am pleased to advise the house that this jetty will be reopened to the public in approximately two weeks, weather permitting and depending on the progress of the works. However, the council's swimming enclosure may take a little more time to repair.

Mr Griffiths: What about Wallaroo?

The Hon. S.C. MULLIGHAN: I don't have those details for the member for Goyder, but I will provide those to him. I would like to take this opportunity to thank all the staff from the department (in particular, those working in our marine section) and the staff from local councils with jetties in their areas, who worked very quickly and sometimes tirelessly to inspect, temporarily shut where necessary, and facilitate the repairs to many of the jetties which were damaged as a result of this storm event.

I would also like to acknowledge the member for Colton, who asked me this question, and also the Labor candidate for Hindmarsh, Steve Georganas, for their advocacy in ensuring that the damage sustained by the Henley jetty was promptly inspected—

Members interjecting:

The Hon. S.C. MULLIGHAN: —including by me, the member for Colton and the Labor candidate for Hindmarsh, Mr Steve Georganas—a much-missed advocate on behalf of the western suburbs. Through those actions, the quick inspection has enabled works to be facilitated and expedited. We inspected the jetty last Wednesday, I think it was—a week ago.

I think we can all agree that our jetties are important pieces of recreational and tourism infrastructure, not only for our metropolitan coastline but also for many of our regional towns. I believe it is vital that we continue to maintain and appreciate these very important structures.

LANDS TITLES OFFICE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:32): My question is to the Minister for Planning. Has the Registrar-General been informed of the government's investigation into the privatisation of the Lands Titles Office data services division, and if so, when? Will he release the PricewaterhouseCoopers report?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:32): I thank the honourable member for her question. I was slightly anticipating something like this might come up because the deputy leader, in one of her flights of fancy last week, put out a press release entitled—

Ms Chapman: 'Mr Sneaky'.

The Hon. J.R. RAU: —'Mr Sneaky does it again'. I prepared another one which went something like, 'Ms Lazy does it again', because Ms Lazy forgot to notice that in the budget papers last year this was actually flagged. The suggestion that Mr Sneaky had been hiding from Ms Lazy something in full view, namely, in the budget papers, all I can say is—and this is a message from Mr Sneaky to Ms Lazy—read the budget papers and all will be clear. I am not sure—

The Hon. A. Koutsantonis: How dare you publish it in the budget?

The Hon. J.J. Snelling: Hidden in plain view.

The Hon. J.R. RAU: It has been hidden in the budget, where nobody could possibly find it, so I have a fair suspicion that the relevant public servant is aware of that. As to say more about where that is actually going, I think we have to wait with some considerable anticipation until—is it the 9th?

The Hon. A. Koutsantonis: The 7th.

The Hon. J.R. RAU: The 7th of July.

CHILD PROTECTION SCREENING

Ms HILDYARD (Reynell) (14:34): My question is to the Minister for Communities and Social Inclusion. Can the minister provide an update on the management of screening for employment and volunteers?

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The Treasurer is warned for the second and final time. The minister.

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (14:34): I am pleased to inform the house that the screening unit within the Department for Communities and Social Inclusion is implementing a number of process and technology improvements to improve the delivery of screening services to employees and volunteers.

Over the past 18 months, the screening unit has drastically reduced applications that are over 30 business days. Currently, 98 per cent of applications received by the screening unit are being processed within 30 business days and 91 per cent within 15 business days. Improvements are the result of a dedicated effort by the screening unit to improve systems and processes. One such improvement is the online application form, which has been operating since 28 July 2015.

So far, the screening unit has received around 14,000 applications online and more than 2,500 organisations have registered to submit their applications online. The online application form results in faster processing due to the removal of manual data entry errors. In addition, the screening unit is continuing to progress further systems reforms to improve functionality for organisations. The first part of stage 2, the organisation portal, is about to start. This enables organisations registered with the screening unit to search for people-based particular information.

A pilot of the organisation portal started in early April 2016, with the portal being available to a sample of around 15 organisations, including: the Department for Education and Child Development; the Catholic diocese; the University of South Australia; the Department of Planning, Transport and Infrastructure; and AnglicareSA. The functionality will be available to organisations registered and using the services of the DCSI screening unit later this month. Feedback so far has been positive, with stakeholders describing the function as being helpful and very easy to use.

The next step which the government is undertaking is continuous monitoring, which will enable new offences to be identified on an ongoing basis instead of the current system, which only provides a snapshot of a person's history at the start of the three-year life span of the clearance. The new system will align South Australia with other jurisdictions and, once implemented, means South Australia will be the first and only jurisdiction with continuous monitoring of both criminal history and child protection information.

DCSI is leading the development and implementation of the continuous monitoring system in South Australia, in partnership with South Australia Police and the Department for Education and Child Development. The system is expected to go live in mid-2017.

HOMESTART FINANCE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:37): My question is to the Minister for Housing and Urban Development. Has the minister's department requested or commenced preparing any reports or recommendations in respect to the sale of HomeStart Finance?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:38): What the opposition are attempting to do—

Members interjecting:

The Hon. A. KOUTSANTONIS: I am answering the question. What the opposition—

The SPEAKER: Point of order.

Mr PISONI: An answer that starts with 'what the opposition are attempting to do' is debate.

The SPEAKER: It would be debate if it continued. The Treasurer.

The Hon. A. KOUTSANTONIS: These hypothetical questions have been answered in the public domain. This opposition has a bit of form in being lazy.

Members interjecting:

The SPEAKER: The member for Unley.

Mr PISONI: Debate, sir.

The SPEAKER: I will listen carefully to how the Treasurer fills his four minutes.

The Hon. A. KOUTSANTONIS: Thank you very much, Mr Speaker. This opposition has form.

Members interjecting:

The SPEAKER: I am waiting for the Treasurer to have an opportunity to say more than one sentence and I would appreciate it if the member for Unley would give him that opportunity. Perhaps there is a subordinate clause. The Treasurer.

The Hon. A. KOUTSANTONIS: The opposition have attempted to aerate this within the media. The government's view is very, very clear: we don't answer hypothetical questions. What we will do is have our statement in the budget. We will make our announcements in the budget; but they have form—they have form.

Mr Marshall: Answer the question.

Mr GARDNER: Point of order, sir.

The Hon. A. KOUTSANTONIS: You're the ones moving points of order.

The SPEAKER: Could the Treasurer either move on from the opposition having form or give up.

The Hon. A. KOUTSANTONIS: I have answered the question.

The SPEAKER: Member for Elder.

MENTAL HEALTH

Ms DIGANCE (Elder) (14:40): My question is to the Minister for Mental Health and Substance Abuse. Can the minister explain to the house how businesses can contribute to our community's mental health and wellbeing?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:40): I would like to thank the member for Elder for her question and her strong advocacy on behalf of the Edwardstown Regional Business Association, where I had the good fortune to attend a wellbeing breakfast and workshop last week that was well supported by SafeWork SA and the state government.

More than 200 local business owners assembled to meet that morning and learn more about how businesses can contribute to their workforce's mental wellbeing and capacity to build business in this state. The Hon. Jeff Kennett AC, founder and chairman of *beyondblue*, contributed to the opening speeches, as I did, and he particularly highlighted the initiative by *beyondblue* called Heads Up.

Heads Up is providing free resources to individuals and businesses throughout Australia to take action to promote good mental health in the workforce and businesses. Good mental health is everybody's responsibility. It is about all of us, and it requires a community linked-up approach. Investing in a mentally healthy workplace provides us with the opportunity to have an around 230 per cent return on investment, and this is proven by research done by PricewaterhouseCoopers. It is not just a duty of care to ourselves, our workmates and employees but it also makes good business sense.

One in five Australian adults will experience a form of mental illness in a 12-month period. An employer, regardless of the business size, is bound to encounter an employee who is struggling at some time, whether it is being present but being absent or exhibiting signs of mental unwellness. That is why business is a key stakeholder in improving our mental wellbeing and awareness of these issues in the community. The website, www.headsup.org.au, has simple and easy to follow guides and training equipment for workplaces and employers. It is essentially about asking how a workmate

is travelling, how they are feeling, what to say and where you can link them into pathways to help them recover.

It was a privilege on the day to hear firsthand accounts from high performing entrepreneurs and their stories about how they overcame anxiety, stress, uncertainty and depression to keep performing in their business and to keep employing people in this state. I would like to thank the work of the Edwardstown Regional Business Association for helping highlight the importance of this topic in our state and in our workplaces.

I would also like to thank the member for Elder for her empathy in this space; it is very important and much appreciated. *beyondblue* is to be commended for their ongoing research in this space and advocacy in this field. The state government is partnering with *beyondblue* more and more to provide important resources for this Australian space of wellbeing.

FESTIVAL PLAZA REDEVELOPMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:43): My question is to the Minister for Housing and Urban Development. Has the government now signed a contract with Walker Corporation for the Festival Plaza redevelopment; if not, has a time limit been placed in respect of the signing of the contract before the heads of agreement lapses?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:43): I thank the deputy leader for her question. My understanding is that negotiations are progressing well. We hope to be in a position to conclude those negotiations and enter into a binding agreement very shortly.

RENEWAL SA

Ms SANDERSON (Adelaide) (14:44): My question is to the Minister for Social Housing. What will be the net increase in houses after completing the 1,000 homes in 1000 days program, and how many of these homes will be managed by Housing SA?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:44): I thank the member for Adelaide for her question. This is a program which is being managed by Renewal SA. Renewal SA is also managing the Housing Trust houses, the housing stock, on behalf of the Housing Trust. As to how those numbers will be at the end of the program, I just don't have that detail in front of me, but I will get a response for the member.

SEAFORD RAIL LINE

Mr PISONI (Unley) (14:44): My question is to the Minister for Transport. When will the promised report into the breakdown of the Seaford rail line on 28 April be completed, and on completion will it then be immediately published and released to the public?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:45): I thank the member for Unley for his question. As we all know, there was a significant power failure which caused train services to cease on the Seaford and Tonsley train lines. In fact, I should say 'electric train' services because we were pushed into a position of having to provide substitute services, some of which were substitute bus services and some of which were substitute diesel train services.

At the time, I made it clear in my statements to the media that obviously we were conducting thorough investigations into what had caused this very unusual and very significant failure in some of the equipment which had been installed in the substation at Lonsdale. I also said that I would ask the Rail Commissioner to also assess all the infrastructure and the services supporting the infrastructure on both the Seaford and Tonsley rail lines, regardless of whether it was related to this incident, to try to make sure that we were doing everything we could to maintain reliable train services on those lines.

Those investigations are continuing, to get to the nub of the member for Unley's question, and when we have the details of those investigations, yes, we will be making those findings public.

SAVE THE RIVER MURRAY FUND

Mr WHETSTONE (Chaffey) (14:46): My question is to the Treasurer. Will the Treasurer confirm what he told estimates last year regarding the Save the River Murray levy, that is, 'We have replaced the levy government appropriations through the budget process'?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:46): I will check what I said in estimates and get back to the house.

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is called to order.

SMALL BUSINESS FUNDING

Mr ODENWALDER (Little Para) (14:47): My question is to the Minister for Small Business. Can the minister update the house on the small business development funding being made available to small businesses in the northern suburbs?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (14:47): I thank the member for his question. Small businesses are pivotal in his electorate, and the government is providing extraordinary assistance for small business under new arrangements. In fact, the matter was the attention of an *Australian* article this morning during which certain claims were made that I assume originated from opposition members of the Budget and Finance Committee.

I should clarify some of those facts because if the $4 million fund referred to was the Micro Finance Fund I am advised that that particular fund has the aim of generating export revenue and growth and that, in the first round of funding, 10 organisations were approved for grants of $50,000 each to develop their business ideas, and nine organisations from the second round of funding also received grants of up to $50,000 each. If it was that fund, my advice is different. If it wasn't that fund, the government would love to help the author of the article to clarify the facts.

Of course, there is the Venture Catalyst fund, there is the South Australian Young Entrepreneurs Scheme and, of course, there is the Unlocking Capital for Jobs program. The article this morning also claimed that one grant from the fund was of $1 million. I am advised that the first guarantee provided under the program, to Australian Fashion Labels, was $3.5 million on new borrowings of $17.53 million, but if the program is fully taken up it will be $50 million, unlocking quarter of a billion dollars of separate finance and investment.

These are extraordinary benefits to small business. Of course, small business naturally prefers grants rather than loans. The government, naturally enough, wants to explore the option of loans and guarantees ahead of grants, so we try different mechanisms. The ones that work are reinforced and the ones that don't work are changed, as we did with the Export Partnership Program.

A further matter I want to address is the $10 million Small Business Development Fund, particularly for the Northern Economic Plan. Of course, when that was announced, it was always said at the time that it would take effect on 1 July this year and not before, so I was surprised to read this morning that the government was somehow doing the wrong thing by not already having allocated grants. It is very hard to allocate grants for a program that's not funded and doesn't commence before 1 July this year. However, that is perhaps a matter that you learn in government that you don't quite grasp in opposition.

I would like to point out to the house that details of that grant were explained earlier this week. Firstly, there will be $10 million made available to small businesses in the north. It will be $4 million for a start-up business grant program, where businesses in the north will be able to access up to $20,000, provided those funds are matched. This will provide people who want to start up their own business with an opportunity to do so with state government support.

There is a second component to the $10 million fund, and that is a business expansion grant program, which allocates $6 million to support the growth plans of small businesses that will result in

the creation of multiple new jobs. Grants of between $10,000 and $100,000 will be provided on a competitive basis, and these grants will need to be matched by one-on-one funding.

These eligible grants will help those who access them: small businesses with less than 20 people, carrying on the majority of their trading activity and having their trading premises located in the local government areas the City of Playford, the City of Salisbury and the City of Port Adelaide Enfield. All these are things that the state government is doing to help small business to get on with the job of creating more employment and more enterprise in this state. We get small business, we understand their needs, and we're taking action to help them.

Members interjecting:

The SPEAKER: The member for Mitchell is called to order, the member for Finniss is warned, and the member for Hartley is warned a second and final time. The member for Chaffey.

TAFE SA BERRI

Mr WHETSTONE (Chaffey) (14:51): My question is to the Minister for Higher Education. Minister, can you confirm whether any functions currently performed at TAFE SA's Berri campus are being or have been transferred, and whether any job losses have or will result?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:52): I won't be able to answer that question here. I will have to consult with my advisers and return to the house with an answer for you.

