HOUSE OF ASSEMBLY

Tuesday, 31 October 2017

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

The SPEAKER: Honourable members, I respectfully acknowledge the traditional owners of this land upon which this parliament is assembled and the custodians of the sacred lands of our state.

Bills

PUBLIC INTEREST DISCLOSURE BILL

Conference

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (11:01): I have to report that the managers for the two houses conferred together and that no agreement was reached.

Parliamentary Committees

JOINT COMMITTEE ON MATTERS RELATING TO ELDER ABUSE

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (11:02): By leave, I move:

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

Motion carried.

Bills

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT (REVIEW) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 5 July 2017.)

Mr WINGARD (Mitchell) (11:03): I rise today to speak on the Building and Construction Industry Security of Payment (Review) Amendment Bill. I say to the house that I will be supporting this bill through this house but reserve my right to make any amendments between the houses pending the answers to questions in the committee stage and further consultation with stakeholders. We notice that this has been floating around the place for quite a while; in fact, in December 2015 the Senate Economics References Committee—

The DEPUTY SPEAKER: Excuse me, member for Mitchell. Before you continue, we just need to establish if you are the lead speaker.

Mr WINGARD: Yes, I am.

The DEPUTY SPEAKER: You are on unlimited time.

Mr WINGARD: Thank you. As I was saying, in December 2015 the Senate Economics References Committee inquiry into insolvency in the Australian construction industry found:

It is a fundamental right of anyone who performs work in accordance with a contract to be paid without delay for the work they have done.

We looked further and progressed a pathway to get to the point we are at today. Since 2015, quite a bit of time has passed and a lot of consultation has taken place. I know that the Office of the Small Business Commissioner has done a lot of work in this space and I have had briefings with him. I thank him very much for his time and his input.

Under the regime of the act, a claimant is deemed to be entitled to a payment on a claim pursuant to the act unless the respondent provides a payment schedule setting out how or why payments will be made or withheld. If a claimant is dissatisfied with the payment schedule offered by the respondent, a claimant can take the matter to adjudication via the authorised nomination authority, which will appoint an adjudicator.

Alternatively, if the respondent simply fails to provide a payment schedule, or provides a payment schedule but fails to pay in accordance with it, then any unpaid part of the claim automatically becomes a debt and is able to be enforced through a court. I mentioned that the Small Business Commissioner has had quite an extensive look at this. The concern really centres around the way these payments are transferred through. Of course, we always want businesses to be paid. Cash flow in this industry is very important, and the industry works together to make sure that this cash flow is passed through so that everyone can keep surviving.

We know that there are a number of legislative changes with this bill, and we will talk more about those at the committee stage, but there are a number of non-legislative changes as well. One of the non-legislative changes is the establishment of ongoing education programs to promote the legislation and educate the broader industry. That is something the Small Business Commissioner raised. I am very interested to see how this education is going to happen, how the measure of success will be put in place to know that this education is working and kicking through and also how much this education program will cost.

How much is the government intending to spend on this education program? I know that the industry as a whole has been working very hard to educate their members as such, and they are very keen to improve the outcomes from the education and engage in that aspect of the proposed regulatory changes that are on the table. What we fundamentally have here are a number of issues we need to talk about with this legislation. We will tick through a few of them and, as I pointed out already, we will be exploring these further at the committee stage.

One of the key points is the Christmas shutdown period, which was outlined in the legislation. I thank the Small Business Commissioner for coming forward with that. What this in fact says is that the Christmas shutdown period will be from 22 December to 10 January. As a whole, I think the industry finds making this change to be a good outcome; in fact, I think it was suggested by industry. They see that it will stop an ambush of security of payment claims just prior to shutting down for the Christmas period, so that is a very good thing. This bill also proposes to make the commissioner responsible for the administration of security of payment. Whilst as a whole this looks like quite a promising aspect, there are some clarifications that we may seek to find out. That is another provision that the amendments make.

The publication of adjudication decisions is something else that this amendment puts forward. Clause 5 provides that the powers of the commission will extend to the publication of adjudication determinations. Clause 6 allows for a $20,000 penalty if copies of determinations are not provided by the authorised nominating authority as required. However information that is protected by legal professional privilege, or might tend to be self-incriminating, will be looked at there as well. We have a couple of concerns that we will flesh out a little bit more. With the publication of adjudications, putting up this information and saying that someone has not paid or is not paying can and will potentially cause a lot of issues and some panic within the industry.

We have concerns that if an adjudication goes up and it says that Joe Blow is not making payments, or Mary Jones is not making her payments on time, that could cause a rush against their business and see a lot of people trying to claim their cash and cause a cash-flow problem for that business. We are a little bit concerned that if they go up too early, it could cause a bit of a problem. Again, we will find out a little bit more about that as we go through the committee stage.

Another option is to make the commissioner responsible for the governance of ANAs. This gives quite a bit more power to the Small Business Commissioner. It does not seem to be a major

concern, but there could be a couple of issues there that we will flesh out in conversation. The bill also introduces a new crime relating to non-payment, and this is a little bit of a concern. Clause 7 creates a new crime relating to assaults, threats and intimidation relating to non-payment of claims under the act. It states:

> A person must not directly or indirectly assault, threaten or intimidate, or attempt to assault, threaten or intimidate, a person in relation to an entitlement to, or claim for, a progress payment under this Act.

There are a couple of questions that arise here. Firstly, does it include both parties—the person being paid and the person making the payment? There is also the question about the legalities. Why is this not covered under criminal law? You cannot threaten anyone at any stage, whether it is in a building contract or any situation, so criminal law obviously has a place here as well.

The bill also goes on to point out that an individual can be fined up to $50,000 or imprisoned for two years, and a company can be fined up to $250,000. The behaviour of an employee, agent or officer is imputed to the body corporate. Again, the question there is: where does this fit in with criminal law, as far as this is concerned, and what are the implications there? I mentioned some of the non-legislative changes—the regulation changes—and I have mentioned the education program. That is something that we would like to see as well.

There is also talk about the creation of a good behaviour test for principal contractors. The Small Business Commissioner will work with the industry advocate to test principal contractors for behaviour for metropolitan projects costing $4 million or more, or for regional projects costing $1 million or more. It is not yet understood how this duplicates or interacts with the prequalification process and whether the limits are considered reasonable. Industry has a couple of concerns about that.

In relation to the development of a building and construction industry code, the Small Business Commissioner currently has additional powers to compel mediation under industry codes covering farming, the sale of motor vehicles and franchising of newsagents. It is proposed to add a fifth code. The code would allow the commissioner to compel attendance at mediation meetings and other forms of alternative dispute resolution, compel the exchange of information and answer questions, and the power to engage experts.

Failure to comply could trigger penalties of up to $50,000 for corporations and $10,000 for an individual. Parties are not identified for noncompliance, so these codes are really seen as a last resort for managing disputes according to the Small Business Commissioner and getting a bit of clarification around that would be very good.

There have been some concerns out there that some elements of this are like taking a sledgehammer to a walnut, so we will flesh that out again as we have a bit more of a conversation around this. Also, of course, as always, it would come as no surprise that we do not want to see any additional red tape that will decrease productivity in our state. We know we need to keep South Australia moving and across the board South Australia is struggling more than any other state. When you stack us up side by side, South Australia really is doing it quite tough out there, so we want to make sure South Australia is not inhibited by any of this.

There are some other elements that we would like to have a look at with this bill, and we will be raising those. One of the things that I am very keen to explore further—and here may or may not be the place—is that we have a couple of situations in New South Wales. We know that we do not want to see building companies go under, and it is not good when they do. If a building company goes under, a lot of small operators often get hit, hurt, or the worst case scenario is that they go down with them, and that is not something we want to see.

This year we had Dr Ian Oppermann here, the CEO and Chief Data Scientist in New South Wales from their Data Analytics Centre. He gave a briefing in Old Parliament House. I think everyone was invited and I think even a few from the government side came along to have a listen. The member for Colton, who is one of the more senior members of this place—and a departing member, I think, at the next election—was there. It was interesting that an outgoing member showed more interest than others.

Some of the work done in New South Wales at the Data Analytics Centre—and I would like to explore this—in gathering analysis and data means they can actually determine to a fairly high degree of certainty when a builder will become insolvent in the next three years. They can look at the data, the things that are going on in the building industry, and at what the specific builder is doing and they can calculate that to a fairly strong level of certainty. These are the sorts of things that I think in South Australia we need to be looking at, investing in and working on.

I know the government have moved to set up a data analytics centre. They are focusing on child protection first and foremost, but perhaps they are missing an opportunity here to gather some low-hanging fruit. This is something I would be very keen to explore. I also know that there is a national review going on into the security of payments situation through the small business minister's office, which is due later this year. I think there are probably some interesting concerns as to why we did not wait for that federal review to happen to see what comes out of that and to see if there is anything else we can garner from that review that may help in South Australia. That would always be beneficial, of course.

Other states have looked at this as well and looked at opportunities and ways they may or may not alter their legislation. There was a big concern in South Australia that we might follow on from Queensland, so I will be seeking to get assurance that South Australia will not be looking to follow in Queensland's footsteps where they have joint bank accounts on projects. They force both parties to have a joint bank account which is seen to be quite cumbersome and restrictive.

I note that the changes to this bill do not include that and I will be asking the minister whether he has any future thoughts on whether or not there will be the potential to bring in that joint bank account situation for projects between two parties working on any building and construction projects into the future.

They are a few of the points. We know that as far as South Australia is concerned our state is struggling. We are doing it tough and we do not want to be putting more regulation and red tape in place. That is something we are very conscious of on this side of the house. I am not so sure that those on the other side of the house have the same concerns, but it is something that we do not want to see because we know that that inhibits operations and businesses. It slows down the productivity of our state.

We want to make sure that people are safe, we want to make sure that people are getting paid, we want to make sure that the flow of funds is fair and equitable between all parties involved. One of the things, as I raised before, is the fact that the Small Business Commissioner will potentially have the authority to fine an individual and also act in situations where it is deemed there have been threatening or intimidating approaches and/or assault taking place between parties involved in a building and construction situation.