SOCIAL WORKER REGISTRATION

Ms SANDERSON (Adelaide) (14:52): My question is to the Minister for Health. Was the registration of social workers, and their inclusion as part of the National Registration and Accreditation Scheme, an agenda item at the COAG Health Council meeting, and will the minister commit to drafting the legislation?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:52): Yes, certainly in my recollection it was an agenda item. It was certainly discussed and the decision was made to refer it to AHMAC for advice, and that has been widely reported in the press.

COUNTERTERRORISM

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:52): My question is to the Attorney-General. Has the Attorney now drafted recommended changes to the Bail Act, requiring a bail authority to take into account an accused person's links with terrorist organisations or violent extremism when considering an application, particularly when he was asked this question on 2 December 2015 and he said he would need to check, quote, 'I will rapidly get an answer.'

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:53): Well, 'rapid' is a relative term—relative to the speed of the passage of the planning bill, for example, through another place, I am still on the rapid side of that question, but I will pursue it again.

LE FEVRE HIGH SCHOOL

The Hon. P. CAICA (Colton) (14:53): My question is to the Minister for Education and Child Development. Can the minister update the house on her recent visit to Le Fevre High School?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:54): Yes, I am delighted to update the house on a recent visit. Members will be aware that Le Fevre High School, although relatively close to where I live and adjacent to my electorate, and indeed there are children who are in my electorate who attend that school, is in the seat of Lee. When I recently attended Le Fevre High School, I was accompanied by the local member.

Members may be aware, those who have been around for a little while, that in about 2011 the school was made into a Maritime High School. This meant that they were provided with a $600,000 investment by the state government at that time to create a specialist program for students to learn skills for future careers in maritime and defence industries.

Of course, that investment is now very much coming into its own, with the commitments for the off-shore patrol vessels and the Future Submarines project. The kids who are studying in high school today, particularly those in the younger years of high school, are going to be eligible and ready for work at Techport in time to come and in any other businesses that will be allied to the work being done at Techport.

I did recently visit Le Fevre High, on 4 May, and had the privilege to see the dedication of the teachers and the students. I would like to say that whenever I visit schools it is the students who stand out. Their interest in talking about what they are studying is impressive. Their understanding of what they are studying now being important for their future is exciting to see. Their commitment and their intellectual engagement is fantastic to see and always so inspiring.

What it means to have a specialist maritime-focused school is that there are key principles—interestingly, spelt as 'principles' not 'principals'—related to shipbuilding and integrated into everyday science and maths curriculum—

Mr Knoll interjecting:

The Hon. S.E. CLOSE: —it could have been my error that I have observed also; it is always possible—that is studied everywhere. While doing the curriculum for science and maths (that is, the Australian curriculum that is studied in all schools), the principles of shipbuilding and also maritime work more generally (maritime architecture and so on) are built in through that curriculum. An example is that year 8 students might look at whole-volume calculations in mathematics, while year 12 physics students are taught about parabolic trajectories.

Students can also enrol in specific courses, such as naval engineering, and the school offers and brokers VET courses, such as maritime pathways and maritime engineering trades. Le Fevre High School has critical links with the Navy and companies such as ASC (formerly the Australian Submarine Corporation) and the Australian Maritime and Fisheries Academy, which means that students are able to have a practical application to their studies while they are undertaking their studies. Students get an understanding of what it might be like to enter the defence and maritime industry and can easily see the direct link between what they may be studying in the classroom and what happens on the job.

SACE stage 1 naval engineering students, for example, participate in the Re-Engineering Australia (REA) SUBS in Schools program, which is a fantastic program to watch. I recently met the team from St Peter's Girls', who won the state and nationals competition in that. SUBS in Schools is a competition where students build a submersible vehicle or submarine and compete in a number of challenges, both to see how their vehicle works and to test their knowledge. Le Fevre High School students claimed first place in the sea trials category in 2015.

The program puts students in a great position not only to get jobs but to build careers in areas such as engineering, high-tech electronics, computer systems and in the shipbuilding trades. Over the last five years, about 150 students have completed a maritime-related course at Le Fevre High School. Many students have earned apprenticeships in local industries, and I am informed by the school that approximately 85 per cent of students from the senior naval architecture course end up being directly employed in the maritime industry or undertaking further study in maritime studies.

COUNTERING VIOLENT EXTREMISM PROGRAM

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:58): My question is to the Minister for Social Inclusion. Why hasn't the minister appointed South Australia's responsible person to deal with countering violent extremism, pursuant to the national agreement and, given her answers on 10 December last year, what action has her department taken to ensure it is dealing with the other agencies to identify this issue in South Australia?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (14:58): I thank the deputy leader for her question. We are interviewing currently and will make an announcement in the near future. I think we should be clear about what this role will be. As we work very closely in the Department for Communities and Social Inclusion with other agencies, including DECD and of course SAPOL, what this role will be is a point of contact. It is a point of contact for the community and to service providers. It is a pilot program that has been supported by the commonwealth for two years. It is a holistic program to strengthen the social cohesion across our community.

We are part of the national steering committee on this, and we continue to be informed about working out the best person. I think all of us here can understand that this has to be a sensitive position, a position the community feels they can approach and get information from, that can de-escalate and provide pathways. Let us be very clear that this is not a policing or security role. SAPOL, the AFP and, of course, our national security providers will still continue that role.

It is important that people understand how we engage. When I spoke to SAPOL recently they briefed me about how we currently work in this situation. There are very stringent ways we do things here, very clear pathways, and things can be escalated quite quickly, if necessary. We need to work with the community, and I know that SAPOL meets regularly with Islamic leaders. Also, SAMEAC has met many times with the Muslim communities, talking about these issues. I look forward to coming back to announce who will be in this role in the near future.

Members interjecting:

The SPEAKER: I call to order the member for Morialta, I warn the member for Stuart, and I warn for the second and final time the leader and the deputy leader.

COUNTERTERRORISM

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:00): My question is again to the Attorney-General. Is there now a formal memorandum of understanding between SA Police and the department of public prosecutions governing the review of all bail decisions, as recommended by the Martin Place siege review, in particular given the Attorney's answer to a question on 2 December last year when he said, 'I will make whatever inquiries need to be made of the DPP and I will find out the answer to that question'?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:01): I will see where that inquiry is progressing through the system and will try to make it more rapid than it has been.

PALLIATIVE CARE

Mr DULUK (Davenport) (15:01): My question is to the Minister for Health. Can the minister explain why the new palliative care unit at the Flinders Medical Centre includes only 15 beds, the same number as the service being closed at the Repat? The government's own Palliative Care Services Plan for 2009-16 stated that hospice facilities at the Repat would need to expand to a 22-bed unit to meet hospice care needs in the southern suburbs.

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:02): It is because—

Mr Williams interjecting:

The SPEAKER: The member for MacKillop is called to order.

The Hon. J.J. SNELLING: —thinking with regard to palliative care has shifted in recent years towards less hospital-based care, people not dying in hospital but giving people, as far as possible, the opportunity and support to die at home or, if they are in an aged-care facility, to die in their aged-care facility. So, the shifting of resources has been out of hospital-based palliative care.

Of course, for some people that will always be the only option. There will be some people for whom dying at home or dying in an aged-care facility is just not possible, in which case you do need to have hospital-based facilities. However, if the member for Davenport wants to talk to or be briefed by some palliative care experts, I would be more than happy to facilitate that. I think he would then be reassured that the direction of palliative care is towards putting more resources into the community and providing more opportunities for people to die at home rather than the default being to die in a hospital bed.

NATURAL RESOURCES MANAGEMENT LEVY

Mr GRIFFITHS (Goyder) (15:03): My question is to the Minister for Local Government. Can the minister confirm that he has received a letter from the Town of Walkerville, dated 22 April 2016, advising that the council does not support an increase in the NRM levy, and advise what action he has taken to represent the concerns of this council and other councils in South Australia who are required to collect a government-demanded NRM increase of up to 150 per cent in the 2016-17 year?

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (15:04): To answer the question, no, I cannot recall. I can double-check that, but this is not under my portfolio; it is that of a minister in the other place.

LOCAL GOVERNMENT GRANTS COMMISSION

Mr GRIFFITHS (Goyder) (15:04): We all received one, Geoff. We all received one. Again, the question is to the Minister for Local Government, sir.

Mr Marshall interjecting:

The SPEAKER: The member for Goyder.

Mr GRIFFITHS: To all members, the letter went to all members. Again, a question to the Minister for Local Government: given that the minister presented the 2014-15 Annual Report of the SA Local Government Grants Commission to the house on Tuesday 12 April, can the minister explain why this report was late in being delivered to the parliament as it is required to be delivered to you by 30 September in that previous year, and you have 12 sitting days to present it to the parliament.

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (15:05): I thank the member for his question. I am very aware of the time frame. I will get an answer as to why it was delayed. There were some requests, but I can get that and bring it back to the house.

Mr Pengilly interjecting:

The SPEAKER: The member for Finniss is warned for the second and final time. The member for Schubert.

HOUSING IMPROVEMENT ACT

Mr KNOLL (Schubert) (15:05): My question is to the Minister for Social Housing. Was a regulatory impact statement completed for the changes to the Housing Improvement Act?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (15:05): I don't believe that it was. I will double-check and get back to you.

COUNTRY ROAD SPEED LIMITS

Mr BELL (Mount Gambier) (15:05): My question is to the Minister for Regional Development. Does the minister support the Labor government's push to lower speed limits to 100 km/h on country roads?

The SPEAKER: I am not sure that the minister to whom the question is directed has any responsibility to the house for that, but, Minister for Transport.

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (15:06): Thank you, Mr Speaker. As members might be

aware, the responsibilities for managing the roads in terms of infrastructure and the policies around what occurs on those roads, such as speed limits, is shared between the Minister for Transport and Infrastructure and the Minister for Road Safety, so it is not perhaps fair or relevant that that question is put to the Minister for Regional Development.

I am aware that there are a lot of concerns from regional communities about proposals to change speed limits, and I know that this is something that the Minister for Road Safety is giving active consideration to, so I will seek some further advice from him, the minister in the other place, and come back to the house with a response.

NYRSTAR TRANSFORMATION PROJECT

Mr WINGARD (Mitchell) (15:06): My question is to the Minister for Regional Development. Can the minister tell the house the number of local jobs that have been created for the people in Port Pirie through the Nyrstar Transformation Project, and how many local producers and businesses are supplying the project and camp?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (15:07): We will get an exact number for the member, but I pose this question in response to his question: how many jobs—

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: It's nearly over. You can spend time on the backbench and I'll comfort you when they sack you.

Mr GARDNER: This is clearly debate. He is on two warnings. He is defying your earlier rulings for him not to do that anymore.

The SPEAKER: The member for Morialta is very close to departing himself for an impromptu speech. Minister.

The Hon. A. KOUTSANTONIS: Thank you, sir. I suppose the real question is: how many jobs would have been lost in Port Pirie? What would Port Pirie's future have been had the member for Frome not intervened and worked with the government to come up with a solution?

An honourable member interjecting:

The Hon. A. KOUTSANTONIS: Yes. The people of Port Pirie were abandoned by the commonwealth government, like the people of Elizabeth were with General Motors Holden; and, of course, on 2 July they will remember why that occurred. The member for Frome's intervention has seen a record level of investment in Port Pirie. There are cranes across the skyline, there are people employed, working. There is a long-term future—

The Hon. J.M. Rankine interjecting:

The SPEAKER: The member for Wright is called to order.

The Hon. A. KOUTSANTONIS: —for that community. I have to say that, in my many, many travels there, Port Pirie is an optimistic, forward-looking community. You know that its best days are ahead of it, not behind it, and the reason for that is because of the work that the member for Frome, with his community, has done in advocating on behalf of his community to make sure that they get an investment in Port Pirie, because the alternative, quite frankly, would have been devastating.

It would have been devastating for the Upper Spencer Gulf and devastating for Port Pirie and, quite frankly, the cost to the state government and the commonwealth government of the clean-up, remediation and social costs had we not intervened would have been traumatic for all taxpayers.

Mr Marshall: What you are doing for Arrium?

The Hon. A. KOUTSANTONIS: The Leader of the Opposition yells out, 'What are you doing for Arrium?' Well, Mr Speaker—

Mr Marshall: All talk, talk, talk.

The Hon. A. KOUTSANTONIS: And he says, 'It's all talk, talk, talk.' Well, the Prime Minister doesn't seem to think so. He has written a letter to the Premier thanking him for his cooperation, but yet again the Leader of the Opposition is out there on his own with no allies and no policy. He is simply the highest paid whinger in South Australia. He is paid a massive government salary just to whinge and complain.

Mr GARDNER: Point of order, sir.

The Hon. A. KOUTSANTONIS: It's getting embarrassing.

The SPEAKER: Point of order.

Mr GARDNER: In debating this, the minister continues to defy your ruling, despite the fact he is on two warnings.

The SPEAKER: Despite the froideur between myself and the member for Morialta, I will uphold that point of order.

The Hon. A. KOUTSANTONIS: Sir, I think it's legitimate for the opposition to question the government on its policies. I think it's legitimate. What is not legitimate is when the opposition have no alternative policies of their own to critique against ours.

Grievance Debate

EMERGENCY SERVICES

Dr McFETRIDGE (Morphett) (15:10): With the end of the bushfire season and the start of winter coming on with the wild weather, we really need to recognise and value our volunteers in the CFS and the SES. There was no better example than last Monday, when South Australia was hit with gale force winds, high tides, flooding, trees down and building damage. It was an absolute disaster, but our CFS and SES volunteers were out there with their MFS colleagues doing an exceptionally good job responding to the many, many hundreds, some people said over 1,000, calls for assistance.

The problem we have is that the dispatching of SES and CFS to calls is not as coordinated as it should be. In 2007, there was an MOU (a memorandum of understanding) signed by the three chief officers of the CFS, MFS and SES, which said that the 'nearest and fastest appropriate resource will be responded'. That memorandum also then went on to say:

> The above principle will be used in future revisions of despatch policies and principles, including the development of the database for the South Australian computerised despatch system.

What we are seeing is SES volunteers racing all over the metropolitan area into the Hills where other, faster, closer resources who are trained in exactly the same manner to respond to these calls could be used. Our SES volunteers are being run ragged. They are exhausted, and we need to make sure that we are supporting them with better triaging and a better callout system—a system that was agreed to in 2007, not one that we have now that is abusing and not appreciating our volunteers.