One of the questions also around that is: how many of these do we have? How many situations do we have in the building and construction industry where people have been physically intimidated or threatened, and how many times have assaults taken place on a worksite, around the provisions that we are talking about here? That is something we want to be very mindful of, to be having those quite hefty fines put in place and creating another pathway outside of the criminal law to deal with these things. It will be interesting to find out whether or not there are a great number of cases or, in fact, whether there are any at all. They will be elements that we will need to ask more questions on.

They are a few of the points that I wanted to raise. Again, we do not want to have a situation whereby we are creating more red tape, we are creating a situation where businesses are finding it too difficult to do business here in South Australia and companies are not willing to expand and grow—a small business, a subcontractor. We want to create an environment in which they feel like they can expand, bring a couple of people on and maybe turn their one-person band into a multiple person operation and start to grow and pick up more business and not have that burden of excessive regulation hanging over their head.

That is the sort of environment we on this side of the house want to create. We are focused on doing that. We have already talked about a number of aspects as far as reducing the costs and impacts on businesses. Removing the ESL remissions, we think, will put money back in the pockets

of South Australian business and families. We know that will be the case, and that is the sort of thing that fires up an economy, that gets people going.

We want to have a situation where there is more money in the economy when we take government of this great state and we move things forward. We do not want to have a situation where small businesses or, as I said, single-person operators do not feel like they have an environment where they can grow their business and take on more new, young South Australians or potentially South Australians who are looking for work and put them into their operation.

I believe it is highly important that in South Australia our focus has to be on growing our state, growing our jobs and growing opportunity. That is what South Australian people really want. They want an opportunity. They do not want to be hamstrung. They do not want to be tied down. South Australians want the opportunity to be able to go forward. What you will find when you speak to all South Australians is that there is an energy out there. Someone said to me just the other day, 'If South Australia was a state, you'd buy it straightaway. If it was a business, you'd buy it if you could,' because it is not going well, but it does have plenty of upside.

One of the great features of the upside is the people in South Australia. I truly believe that the people in South Australia can take our state forward; they can actually get South Australia firing. As a government, we want to make sure we are giving them the environment and the opportunities to be able to do that. We do not want to hold them back with red tape and regulation that is unnecessary, that is a burden to them, and that does not allow them to grow and prosper.

That is how I feel about this. That is my very strong belief. I want to make sure we have a state that is prosperous into the future. I do not like seeing us sit at the foot of the table on so many measures and so many parameters that we see right across South Australia when we measure SA up against all the other states. South Australia sits at the bottom of the table, and that is not where we need to be. We are a better state than that, and we need to create those opportunities, not increase the burdens and the imposts.

That is what I am looking to explore with this. As I said, we will ask some questions on this matter when we go into the committee stage. I am happy to move the bill through to the upper house, reserving my right to make any amendments, with further consultation on this, between the houses and when we get the explanation on some of the questions that we have in committee stage, which may impact on that as well.

The Hon. A. PICCOLO (Light) (11:22): I rise in support of this bill. When the Building and Construction Industry Security of Payment Act was enacted, it was intended to ensure that a person who carries out construction work or who supplies related goods and services under a building or construction contract is entitled to receive and able to recover progress payments for carrying out that work or supplying those goods and services. Invariably this act has supported small businesses in that industry.

Under the regime of the act, a claimant is deemed to be entitled to payment of a claim pursuant to the act unless the respondent provides a payment schedule setting out how or why payments will be made or withheld. Through the Office of the Small Business Commissioner, the government has completed a comprehensive review of this legislation across two extensive tranches of industry and stakeholder consultation. The government is determined to improve the legislation by making the processes under it less ambiguous, more transparent and broadly improving accessibility for participants that encounter issues with payments under building and construction contracts—and it is almost every day that you hear of a small subbie who unfortunately still is being hurt by lack of payments from the main contractors, the bigger companies.

As important will be the improved confidence of industry participants in the process, given the serious concerns that had been flagged by the Small Business Commissioner about the ability of some subcontractors to achieve payment, whilst head contractors broadly contended that the process is unfair and in some cases biased against them. The government expects the amendments contained in the bill to contribute to improved operation and efficiency of the updated legislation, in line with the broader industry's consultation and expectations. Indeed, a number of the proposals within the bill simply make common sense. For example, simple changes to be able to clarify the Christmas shutdown period.

The process that has been undertaken can be summarised as follows. First, the state government was obliged by legislation to commence a review of the act by December 2014. That review was initiated on behalf of the former minister for small business by the Small Business Commissioner. Secondly, former District Court judge Alan Moss undertook an initial review of the act and formulated a suite of recommendations in the Moss review.

After considering the 24 submissions received, the government tabled the Moss review in parliament on 12 May 2015. Following on from the collapse of Tagara Builders in June 2016, the Small Business Commissioner instigated a further tranche of consultation with the industry, industry associations and key stakeholders on 16 specific proposals, a number of which built upon the recommendations made in the Moss review. That two-month consultation period closed on 19 August 2016, with 37 submissions being received.

The proposed amendment bill will execute the following legislative changes to the act: it will allocate the administration of the act to the commissioner and prescribe his functions; it will insert a penalty provision against harassment, intimidation, coercion, etc.; it will permit the commissioner to publish adjudications; as mentioned, it will clarify the Christmas shutdown period; and it will replace the authorised nominator authority regime to simplify and clarify it.

There are also three non-legislative measures that are not in the bill but which will be proposed as part of the review of the act, which includes to develop and consult upon an industry code under the Fair Trading Act. One of the major benefits of our Small Business Commissioner Act is the capacity for the Governor to make regulations. Those regulations are our codes of practice, which have been instigated in a number of industries already to improve the fairness in those industries, and one of those is the farming industry. We should remind ourselves that the small business commissioner bill was opposed by those opposite at the time it was introduced, even though that commissioner is designed to support small business.

In addition, under the code there will be alternative dispute resolution mechanisms and also there are penalties involved for breaches under the act. An education program will also be established to ensure that people understand what is proposed and what people's responsibilities are under the act.

There will also be a proposal to develop a good behaviour test and policy regarding government work. In other words, the Small Business Commissioner will work cooperatively with the Industry Participation Advocate to develop a policy that will effectively impose a good behaviour test for principal contractors who bid for government projects. This is to make sure that people who are the major contractors on projects where the owner is a government agency or a government do the right thing by the subcontractors. With those few comments, I support the bill.

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence and Space Industries, Minister for Health Industries, Minister for Veterans' Affairs) (11:28): I thank the member for Mitchell for his very constructive contribution to this debate, and also the member for Light. I know that there are a lot of small businesses in both of their electorates. It is very pleasing for small business to see the level of cooperation on both sides of the house in support of small business. I thank all members for their general support for the bill.

Working through some of the constructive observations that the member for Mitchell has made, one of the issues he raised was to do with the cost of the education program, which is a very good question to put. The government has allocated around $250,000 for this purpose. It includes the hiring of some additional staff and also some support for associations so that they can educate their members. All members would recognise the important role that associations play in getting the message out to small business.

The member for Mitchell also raised issues in regard to the publication of adjudications. The government's view is that the more transparency there is in respect of this matter the better. We do not think it will do too much harm for adjudications to be put out in the public space for all to see. In fact, we understand that Queensland already does this, and it seems to work reasonably effectively in Queensland, so we expect that it will here as well.

The member for Mitchell also raised constructive concerns in regard to intimidation and coercion and the protections that are in place in the bill to ensure that the slightly bigger enterprises do not bully or coerce the slightly smaller enterprises (the builder or the subbie) in their dealings with one another. The government is of the view, after having consulted on this rather thoroughly, that there is an issue. In fact, the Small Business Commissioner advises me that as late as this morning he met with a group of stakeholders who said that this is still a problem for them.

I know there are some in the building industry who feel that this is unnecessary. I have met with them on a number of occasions and I am sure they have expressed, as is their right and responsibility, the same views as all other members of parliament. I am sure it is isolated and not widespread, but the fact is that instances have been reported to us where the need for some protections for the little guy are necessary, and that is why we have included that in the bill. Of course, it will not be a problem if everyone does the right thing anyway. That part of the bill will only be exercised if an issue arises, so that is only fair and reasonable.

I am aware that those opposite have some concerns in respect of provisions in section 29(3) of the act to allow an ANA to appeal to the District Court for review of any decision the minister might make in regard to applications for the nomination of adjudicators. We have addressed this in response to the constructive proposition from the member for Bragg. We have moved an amendment to reflect her concern and we thank her for bringing that to our attention.

The member for Mitchell also raised concerns about a national review of security of payment arrangements. The government's feeling was that the time it might take for such a national review to complete its work might predicate a delay and that we would rather get on with implementing changes that could have a more immediate effect, given that we made certain commitments to take action, and we feel this is something we should put in train now rather than wait.

The member for Mitchell also raised issues about project bank accounts, which is a very constructive observation. We are aware that such arrangements have been put in place in Queensland and in Western Australia. We are watching that with considerable interest and we will be considering very carefully how that is functioning in those two jurisdictions. If it is working over there, we are happy to revisit that question, but, for the moment, we will wait and watch. I think there was a suggestion in regard to joint bank accounts, which is the same issue.

I have picked up most of the issues the member for Mitchell raised and I thank him for the observations. I am happy to revisit them as we go through the bill clause by clause. As I said, I thank all members for their contributions because, as we all know, on both sides of the house, small business is the engine room of the economy, and I would agree completely with the member for Mitchell on that point. We all want to do everything we can to make sure they get all the help they can from the parliament, so I thank members for their contributions and I am happy to go into committee.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 3 passed.

Clause 4.

Mr WINGARD: Just to confirm the process of claims lodged right before the Christmas period, can I confirm that if a claim is lodged against a builder on 22 December it will be taken to not have actually have been received until 11 January, and then the time to respond is 15 days after that? So it will not be taken to have started until 11 January?

The Hon. M.L.J. HAMILTON-SMITH: I thank the member for his question. I think that is a correct observation. The measure is designed to clarify that period within the building and construction sector, as well as preventing any 'ambush' claims by construction workers on the eve of the traditional industry shutdown period.

Regarding the proposed amendments to the definition of 'business day' in section 4 of the act, the amended Christmas period will operate to exclude a defined block of days, as the member has observed, from being business days under the act, effectively deferring any claims made under the act by an equivalent period.

Accordingly, a claim commenced on, say, 21 December, will run for one business day of the 15 business days that the respondent has to respond, and then be effectively suspended until 11 January the following year, when the clock commences again. A claim lodged between 21 December in any year and 10 January in the following year (inclusive) will be deemed not to have been made until 11 January in the following year. I thank the member for enabling us to clarify that point.

Clause passed.

Clause 5.

Ms CHAPMAN: This relates to some commissioner functions, and it may be remiss of me, but I am not sure whether the commissioner currently lodges an annual report to the parliament?

The Hon. M.L.J. HAMILTON-SMITH: Yes.

Ms CHAPMAN: Yes? I am happy to have a look at it if this year's has been tabled.

The Hon. M.L.J. Hamilton-Smith interjecting:

Ms CHAPMAN: Not yet? Right. Well then, could you just explain whether there were any construction contracts in the last year in which the commissioner assisted for which the contracting party was the state government?

The Hon. M.L.J. HAMILTON-SMITH: The contracting party?

Ms CHAPMAN: Yes; in the last 12 months, whether there are any contracts in which the commissioner has assisted, whereby the contracting party was the state government.

The Hon. M.L.J. HAMILTON-SMITH: I thank the member for Bragg for her question. First of all, the commissioner does produce an annual report—in fact, I am pretty sure I have just signed off on it—and it will be tabled shortly. We look forward to the opposition's comments and observations in regard to that. It has been a fairly hardworking year for the commissioner and they are doing very good work.

In regard to whether the state government has been a contracting party in any disputes, the commissioner advises me he thinks that is so, but will need to take that on notice. He will need an opportunity to gather up that information and subsequently provide it to you, so I will come back to you on that.

Ms CHAPMAN: I thank the minister for that indication; I am happy to receive that. In short, what I am seeking is: if there have been cases in which there has been assistance provided by the commissioner to negotiate payments, which contracts they were and hopefully confirmation that they have been resolved, and the basis of any resolution that was reached. My clear understanding in respect to this bill is that it does not in any way interfere with the obligation of both state and local government contracts being applicable and, as I understand it, that is going to continue.

The Hon. M.L.J. HAMILTON-SMITH: The member for Bragg's observations are correct. I think the spirit of her question is interesting and good, and that is that it is the commissioner's job to frankly and fearlessly keep all parties in a dispute accountable, including the government. My experience with the commissioner is that he is not backward in coming forward on any issue, regardless of whether the government is or is not at fault or involved in any matter. It is quite a good process, as it should be, and the government should be a model citizen in any contract that it has entered into. I think the process we put in place with the commissioner, which will be reinforced with this act, will underpin the important role he plays in making sure everyone gets a fair go.

Mr WINGARD: I want some clarification on what specific powers to investigate the Small Business Commissioner will have.

The Hon. M.L.J. HAMILTON-SMITH: I am advised that, under section 12 of the Small Business Commissioner Act, the commissioner does have powers to investigate, to require people to respond to him and to require people to reveal information—that is under the parent act. I am also advised by the commissioner that, under the building and construction industry code that is under development under the Fair Trading Act 1987, there are further powers to investigate. I understand that that code will mirror the four existing industry codes—farming, newsagency, motor vehicles and franchising—that are in place and will provide the Small Business Commissioner with extra powers to compel disputing parties to participate in an alternative dispute resolution, including good faith mediation.

Mr WINGARD: Likewise, with the research, can I get an explanation on what research is anticipated and what research is the Small Business Commissioner likely to do that is not already being done by industry?

The Hon. M.L.J. HAMILTON-SMITH: I wonder if the member would like to elaborate on what particular type of research he is pointing to so that we can better understand the question.

Mr WINGARD: That is my question: what research does the Small Business Commissioner foresee that he will be doing that is not already being done by industry, given that it is an added function?

The Hon. M.L.J. HAMILTON-SMITH: The Small Business Commissioner advises me that he will use all the resources he has available to him to research what is going on in the industry in regard to payments by builders to subcontractors. Some of that information he can obtain from industry associations, some of it he can obtain from direct contact with individual businesses and some of it he will be able to research from federal and state-based entities, including the university sector and various other government agencies that from time to time are required to produce reports, either through their annual reports or separately. He will conduct whatever research is necessary, using whatever devices he can get his hands on, to remain abreast of what is going on in the industry so that he is aware of trends, and any individual issues can be dealt with as they arise on that basis.

Mr WINGARD: Can I get some clarification of where and how this information will be published and made available to either the public and/or the industry?

The Hon. M.L.J. HAMILTON-SMITH: On a day-to-day basis, the Small Business Commissioner will take actions, as enabled by the act, to assist companies and individuals with resolving their disputes. From time to time, that will be reported to the minister or maybe even reported publicly by the Small Business Commissioner directly if he sees fit to do so. He will also ensure that any events recorded under this legislation are included in his annual report to parliament.

He is always available. I have specifically said to the Small Business Commissioner that he is always available to meet with members of parliament from all sides of the house should they wish to receive a briefing on any of the issues with which he deals because I think it is very important that there is openness and transparency in all of this. Through those various devices—by being available, by being open, by being accessible, through his annual report, through going directly out with public statements or asking the minister to make a ministerial statement on any matter—the Small Business Commissioner will ensure that the word gets out.

Mr WINGARD: Proposed section 7B(b) provides that the Small Business Commissioner's functions will be to publish determinations of adjudicators in relation to adjudication applications in a manner determined by the commissioner. Will the decisions be published immediately after the decisions have been made, or will there be a lag time before they are made public?

The Hon. M.L.J. HAMILTON-SMITH: I thank the member for his question. This particular provision stemmed from Mr Moss's review, which recommended the insertion of a provision to enable a small business commissioner to publish adjudications made under the adjudication arrangements of the act. The Small Business Commissioner advises me that he would obviously carefully review any such adjudication to look at any legal implications, corporate implications or personal implications that might have for any of the parties to make sure that there is fairness applied to any public release of information. The government's view is generally that this would further add transparency to the sometimes opaque payments arrangements that occur in the building and construction sector.

Regarding the publication of adjudications, I am advised that, as the bill is presented to the house, the commissioner will have sufficient discretion available to him to publish or not publish or publish a redacted version of any adjudication that he receives to ensure there is fairness. My advice is that the power to obtain adjudications is afforded to the commissioner by the proposed section 29(7), with the function of publishing 'in a manner determined by the Commissioner'. It is delivered by the proposed section 7B(b), as the member pointed out. It really is a matter of the Small Business Commissioner being a reasonable chap and making a sensible judgement about what should be released publicly and what should not in the interest of fairness balanced against the interest of accountability.

Mr WINGARD: Still on section 7B and further to the comments the minister just made, do you have any concerns that, by publishing any of this information early and not having a more structured way of dealing with this, information could be put into the public that could cause a run of claims from people calling for money from a business that is working through a few projects at once, so to speak?

The Hon. M.L.J. HAMILTON-SMITH: The Small Business Commissioner's focus will be on encouraging builders to pay their bills on time and on ensuring that all parties dealing with one another are doing so in a professional, fair and reasonable manner. With regard to the finer judgements about what is appropriate for a lease and what is not, we will need to rely on the judgement of the Small Business Commissioner. As you are looking at the parent act, the Small Business Commissioner is in effect an independent statutory authority. He is able to do things as he sees are appropriate. He will have to make those judgements and be accountable accordingly. Generally, I think the office will err on the side of caution when it comes to making things publicly available, taking into account the interests of all parties.

Clause passed.

Clause 6.

The Hon. M.L.J. HAMILTON-SMITH: I move:

Amendment No 1 [SmallBus–1]—

Page 4, after line 17 [clause 6(1)]—Insert:

(3e) If the Minister—

(a) refuses to grant or renew an authority under this section (otherwise than on the ground referred to in subsection (3c)(b)); or

(b) revokes an authority,

the applicant or authorised nominating authority (as the case may be) may apply to the Administrative and Disciplinary Division of the District Court for a review of the Minister's decision to take that action.

Ms CHAPMAN: I wish to indicate my appreciation to the government for having considered this matter and accommodating this amendment to ensure that there is an appropriate appeal process.

The Hon. M.L.J. HAMILTON-SMITH: I thank the member for Bragg for her contribution. It is a very constructive suggestion, and I certainly agree with her that entities should always have the right to appeal to the relevant court to have any determination by a government reviewed if they do not agree with it. I think it is a very good improvement to the bill.

Amendment carried.

The CHAIR: Member for Mitchell, you have a question?

Mr WINGARD: Yes. Why is the minister the approving authority in that process and not the Small Business Commissioner?

The Hon. M.L.J. HAMILTON-SMITH: I thank the member for the question. I am advised by the Small Business Commissioner that the parent bill, and the status quo, is that the minister has those responsibilities. It was not the intention of this particular bill to amend the fundamental principles established in the parent bill. Ultimately, the government must take responsibility for these

measures, and ministers should be held to account on behalf of the government. Rather than delegate those responsibilities to the commissioner, we have not sought to modify the essential foundation of the Small Business Commissioner Act in any way through this measure.

Mr WINGARD: Section 29(3a) provides:

An application for the grant or renewal of an authority under this section must be accompanied by the prescribed fee.

How much is the prescribed fee anticipated to be?