Unfortunately, comments that have been in the media and comments I have made are being completely misconstrued by some people out there. Comments are being put on social media which are defamatory, but I am a big boy, so I can wear that sort of stuff. There are comments that have been put on even as late as today by people who are signing as leaders of SES units which, unfortunately, are inaccurate. They are quite wrong and misinformed. I am really looking forward to speaking to these people to make them understand what is going on.

I was actually accused of releasing on a social media site people's personal and private information about emergency callouts. Let me tell you that Google SAGRN Paging is there for everybody to see, all the time, any time of the day or night. Let's just look what happened at three minutes past midnight this morning.

In response to 15 cows loose on Maidment Road at Meadows, where was I at three minutes past midnight this morning? In bed. I got out of bed and went and helped put the cows back. Twenty kilometres away, the Strathalbyn SES were called out to do exactly the same thing. We had the cows put back. The poor sods from Strathalbyn SES had a stopped call turnaround. This was two hours out of their lives. They could have stayed in bed, as we had the job done. Meadows CFS

was there. Echunga CFS, which was six kilometres away, not 20 kilometres away, could have been called if we had needed further assistance.

We need to see better coordination, and this is what this is about. It is not about in any way degrading or denigrating our volunteers, the way they work and the way they push themselves to the limit to serve South Australians. This is about making sure that the minister in the other place recognises the fact that there are changes that are needed. We need to make those changes today because our volunteers are tired. They are exhausted. We have a long winter coming with another bushfire season coming up. We want our volunteers to be there when they are recalled. We want them rested, we want them relaxed, so they can respond.

When the bells drop, when the pager goes, our volunteers are running towards the emergency whilst other people are running away. They are risking their lives, they are risking their family time and in some cases they are risking their jobs to serve this community. We need to make sure that we are not in any way using our volunteers for a political purpose, and there is no way I would ever do that. I am on the record as having fought for and continuing to fight for not having one fire service and for also recognising the terrific individual services, recognising the fact that we need to have the volunteer charters in legislation, and recognising the fact that our volunteers deserve the best equipment and training that they can possibly get.

We need to make sure that our volunteers are not being abused by this government—because they are. They are being used, abused and taken for granted. The government thinks they will not walk away; well, they are getting very tired. They need to be recognised for the work they are doing. This government does not get volunteers—they do not understand them. Certainly, the ex-shoppies union minister next door has no idea.

I thought the previous minister was a rookie. Well, this bloke is rank rookie; he has no idea. He needs to understand that the Lobethal SES is not in the southern suburbs. He needs to understand that these people are volunteering and making massive sacrifices for this community. It would cost us billions of dollars to replace them. We must value our volunteers.

GENERATIONS IN JAZZ

Ms BEDFORD (Florey) (15:15): On 7 May, I attended the 2016 Generations in Jazz at Mount Gambier, and I acknowledge that the member for Mount Gambier was present, although I did not see him. He could have been at the Rotary sausage sizzle, and that may have been why I missed him. I went along with the principal of Modbury High School, Mr Martin Rumsby.

The reason I go has been the same for the at least the past 15 years: to support Modbury High School, who were in the competition again this year. Eighteen students were accompanied by three staff: Ms Rosie Carr, the band conductor; Ms Joan Baker, who helps with all the musical extras and much more; and Mr Adrian Hitch, who drove the bus. Modbury High School is the only public school out of the 52 bands who competed in division 3 in both sections 1 and 2 that was not a special interest music school.

As we arrived, it was obvious that a bigger tent was in use, and there were more performance pavilions in use this year as well, named after such luminaries as Ed Wilson, James Morrison himself, Ross Irwin, the late Alan Scott, Rick Elliott, Ron Evans, and Graham Lyall. Word has spread since the James Morrison Academy made Mount Gambier its home, and it is to James Morrison and his connections to which all credit must go, as I believe Generations in Jazz has now become the largest event of its kind in the world.

The concerts are the highlight of the weekend and they welcome international acts. This year, we had Australia's own Kate Ceberano, The One O'Clock Lab Band, multi Grammy award-nominated Wycliffe Gordon, and The Idea of North, who were joined by Kaichiro Kitamura, James Morrison and Ross Irwin and a host of other Generations in Jazz alumni, musicians and vocalists in what I have been told was the most fantastic event ever. James tells us that The One O'Clock Lab Band has been the most legendary college band in the world for the past 70 years, having performed with jazz legends like Duke Ellington and Stan Getz, and at festivals like Montreux and Birdland in New York.

The results this year are as follows. In division 1, where nine bands were competing, first place went to Blackburn High in Victoria, with second place going to Marryatville in SA, and that rivalry continues. Unfortunately, Marryatville have let them have the march on them this year. Division 2 Section 1 first place went to Prince Alfred College—that might not be the South Australian school, but I do not have that on my results here. There were 14 bands in section 1. Section 2 had 15 bands, and it was won by Carey Baptist College in Western Australia.

Division 3, which had 26 bands in section 1, was topped by Eltham High in Victoria, and Division 2 had 26 bands, with Westbourne Grammar in Victoria winning that section. Modbury High School finished a very credible 14th out of the 25 bands in the section—one of them must not have shown up. Division 4 had 20 bands in Section 1, and was won by Macleod College from Victoria. Division 2 had 23 bands and was won by Lowther Hall from Victoria.

Division 5 had 31 bands, but I do not have those results. The full results are of course available at www.generationsinjazz.com.au. I must mention that, in the Vocal Ensemble Division 2, first place went to St Ignatius College in South Australia. This year's James Morrison Jazz Scholarship went to the ACT's Matt Nicholls and the Generations in Jazz Vocal Scholarship went to Kayleigh Pincott from Queensland. Generations in Jazz has become an iconic South Australian event. Hundreds of people turn up, with more than 160 bands who participate in this unique, as James puts it, 'passing-it-on jazz tradition.'

Our thanks must go to James Morrison and all involved in both the musical side and administration arm. From modest beginnings, overseen by the early boards of Generations in Jazz and Karen Roberts, who for me was the face of Generations in Jazz from the time I began going, we have something that gets better and bigger every time it is staged. Special thanks must go to all the sponsors, far too many to name but they are on the website, and the hundreds and hundreds of volunteers who make sure everything runs so smoothly, from feeding the hundreds and hundreds of participants to making sure rehearsal spaces are available and ensuring that the performance spaces are ready for competition, and everything else in between.

On behalf of Modbury High School, I want to thank the instrumental music service for, without the input of these highly skilled and dedicated musical teachers, schools such as Modbury High would not be able to receive such a high standard of tuition that sees them able to compete at such an elite level.

While on the topic of bands, the Band of South Australia Police was in London just the day before yesterday at the spectacular event held at Windsor Castle to mark the 90th birthday of Her Majesty The Queen. The only other Australian band invited to appear was the Pipes and Drums of the Royal Caledonian Society of South Australia. Kylie Minogue also appeared on the program and she was happy to see that two of her songs had been included in the band's medley of musical items. We should be so very proud of both bands and, when they come home, make sure that we take them into our hearts and perhaps give them the key to the city. I think they deserve something as good as that.

STURT POLICE STATION

Mr WINGARD (Mitchell) (15:21): I rise today to speak on the wonderful work of the Sturt Police Station and my concerns about SAPOL's proposal to change its hours of operation. The Sturt Police Station is a vital service in my community and the surrounding suburbs. The police and staff must be congratulated on their outstanding service to the community. The Sturt Police Station is a well-respected local service. They do wonderful work, and I want to ensure that they can continue to do so in the future.

SAPOL's internal review has suggested that the Sturt Police Station halves its hours of operation, from being a 24-hour station to opening between 9am and 9pm. They were seven days a week and 24 hours a day, and now they are going to seven days from 9am to 9pm. My office speaks to many staff at the Sturt Police Station on a regular basis, from the admin officers to senior sergeants and everyone in between. Knowing we have the support of the local police station just up the road is important to my office and my community.

I can also speak on behalf of the members for Davenport, Bright and Morphett who I know work regularly with the Sturt Police Station, and they think they do a fantastic job. I know the federal Liberal candidate, Nicole Flint, has also contacted my office concerned about the reduction in hours, and it has been raised with her in our community as well.

Domestic violence is an issue in all of our communities, and many of my constituents contact me with their own stories and experiences of domestic violence. With a reduction in the opening hours of the Sturt Police Station, I am concerned that constituents of mine seeking a safe place will no longer be able to go and take refuge at the Sturt Police Station. However, my main concern is that we may be embarking on a slippery slope. This time next year, will we see 9am to 9pm reduced to Monday to Friday, 9am to 5pm? How far down the path are these service reductions going to go?

As we know, it is impossible to unscramble the egg once these changes have been made. Twelve months ago, eight metropolitan police stations closed and we are now being told that another 10 stations will have changes to their hours of operation. This includes reducing seven metropolitan stations from being open seven days a week to now just Monday to Friday between 9am and 5pm.

When the Hallett Cove Police Station closed its doors 12 months ago, I wrote to the police minister about the concerns of Sheidow Park and Trott Park residents. Many constituents contacted me concerned about the increased graffiti around the suburbs and on the brand-new Hallett Cove library. At the time, I was assured there would be added police presence in the area to compensate for the closure of the police shopfront at the Hallett Cove shopping centre. Importantly, SAPOL's review notes:

> While a 'front office' may be closed, this does not preclude response police deploying from the building over a 24/7 period to provide a mobile policing response.

That is vital and we need that in our area. If the shopfronts or the police stations are going to close, we need to ensure that 24-hour police response to make sure that our community feels safe. From my own experience, I have been down to the police station trying to obtain a police clearance. Also, when we go to get these DCSI checks, we know how long that drags on and we need to be able to access the police station for these police clearances so we can coach the local football teams and be involved in our community. Of course, some people need to do this out of hours so they can contribute back to our community.

Earlier this week, we heard that the crime statistics in Adelaide indicate that theft and fraud are on the rise. SAPOL's figures show that theft offences rose by 9 per cent in SA last year, averaging more than 115 incidents across the state each day. In the Sturt area alone, there were over 6,500 theft and related offences. It was interesting to note too that the Law Society's SA President, David Caruso, said that the rise in theft, fraud and deception offences was likely linked to the state's rising unemployment rates and economic decline.

We know that South Australia has for over 12 months now sat at the bottom of the unemployment table under this Weatherill Labor government, and it is an absolute disgrace that we are languishing so far behind all of the other states. Again, we can see the link with unemployment across to increased rates of crime in the areas, so it is something to be concerned about, as the Law Society SA President states.

I understand the need to balance efficient policing with administrative services, but I want to assure the people in my community that I will fight to ensure that our community services that we value and rely on will remain in our area. I will do everything I can to ensure our community has the best cover and protection from our police service and that our hardworking officers have all the support they deserve.

COLTON ELECTORATE

The Hon. P. CAICA (Colton) (15:25): I consider it a great honour and privilege to have represented the wonderful people of Colton in this place for the past 14 years—and there is one of my constituents up there in Hansard. It is a fabulous—

Dr McFetridge interjecting:

The Hon. P. CAICA: At least I won't get knocked off, Duncan. It is a fabulous electorate, and I have been heard to say in the past, and I will say it again—

Members interjecting:

The DEPUTY SPEAKER: I am on my feet. While it is fine to have some audible giggling, interjections are not going to be tolerated. He is entitled to be heard in silence.

The Hon. P. CAICA: Thank you, ma'am. As I was saying, it is a fabulous electorate, and I have been heard to say in the past, and I will say it here again today, that we in the western suburbs live in the best part of the best city in the best state in the best country in the world. I might be called biased or parochial, but I believe this to be true.

In Colton, primarily a residential electorate, we have the suburbs of Fulham, Fulham Gardens, Kidman Park, Grange, Henley Beach, Henley Beach South, part of Seaton, and part of Lockleys. These are highly sought-after suburbs, and this can be evidenced by the significant increase in house prices since the time I have been in this place. And why wouldn't this area be exactly that? It is close to the city, close to the beach, great beaches (beaches with a little less sand at this point in time than they had a week ago, but still great beaches), great schools and sporting and community organisations.

Mr Duluk interjecting:

The DEPUTY SPEAKER: The member for Davenport is called to order.

The Hon. P. CAICA: One of the most beautiful streets among the many in my electorate is East Terrace, Henley Beach, which runs between Henley Beach Road and Grange Road, not far from our beaches. It is for at least half of it a street tree-lined with old Norfolk Island pines. It is also a precinct determined by the City of Charles Sturt council as a local residential heritage zone. This of course, and quite rightly so, has certain restrictions on development, given the nature of this precinct.

Recently, many of my constituents living in and around this precinct were advised by the City of Charles Sturt council that a category 3 application for development had been submitted for the construction of a 35-metre phone tower on the grounds of the old Telecom exchange site located on East Terrace at the corner of Durham Street, currently owned by the Telstra Corporation.

It is safe to say that my office and I have been swamped by people expressing grave concerns about this proposed development, and that is I think quite rightly so. This proposed development, 35 metres in height, is not appropriate for this area. Whilst I know that this type of infrastructure is needed, I also know and accept that wherever phone towers are placed they are often controversial. This proposed development smack bang in the middle of a local heritage zone is, in my view, not only inappropriate, as I said, but also a most ridiculous proposal. Quite frankly, what on earth is Telstra thinking?

Interestingly, I met with Telstra some time ago, which I appreciated, regarding possible and proposed locations for a similar structure in the Grange area. I worked through this methodically with the Telstra representatives with whom I met, provided answers to the questions they asked, and in fact I believe we all found this to be a productive meeting. So, I was quite surprised, when a week or so ago I received, along with many others, this development application via the Charles Sturt council without there being, as there had been previously, any discussions with Telstra before it submitted this particular application.

I wish that Telstra's representatives had sounded me out because I would have informed them that such an application for this type of development in this area is inappropriate, quite ridiculous, and that they should expect a God-almighty fight. I would have also informed them that they should be investigating alternative sites that are more appropriate and far less intrusive. I could have even provided them with alternative sites for them to investigate.

The number of objections that are being lodged is unprecedented, in my memory. I know that all those people who are objecting are seeking an audience before the council's DAP, but also many of them are seeking to meet with Telstra, as I have in my application of objection. My

constituents are well-considered people. They are not driven to anger very easily, but when called to action I say, 'Watch out'.

Some of the concerns they have expressed are not only about the amenity and the loss of amenity through such a ridiculous structure, but also they are expressing concerns about the dangers associated, or believed to be associated, with phone towers. From my perspective, I think the jury is out and we probably will not know for a generation or so whether or not there are any health dangers associated with it but, notwithstanding that, it is a genuine concern of my electors and, as such, a genuine concern for me.