The Hon. M.L.J. HAMILTON-SMITH: I thank the member for bringing this to my attention. I am advised that the fee will be prescribed by regulation. The Small Business Commissioner advises me that it will be under $500. Now that you have drawn it to my attention, I will be encouraging the Small Business Commissioner to ensure that it is the minimum amount humanly possible because nothing drives small businesses crazier than government fees and charges. Thank you for pointing it out. I will be watching the draft regulation when it comes to me with considerable interest to ensure that it is minimal. I thank the member for the point he has made.

Mr WINGARD: Section 29(3b) provides that the minister:

(a) may impose conditions on an authority under subsection (1) on granting or renewing the authority;

Can you provide an example of the type of conditions that might be imposed upon an authority?

The Hon. M.L.J. HAMILTON-SMITH: Obviously, the government would be wanting the ANAs involved in these matters to be acting in a professional, competent and fair way at all times. I am advised that there is a code of practice that has been agreed to between government and the industry, which sets out certain standards of behaviour, and the object is always to ensure that everybody gets a fair go. The ANAs need to behave accordingly.

I understand that the sorts of conditions that might be imposed are connected to that code of practice. I am sure that I could provide that to the member if he would like to see it, and I will ask the Small Business Commissioner to forward it to the member. My understanding is that that is largely there to ensure that, should it be necessary, the government can pull an ANA into line, shall we say, if they are straying from the code of practice.

Mr WINGARD: Can I just add to that. Maybe this could come with the answer, but how long would these conditions apply for, and is there a process for reviewing the conditions as well?

The Hon. M.L.J. HAMILTON-SMITH: I think that this is really a reserve power, that is to say that it is not something that the government would intend to do willy-nilly, if I could put it that way—impose conditions. It is really a reserve power should an ANA be straying from the code of practice, to step in and take action on an isolated basis for a specific issue.

It is foreseeable that parties would complain about the conduct of an ANA and express their disappointment that they are not behaving in accordance with the code of practice, and this reserve power would be there to ensure that the government can take action. I am not sure if it is envisaged that there be any particular time frame or time line, or much guidance there other than to provide the ability for the Small Business Commissioner to recommend that action be taken to pull an ANA into line if they are going off track.

Mr WINGARD: Section 29(3b) provides that the minister:

(b) may vary or revoke a condition of an authority under subsection (1), or impose further conditions on an authority, at any time by notice in writing to the authorised nominating authority.

What is the process for varying or revoking the conditions of the authority? Added to that, what type of appeal process is there for the ANA?

The Hon. M.L.J. HAMILTON-SMITH: I am advised that the Small Business Commissioner anticipates it is unlikely that this power would ever be needed, but it is a power to revoke the authority of an entity if it has failed to comply with the act or any conditions set out before it. I assume, and I will need to get the Small Business Commissioner's advice, that, if an ANA were unhappy with that, they would have some appeal process to the relevant court to dispute that ruling.

But I will ask the Small Business Commissioner to look into that question of whether the minister could arbitrarily revoke an authority without any right of appeal to a court. I think that was the substance of your question. I will have to ask the Small Business Commissioner to reflect on that point and perhaps we could deal with that in the other place. In fact, I will ask the Small Business Commissioner to ensure that that matter is addressed on the government side when it goes to the upper house should you wish to reraise it.

Mr WINGARD: Under clause 6(3c)(a), which amends section 29, the minister may limit the number of persons who may for the time being be authorised under this section. How many people does the minister anticipate would be authorised? What does 'for the time being' mean? Will the number change? Does the minister anticipate that the number will change?

The Hon. M.L.J. HAMILTON-SMITH: I think the purpose of this clause is to ensure that the Small Business Commissioner, and the minister on advice from the Small Business Commissioner, can determine how many ANAs will be allowed to operate. You may have 20, for example, wanting to operate as ANAs, but you may only want to anoint five to 10 for one reason or another. I think the point of that clause is to ensure that, on advice, the minister can do that. We understand that that reflects the current provisions in the parent act and under existing arrangements, so it is a no-change situation to ensure that we have, not necessarily an unlimited number of ANAs, but a required number of ANAs doing a good job.

Mr WINGARD: Under clause 6(7), which amends section 29(7):

an authorised nominating authority must, at the times specified by the Commissioner, provide the Commissioner with—

(a) a copy of any determination of an adjudicator appointed to determine an adjudication application on referral of the authority; and

(b) any other information specified by the Commissioner relating to the activities of the authority under this Act (including information as to the fees charged by the authority under this Act).

Will parties to a construction contract be randomly allocated and adjudicated, or will they be able to select their own adjudicator?

The Hon. M.L.J. HAMILTON-SMITH: I thank the member for his question. I am finding out about some aspects of the bill that I was not aware of as a result of the questions. The party unhappy with arrangements and seeking a resolution, the party that feels it has been disadvantaged and is seeking a payment, will go to an ANA of their choice to register their concern. The ANA will then independently nominate the adjudicator. So the party seeking a resolution will go to an ANA, but they will not necessarily get to choose which particular adjudicator. That ANA may have a group of adjudicators they use, but they will then nominate which one of those they will deploy to resolve that particular dispute. There is a level of choice but not an absolute ability to pick a particular adjudicator for reasons of fairness.

Mr WINGARD: Further to that, if someone is allocated an adjudicator that they are not happy with, is there any chance to appeal to get a different one in that process?

The Hon. M.L.J. HAMILTON-SMITH: My understanding is no. They, having gone to an ANA, having been given an adjudicator, need to stick with that in the interests of fairness and due process. Otherwise there could obviously be a risk of playing favourites.

Mr WINGARD: A follow-up question: how soon after the determination must the Small Business Commissioner have access to the determination, and what will the process be and who will monitor that?

The Hon. M.L.J. HAMILTON-SMITH: I thank the member for his question. I am advised that once the reviewing authority makes their adjudication and publishes that to the parties concerned, that should concurrently be advised to the Small Business Commissioner. In other words, the commissioner would find out about it at about the same time as the parties and then would take no further action unless required to do so or asked to do so or if the Small Business Commissioner considered he needed to do so.

The commissioner would simply gather that information and hold it and be aware of it and be in a position to respond should there be any further dispute or unhappiness with the adjudication. I am advised that may include the Small Business Commissioner publishing that information if they felt it was required. Part of the publishing process of the adjudication would be the Small Business Commissioner's role in promulgating that.

Mr WINGARD: Is there a time line associated with that?

The Hon. M.L.J. HAMILTON-SMITH: I am advised no, no particular time line or no particular deadline, if you like, between receipt and publication. I understand that is at the discretion of the commissioner.

Mr WINGARD: I refer to proposed section 29(8):

An authorised nominating authority required to provide a determination of an adjudicator or other information under this section must provide the determination or information within the time specified by the Commissioner.

Maximum penalty: $20,000.

What is the time specified likely to be?

The Hon. M.L.J. HAMILTON-SMITH: I am advised that that time frame has not yet been determined. The Small Business Commissioner is likely to do so at a later point and make it clear to parties that within a certain time frame he would like to see the results of their work and require them to provide it, but at this stage he has not determined exactly what that time frame would be. That may be something that is subsequently promulgated in regulations. He has it under consideration.

Mr WINGARD: Just further clarification: is it the responsibility of the authorised nominating authority to provide the commissioner with the determination or the parties to the construction contract?

The Hon. M.L.J. HAMILTON-SMITH: The ANA, I am advised.

Clause as amended passed.

Clause 7.

Mr WINGARD: In relation to the insertion of sections 32A and 32B, on 32A, who has the power to determine whether a person has been intimidated?

The Hon. M.L.J. HAMILTON-SMITH: I am advised that a claim of indirect assault, threats or intimidation is likely to arise as part of the mediation process, as part of the complaint and as part of the dispute which seeks a resolution, and the parties, through the ANA and the adjudication process, would seek to resolve that as part of the claiming process. The Small Business Commissioner would obviously be advised of any outcome or resolution of such a claim. Ultimately, if an allegation of assault or intimidation or threat was made and was not agreed to by the other party, obviously the aggrieved party would have the option of taking the matter to court, which would be the ultimate determinant of whether it was a fair and reasonable claim or not.

In the process of such an allegation of intimidation or assault, either the Small Business Commissioner or the police could be involved in assisting the aggrieved party to make their claim to the court. Ultimately, the final deciding authority over any such allegation would clearly need to be a court of law, because it would be a fairly serious claim. There may be instances where an allegation is made against the party and in the mediation process they agree to settle without advancing the matter to court. The whole idea is to, as much as possible, keep matters out of court. Really, ultimately, it is up to the parties. If they want to take matters to court, they can.

I am advised further that at new section 32A, where the bill inserts penalty provisions against persons natural or corporate directly or indirectly assaulting, harassing, threatening or intimidating, or attempting to do these in relation to an entitlement to or claim for a progress payment, the offence is narrowly targeted by only applying to such conduct that is directly related to the making of a claim under the act—directly related. The maximum penalty in the case of an individual is $50,000 or imprisonment for two years, and $250,000 for a body corporate.

Mr WINGARD: To clarify, the only ways the penalties outlined in 32A can be imposed by the Small Business Commissioner are if both parties agree that an assault took place or if there were criminal findings?

The Hon. M.L.J. HAMILTON-SMITH: I am advised by the Small Business Commissioner that it is only envisaged that those penalties would ever be applied by a court, not by the Small Business Commissioner. Even if a claimant made an allegation and the other party admitted that they were guilty of that claim, there would not be any arbitrary imposition of a fine by the commissioner. That would probably end the matter, as long as their financial dispute was resolved. However, the provisions in the bill and those penalties in the bill are there should a court duly find against a party on the matter of assault or intimidation.

Mr WINGARD: Again for clarification, if they go to court and a judge determines under this act that they are guilty and imposes the $50,000 penalty, in an individual's case, will that go to the complainant or will it go to the court?