I am also pleased to report that the local candidate for Hindmarsh, Steve Georganas, is also involving himself in this particular matter and that he is working with his former—

Members interjecting:

The DEPUTY SPEAKER: Order.

The Hon. P. CAICA: —colleagues and hopefully his—

Mr Whetstone interjecting:

The DEPUTY SPEAKER: Order, member for Chaffey.

The Hon. P. CAICA: —colleagues after the next election, and I appreciate his involvement as well. It was alright for the member for 'whatever it is called' over there to say something about Ms Flint, but not alright for me to say that.

Time expired.

Mr Whetstone interjecting:

The DEPUTY SPEAKER: Order!

CROWN LAND

Mr PENGILLY (Finniss) (15:31): I draw the house's attention to yet another debacle that the Minister for Environment, minister Hunter, in another place seems to have become involved in. Some months ago, I wrote to the minister and subsequently have sent reams of material that have been coming through my office in relation to a property at 74 Hindmarsh Road, Victor Harbor.

The owners of the property, Mr and Mrs Bradford, have found themselves in the middle of some sort of storm over their proposal to further add to some building on a parcel of land there that is owned by the Crown. They have built a retaining wall and a substantial staircase. My investigations have informed me that this has not gone through and it has not been sold by the Crown. On inquiry to the City of Victor Harbor council, they have given approval for part of this process (the retaining wall and then later for the staircase), but according to the minister's office they have done that without checking on the ownership of the land.

My advice is that they do not have to check on the ownership of the land. The local government authority receive an application for a building or structure and approve that, as opposed to the ownership of the land. I am having some trouble getting a straight answer on that from various quarters, and I am still not convinced about where things are at. However, of interest to the house is the fact that this retaining wall is enormous, but more so that the staircase, which leads down onto the crown land, blocks the bike track and is adjacent to the railway that comes through from Goolwa to Victor Harbor.

There is something rotten in the state of Denmark—something very rotten. My view is that somebody in the department has given tacit approval for some of this to take place and that the landholder believes (and I am only assuming this) that the tacit approval allows them to go ahead and build. About a fortnight ago, I rang the minister's office to speak to the chief of staff. I was dealing with Mr Tom Mooney, but he has gone and the minister has a new chief of staff. I asked the minister's office to get the chief of staff to contact me, as it was something of an urgent matter. I am still waiting a fortnight later to hear from the chief of staff. It is simply not good enough.

This has become a huge public furore. It is filling up the local paper and it has residents up in arms. It has adjoining residents up in arms, and in my view it is a complete debacle. I have not brought it into the house before this time because I thought some sort of sensible outcome might have been arrived at. My question to the government is: what is going on with this piece of crown land? Has it been sold? If it has been sold, how much has it been sold for?

It seems to be some sort of conspiratorial deal, and I am perplexed over the whole thing. I am even more disgusted that the Minister for Environment chooses not to return correspondence to me to tell me what is going on. I have said to adjoining residents that if they are feeling so strongly about it there is not much I can do apart from advise them to take out some sort of legal action to stop the thing. The retaining wall has gone up and it is enormous—it is absolutely enormous. A tree was removed, according to the information that I have, in consultation with Victor Harbor Coast Care; I am not sure that took place. The retaining wall was built at a cost of in excess of $200,000, and this is onto a piece of land the residents do not even own.

What is going on in this socialist utopia of South Australia? Are public servants giving the go-ahead to people to build on crown land, not to sign off on it, not to have some sort of title on it? Are the local councils being confused by what is or what is not going on? I ask the house to consider these matters because it is a microcosm of what may be going on in other parts of South Australia. Simply speaking, it is not good enough, and the Minister for Environment needs to come clean and state exactly what is going on in this particular issue and clear the air on it for the sake of everyone.

Time expired.

NAPIER ELECTORATE

Mr GEE (Napier) (15:36): I rise today to speak about a number of ANZAC events in my electorate and also our dedicated and hardworking volunteers in the northern suburbs. On 25 April this year, millions of people across our country gathered to remember those who gave their lives that morning on the Turkish cliffs 101 years ago.

Always a sombre affair at the Elizabeth RSL, crowds gathered in quiet reflection of the military sacrifice made by so many Australians who paid the ultimate price when they gave their lives for our nation. Australia is a proud nation of promise, opportunity and commitment to justice, a great nation that their sacrifice helped create. We paid our respects not only to the Australian men and women who have served in wars, peacekeeping missions or other roles across the last 117 years but also to those who work on the farms and factories, the miners, timber workers and everyone who has supplied and supported our service men and women while they do what is required to ensure our freedom.

At Smithfield, the commemoration started on ANZAC eve with the overnight vigil featuring the Playford International College choir. It was a calm and cool night as the flag raising and hat placing ceremonies were observed. The first guard of the night mounted the memorial, with guard changes every 30 minutes throughout the night until dawn. The duty to maintain this vigil was shared by our local young people from Edinburgh Park Scouts, Playford District Girl Guides, St John Ambulance Playford and Golden Grove cadet divisions and other young people and leaders from across the north. The vigil is in its fourth year and is organised by volunteer leaders in conjunction with the City of Playford.

The Smithfield Sports and Social Club supports the vigil and provides a wonderful breakfast following the dawn service. Thank you to all those young people who guarded the memorial throughout the night. A special mention to Alan from St John Ambulance who was the commander of the flag and hat ceremonies for the vigil opening. Alan served overnight and then commanded the flags for the dawn service. I must also give thanks to Suzanne McHale from the City of Playford; Alex Coates, Karina and Arron Jones, and Hayden Colson from St John; Brett Kallin and Darrell Morcom from Scouts; Katrina Stroet and Angela Wareing from guides; as well as Andrew Davey from the T.S. Stuart Navy Cadets. The dawn service at Smithfield was led by Pastor Bryan Sellars, with music again provided by the Playford International School choir. It was attended by more than 2,000 people.

At One Tree Hill, over 1,000 people braved the chilly morning to attend this solemn and moving service. Thank you to the Royal Australian Navy, Army and RAAF personnel who assisted the One Tree Hill Progress Association, and great work by June Owens, Pat Jones and the whole One Tree Hill Progress Association team for their efforts. The One Tree Hill service concluded with a breakfast prepared by the One Tree Hill cubs and scouts, following which attendees could take the opportunity to view a comprehensive display of memorabilia from the war years. A collection was donated by local residents and is of a very high standard. A large crowd also gathered at the Elizabeth RSL, where the acting president, Frank Coker, and his team ensured that the service was well organised and went off without a hitch.

I, like all Australians, am proud of our country and the military personnel who serve our great nation. Last week, across the nation, we recognised the efforts of our volunteers. I want to take some time to thank our volunteers who give their time so selflessly: groups like our emergency services and front-line volunteers from the Dalkeith and One Tree Hill CFS brigades, the Edinburgh SES, St John Ambulance Playford and Gawler, the Playford Community Fund, the Northern Domestic Violence Service, Northern Carers Network, Anglicare, St Vincent de Paul, and the Salvos. These volunteers tackle fires, road crashes, storm damage, and medical emergencies, or provide front-line support, with food, shelter, counselling, and other essential services to some of the most disadvantaged in our community.

It was interesting when I met some of the hardworking and long-serving Lyell McEwin Hospital volunteers last week: 800 volunteers from the Lyell McEwin who are committed to assisting the patients and relatives at either challenging or positive times in their lives. They do this through ward visiting, providing directions, raising money through gift or op shops, and completing gardening. I also thank the volunteers who assist the City of Playford and especially the Playford Greening volunteers who recently celebrated 30 years of service, particularly Pauline Frost. There are also dedicated volunteers at the Town of Gawler, sporting and other not-for-profit organisations, including Davoren Park Youth and Community Club, Rotary, Lions, and our local churches.

Bills

NOTARIES PUBLIC BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:42): Obtained leave and introduced a bill for an act to provide for the admission and enrolment of Notaries Public and to regulate the practice of Notaries Public; to make related amendments to the Legal Practitioners Act 1981; and for other purposes. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:42): I move:

That this bill be now read a second time.

The eminent authority on notaries public, Peter Zablud, defines a notary as:

> A practising lawyer who holds a unique public office of trust and fidelity, and who, among other things, has the internationally recognised power and authority to prepare certificates of Australian law, and deeds and other instruments of all kinds, authenticated by his or her signature and official seal in a manner which renders them acceptable to the judicial or other public authorities in the countries in which they are produced.

Notarial acts and certificates are recognised in the countries of the British commonwealth and some civil law countries without the need for further certification from the Department of Foreign Affairs and Trade or foreign diplomatic missions. However, in addition to requiring documents to be notarised, many countries also require a notary's authority, signature and seal to be officially verified or 'legalised' before notarised documents can be used. Legislation is performed by the Department

of Foreign Affairs and Trade or by consular officers of the country in which a notarised document is to be produced.

Notaries public produce almost 50 per cent of all documents presented to the Department of Foreign Affairs and Trade for legalisation. With the continuing emphasis on international business in this state, it is expected that the role of notaries public in commercial contexts will grow in importance for South Australia. In order to maintain a high standard of notarial practice and ensure that notaries public are appropriately qualified, this act will reform the laws governing the admission and qualifications of notaries.

I thank, in particular, Mr John Harley, who has been a passionate advocate for the appropriate recognition of notaries for many years. I seek leave to insert the remainder of the second reading explanation in *Hansard* without my reading it.

Leave granted.

The new Act will:

- restrict the office of notary public to legal practitioners of at least five years standing, who hold a current practising certificate;
- where a notary public ceases to hold a legal practising certificate authorising them to practise law, they will not be entitled to practise as a notary;
- The Legal Practitioners Education and Admission Council in consultation with the Notaries' Public Society will make the rules concerning the qualifications for admission, and the requirements for post-admission education and training;
- provide the Supreme Court with the power, should it think fit, to suspend a person from practising as a notary public (and also allow for the lifting of such a suspension); and
- include a transitional provision allowing those persons admitted to the office of notary public prior to the commencement of the new Act to continue practising as a notary as if they were admitted as such under the new Act (providing also that such persons are exempt from the requirement to maintain a current legal practitioners practising certificate).

To restrict the field of applicants to legal practitioners will service the public interest and ensure that consumers receive a high quality of professional service. Under such a restriction public notaries, as legal practitioners, would be subject to normal legal practice discipline in accordance with the *Legal Practitioners Act 1981*.

Although restricting appointment of notaries to legal practitioners would limit the number of providers in the market and may be viewed as anti-competitive, it would ensure that all notaries are suitably qualified (having a strong understanding of the law), be properly insured (under the Law Society's professional standards scheme) and subject to regulated standards of professional conduct (under the *Legal Practitioners Act 1981*, for conduct occurring in connection with the practise of law). The public benefits of such a restriction outweigh the costs that may be involved in its implementation.

I commend the Bill to Members.

Explanation of Clauses

1—Short title

This clause provides the short title of the measure as the *Notaries Public Act 2016*.

2—Commencement

This clause provides for commencement on a day to be fixed by proclamation.

3—Interpretation

This clause provides definitions for the purposes of the measure.

4—Functions of LPEAC

This clause gives functions to the Legal Practitioners Education and Admission Council for the purposes of the measure. These functions are—

(a) to make rules prescribing the qualifications for admission of a person as a notary public and rules prescribing the requirements for post-admission education, training or experience for a person admitted as a notary public and to monitor compliance with those rules; and

(b) to keep the effectiveness of legal education and training courses and post-admission experience under review so far as is relevant to qualifications for practice as a notary public.

Rules made prescribing the requirements for post-admission education, training or experience for a person admitted as a notary public may prescribe requirements in relation to the issue or renewal of practising certificates under the *Legal Practitioners Act 1981* subject to conditions.

5—Appointment of notaries public

This clause provides that a person may apply to the Supreme Court to be admitted and enrolled as a notary public of the Supreme Court if the person is entitled to practise the profession of the law in this State and has been admitted as a legal practitioner (in this State or any other State) for at least 5 years.

A person is entitled to be admitted and enrolled as a notary public of the Supreme Court if the person satisfies the Court that—

(a) the person's entitlement to practise is not subject to any limitation, restriction or other condition inconsistent with the carrying out of the functions of a notary public; and

(b) the person has complied with the rules relating to the qualifications for admission of a person as a notary public made by LPEAC or should otherwise be exempted from compliance with those rules; and

(c) the person is a fit and proper person to practise as a notary public.

A person admitted as a notary public is to make an oath in the prescribed form.

6—Powers and authorities of notary public

This clause provides that a person admitted as a notary public has all the powers and authorities (including the power to take affidavits) exercisable by law or custom by notaries public.

7—Roll of notaries public

This clause requires the Registrar of the Supreme Court to cause a roll to be kept of all notaries public admitted under the measure and, on application by a notary public, to grant a certificate in the prescribed form certifying that the person is a notary public duly authorised and admitted to practise as such in this State.

8—Investigations, inquiries and disciplinary proceedings

This clause provides that conduct of a notary public in performing the functions of a notary public is taken, for the purposes of investigations, inquiries and disciplinary proceedings under the *Legal Practitioners Act 1981*, to be conduct occurring in connection with the practice of law and also to be professional conduct of a legal practitioner.

9—Power of Court to suspend or remove name from roll

This clause provides that the Supreme Court may, on its own initiative or on application, suspend or remove the name of a notary public from the roll of notaries public if the Court considers that a ground exists for so doing. Suspension or removal from the roll results in a person ceasing to be admitted and enrolled as a notary public as specified.

10—Automatic removal of name from roll

This clause provides for automatic removal of the name of a legal practitioner from the roll of notaries public if the person's name is removed from the roll of legal practitioners maintained under the *Legal Practitioners Act 1981* or the relevant interstate equivalent roll. Removal results in the person ceasing to be enrolled as a notary public.

11—Person acting as notary public contrary to this Act

This clause provides an offence of acting as a notary public without being admitted as a notary public and also being entitled to practise the profession of the law in this State. There is a transitional provision that allows a person to practice as a notary public without being entitled to practise the profession of the law in this State if the person was admitted as a public notary under the *Legal Practitioners Act 1981* before the commencement of this clause.

12—Regulations

This clause provides that the Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, the measure.

Schedule 1—Related amendments and transitional provision

Part 1—Preliminary

1—Amendment provisions

This clause provides for amendment of an Act so specified in this Schedule.

Part 2—Amendment of *Legal Practitioners Act 1981*

2—Amendment of section 14C—Functions of LPEAC

This clause amends section 14C of the *Legal Practitioners Act 1981* to broaden the functions of LPEAC under that Act to include functions assigned under any other Act.

3—Amendment of section 17A—Conditions as to training etc

This clause amends section 17A of the *Legal Practitioners Act 1981* so that rules made in relation to post-admission training for notaries public may effect the issue or renewal of practising certificates subject to conditions under section 17A.

4—Amendment of section 21—Entitlement to practise

This clause is consequential.

5—Repeal of Part 7

This clause repeals Part 7 of the *Legal Practitioners Act 1981* which provides for the admission and enrolment of public notaries.

Part 3—Transitional provision

6—Continuation of roll and persons admitted to the roll

This clause provides that the roll of all public notaries kept by the Registrar of the Supreme Court under Part 7 of the *Legal Practitioners Act 1981* immediately before the commencement of this measure continues after that commencement as the roll of notaries public required to be kept by the Registrar of the Supreme Court under clause 7 of the measure and a person listed on that roll is taken to be admitted as enrolled as a notary public under the measure.

Debate adjourned on motion of Ms Chapman.

JUDICIAL ADMINISTRATION (AUXILIARY APPOINTMENTS AND POWERS) (QUALIFICATION FOR APPOINTMENT) AMENDMENT BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:45): Obtained leave and introduced a bill for an act to amend the Judicial Administration (Auxiliary Appointments and Powers) Act 1988. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:45): I move:

That this bill be now read a second time.

The Judicial Administration (Auxiliary Appointments and Powers) (Qualification for Appointment) Amendment Bill 2016 expands the categories of persons eligible to be appointed an auxiliary to include a person who holds a 'prescribed office in a prescribed court of a jurisdiction outside Australia'. This will allow judges of international courts to be prescribed for the purposes of being appointed auxiliary judges in this jurisdiction, depending on the circumstances and on the arrangements made with the courts in those other jurisdictions.

From time to time, the courts need to appoint auxiliary judges. The purpose of appointing an auxiliary judge may be for them to hear a particular case to cover leave of permanently appointed judges or for other similar reasons. I seek leave to insert the remainder of the second reading explanation in *Hansard* without my reading it.

Leave granted.

The appointment of judicial auxiliaries is governed by section 3 *Judicial Administration (Auxiliary Appointments and Powers) Act 1988*.

The *Judicial Administration (Auxiliary Appointments and Powers) Act* provides for the Governor, with the concurrence of the Chief Justice, to appoint a person to act in a specified judicial office/s on an auxiliary basis. *Judicial Administration (Auxiliary Appointments and Powers) Act* sets out the categories of person who are eligible for appointment on an auxiliary basis. It includes retired High Court judges, retired or currently sitting judges of the Federal Court, the Supreme Court of another State or Territory, the District or County Court of another State or Territory, the

Court of Appeal or the Supreme Court of New Zealand, or magistrates. It also permits a person who is eligible for appointment to the relevant judicial office on a permanent basis, or would be so eligible but for being over the age of retirement, to be appointed.

At present, the only international judiciary eligible for appointment are retired or current judges of the Court of Appeal or the Supreme Court of New Zealand.

The proposed amendment expands the category of eligible persons to include a person who holds a 'prescribed office in a prescribed court of a jurisdiction outside of Australia'. It will expand the scope of potential auxiliary judges available to be appointed to South Australian courts by permitting international courts to be prescribed.

It will permit, a judicial officer from another jurisdiction with particular expertise, perhaps of a technical nature, to be appointed to hear a case that would significantly benefit from that expertise.

It is intended that this may facilitate judicial 'exchanges' in appropriate circumstances. It will enable the judiciary to draw on the experience and expertise of international colleagues. This in turn may assist to improve processes and procedures, or substantive outcomes.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal. It is appropriate for the measure to commence on assent so there is no commencement provision in the Bill.

Part 2—Amendment of *Judicial Administration (Auxiliary Appointments and Powers) Act 1988*

3—Amendment of section 3—Appointment of judicial auxiliaries

This clause allows for the appointment of a person who holds a prescribed office in a prescribed court of a jurisdiction outside Australia as a judicial auxiliary in South Australia.

4—Insertion of section 7

This clause inserts a general regulation making power, reflecting the need to make regulations prescribing an office and a court for the purposes of the new provision to be inserted in section 3 of the Act.

Debate adjourned on motion of Ms Chapman.

Parliamentary Procedure

STANDING ORDERS SUSPENSION

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:46): I move:

That standing and sessional orders be and remain so far suspended as to enable Private Members Business, Bills, Orders of the Day No. 11, Family Relationships (Parentage Presumptions) Amendment Bill, set down in the *Notice Paper* for Thursday 19 May to take precedence over Government Business forthwith.

The DEPUTY SPEAKER: There not being an absolute majority present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

Bills

FAMILY RELATIONSHIPS (PARENTAGE PRESUMPTIONS) AMENDMENT BILL

Final Stages

Consideration in committee of the Legislative Council's message No. 71.

The CHAIR: This bill returned has been from the Legislative Council, and we have an additional amendment we are going to deal with first. Attorney, do you want to say anything about the additional amendment, that is, schedule A1 to insert after clause 1 a new clause 2? Is that right?

The Hon. J.R. RAU: Yes, that is right. I have a couple of amendments here which are basically all of a piece; the first one is with respect to schedule A1 clause 2. The first amendment makes clear that a certificate issued by the registrar under section 46 of the act may only contain particulars identifying the biological parents of a person with the written consent of that person, or if that person is not an adult each legal parent or guardian of that person. This is to ensure that the privacy of the person in question is protected.

For consistency with the amendments to section 14 of the act, this amendment provides that new subsection (1a) of section 46 expires on the day on which the donor conception register is established under section 15 of the Assisted Reproductive Treatment Act. Just to explain: there are some things in this legislation which will become redundant when that legislation comes in. So, there are some transitional matters which are being addressed here.

With respect to the second clause, clause 2(2), this amendment clarifies that amendments in schedule A1, which are the amendments to section 14 and 46 of the Births, Deaths and Marriages Registration Act 1996, will be taken to be revoked on the day the donor conception register is established by the minister under section 15 of the Assisted Reproductive Treatment Act 1988.

This deals with the situation where the donor conception register is established before the amendments contained in schedule A1 commence. Also, clause 2(3) is an amendment that inserts new subclause (3) into clause 2. The new subclause (3) would provide that, for the purpose of subclause (2) and any provision of the Births, Deaths and Marriages Registration Act 1996, the donor conception register will be taken to have been established on the day determined by the minister to whom the Assisted Reproductive Treatment Act is committed.

This will allow for the date to be clearly identified, an important factor given the effect that it will have on the amendments contained in schedule A1. There are really only two issues there: one is the consent of the person in question for these entries to be made; and the second one is for the alignment between this bill and the other act, the Assisted Reproductive Treatment Act, so that there are no gaps.

Ms CHAPMAN: I understand that the Attorney-General has just spoken to his amendments on his schedule of 39A, and I thank him for that. What has come back on a primary document, if I can call it that, is reference to the House of Assembly's amendment No.1, which the Legislative Council has agreed to, it appears, and then it has a Legislative Council additional amendment, which has been moved, as I understand it, by the Hon. Gerry Kandelaars, and that relates to an amendment to clause 2, the commencement date.

When the Attorney was helpfully advising us on what he intends to move and giving an explanation of it, that is an amendment to what? I do not have the Legislative Council's amended bill.

The CHAIR: We have sent it to them. They have sent it back to us.

Ms CHAPMAN: Normally, it comes back to us with an indication of what the bill is, as amended by them.

The CHAIR: I think they only think it is minor, though.

Ms CHAPMAN: It may be minor but, if we had the bill back we would then know what we are talking about. Can we send a request to the Legislative Council to send us back the bill in the amended form that they have passed, because that is strictly what they are supposed to provide back to us, and we will deal with this in the morning or whenever we can? It will then make sense when I listen to the wise contribution of the Attorney, followed by the wise contribution of Mr Kenyon.

The CHAIR: This is the amendment coming back from the Hon. Gerry Kandelaars. They are adding this clause 2 to our schedule and the Attorney is changing that by inserting a line, removing some words and then inserting more. I am advised that, because the second part of 39A in the Attorney's name is consequential, we are only dealing with the first two parts on his schedule 39A first.

The Hon. J.R. RAU: I move:

That the House of Assembly agrees with the amendment made by the Legislative Council with the following amendments:

Schedule A1—

Clause 2, inserted subsection (1a)—delete 'the biological parents of a child at the express request of the applicant for the search in relation to which the certificate is issued' and substitute:

a person as a biological parent of another person with the written consent of that other person or, if that other person is not an adult, of each legal parent or guardian of that person

Schedule A1—

Clause 2—after inserted subsection (1a) insert:

(1b) Subsection (1a) expires on the day on which the donor conception register is established under section 15 of the *Assisted Reproductive Treatment Act 1988*.

Ms CHAPMAN: I refer to amendment No. 1 in the name of the Attorney-General, with reference to the amendment to schedule A1 twice appearing. In respect of that, my understanding of the Attorney's position is that the first amendment is to ensure the privacy of a biological parent who has not consented to the release of information.

The CHAIR: Yes, that is what it looks like to me.

Ms CHAPMAN: That seems reasonable. The second amendment is to ensure that we line up with an anticipated piece of legislation which will make some sections of what we are dealing with at the moment redundant if and when the Assisted Reproductive Treatment Act is amended; is that correct?

The Hon. J.R. Rau: Yes.

Ms CHAPMAN: That sounds sensible; I cannot raise any objection to it at this point. From our point of view, all of this bill is a conscience vote and we do not have a party position, but I have no questions.

The Hon. S.W. KEY: I would just like some further clarification from the Attorney about why he is actually moving these amendments. I am not clear on why, at the last minute, we would be dealing with amendments that nobody who has been following this debate seems to know about. I would just like to know what the urgency is, and what they actually mean. Not having the bill or the information in front of me, it is a little difficult to know whether or not I support it.

The Hon. J.R. RAU: The urgency is that I understand this thing is supposed to be dealt with now. That is the reason for the urgency. As to these matters, it strikes me that if a certificate is going to be issued, under section 46, which contains particulars identifying individuals as biological parents, it is not unreasonable to actually have the consent of that person or those people for their names to be entered on that certificate.

The Hon. T.R. KENYON: It is my understanding—and the Attorney can clarify this or not—that this is already the current practice of the office of births, deaths and marriages, as to who can or cannot access information.

The Hon. J.R. RAU: I believe that is the case. But for this amendment, there is a question about who 'an applicant' might be, and I think it is important for that to be resolved.

Motion carried.

The CHAIR: We are now going to deal with the consequential amendment, which is on the second page from the upper house and deals with the second two. The Attorney might like to move the last two amendments on his sheet.

The Hon. J.R. RAU: I think, because my second amendment is 'on the one hand this and on the other hand that', it probably does not make any difference, but the second is attempting to align the operation of this legislation with the revocation, introduction or whatever of the other so that there are no gaps or untidy moment. I move:

Clause 2, page 2, lines 6 to 8—

Clause 2(2)—after 'the Governor' insert:

(unless the donor conception register is established under section 15 of the *Assisted Reproductive Treatment Act 1988* before that day, in which case Schedule A1 will be taken to be revoked on the day on which that register is established)

Clause 2, page 2, lines 6 to 8—

Clause 2—after subclause (2) insert:

(3) For the purposes of subsection (2) and any provision of the *Births, Deaths and Marriages Registration Act 1996* amended by this Act, the donor conception register will be taken to have been established under section 15 of the *Assisted Reproductive Treatment Act 1988* on the day determined by the Minister to whom the administration of that Act is committed.

The Hon. S.W. KEY: As much as this might be difficult, seeing that it is a Legislative Council amendment, can you explain what I am reading here as 'Clause 2, page 2, lines 6 to 8' actually means? Also, for clause 2(2) or clause 2, could you explain what the meaning of that would be should we support it?

The Hon. J.R. RAU: As I understand it, there is another completely separate piece of legislation, which is the Assisted Reproductive Treatment Act. That legislation contemplates that the minister to whom that is committed is, at some point in time, to establish a donor conception register, under section 15 of that legislation. At the point that that occurs, the subject we are talking about now becomes largely irrelevant because a new piece of legislation is then managing that matter. So, what we are dealing with here is an interim matter.

What I am trying to do with the suggested amendments here is to say that if this part gets operational before that register is complete, then certain things happen, and if that register is complete before this becomes law then other things happen, so that we don't have two things conflicting at the same time.

Motion carried.

The CHAIR: Now we are going to move the amended consequential amendment as amendment to which the member for Newland does not have to vote if he does not want to; or are we dealing with this separately? You have amended the clause, and we are now going to put the amended clause, and then we are going to talk to the amended clause before we vote on it, and then you do not have to vote for it.

The Hon. T.R. KENYON: Are you saying I do not need to move an amendment?

The Hon. J.R. RAU: You do not have to.

The Hon. T.R. KENYON: So I vote against the clause rather than moving an amendment to the clause?

The CHAIR: We are going to put the amendment as amended. There are two amendments rather than one. Could the person up there using the flash stop, please? It is hard enough to concentrate on what we are doing without flashes everywhere. You are talking to it, sorry, yes.

The Hon. T.R. KENYON: It is my intention to oppose the consequential amendment of the Legislative Council. Effectively, what we have come to is a disagreement, from my point of view certainly, about when the recording of biological information comes into operation. The original intent of my amendment, when it was in the house, was to ensure that the information around the biological parentage of a child was recorded and available to that child. My amendment had the effect of making sure that that was recorded on the birth certificate.

The Hon. Mr Kandelaars in the other place moved an amendment that moved the recording of that information from the birth certificate to the database. That is something that I am completely relaxed about because the original goal was to make sure that somewhere in someway the biological information about the parentage of the child was recorded, and that has been achieved by Mr Kandelaars' amendment, and for me that is a reasonable way to do it.

Now we are down to the consequential amendment, which delayed the start of that clause for 12 months. That is what I am opposing, the delay in that start. I think that information, if it is fit to be recorded, should be recorded straightaway. I understand that there is a review going on of a separate act which contains a register that would record this information, but that was always the case even when we were debating this clause the first time.

There is no reason, really, not to record this information. There would certainly be an administrative matter of the transfer of the information from the births, deaths and marriages database to the register, should it come into operation at a later date in the assisted reproductive technology bank. There is no reason not to start recording that. My view is that we should oppose the consequential amendment that delays the start of recording information, and I will be voting against this amendment.