The Hon. M.L.J. HAMILTON-SMITH: I am advised that that would be a penalty under the act, so that would be a fine imposed upon the offending party, paid to the court or paid to the Crown through the court. There might be a subsequent claim for damages from a party as a separate matter and it might form part of a court-based resolution of a dispute that has gone beyond the mediation process, but I am advised that the $50,000 or $250,000 penalties would be a fine like any other: paid to the Crown as a penalty for the offence.

Mr WINGARD: Can I get a clarification then on what the penalty is under the criminal law for a person indirectly or directly assaulting, threatening or intimidating, or attempting to assault, threaten or intimidate a person in relation to any matter?

The Hon. M.L.J. HAMILTON-SMITH: I am advised by the Small Business Commissioner that he is not quite aware of what standard provisions may be in place for such offences in the courts—for example, assault, threatening to intimidate, etc.—in regard to any other matter not being a dispute under these arrangements but could be for anything. My expectation is that there is probably a range of provisions.

These particular provisions that we are debating, though, were based on the Work Health and Safety Act. We have taken from the Work Health and Safety Act these particular penalties, but there may be even heftier maximum penalties for such offences generically. We are not quite sure. I will ask the Small Business Commissioner to be aware of that information when the matter goes to the other place should you wish to put the question again but, for the purposes of this particular act, we have relied on the Work Health and Safety Act as a guide.

Mr WINGARD: Given those provisions, what constitutes an indirect assault under this section?

The Hon. M.L.J. HAMILTON-SMITH: I think that is probably a legal opinion. I am not a lawyer. Characteristically, in the house we do not stray into the area of trying to establish legal opinions on issues. That is to say, presumably the definitions of the offences of assault and threatening to intimidate are in a range of acts, but what would constitute a breach of those particular definitions would be a legal opinion or a matter to be determined by the relevant court, so we would probably need to consult with lawyers on that one to get clarity. Obviously, any claimant would have to prove their case in court with legal advice before a judge. The prosecution, of course, would have to make their argument, so it is probably straying into the area of legal opinion.

Mr WINGARD: How many cases is the minister aware of that would fall under this new offence?

The Hon. M.L.J. HAMILTON-SMITH: I think the quick answer is that not enough people have come forward. It has been put to the government that there is a problem and that coercive, intimidatory and threatening behaviour is occurring. It has been put to us by parties who claim they have experienced it. That is unacceptable in the view of the government and, in respect of any building contract, should not be occurring.

This type of behaviour, we are advised by certain subcontractors, too often occurs in the shadows, shall we say, in the margins of the industry. It may take many forms—for example: 'If you

pursue this claim, you will never get any further work from me. If you pursue this claim, I will make sure that no builder in South Australia ever hires you again. If you pursue this claim, I will damage your reputation or I will take some action that misrepresents you and it will be the end of your business.'

These sorts of threats and this intimidation can take many forms and, characteristically, the little guy may be encouraged to give in. When you have an important builder saying to you, 'I know what you're claiming, but if you don't accept what I am offering, that's the end of you; you will never get any work with me again,' is that a threat? Is that intimidation? It is not being reported, and people are feeling as though they are defenceless against it, so we are advised. I am sure this is not widespread, and I am sure this may only be one or two bad eggs in an otherwise wonderful bucketful of excellent businesspeople.

The government will stand up for the little guy, and more people are telling us there is an issue. Where a builder and another person—perhaps their subcontractors—have reached a lawful contract for work to be done for an agreed contract price, it should not be open for the contractor to subsequently say, 'You will have to resubmit your invoice for 20 per cent less before I will accept it, and if you don't resubmit your invoice you will not get any further work from me.'

That 20 per cent is probably the subbie's profit margin, or even worse. It is how people rack up debts with a builder to get the further work, and the builder goes belly up and they have lost everything. So out goes the family home and out goes all of the equipment. In some cases, that is not only the end of your business, it can be the end of your marriage and it can be the end of your future, really. It is pretty significant.

What is in the contract is in the contract. To then say that you will take a 20 per cent haircut and that you just have to put up with it, because if you do not take the 20 per cent off then that builder will not employ you as a subcontractor again, is not particularly fair. The whole point of the legislation is to ensure that the subbies and their suppliers and employees simply get paid what they were offered at the beginning of the job, not what is subsequently put to them after the job is complete, when they have spent their money and made their investment, and the big guy turns around and says, 'Well, now I want you to chop 20 per cent off what I agreed to pay you.'

That, as I am advised by the Small Business Commissioner, could also include an implied threat of, 'And, by the way, if you take this to mediation, if you dispute this, or if you go and seek the support of the Small Business Commissioner, well, then I'll really get you.' This is what goes on out there, so we are advised. These people are mum-and-dad teams: he is an electrician and she is doing the books, or the other way around. That is what we are trying to do here: we are trying to stand up for the little guy. This is happening.

If you do not intimidate, harass or threaten, new sections 7A and 7B will simply have no work to do; they will not be needed. But we want to send a signal to these small business owners who are out there on their own. They have mortgaged the house, they have bought a van, they have bought their kit, they are out there bidding for jobs and getting the work. On a rare number of occasions, a less than scrupulous builder is saying to them, 'No, we now want you to chip 20 per cent off that and do it below cost,' and then they are on a road to bankruptcy. This is happening. We are looking out for the little guy, and the smaller they are, the keener we are to help them deal with any risk of intimidation.

The ideal outcome, having passed this bill, would be to never hear of a complaint. The ideal outcome would be for it to never arise. The fact that it is now there is sending the message to any builder—and there would only be a handful who might feel that they can throw their weight around and push the little guys—that the government is watching and that the government has put in place a capability, through the Small Business Commissioner's office and these other arrangements, to help those people out. They should never feel afraid, ashamed or deterred from seeking fairness and justice if they feel that they have been mistreated, and there need to be remedies there to deal with those who may seek to offend.

Mr WINGARD: I apologise, but I did not get the actual number. How many cases is the minister aware of that would fall under this offence?

The Hon. M.L.J. HAMILTON-SMITH: The Small Business Commissioner advises me that, anecdotally, by direct word of mouth from people who feel that they have been intimidated and abused, there have been at least five recently but more through the contacts of his office. We anticipate that this is an issue. Even this morning, he had several people recount to him examples of where they felt they had been unreasonably treated.

So it is an issue; it is not being reported. Hopefully, it will not be reported because it will not be occurring, but we do feel that there is a need, because we have listened to these people, to put something in place to protect them. There has not been a long list of official complaints. I do not think we are aware of any prosecutions alleging intimidation, and we think that the reason for that is that the little guys are just copping it.

We think that what is happening is that they are just getting done over in these isolated few cases and going away and taking the loss. Some of them may be quietly going into financial difficulty as a consequence, but it is an issue and we are out for the little guy. We hope that these provisions will not need to be enacted, but the fact that they are there may deter someone from abusing the subcontractors and, if it does, that is a good thing because it has achieved its goal.

Mr WINGARD: I request a clarification on that answer. Will clause 7 go two ways? You mentioned looking after the little guy. If there are two small businesses in operation, one of which has a couple of people and it subcontracts someone in to do some more work for them, if the threat and the intimidation comes back from the subcontractor to the person holding the contract, can they enact clause 7 and take action in that matter?

The Hon. M.L.J. HAMILTON-SMITH: My expectation would be that the answer is yes. For example, I could envisage circumstances where a subcontractor may seek to intimidate a builder. For example, 'I said I would do this work for you at this fixed price; I now want more and, if you don't pay me more, I am going to incorrectly wire your house,' or, 'I am going to make sure that the plumbing doesn't work,' or, 'I am going to make sure that I sabotage your project.' I could imagine that sort of unscrupulous behaviour coming from a smaller subcontractor directed towards a builder.

Under the arrangements not only in this act but in the parent act and in the common law there would be remedies there, but what this process provides for is for the two parties to be heard, to air their dispute before a responsible adjudicator appointed by an ANA and to resolve the matter directly, with always the option of taking the matter to court if they see fit. I think the member makes quite a good observation that this needs to go both ways in order to be fair.

The government recognises that builders themselves are small businesses in many cases, and it is a very tough business with very tight margins. Managing your subbies is a major challenge for builders, and we get that. The idea is that this is also a protection for them from unscrupulous or irresponsible subbies.

For example, another case I can imagine is where a subbie produces work of a substandard level. They have been quoted at a certain price, the subbie underperforms and the work is no good. The contractor says, 'Well, I'm only paying you 75 per cent of that because the work is not up to standard.' There is a dispute, and then the small subcontractor makes some threat towards the builder; this is a two-way thing. We are very sensitive to this.

We have met with industry stakeholders on this quite significantly. I have met personally with most of the larger associations on repeat occasions to hear their concerns because I wanted to make sure everybody had a fair go. For example, the Housing Industry Association I know were opposed to the inclusion of this offence, and they queried the imputation of the offending bodies corporate, etc. We listened to them. The Master Builders Association were not opposed to the offences outright but argued that they duplicated existing criminal offences—true, but we think we have laid further protections through this measure into the industry. The Law Society of South Australia was not opposed to the inclusion of these offences but has queried the definition of the word 'intimidation'.

There are other groups and individual companies with whom the Small Business Commissioner and I have met to talk these issues through. We really want to make sure it is fair to everyone so it can be used both ways. That is what dispute resolution is all about. From my experience with these things, money can usually resolve these disputes if everyone feels they are getting a fair go with the financial outcome. Accusations and other things generally tend to go away

once everyone has got it off their chest and everyone feels that the parties have dealt with each other fairly and responsibly with regard to their financial issue before them.

Clause passed.

Clause 8 passed.

Clause 9.

Mr WINGARD: Should a review provision be enacted, apart from the interim reviews the commissioner will provide to the minister?

The Hon. M.L.J. HAMILTON-SMITH: I am advised by the commissioner that we feel that there need not be a review. Of course, the parliament itself can always cause such a review. The government would always be happy to entertain a reraising of these issues at some point in the future if those opposite hear reports that it is not working. We would be more than happy to always throw the questions open again and reconsider either the regulations or the parent act.