Ms CHAPMAN: I think it comes back to you as a speaker because you are not moving your motion to amend. If you were successful, and the new database therefore was to be established straightaway, are you proposing that it assemble that information and, if and when the assisted reproductive technology act is passed and the regime under that comes into play, it will somehow or another be transferred; is that your proposal?

The Hon. T.R. KENYON: To be clear, the reproductive technology act is already in operation. There is a review of that act. Within the act there is the ability for the health minister to create a register of information about the parentage of children created using assisted reproductive technology. The review will look at whether that register, which is currently not in operation, should come into operation or not; so, that is underway.

If, under the current bill we are discussing now, the biological parent information is recorded on the database of births, deaths and marriages—which is not created, it already exists, it is just added to that—and then the register comes into operation at a later time, the transfer of information between those two will be an administrative matter. Nothing in either bill requires that information to be transferred. It would make sense to me that it does get transferred, but I suspect that is a matter for the health minister and the Attorney-General to work out between them.

It would make sense that that information is transferred, but at least if it is recorded immediately upon the passing of this bill, or when the bill becomes an act and comes into force, there is no reason why it cannot be transferred. I think the goal here is to record that information and make it available to children at a later point should they choose to seek it out. In my opinion, there is no reason to delay that by 12 months.

Ms CHAPMAN: The only question I have as a consequence of that is: if this database is simply going to be the raw data placed there, as per the act we are about to conclude the passage of, and the review that is to be undertaken under the Assisted Reproductive Treatment Act comes up with a list of things that ought to be put in as a criterion about what is to be included, what is not and who is to get access to it and the like, which is inconsistent with just the raw data which would otherwise be extant and available, as you are indicating, then are we then at risk of prematurely, I suppose, commencing the database before we have had the benefit of the review to identify what criteria should go with it?

The Hon. T.R. KENYON: It is possible that the review could identify further information about the children that should be recorded, but it is unlikely not to include information additional to the parents, in my view, rather than not include the parents and include some other information. It may come up with a recommendation. It is possible that the recommendation would be not to start a separate register under the Minister for Health, but in fact include all of that information under the births, deaths and marriages database; that is a possible recommendation as well.

The point is the child looking for something in the future to find their biological parentage, and if that is recorded somewhere that is the whole point of what I am trying to achieve. In my view, that is a worthy goal in itself. It should be commenced as soon as possible, and there is no reason to delay it for 12 months. I understand there is a review going on. The review may require further information other than just the parentage. I do not know, but I would be very surprised if it did not include the parentage.

Ms CHAPMAN: I think I understand now what you are attempting to do, and obviously you are avoiding any delay in the commencement of what you are principally trying to achieve. For example, this morning we discussed a legislative review paper that was proposing to set out a lot of criteria that ought to be applied for the Registrar of Births, Deaths and Marriages in the registration of transgender surgery and, in the event of those circumstances, all the information and the obligations that were to go with the relevant parties.

A whole lot of recommendations were there about what we were to do if there was a transgender of a child (that is, someone under 18) and a whole lot of rules about information (whether it should be on a birth certificate or whether it should be in a separate area), in other words, a code of practice that is to sit around the future of how we register change of gender and how the births, deaths and marriages registrar is to operate it. It just seems at the present time that, if we follow your approach, this new process is going to be naked of any instruction or detail of criteria upon which the registrar is to function.

The question then really arises as to whether you have had any discussion with the Registrar of Births, Deaths and Marriages as to whether he or she—I am not sure who it is at the moment—

An honourable member interjecting:

Ms CHAPMAN: —has actually indicated to you that she is happy to progress to this without having any real supporting regulatory regime as to how it is going to operate, what she is obliged to do, who she is obliged to give it to, whether there should be any circumstances in which it is to be withheld, and all those sorts of things. I am really asking about the rules that sit around the bare obligation, and whether she has agreed to do that.

The Hon. T.R. KENYON: Those rules were just passed a few minutes ago in the amendments that the Attorney moved, in that they limit who the information held on the database can be given to, and it is the child themselves or, in the event that they are under 18, the parent or guardian of that child. So, there is actually fairly tight criteria that we passed a few minutes ago. In terms of the technical difficulties, it is really adding a third person rather than the two.

Currently, we record the biological parents of a child because, for the most part, we record the mother and the father. That is where it is known, of course, because sometimes it is not known, so we record the mother and not the father. It is a necessary consequence of a same-sex relationship that there is a third person involved in the creation of a child and my amendments seek to record that third person. Technically, it is not a particularly difficult task; it is, effectively, another field in a database.

Mr KNOLL: I will make a few comments on this. First of all, the reason that this is getting confused, and we have had these subsequent amendments, is that essentially this parliament has already twice agreed to this principle. The idea of a register is something that is contemplated in the Assisted Reproductive Treatment Act and that already exists. When we dealt with this amendment when it was last before this chamber, this chamber agreed to an amendment that again reinforced the principle that somewhere we should be keeping the biological information.

The amendment from Gerry Kandelaars in the other place merely sought to move that from the birth certificate to the register. Again, that amendment is consistent with the principle that the biological information needs to be kept somewhere. In response to the deputy leader, the recommendation in the Legislative Review Committee's report on the inquiry into the Sexual Reassignment Act asks to do exactly the same thing.

I think recommendation No. 3 or recommendation No. 4 states (and I suppose it is slightly different) that where somebody changes sex that that information is not recorded on a birth certificate, but on a register or database that sits behind the birth certificate. So, it contemplates exactly the same types of things that we are contemplating here.

Ms Chapman interjecting:

Mr KNOLL: Yes; it is all trying to achieve the same end. I certainly agree with the member for Newland's proposal that this thing should start straightaway. This parliament has already twice voted that this information needs to be recorded somewhere, and I look forward to being able to vote

against that consequential amendment so that this important information is recorded from its proclamation.

The Hon. S.C. MULLIGHAN: Might I ask a question of the member for Newland, following on from some of the salient points that the deputy leader just raised. My question is, however, a bit more rudimentary, and that is, on the basis that the member for Newland's proposition succeeds and there is the immediate establishment of this database, what will be recorded, in that instance, on the birth certificate? Will it be the biological information or otherwise?

The Hon. T.R. KENYON: No. So, the effect of Mr Kandelaars' amendment in the upper house was to take the recording of the information from the birth certificate, which had been the effect of my initial amendment, and put it into the database. There is a database for all people in Births, Deaths and Marriages. Not everything that is on the database is on the birth certificate. This records the information so it is available and on that database that exists, and it can be requested by the child, which is what I was seeking to do, and they can know their full history, but it is not a public document in that it is not on the birth certificate.

For all intents and purposes, you will have a birth certificate with two parents, the nominal parents, who may be a same-sex couple or, in fact, the actual biological parents, so that would be on the birth certificate. On the database will be all three people involved. In the case of a same-sex relationship, it will be the two presumed parents and the biological parent—the third person.

The Hon. S.C. MULLIGHAN: I am sorry that I may be asking this in a manner which may require you to resort to the use of sock puppets to adequately explain this to me, but just to be absolutely clear, the intention of what you are attempting to achieve here is that the presumptive parents can appear on the birth certificate and any further information regarding, for example, the biological parents will not sit on the birth certificate necessarily; it will sit behind that on that database.

The Hon. T.R. KENYON: That is exactly right. The birth certificate still remains that sort of flexible document that allows the presumed parents to be on the birth certificate but not necessarily the biological parent because of whatever circumstances exist. The biological history of the child will be recorded on the database, but it will not necessarily show up on the birth certificate. Yes, you are right in your question.

The CHAIR: Everyone is with that now? Because what you are actually also saying is that it starts sooner.

Ms Chapman interjecting:

The CHAIR: It says 'three months' on the original act.

Ms CHAPMAN: But he is rejecting it altogether.

The CHAIR: He is saying '12 months'. The consequential amendment is saying '12 months'.

Ms CHAPMAN: Can I just clarify that? My understanding at this stage is that Mr Kandelaars has moved an amendment in the upper house which puts a three-month and 12-month time limit on the disclosure of the operation of the act. What has happened in it coming back to us is we have had a proposal by the Attorney to say, 'Let's get rid of that and make it contemporaneous with the transfer of certain other legislation', and the Hon. Mr Kenyon is saying, 'Get rid of it altogether. I don't want any time limit on it. Commencement is to be straight away.' If I have not got that right, can somebody tell me?

The Hon. J.R. RAU: That is basically right. Can I just say, for what it is worth, in respect of the member for Newland's points I have a great deal of sympathy with his proposition. In fact, I obviously agree with his point about people having every possible opportunity to have access to information about their biological parents. I totally agree with that, absolutely, but I ask members to bear in mind that this register, which is able to record this material, does not presently exist.

So, whilst I agree, again, with the member for Newland that it would be terrific if we could snap our fingers and as from today this information would be recorded, the fact is that the capacity to do that simply does not exist. I am concerned about the notion—albeit I understand why—of the parliament passing a piece of legislation which requires something to be done which all of us need to be quite aware will not be capable of being done at a moment's notice.

Ms CHAPMAN: It is just that the original bill says 'three months' anyway.

The Hon. J.R. RAU: Yes, and this has been one of the perennial issues with this bill. As a matter of reality, amongst other things, and leaving aside the question of the biological identity of a person which, as I said, I strongly agree with the member for Newland about, I am also aware of the capacities and the difficulties confronted by the registrar. I think it is my duty to make that information available to the parliament and not allow the parliament to blindly go forward and legislate to achieve something at a moment's notice which I know, and I think all of you need to know, will not happen. That is my proposition, that is all.

I do not disagree with anything in terms of the objectives or the principles that the member for Newland is espousing. What I am raising is a much more prosaic sort of matter, and it is simply capability. I am just asking that we, as a group, take that into account because to ignore that would be, I think, not responsible.

Mr KNOLL: I have sympathy for what the Attorney has just said, except that I am assuming a register was contemplated and passed as part of the ART Act. The fact that it has not already been put into practice after that act being passed suggests that whether there is a time limit or no time limit it will get done as soon as it can get done, and I do not think anything we do here necessarily changes that.

The Hon. J.R. Rau: But done by the registrar or done by—

Mr KNOLL: In this case we are saying done by the registrar.

The Hon. J.R. Rau: I do not think that is being—

Mr PICTON: I just want to clarify something, following what the Deputy Premier was saying. Could he give us some information in terms of what the potential time frame of doing this would be? On the face of it, it would not seem such a complex task to add another field to what they would already have as part of their existing database for entering all birth information.

The CHAIR: Are you trying to help, or are you being an agent provocateur?

The Hon. J.R. RAU: No, he is being helpful; he is asking a very pertinent question. It is a poorly known fact that I am not an expert in technology, so whilst it seems to me, as a matter of logic, that adding an extra little thing in somewhere should not be too hard, I do not know whether the machine is amenable to having another thing added in or not. I do not know anything about the IT side of things, other than ever since I have been involved in this place—and more particularly since I have been a minister—every time I hear the words 'IT' and 'estimate' I realise that something incongruous is about to emerge. I just leave that out there.

That said, the Hon. Mr Kandelaars' amendment went with a period of 12 months, which was intended by him to be a safe period. My advice is that Births, Deaths and Marriages say they would require a minimum of six months, so the answer is somewhere between six and 12, I guess. For what it is worth, I can say that once this goes through, in whatever form, it will be my request of the Births, Deaths and Marriages people that they get on with it quickly.

There used to be a thing on one of those computer machines where it gives you a spreadsheet—

Mr Picton: They still have them, spreadsheets.

An honourable member: Excel.

The Hon. J.R. RAU: Excel, that is it; you add in different things and you press buttons and graphs come out. I am not sure they have one of those that BDM. I am not sure it is that—

Mr Knoll interjecting:

The CHAIR: I am calling members to order, and we are now going to vote on the amended consequential amendment.

The committee divided on the consequential amendment as amended:

Ayes 18

Noes..... 22
Majority..... 4

AYES

Bettison, Z.L.	Caica, P.	Chapman, V.A.
Close, S.E.	Cook, N.F.	Gardner, J.A.W.
Hildyard, K.	Hughes, E.J.	Key, S.W.
McFetridge, D.	Mullighan, S.C.	Odenwalder, L.K.
Pisoni, D.G.	Rankine, J.M.	Rau, J.R. (teller)
Sanderson, R.	Weatherill, J.W.	Wortley, D.

NOES

Atkinson, M.J.	Bell, T.S.	Brock, G.G.
Duluk, S.	Gee, J.P.	Goldsworthy, R.M.
Griffiths, S.P.	Hamilton-Smith, M.L.J.	Kenyon, T.R. (teller)
Knoll, S.K.	Koutsantonis, A.	Pengilly, M.R.
Piccolo, A.	Picton, C.J.	Snelling, J.J.
Speirs, D.	Tarzia, V.A.	Treloar, P.A.
Vlahos, L.A.	Whetstone, T.J.	Williams, M.R.
Wingard, C.		

Consequential amendment as amended thus negatived.

The CHAIR: The committee has considered the amendments and consequential amendment referred to it and agreed to the additional amendments but not to the consequential amendment.

LOCAL NUISANCE AND LITTER CONTROL BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:42): As I was saying, the question also to be considered is the amendments to provide for the responsibility of the owner of a vehicle who is presumably departing the scene where they have dumped a whole lot of waste. What happens at present is that, when waste product is found, it is often difficult for the police, if they receive an inquiry or complaint about it, to actually ascertain who dumped the waste.

Members interjecting:

The DEPUTY SPEAKER: Order! I cannot hear the deputy leader.

Ms CHAPMAN: Sometimes, the nature of the waste in itself is so unique that it is quite obvious. Something that was recently identified was the disposal of a whole lot of horses that were apparently repeatedly dumped in a public park or reserve, so that would presumably limit the inquiries by the police to the people who were known to have owned horses. In this case, I think they were broken-down racehorses or something of that nature. I am only using this as an example because of the nature of what has been dumped.

If a particular building material was dumped, then we are obviously talking about people who might find it too expensive to dispose of building material that has been removed from the site in preparation for a rebuild or is excess to requirements in the new rebuild. Again, they are likely to be a select group: the owner of the property, the builder or—

Members interjecting:

The DEPUTY SPEAKER: Order! If members cannot cooperate with the speaker on her feet and enable the Deputy Speaker to chair the session for them, I am not sure how to handle it.

Everyone who is not speaking needs to sit down, and I do not want to hear any voices except from the member on her feet. Deputy leader.

Ms CHAPMAN: If it is just general household rubbish somebody wants to get rid of, then I suppose the police could swab it for DNA tests or something of that nature, and try to identify who might have been using the piece of refuse before it was disposed of. It may not actually prove who dumped it; nevertheless, it might narrow the group. As I understand it, it is often difficult to find the culprit who has disposed of rubbish.

What the government intends to do in this bill is at least create a liability or responsibility on the part of the owner of the car that might be seen, photographed or recorded in some way as leaving the scene of the crime (in this case, the dumping). I am not quite sure how that is going to operate, and perhaps the minister can explain. If this is going to be an easy way out for an easy prosecution, then I have some concerns about it. I accept that it is probably reasonable for people to be responsible for the use of their car, especially if it is for a criminal or summary offence, and to be able to at least assist in the inquiries as to who might have been driving their car at the time.

The fact is that by simply charging the offender with some responsibility, and therefore allowing them to be tied up in the process in some way, on the face of it this would be a lazy prosecution. There would not be any direct effort to find out who was driving at the time. It would simply be, 'This is a recording of evidence, this is the person whose car was seen at the scene and they will be prosecuted.' Apparently, the onus would be on the owner of the vehicle to come forward, and to presumably have the defence that they either did not know who had use of the vehicle at the time or did know who had use of the vehicle at the time but certainly had not authorised the use of that vehicle for the purposes of dumping waste illegally.

I certainly have some concerns about that, but I will say that I think it reasonable to have a civil remedy, which is being proposed here. Again, I am not entirely sure how that is going to work, but I think, in this area of public nuisance (including the disposal of rubbish) it is reasonable for us to look at ways in which we can encourage better behaviour by the statutes rather than by fining or imprisonment. With those few words, I indicate that I will be supporting the bill but, for obvious reasons, with significant reservation.

Ms WORTLEY (Torrens) (16:47): I rise to speak on the Local Nuisance and Litter Control Bill, and in doing so I recognise the importance of a bill that will establish clarity and consistency regarding responsibility for dealing with littering and local nuisance, as well as highlight the importance of real consultation and cooperation.

It aims to improve service delivery to South Australians and make the distinction between state and local government responsibilities clearer. Ultimately, it will improve the management of nuisances and littering across the state by introducing a number of important reforms to better regulate littering and illegal dumping, including tiered offences aligned to the severity of offending and public litter reporting.

As the member for Torrens, I, like other members in this place, receive complaints from constituents regarding noise, illegal dumping, animals, smoke and so on. I join my local Lions Club for Clean Up Australia Day, where we see firsthand some of the illegal dumping that occurs. These environmental nuisances are common, and they are not unique to my electorate. They are occurrences in all cities, and it is necessary that clear guidelines exist for dealing with such complaints.

This bill will see residence receive the same services regardless of where they live. As it currently stands in South Australia, we are the only state in which local government responsibility in this area is not legislated to some extent. While provisions do exist in the Environmental Protection Act 1993 for councils to manage nuisance, they are not mandatory and they lack consistency in their enforcement across councils.

This bill aims to ensure consistency of service to the community across these council boundaries, and it will deal more effectively with vexatious complaints and deliver better regulatory tools for enforcement. Recognising the importance of local and state governments working effectively together, the development of this bill has involved extensive consultation, including a ministerial

working group consisting of representatives from the EPA, the LGA, the Department for Health and Ageing, SA Police, KESAB and the Office of Local Government, which guided the drafting of the legislation and provided governance for the project.

What will the bill do? It will provide the statutory basis for using the registration of a vehicle to hold the owner responsible for acts of littering. It provides for improved controls for unsightly premises: the neighbourhood junkyards that are often seen as a form of local nuisance, and I know that in many of our electorates we have these. Councils have raised concerns with the state government that powers in this area within the Local Government Act are not always effective and that reform would be welcome.

This bill provides greater authority for councils to order the rectification of unsightly conditions and unsanitary conditions on premises, as well as improved tools for the enforcement of notices. Importantly, the EPA will continue to deal with any nuisance issues not of a minor nature. In addition, a number of guidelines will be developed by the EPA to support councils in administering the legislation. The Local Nuisance and Litter Control Bill will ensure that all South Australians will be able to rely on consistent service and assistance when it comes to local nuisances. I commend the bill to the house.

Mr SPEIRS (Bright) (16:51): It is a pleasure to rise this afternoon to speak on the Local Nuisance and Litter Control Bill 2015. It is a bill which has received bipartisan support in large part, and we have seen that today, with speakers from both sides of the house able to speak in broad support of this bill. It is a bill which is probably quite close to the hearts of many members of parliament because the issue of local nuisance and litter is something which is of significant concern to the vast majority of South Australians. There is nothing that riles people in our community more than dumped rubbish, general nuisance in the community and particularly unsightly buildings.

It is the unsightly buildings component of this bill that I want to discuss. Several speakers have brought to the attention of the house the fact that this bill will be able to deal with unsightly buildings, and I do hope that is the case. Historically, local governments in South Australia, and in other jurisdictions in Australia, have found it particularly difficult to hold building owners to account when a building falls into a state of disrepair so that it gets to a situation where it is detracting from the general amenity of the surrounding community.

As the member for Torrens mentioned, this is something that many of us see, particularly along main roads. These unsightly buildings significantly detract from the community of which they are a part. It appears that this is not necessarily something related to the socioeconomic status of a community. Across our city, from north to south and east to west, there are buildings, particularly on our main thoroughfares, which significantly detract from the area that they are in.

I often find that these unsightly buildings are disused service stations, which may have been strategically purchased to lock out competition. These are areas which are hard to rehabilitate due to contamination and the like, and these buildings are the subject of complaint to local councils and local members of parliament. It has been a problem when I have approached local councils about unsightly buildings. The councils have said to me that they would love to be able to tackle these buildings. They would love to be able to initiate the clean-up of these buildings and then bill back the building owner in some way.

You would think the very existence of such legislation would create a remedy in itself to discourage building owners from letting their buildings fall into a state of disrepair because they have the knowledge that the local council or the state government could intervene and tidy up the building, probably at greater cost than the building owner could tidy it up themselves. Councils have repeatedly raised with me that they find it difficult to hold building owners to account. I know from my time on the Marion council that this was an issue; I know dealing with the City of Holdfast Bay that this is an issue. I do hope that this legislation tightens that up.

The biggest challenge that local governments have had was when they have ended up in the courts, the interpretation of statutes suggesting that it will create a situation where magistrates and judges feel uncomfortable going into the subjective area, which is interpreting whether a building is unsightly or detracts from the local community in some way or another. Traditionally, the judiciary has felt uncomfortable going down this path.

I have some concerns about whether this legislation is explicit enough on unsightly buildings and whether it is also open to interpretation by our courts as to whether they can step in on this and enforce something that a council or the state government does if challenged by a building owner. I think there is still ambiguity in this legislation, and perhaps the minister in her closing remarks could provide some understanding about how an unsightly building would be dealt with under this legislation because I do not think it is quite tight enough in terms of giving councils and the state government the power to clean up an unsightly building and reclaim the money that it cost in order to do that.

I think the ambiguity still exists, and that is the ambiguity that local government has struggled with through trying to use the Local Government Act in the past to deal with these sorts of buildings. That is a question I would pose to the government: is this legislation tight enough and does it go far enough to deal with those unsightly buildings that are such a blight on the communities that we represent? With those remarks, I will provide my overarching support for the Local Nuisance And Litter Control Bill and commend it to the house.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (16:57): I believe that all second reading contributions have been made at this point, and I would like to thank all members for their contributions. This bill has been developed collaboratively with local government over the last three years and contains numerous important reforms that will considerably improve service to the community regarding local nuisances and significantly reduce the prevalence of litter and illegal dumping across the state.

Communities currently experience considerable confusion about the delineation between state and local government roles and responsibilities relating to local nuisance issues. Communities have high expectations that local government will assist them in resolving issues of minor local nuisance. This is evidenced by community surveys undertaken by McGregor Tan in 2001, 2003 and 2006 on behalf of the Local Government Association. They indicated that 53 per cent, 72 per cent and 66 per cent of all respondents respectively consider that local government is in the best position to deal with such matters.

This is not surprising, as councils are clearly better placed to respond quickly and effectively to most local nuisance issues, as they have a local presence. This is reinforced by the fact that every other state already allocates this function specifically to local government to some extent. The bill will limit the responsibility of local government to nuisance issues. More serious offences will continue to be referred to the EPA. The need to make this delineation is supported by recommendations of the Statutory Authorities Review Committee in this place as well as by the local government expert panel that was established by the LGA to consider future reforms for local government in South Australia. This bill will deliver on both these recommendations.

The bill proposes a raft of reforms to litter regulation in this state. These include provisions that support the establishment of a public litter reporting scheme in South Australia, improvements in the usability of surveillance for evidence gathering in the case of illegal dumping and allowing non-government organisations to undertake compliance activities, subject to approval. All these reforms will act as significantly increased deterrents for littering and illegal dumping and result in reduced clean-up costs to local government and improved amenity for the South Australian community.

In response to the questions raised by the member for Flinders in his second reading contribution, I am happy to provide the following answers. Budget impacts: with regard to the perceptions of cost shifting and impact on council budgets, I am advised that councils are currently undertaking responsibility for a higher proportion and diverse range of environmental nuisance complaints. This is not an exercise in cost shifting, rather providing better tools to councils to improve services to the community.

I am further advised that the EPA undertook a survey in February 2013 which found that 90 per cent of councils (60 of the 68) currently respond to greater than 50 per cent of nuisance complaint types. Twenty per cent of these councils (14 of the 68) are, in fact, responding to 100 per cent of all nuisance complaints.

The cost impact on councils will vary according to their current level of involvement in managing local nuisance matters. For those councils that already manage nuisance complaints, it

will be business as usual with limited, if any, impact on their budget. Those that manage most nuisances already will experience a small increase in workload and those that are doing very little presently will need to resource any additional workload.

With regard to the extent of additional workload for councils, the EPA analysed its own complaints record between 2011-12 and 2013-14 to get an understanding of likely impact on councils. I am advised that over this period an average of 708 stage 1 responses were recorded annually. A stage 1 response means that relevant parties are advised that an issue exists that may warrant attention. This averages out at fewer than 12 complaints per council and, of course, metropolitan councils make up the majority of complaints received so the average for rural councils is much less. On average, only 37 of these continued to a stage 3 response. A stage 3 response means that an officer is required to attend at the site to assess a complaint.

With regard to litter, the main littering offence in South Australia is in section 235 of the Local Government Act 1999. Litter regulation is a council function. The EPA does not and has never managed littering other than commercial-scale illegal dumping which it has taken on quite recently through the establishment of its illegal dumping unit in 2011. The Local Nuisance and Litter Control Bill aims to improve service to the community. Local government, as the third tier of government in this country and the key provider of localised services, is better placed to efficiently and effectively service local communities across the state for minor local neighbourhood issues.

The EPA has offices in Victoria Square and Mount Gambier and a main role of providing specialist expertise to manage significant environmental risk in South Australia. For the EPA to respond to a complaint on Eyre Peninsula, two officers would need to book a flight from Adelaide to Port Lincoln or Whyalla and organise a rental car to get to the complaint to investigate it. There may also need to be overnight accommodation. These complaints are clearly better managed at the local level by the local council.

Further, the argument about cost shifting has focused on potential costs regarding nuisance management but has not considered the potential for a net benefit or improved bottom line for councils when considering the littering reforms proposed. The littering and illegal dumping provisions of the bill have the potential to save councils considerable resources as councils currently spend significant amounts of money on litter and illegal dumping clean-up. For example, I understand the City of Playford has allocated an annual cost of $912,000 for cleaning up illegal dumping in the area and has recently employed a litter prevention officer. Even a modest achievement of a 10 per cent reduction in costs through the new framework could save the council $90,000 in clean-up costs.

I believe that the proposed reforms in this area will work. Many of the reforms are operating successfully in other states of Australia and have had a marked impact on littering and illegal dumping in those states. I am advised that feedback from councils during consultation on the draft bill identified a number of areas that could be improved to limit the impact on council resources. The majority of these suggested improvements have been included in the bill before you. With regard to the state budget impact, the EPA will not be losing staff or making savings as a result of this legislation. There is no shifting of cost. EPA staff currently involved in responding to residual nuisance complaints across the state will now take on a mentoring and support role to local government to improve the service provided to the community; that is, four FTEs for the next four years.

Litter rates: the member for Flinders asked what the likely impact of legislation would be on the rates of littering with reference to illegal dumping. The Keep Australia Beautiful Litter Index 2014-15 provides an insight into the presence of litter, including illegal dumping in Australian jurisdictions. The litter data is measured as litter items per 1,000m² and volume (litres) per 1,000m². In South Australia, the litter rate for 2014-15 was reported to be 45 items per 1,000m² and 4.74 litres per 1,000m^2. This is somewhat higher than litter rates in Victoria, which had the rate for that period of 25 items per 1,000m² and 2.68 litres per 1,000m². Victoria has implemented the litter reduction tools contained in the bill, such as public litter reporting and vehicle owner responsibility, over the last decade and has achieved a substantial reduction in litter, even without the container deposit system in that state.

With regard to how other states manage these issues, I am advised that South Australia is the only state where local government responsibility in this area is not legislated to some degree. In New South Wales, section 6 of the Protection of the Environment and Operations Act 1997

determines that councils are the appropriate regulatory authority for non-scheduled activities (non-licensed) in its area.

In Tasmania, section 20A of the Environmental Management and Pollution Control Act 1994 determines that councils have a duty to prevent or control pollution in its area on non-licensed premises. In Queensland, section 514 of the Environmental Protection Act 1994 and regulations 98, 99, 100 and 101 of the Environmental Protection Regulations 2008, devolve powers to local government and include licensing of certain minor activities. This provides some level of funding to local government.

In Victoria, the Environment Protection Act 1970 gives local government responsibility for noise, septic tanks and litter. In Western Australia, the Environmental Protection (Noise) Regulations 1997 give local government direct responsibility for noise but further issues are able to be delegated. The litter penalties proposed in the bill are generally comparable to interstate penalties where the offences are similar.

Expiations for general litter range between $80 and $295 for a natural person and dangerous littering is around $500 across the country. Illegal dumping expiations are considerably higher interstate. In New South Wales, the expiation fee for illegal dumping is $15,000 for corporations and $7,500 for individuals. In Queensland, the expiations range between $5,890 and $8,835 for corporations, and between $1,884 and $2,356 for individuals.