We ourselves will certainly be canvassing with stakeholders how this is working in the months and years that follow. We did not feel it was appropriate to have any sunset clause or formal review process in the legislation but, rather, we preferred to institute the measures and then listen to the industry about how they are working and take any subsequent action if needed.

Mr WINGARD: Given that the original act had a sunset clause to trigger this review, is it not prudent to follow the same process?

The Hon. M.L.J. HAMILTON-SMITH: I am advised that the original act envisaged one review—this is it—and there was no perceived need for a successive series of reviews. We are making these changes with a view to putting them in place, but of course we are always open to change if it does not work or we think it will work, so there was no sense that we should lock in a further period of review.

Clause passed.

Schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence and Space Industries, Minister for Health Industries, Minister for Veterans' Affairs) (12:34): I move:

That this bill be now read a third time.

I would like to thank all members for their contribution today, particularly members opposite, because I think we are all on the same page in regard to the need to support small business. It is an important bill. As it has come out of committee, it seeks to improve the payment process for subcontractors and suppliers. The government has fulfilled its obligations not only to formally review the act—and I would like to thank former judge Alan Moss for the role he played in providing that review—but also to actively seek industry feedback on not only the review but a further consultation paper prepared by the Small Business Commissioner.

As a government, we are determined to improve this legislation by making the process under it less ambiguous and more transparent and by broadly improving accessibility for participants who encounter issues with payments under building and construction contracts. We want to improve the confidence of the industry participants in the process of security of payment given the serious concerns that have been flagged by the Small Business Commissioner and the industry with the support of judge Alan Moss's work.

At the end of the day, this is about people being paid in a fair manner for work or goods they have supplied. I can advise the house that the Office of the Small Business Commissioner now has a staff member dedicated to working with the building and construction industry and its membership groups on an education program as well as a dispute resolution process. As minister, I am keen to

ensure fairness in the industry to ensure that it becomes an industry where people are properly paid. I know that is the case already in 99.9 per cent of cases, but what I think we have achieved today is to make the industry fairer, more wholesome and more reasonable for all involved. I commend the house for its support for the measure.

Bill read a third time and passed.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO NO 3) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 19 October 2017.)

Ms CHAPMAN: Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

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) (12:38): I do not think I have anything further to add to my contribution the other day, so I will sit down.

The DEPUTY SPEAKER: So that is the end of the debate.

The Hon. J.R. RAU: Sorry, I do need to make a clarification, as I have just been reminded. I thought I had covered everything, but no.

The DEPUTY SPEAKER: I cannot hear the Attorney. There is too much background noise.

The Hon. J.R. RAU: I would like to make a correction to the record in relation to the government's consultation on the proposed amendment to the Magistrates Act. In her second reading contribution, the member for Bragg referred to a copy of the proposed amendment having been sent to the Chief Justice about a month earlier. It was my understanding that that had occurred. I have since been informed that, due to an administrative error in my office, the letter referred to was not received by the Chief Justice at that time.

As soon as the error was identified, I arranged for a copy of the proposed amendment to be provided to the Chief Justice, which occurred on 23 October. The government has no hidden agenda on the matter, as has been suggested by the opposition. As we have already made clear, the proposal has no impact whatsoever on the incumbent Deputy Chief Magistrate.

Both the Chief Magistrate and the former chief magistrate have made themselves available, as I understand it, to answer questions and to provide any further information the opposition may require. The Chief Magistrate has also made herself available to other members, again as I understand it, and I hope that has allayed any concerns.

Bill read a second time.

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) (12:40): I move, without notice:

That standing orders be so far suspended as to enable me to move an instruction to the committee of the whole house without notice.

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

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

Motion carried.

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) (12:42): I move:

That it be an instruction to the committee of the whole of the house, on the Statutes Amendment (Attorney-General's Portfolio No 3) Bill, that it have power to consider new clauses relating to an amendment of the Advance Care Directives Act 2013, the South Australian Employment Tribunal Act 2014 and the Spent Convictions Act 2009.

Motion carried.

Committee Stage

In committee.

Clause 1 passed.

Clause 2.

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

Amendment No 1 [DepPrem–2]—

Page 3, line 6 [clause 2(1)]—Delete 'subsection (2)' and substitute 'this section'

Amendment No 2 [DepPrem–2]—

Page 3, after line 7—Insert:

(1a) Sections 14A to 14C (inclusive) will be taken to have come into operation on 1 July 2017.

Ms CHAPMAN: My understanding is that these amendments relate to the necessary protection of the existence of the South Australian Employment Tribunal, which you have written to me about and which we consent to.

Amendments carried; clause as amended passed.

Clause 3 passed.

New clause 3A.

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

Amendment No 1 [DepPrem–3]—

Page 3, after line 13—Insert:

Part 1A—Amendment of Advance Care Directives Act 2013

3A—Amendment of section 45—Resolution of disputes by Public Advocate

Section 45(12)—delete subsection (12)

Ms CHAPMAN: As to the insertion of a new part 1A, I indicate that the Attorney-General has again written to us to identify an anomaly that has arisen, requiring some amendment to the Advance Care Directives Act to ensure that there is a consistency of powers of delegation for the Public Advocate. I summarise that; he has written quite a lengthy proposal as to why this is necessary. We accept those and indicate that we consent to this amendment.

New clause inserted.

Clauses 4 to 11 passed.

Clause 12.

The CHAIR: We are looking at schedule (2), amendment No. 1 in your name, deputy leader. All you have to do at the end is say you do not agree, but you are going to speak to it, because you are going to delete it.

Ms CHAPMAN: I advise the committee that we will not be progressing with this amendment in its current form, but I want to foreshadow what I understand to be on its way. This is the situation. The government's proposal in this bill has been to establish a new model of appointment for the deputy magistrate, rather than the Governor's appointment—that is, by cabinet on advice from the

Attorney-General—for the appointment of a deputy. The government's proposal is to allow the appointment of a deputy chief magistrate to be on the determination of the chief magistrate. It is novel. It has been a proposal developed in Victoria, but that is the extent to which it has been adopted in Australia.

The Attorney-General is correct in advising the house that the current Chief Magistrate and more recently retired chief magistrate have both made themselves available for consultation by the opposition. I thank them both for making themselves available when they attended here at Parliament House yesterday for that to occur. As expressed to them and to the parliament, it is a rather novel approach, I suggest, to have the appointment of a judicial officer as an administrative act of another—as distinct from the parliament and/or the Governor—and it raises a number of questions.

The Chief Magistrate's position on this—as the Attorney-General has pointed out, this is a proposal that has emanated from her as the desired option—is to have a process of appointment that allows for some flexibility so that she may draw upon personnel amongst the magistracy who might have a certain skill set that might be useful at any given time. I am paraphrasing her position on this, and I think I am accurately asserting it. I am sure the Attorney will correct me if I am not. It is proposed that it be for a period of up to five years to enable that skill set to be utilised for a particular purpose. Then, as time passes, the contemporary needs of the Magistrates Court may change, and it gives the chief an opportunity then to appoint someone who might have a different set of skills that might assist in the administration or the advancement of the court.

That is all very well, but it is the opposition's view that if we are going to have these positions, then they are a matter for independence of appointment through the process. The alternative—and the opposition have considered this—is that the office of Deputy Chief Magistrate be abolished altogether. I can tell the Attorney and the parliament that that is a matter that was canvassed with the Chief Magistrate: that it be abolished at the conclusion of the current term of the deputy, who I think is due to retire in mid-2018 by virtue of his age. I think, for the purposes of this debate, it has always been intended by the government that there would be no interference with his position in any event and that this change of model they are proposing would not interfere in any event. That has been canvassed with the Chief Magistrate.

Her alternate opportunity to give someone higher or different duties in her court is still available through the regional magistrates, and we have canvassed that. That would be another option: for her to draw upon the skills and strengths of magistrates and to ask them to convene certain committees or to undertake certain work.

It is the view of the opposition, having considered these matters, that really what should occur is that the office of Deputy Chief Magistrate be abolished. That will require some amendments to section 6 of the Magistrates Act of 1983. Although that act is already open for the purposes of changing the model, the amendments to do that have not yet been finalised, I am advised from my office. Therefore they will need to be presented in another place—

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: —unless, of course, the government are intending to agree to that.

The Hon. J.R. RAU: In the interests of shortening the matter, can I indicate that I do not know how far away the amendments to which the deputy leader is referring are, but on the assumption that PC is into this fairly quickly—and they may or may not be, but if they are—and I get a chance to look at them and I can independently check with the Chief Magistrate about these things, it may be possible that we can deal with that here.

In saying that, I do not want to do that on the basis that it is going to slow the progress of the bill, but I am prepared to be as flexible as I reasonably can be and if that means that we seek leave to continue our remarks at the end of the committee stage of the bill without actually ending the committee stage of the bill, and then we go on to other business and if in the meantime we can get that material in—

The CHAIR: I am advised we can do that. We just have to come back to it.

The Hon. J.R. RAU: If that is of any assistance.

The CHAIR: We can pass it as it is.

Ms CHAPMAN: We could come back to this clause, because there are other amendments to deal with.

The CHAIR: We can do what we did last week or we can pass it as it is and come back to it; either way, we can come back to it.

Ms CHAPMAN: At the moment there is an amendment standing in my name to delete part 6, which is basically the government's model.

The CHAIR: It is not actually an amendment because all you are going to do is vote no, if you wish to vote no. It is not actually an amendment per se.

Ms CHAPMAN: I understand that. But to achieve what we are now—

The CHAIR: —thinking about doing—

Ms CHAPMAN: —of course we now need to have amendments drafted and tabled to amend section 6—not part 6—of the principal act. I think the Attorney has been following this and he understands exactly what we are talking about, which essentially would be to delete subsection (1)(a) of section 6 and probably amend subsection (3) of section 6. As usual with these things, parliamentary council are forensic in their understanding of what other bits and pieces need to be tidied up and so, in short, I am not suggesting that that is a comprehensive resolution of it, but, like the Attorney, I would like to be able to come back to it so that we can deal with it.

Consideration of clause postponed.

Clauses 13 and 14 passed.

New clauses 14A, 14B, 14C, 14D, 14E and 14F.

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

Amendment No 3 [DepPrem–2]—

Page 6, after line 35—Insert:

Part 7A—Amendment of South Australian Employment Tribunal Act 2014

14A—Amendment of section 3—Interpretation

Section 3(1), definition of *relevant Act*—after 'an Act' insert: (including this Act)

14B—Insertion of Part 2 Division 8

After section 26I insert:

Division 8—Additional provisions relating to jurisdiction under Workers Compensation Act 1971

26IA—Additional provisions relating to jurisdiction under *Workers Compensation Act 1971*

(1) The purpose of this section is, in consequence of—

(a) the continued application of the *Workers Compensation Act 1971* under Schedule 9 clause 59(1) of the *Return to Work Act 2014*; and

(b) the dissolution of the Industrial Relations Court under section 69 of the *Statutes Amendment (South Australian Employment Tribunal) Act 2016*, to confer on the Tribunal the same jurisdiction under the *Workers Compensation Act 1971* that was previously conferred on the Industrial Relations Court.

Note—

The Workers Compensation Act 1971 was repealed by the Workers Rehabilitation and Compensation Act 1986.

(2) The Workers Compensation Act 1971 is to be read—

(a) as if a reference in that Act to the 'Court' were a reference to the Tribunal; and

(b) as if reference in that Act to a 'Judge' were a reference to a Presidential member of the Tribunal who is a District Court judge; and

(c) as if a reference in that Act to the 'Registrar' were a reference to a registrar of the Tribunal; and

(d) as if a reference in that Act to an 'Industrial magistrate' were a reference to a Presidential member of the Tribunal who is a magistrate; and

(e) as if a reference in that Act to the 'Rules' were a reference to the Rules of the Tribunal; and

(f) as if a reference in that Act to the 'Regulations' were a reference to regulations under this Act; and

(g) as if a reference in that Act to the 'Full Industrial Relations Court' were a reference to the Full Bench of the Tribunal in Court Session.

(3) The jurisdiction of the Tribunal by virtue of the operation of subsection (2) is assigned to the South Australian Employment Court.

14C—Amendment of section 93—Regulations

Section 93(2)(e)—after 'under' insert 'this or'

14D—Transitional provisions

(1) In this section— *decision*, of the Industrial Relations Court includes a direction, determination or order of the Industrial Relations Court; *decision*, of the Tribunal, has the same meaning as in the principal Act; *Industrial Relations Court* means the Industrial Relations Court as in existence immediately before the commencement of section 69 of the *Statutes Amendment* (*South Australian Employment Tribunal) Act 2016*; *principal Act* means the South Australian Employment Tribunal Act 2014; *relevant day* means the day on which this section comes into operation; *Tribunal* means the South Australian Employment Tribunal.

(2) A decision (or purported decision) of the Industrial Relations Court made in consequence of Schedule 9 clause 59(1) of the *Return to Work Act 2014* in force immediately before the relevant day will, on and from the relevant day, be taken to be a decision of the Tribunal.

(3) A right (or purported right) to bring proceedings in consequence of Schedule 9 clause 59(1) of the *Return to Work Act 2014* before the relevant day (but not so exercised before that day) will be exercised as if Part 2 Division 8 of the principal Act had been in operation before the right arose, so that the relevant proceedings may be commenced before the Tribunal.

(4) Any proceedings that were before (or purportedly before) the Industrial Relations Court in consequence of Schedule 9 clause 59(1) of the *Return to Work Act 2014* before the relevant day will, subject to such directions as the President of the Tribunal thinks fit, be transferred to the Tribunal where they may proceed as if they had been validly commenced before the Tribunal.

(5) The Tribunal may—

(a) receive in evidence any transcript of evidence in proceedings before (or purportedly before) the Industrial Relations Court, and draw any conclusions of fact from that evidence that appear proper; and

(b) adopt any findings or determinations (or purported findings or determinations) of the Industrial Relations Court that may be relevant to proceedings before the Tribunal; and

(c) adopt any determination (or purported determination), or make any determination, in relation to proceedings before (or purportedly before) the Industrial Relations Court before the relevant day (including so as to make a determination in relation to proceedings fully heard, or purportedly fully heard, before the relevant day); and

(d) take other steps to promote or ensure the smoothest possible transition from 1 jurisdiction to another in connection with the operation of this section.

(6) Nothing in this section affects a right of appeal to the Supreme Court against a decision, direction or order of the Full Court of the Industrial Relations Court made or given (or purportedly made or given) before the relevant day.

(7) A reference in any instrument or agreement made (or purportedly made) in consequence of Schedule 9 clause 59(1) of the *Return to Work Act 2014* to the Industrial Relations Court will, unless the context otherwise requires, be taken to be a reference to the Tribunal.

Amendment No 4 [DepPrem–2]—

Page 7, before line 1—Insert:

Part 7B—Amendment of Spent Convictions Act 2009

14E—Amendment of section 13—Exclusions

Section 13(2) to (5)—delete subsections (2) to (5) inclusive

14F—Amendment of Schedule 1—Exclusions

Schedule 1—before clause 1 insert: a1—Application of exclusions

(1) An exclusion set out in a clause of this Schedule—

(a) does not apply in relation to an offence if the conviction has been quashed and the person has been granted a pardon for the offence, except as may be prescribed by the regulations;

(b) does not apply in relation to a designated sex-related offence in relation to which an order has been made under section 8A, except—

(i) in relation to the operation of clause 9A; or

(ii) as may be prescribed by the regulations.

(2) An exclusion under clause 6, 7 or 8 does not apply in relation to an offence committed by a particular person if a qualified magistrate has made an order to that effect under section 13A.

(3) The regulations may provide that an exclusion set out in a clause of this Schedule does not apply in relation to a finding (as constituting a conviction for the purposes of this Act) that is taken to be immediately spent under section 4(1a).

Progress reported; committee to sit again.

Sitting suspended from 12:59 to 14:01.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) (NO 2) BILL

Assent

His Excellency the Governor assented to the bill.

INDUSTRY ADVOCATE BILL

Assent

His Excellency the Governor assented to the bill.

APPROPRIATION BILL 2017

Assent

His Excellency the Governor assented to the bill.

LAND AGENTS (REGISTRATION OF PROPERTY MANAGERS AND OTHER MATTERS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament today pupils from Vale Park Primary School, who are guests of the member for Dunstan. I welcome to parliament students from The Heights School, who are guests of the member for Florey, and I welcome to parliament, perhaps in a few minutes, SDA delegates from the Woolworths warehouse, who will be guests of mine.

Mr Tarzia interjecting:

The SPEAKER: Excellent point by the member for Hartley. There is also a delegate from the Repco warehouse.

Petitions

MODBURY HOSPITAL

Ms BEDFORD (Florey): Presented a petition signed by 200 residents of South Australia requesting the house to urge the government to restore vital emergency and surgical services to Modbury Hospital, expanding its role within the Northern Adelaide Local Health Network and, in particular, seek to reinstate the High Dependency Unit at Modbury Hospital and to fast-track the introduction of the Emergency Extended Care Unit.

Parliamentary Procedure

ANSWERS TABLED

The SPEAKER: I direct that the written answers to questions be distributed and printed in *Hansard*.

PAPERS

By the Attorney-General (Hon. J.R. Rau)—

Director of Public Prosecutions, Office of the—Annual Report 2016-17
Independent Commissioner Against Corruption and the Office for Public Integrity, Review of the Operations of the—Annual Report 2016-17
Judges of the Supreme Court of South Australia—Annual Report For the year ending 31 December 2016
Judicial Conduct Commissioner, Report of a review of the operations of the—5 December 2016 to 30 June 2017
Legal Practitioners Disciplinary Tribunal—Annual Report 2016-17
Legal Practitioners Education and Admission Council—Annual Report 2016-17
Privacy Committee of South Australia—Annual Report 2016-17
State Records Act 1997, Administration of the—Annual Report 2016-17
Regulations made under the following Acts—
Bills of Sale—Registration of Water Interests
Burial and Cremation—Cremation Permits

By the Minister for Planning (Hon. J.R. Rau)—

Adelaide Cemeteries Authority—Annual Report 2016-17
Commissioner for Kangaroo Island, Office of the—Annual Report 2016-17

By the Minister for Consumer and Business Services (Hon. J.R. Rau)—

Club One—Annual Report 2016-17

By the Minister for Finance (Hon. A. Koutsantonis)—

Compulsory Third Party Insurance Regulator—Annual Report 2016-17
Funds SA—Annual Report 2016-17
Generation Lessor Corporation—Annual Report 2016-17

Local Government Financing Authority of South Australia—Annual Report 2016-17
Motor Accident Commission—Annual Report 2016-17
Police Superannuation Board—Annual Report 2016-17
South Australian Government Financing Authority—Annual Report 2016-17
South Australian Parliamentary Superannuation Board—Annual Report 2016-17
Southern Select Super Corporation—Annual Report 2016-17
State Procurement Board—Annual Report 2016-17
Super SA Board—Annual Report 2016-17
Transmission Lessor Corporation—Annual Report 2016-17

By the Minister for Mineral Resources and Energy (Hon. A. Koutsantonis)—

Variation of the Indenture under the Whyalla Steel Works Act 1958—Variation Agreement dated 30 October 2017

By the Minister for Local Government (Hon. G.G. Brock)—

Outback Communities Authority—
Annual Report 2014-15
Annual Report 2015-16

By the Minister for Higher Education and Skills (Hon. S.E. Close)—

Torrens University Australia—Annual Report 2016

By the Minister for Transport and Infrastructure (Hon. S.C. Mullighan)—

National Rail Safety Regulator, Office of the—Annual Report 2016-17
Surveyors Board of South Australia—Annual Report 2016-17

By the Minister for Police (Hon. C.J. Picton)—

Australian Crime Commission, Board of the—Annual Report 2015-16
Hydroponics Control Act 2009—Annual Report 2016-17
Protective Security Act 2007—Annual Report 2016-17
South Australia Police—Annual Report 2016-17

Ministerial Statement

VETERANS' ADVISORY COUNCIL

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence and Space Industries, Minister for Health Industries, Minister for Veterans' Affairs) (14:08): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.L.J. HAMILTON-SMITH: The Veterans' Advisory Council (VAC) was established by cabinet in July 2008 and held its inaugural meeting in February 2009 under the chairmanship of former South Australian governor the Hon. Sir Eric Neal AC CVO. Established to promote the wellbeing of the South Australian ex-service community, promote cooperation across ex-service organisations and unit associations, and provide advice to the state government, the VAC continues to make an invaluable contribution.