I would also like to attempt to respond to the question raised by the deputy leader about the owner of the vehicle. I note that the ability to associate an offence with a vehicle will provide an additional tool to identifying litterers and illegal dumpers, as well as other nuisance-related complaints. Littering or illegal dumping for a vehicle or littering that is associated with a vehicle is often witnessed by other drivers and this provision associated with public reporting of litter offences will provide tools necessary to fine these offenders and curb this type of offending.

The intent of this approach, which has been demonstrated as successful in all other states, is to increase actual and perceived surveillance of litter and illegal dumping activities. Currently, unless you are caught in the act by a police officer or council officer, there is little deterrence for littering and illegal dumping. Under this bill, offenders will have to consider that anyone who sees them can make a valid report that can land them in trouble.

In addition, the use of surveillance cameras in known illegal dumping hotspots, combined with the ability to determine the owner of the vehicle who is responsible for the offence, will significantly improve the chance of offenders being caught and also provide a significant deterrent. I hope that that addresses the questions raised by the deputy leader.

In conclusion, I would like to thank members for their contribution to this bill and look forward to the implementation of modern laws to reduce the rates of littering and illegal dumping in the state, reduce the incidences of local nuisance in communities, and improve service to the community across South Australia in these areas. I commend the bill to this house.

Bill read a second time.

Third Reading

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (17:08): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Personal Explanation

EMERGENCY SERVICES

Dr McFETRIDGE (Morphett) (17:09): I seek leave to make a personal explanation.

Leave granted.

Dr McFETRIDGE: Today, in the other place, in response to a question from the Hon. Gerry Kandelaars, the Minister for Emergency Services, the Hon. Peter Malinauskas was speaking about the role of emergency service volunteers during extreme weather. He read into *Hansard* some—

The DEPUTY SPEAKER: Member for Morphett, I just need to establish whether you feel you have been misrepresented.

Dr McFETRIDGE: I certainly have, ma'am. I have been well and truly misrepresented on a number of points by the minister in the other place. The minister said, 'I have an obligation to make evidence-based, well thought-through responses to information.' Well, I have reams of evidence from the SES, CFS and MFS on this particular matter, and I have years of evidence as a volunteer.

The minister then went on to say that he had received a Facebook post from volunteers that said, 'McFetridge chose to attack [some] volunteers.' That is completely untrue and he did not provide any evidence of that whatsoever, or bring it forward, or say it outside this place. He then went on to quote from the Facebook post that, 'McFetridge's uneducated and bias comments in the media' were affecting volunteers. I have three science degrees, so I do not think I am uneducated, but as a 30-year veteran of the CFS and a life member of the CFS, and having worked with the SES and MFS on many, many occasions, I know exactly how the system works.

The minister went on to say, again, that he had some more information from a number of SES volunteer leaders and they were critical of me. What he did not do then is read an email—and whether he has this email, I do not know—from another volunteer, praising me for my openness and my direct and honest feedback, and that they appreciated what I was doing for the volunteers.

Bills

MAGISTRATES COURT (MONETARY LIMITS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 13 April 2016.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:11): I rise to speak on the Magistrates Court (Monetary Limits) Amendment Bill 2016 and indicate that the opposition will be supporting the bill. There is a deficiency, and I will address that, but essentially this is a bill to reduce the maximum monetary limit for minor civil matters in the Magistrates Court from $25,000 to $12,000. As is well known, our leader introduced a bill in 2011 to increase the monetary limit from $6,000 to $25,000, to be consistent with what occurred in Queensland. Quite reasonably, he brought that proposal to the parliament as, firstly, there had been no increase in the threshold on this type of matter since 1991, which of course was 20 years before.

Secondly, he raised the access to justice issue; that is, people who would have the imposition on them of having to meet legal costs in taking a matter to court, or potentially meet the legal costs of the other party, particularly if they were unsuccessful, but in some jurisdictions, where there were no costs to follow the cause, subject to such a financial burden that might prejudice them having access and seeking relief in the court. Thirdly, Judge Peggy Hora, who was a Thinker in Residence, had come to Australia and provided a report for us to consider in which she strongly recommended, as an access to justice issue, that we make sure that we have a court for the people.

I openly admit that I am a member of the Law Society, a legal practitioner and a member of the Bar Association. So, I think there is a very strong case in many situations for people to employ a solicitor, to get good advice in the first place, and then that they would be well represented in any litigation to have an advocate employed for that purpose. It is simply a situation where—I do not purport to be an expert in selling property, so I would not go out and try to sell a piece of property myself. I would employ a licensed land agent, because they are the experts in the job to do it. I certainly do not fill out my own tax return; I get a qualified accountant to do it, because people have areas of expertise.

Sometimes a matter which is, for example, the recovery of money claimed to be due to somebody as a result of an unpaid wage, or a payment pursuant to a contract, can be quite a simple

recovery: an application made, determined by the magistrate and a judgement issued, then the enforcement proceedings can progress and somebody can get quick and easy access and relief.

On the other hand, that simple application could become very complicated if it were for a job to be done for which there was a cross-application that the work that was done was of poor standard. For example, with a building extension on someone's home or some other modification the owner of the property may, in those circumstances, say, 'Look, this is a shoddy job. The work was done but it was done to a very poor standard and I am now left with damage and costs expended.' There is a cross-claim, and it becomes a bit complicated.

In other situations, such as in defamation cases, where the claim is for damages for offensive material published in a defamatory way, somebody who has a legitimate tortious claim for damages may, when coming to the Magistrates Court—even if they are seeking monetary relief of only a small amount, or certainly achieve a settlement of only a small amount—find themselves buried in a very complex case. For obvious reasons they probably would have been well served in getting some good legal advice in the first place and proceeding with a negotiated settlement.

I am certainly not someone who is going to stand here as a legal practitioner and say that it was an inappropriate consideration in the first instance. However, I would suggest that it was reasonable at the time that when the parliament dealt with the monetary limits that were to apply and settled on the $25,000—which was a significant increase under their own bill, it was under their court efficiency reforms—that the decision to conduct a review, which is placed in the legislation, was a sensible one.

Since then, and bearing in mind that the legislation came into effect 1 July 2013, in early 2015 the Attorney-General instructed the Office of Crime Statistics (commonly known as OCSAR) to conduct the review of how effective this change had been. They considered the data from the financial year July 2013 to end of June 2014—obviously the preceding completed financial year—and provided a report to the parliament late last year. I am disappointed to note that even though another full financial year had actually been completed, they did not consider that same data in that financial year. If they had done that, we might have actually had a very different position, as per the recommendations that came out of that review.

I just bring that to the attention of the house because if we look at the recommendations—which, as I say, relied only on the data from mid-2013 to mid-2014—they say they had a finding in the report that there was an increase in the number and complexity of small claim lodgements in the 2013-14 year, that is up 7.9 per cent to 21,547 in that year. If they considered the next financial year they may have come up with a different piece of information because, in fact, in the next financial year the lodgements in the civil lodgements claim decreased by 9.3 per cent from the previous year.

Interestingly, the annual report of the Courts Administration Authority for the financial year ending 30 June 2014-15, which is prepared by the Courts Administration Authority (and the head of that, of course, is the Chief Justice, Mr Kourakis), notes on page 14, and I quote:

> Due to the increase in jurisdiction in 2013, there was a spike in personal injury matters being lodged in the Magistrates Court. These matters take longer to finalise explaining the large increase in lodgements in the 2013-14 financial year offset by a large decrease in the 2014-15 reporting period.

I would ask the Attorney that, if he is going to get OCSAR or anyone else to look at the data, look at all the available data and understand that, quite reasonably, there was an increase in 2013. It is there in the annual reports to tell us why. I can tell you that if in April 2013 I was aware that there was about to be an increase in a threshold and that I would not have to employ a lawyer and I thought that was a good thing and I had a claim, I would wait until after 1 July to lodge my claim. That is human nature, and it is consistent with the fact that the second finding of the report was:

> …some indication of an increase in accessibility to the civil justice system (increase in the actual number of small claims between $6,000 and $25,000).

Again, look at the whole of the data. Does that mean that in fact it worked, that it was a good thing to do, that we have provided access to justice to a whole lot of people who otherwise would have been intimidated against prosecuting their case and their claim because of the prospective cost of lawyers and the like? Who knows, but they should have looked at the 2014 data. The third finding was:

…a possible reduction in the medium number of days to finalise a defendant claim between $6,000 and $25,000…recommended that a further 12 months of data to be considered.

That factor clearly was not a finding that the reviewer thought needed to be relied on and that they should be looking at a further 12 months. Again, I do not know why they did not. They should have and they could have and the data was available, but they did not do it. The fourth thing they found was:

…an increase in the number of days from lodgements to finalisation of small claims since the commencement of the above act.

And then they quoted the data for the financial years 2013-14, 2012-13 and 2011-12. Again, the information in respect of the reasons for that is spelt out in the Courts Administration Authority Annual Report, and there is no indication that there had been a conferring with that authority together with OCSAR. obviously one is the statistical body that operates in the Attorney-General's Department, and they are strictly a separate agency but, clearly, they work closely together so it is a little concerning.

What the report does confirm—and we have been provided with a copy of that report to the parliament; it was tabled in December last year—and they say, 'This is what we recommend you do.' One is:

Consideration be given to excluding certain types of claims where there would be the benefit of legal representation in court regardless of that amount.

And they said that could be included but not limited to defamation cases. So, again, complex cases—cross-claims in building disputes and defamation cases. These are logical situations where the law gets very complicated—reasonable. The second is:

Consideration be given to reducing the upper monetary limit from $25,000 to an amount between $12,000 and $15,000.

They then say that if, on the other hand the parliament elects to keep the upper limit at $25,000, consideration be given to the magistrates for unfettered discretion to direct that a monetary claim for more than $12,000 but less than $25,000 not be treated as a minor civil action; and, secondly, that consideration be given to provision of greater access to simple and limited legal advice for parties to minor civil matters.

The government have clearly not gone down that line. That was an alternate recommendation of the report to us. The government have come in and said, 'We won't go down that line. We have elected to simply bring the monetary limit back down to $12,000.' They certainly had an opportunity, consistent with that report, to provide a greater discretion.

It should be noted that the current law provides for the magistrate who is hearing the matter to have a discretion not to exclude lawyers or, in the reverse, a discretion to permit lawyers to be part of the process, but it is to be in I think the words are 'exceptional circumstances' or something of that nature. Clearly, as I say, there was an option to go back to the reforms to give greater discretion to the magistrates. The government have dismissed that option and come to us with this one.

Another thing I would like to mention is that the government, via the Attorney-General's correspondence, provided some material at our request, subsequent to a briefing provided by Ms Alexandra Wright, who is a solicitor in the chief executive's office, and, of course, the indomitable Mr Will Evans, who is from the minister's office, and I appreciate receiving that. One piece of material I asked for was on the area of disputes, where there was complexity. Apart from the consideration given by the Joint Rules Advisory Committee, which only identified defamation, I have not been provided with any other areas of complexity.

The second request was to have a copy of the Joint Rules Advisory Committee report and also confirmation as to how much more legal aid was going to be paid for by the government to facilitate the extra requirement that might be needed for people to actually get advice. I got a letter back from the Attorney-General, and I thank him for that.

They did provide a copy of the Joint Rules Advisory Committee report. It was a report prepared by the Honourable Justice Blue, who chairs that committee. It is fair to say that, whilst there

are obviously Supreme Court and District Court representatives on that committee who are in charge of setting rules and recommendations on regulations in respect of the operation of the superior courts, there is a representative from the Magistrates Court on that committee, so I am assuming that person ensured that the balance were well informed.

Justice Blue makes the astute observation in this report to the OCSAR evaluation manager who was conducting the review, in a letter dated 10 April 2015, firstly, that defamation cases were an example of complex cases. He pointed out that frequently the defamation cases involved very low amounts in what was ultimately settled upon and, again, they were trapped within this limit. Secondly, he made comment that the time devoted by magistrates to hearing small claims involving more than $12,000, I suppose, in short, made it pretty difficult for the management of the court.

I read that as some concern that people in the judiciary or the courts themselves within this Magistrates Court jurisdiction are not too keen on having people turn up to the court, lodge forms, need corrections, get advice, have a million questions, and then have to, painstakingly sometimes, go through the process of explaining things in person to a person who is a litigant without the benefit of a legal representative.

It all does get a bit tiresome at times, and I fully accept that, but remember that they are a paid judicial officer. There are people in the courts who are paid to make sure that they have a system that provides people with access to justice and a determination of the dispute or claim to which they are seeking some remedy. The inconvenience or general irritation to people who are in the courts process would not, in and of itself, persuade me that we need to streamline this bill to bring lawyers back into the process.

I will say—and again, I disclose that I am a legal practitioner—that I think there are many situations where, if there had been legal advice or someone representing them, it would have cut down the time in court and would have cut down the delays, and there would have been a more prompt determination of the matter. There has been no actual data collected on that other than an anecdotal response to a survey. Of course, they surveyed lawyers, so the answer on that was hardly surprising.

If I were answering the survey as a practitioner, I would tick the box and say, 'Of course we can help. We are representatives and officers of the court, and we are here to help for a fee.' So, I did not really find that terribly instructive. If one is really examining accessibility to courts then frankly, on the face of the limited data that was examined, it actually demonstrates that this initiative of moving to 25,000 has worked. So, there is very little data.

We have a recommendation from the Joint Rules Advisory Committee to consider reducing the upper limit to 12,000. He also said, in the alternative, to give the magistrates unfettered discretion. Again, that option has been completely ignored by the Attorney-General in progressing this bill, and he does not explain why he has not considered that option. We need to do something on the basis of the information before us. I think the decision of the government to introduce a reform only considering this option, without looking at the further data, is a bit lazy and a bit negligent on his part. Nevertheless, it is one of the options that has been considered and has come through the recommendation process, so we are not going to object to it.

I make the point that the next time we do a review on these things, I would ask the party requested to provide that review to look at all the data and give us a full report and, in short, to do it properly. I thank the Honourable Justice Blue and his committee for considering the matter and providing advice, and otherwise the advisers on the bill. To the Attorney-General, I just say: do it a bit better next time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (17:33): I thank the honourable member for her contribution. In view of the fact that I understand the deputy leader and her colleagues will be supporting this, I thank them for that.

Bill read a second time.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (17:34): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (HOME DETENTION) BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

At 17:36 the house adjourned until Thursday 19 May 2016 at 10:30.