In the last 12 months, the VAC has pursued an agenda under the theme of 'The next 50 years', ensuring our deployed servicemen and women in Iraq and Afghanistan are looked after when they return home, while ensuring that veterans from earlier conflicts, including World War II, Malaya, Borneo, Korea and Vietnam, continue to receive their due entitlements. The VAC, under the leadership of the late Air Vice Marshal Brent Espeland AM, has played a leading role, in conjunction with the Veterans' Health Advisory Council, in the development of the Framework for Veterans'

Health Care 2016-2020. Setting the strategic direction for the provision of veterans' health care in SA, the framework informs us of the health needs of veterans so we can develop a shared understanding of how we will work together to improve quality of care for veterans. This forward-looking process would not have been possible without the drive and enthusiasm of Air Vice Marshal Brent Espeland, a warrior, gentleman, colleague and friend.

Sadly, I regret to inform the house that Brent passed away quite suddenly on Friday 29 September. A man of service, he persevered because he believed his efforts would deliver a better life for those who followed. Air Vice Marshal Espeland is part of an unbroken chain of those who have served with honour through the life of our nation.

Educated at Woodville High School and graduating as dux of the college, Air Vice Marshal Espeland entered the Royal Australian Air Force Academy, Point Cook, in 1966. He was awarded the sword of honour as the top graduate in 1969. Brent enjoyed a career in the Royal Australian Air Force spanning 36 years that included service flying C130 Hercules in Vietnam, leading the Roulettes aerobatic team—he could certainly fly!—and he was selected to attend the Canadian Forces Staff College in 1981-82.

I had the good fortune to serve directly with Brent during the 1992 Kangaroo series of exercises, which put most of the Australian Defence Force into Northern Australia. Brent was the orange force commander across sea, air and land. My task as commanding officer of the Commando Regiment was to act as the orange land force commander, with Royal Australian Regiment, SAS and commandos under command.

We spent most of 1992 and a good part of 1991 working very closely together as we prepared to invade Northern Australia. Brent was a wonderful commander in the field. He was capable, considered, firm, fair and friendly at all times. This man was one of the finest RAAF officers with whom I served. I was delighted to find him back in Adelaide and to be able to invite him to lead the Veterans' Advisory Council. Brent did not hesitate to take up the call when asked.

His career encompassed command appointments at unit and formation level as well as having tenure as the Air Officer Commanding Training Command and Deputy Chief of Air Force. His final military appointment was a secondment to the Department of the Prime Minister and Cabinet with responsibility for the coordination of security and intelligence at the national level for the Sydney 2000 Olympic Games. A second career followed with 10 years in senior sports administration.

In retirement, Brent worked tirelessly in support of many worthwhile causes as national president of the Australian Flying Corps, the Royal Australian Air Force Association and both national and South Australian president of the Royal United Services Institute of Australia. He was a member of the Department of Veterans Affairs Ex-Service Organisation Round Table and was chairman of the Board of Governors of the Repat Foundation—the Road Home.

Brent believed that we owe a profound debt to veterans and service personnel and their families who have suffered related health issues. He also believed that, as a nation, we must ensure we have the best led, best trained and best equipped military in the world. He was fond of reminding everyone that our troops wear the uniform for a time, yet they wear another proud title, that of 'veteran', for the rest of their lives.

Brent was firm in his commitment that we devote just as much energy and passion to making sure we have the best cared for, best treated and best respected veterans in the world. He was a man who believed that there were better days ahead. His graciousness, easy smile, reassuring tone and sense of humour were all qualities that helped him effortlessly wear the burdens of expectation throughout his life and career.

Brent's approach to life was never more evident than during the last few months, dealing with his illness while continuing to work tirelessly on matters that were important to him. His positive outlook, mental strength and resilience were a study in courage that was, in short, inspirational. Our thoughts are with Brent's wife, Judy, and his children, Brady and Kirsty. Lest we forget.

Mr Pisoni interjecting:

The SPEAKER: The member for Unley I call to order.

Parliamentary Committees

PUBLIC WORKS COMMITTEE

The Hon. P. CAICA (Colton) (14:15): On behalf of the Presiding Member, I bring up the 581st report of the committee, entitled Oaklands Rail Crossing Grade Separation Project.

Report received and ordered to be published.

The Hon. P. CAICA: I bring up the 582nd report of the committee, entitled Port Dock Railway Line Project.

Report received and ordered to be published.

The Hon. P. CAICA: I bring up the 584th report of the committee, entitled Riverine Recovery Wetlands Phase 2 Infrastructure.

Report received and ordered to be published.

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Little Para) (14:17): I bring up the report of the committee, entitled Review of the Report of the Legislative Review Committee into the Partial Defence of Provocation.

Report received.

JOINT COMMITTEE ON MATTERS RELATING TO ELDER ABUSE

Ms COOK (Fisher) (14:18): I bring up the final report of the committee, together with the minutes of proceedings and evidence.

Report received and ordered to published.

Question Time

The SPEAKER: The Leader of the Opposition has pointed out to me that the daily program for the House of Assembly today, the green, does not contain question time. It is, however, routine business, and the Speaker will not overlook it. Questions: leader.

EMISSIONS INTENSITY SCHEME

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:19): My question is to the Premier. Does the South Australian government still support an emissions intensity scheme, which climate change authority modelling has shown will increase average household bills by at least $190 per year?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts) (14:19): What we support, as we have always supported for over a decade, is a price on carbon and sending a very clear message that we support a renewable energy sector in this state and in this nation.

Members interjecting:

The Hon. J.W. WEATHERILL: The community understands, the experts understand and billionaire investors understand that the future lies in investment in renewable energy. I know that those opposite are addicted to the coal industry. They are locked in to their federal colleagues and a prime minister who is hanging by a thread in the national parliament, who has Tony Abbott basically with his hands around his neck, strangling the life out of his prime ministership. That is the dynamic that is occurring in this nation and has been a feature of national politics for over a decade. This debate has been led by one of the most destructive politicians in the history of Australian politics, Tony Abbott. Do you seriously believe—

Mr MARSHALL: Point of order, sir.

The Hon. J.W. WEATHERILL: —the emissions intensity scheme—

The SPEAKER: Point of order.

Mr MARSHALL: Debate.

The SPEAKER: Yes, I uphold the point of order.

The Hon. J.W. WEATHERILL: I will return to the emissions intensity scheme—that was the point of the question—the very emissions intensity scheme—

Mr Marshall interjecting:

The SPEAKER: The leader will be quiet.

The Hon. J.W. WEATHERILL: When did that first pop onto the public radar? I can tell you, sir: in 2009, promoted by Malcolm Turnbull. Does anybody seriously believe that if the Prime Minister was free to act in his own conscience he would be doing what he is now promoting? They are strangling our renewable energy sector, and we will not cooperate with it—we will not cooperate with it. What we do know about price increases is that it is the Liberal Party's proposition of not putting a price on carbon that is driving up the price of electricity in this nation.

The means by which that occurs is this: when there is uncertainty in an investor community, when there are sensible investors who understand that the world is going to have to be decarbonised, when there are sensible investors who understand that most of the burden of adjustment is going to fall on the electricity sector, when you actually set a low-ball target like those opposite are cooperating with to try to keep coal chugging away for a few more years longer, nobody believes it.

Nobody believes it, therefore they don't invest in new plant and equipment. When they don't invest in new plant and equipment, what happens? The existing owners of the plant and equipment that generate power in this country have all the market power. What do they do? They drive up price. That is why those opposite are the party of high electricity prices in this nation. They are the party of privatisation—

Mr VAN HOLST PELLEKAAN: Point of order, sir.

The Hon. J.W. WEATHERILL: —and when we seek to take back control of the electricity sector, they want to put it back in the hands of the private market.

The SPEAKER: Point of order.

Mr VAN HOLST PELLEKAAN: Debate.

The SPEAKER: Yes, I uphold the point of order. The Premier is debating the question rather than providing the house with information. Before the next question is asked, there were interjections at a time when the Premier was not being provocative.

Members interjecting:

The SPEAKER: There was a period when the Premier was providing information. I call to order the leader, the deputy leader and the member for Chaffey. I warn for the first time the leader, the deputy leader and the member for Chaffey, and I warn for the second and final time the leader, the deputy leader and the member for Chaffey. Leader.

ENERGY SECURITY TARGET

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:23): My question is to the Premier. Will the South Australian government still pursue its energy security target given that EnergyAustralia has recently given information to the public that suggests that this would result in an increase in the average household bill of another $150 per household per year?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts) (14:24): We have a Leader of the Opposition who went out and told the South Australian people, erroneously—

Mr PISONI: Point of order, sir.

The Hon. J.W. WEATHERILL: —that they were going to get a $300—

The SPEAKER: I can anticipate the point of order. Let's allow the Premier to get into stride, and when he has uttered a couple of complete sentences then we can look at the point of order.

The Hon. J.W. WEATHERILL: What we have is a Leader of the Opposition who comes in here lecturing us about electricity prices, and within 24 hours of announcing his policy it disappeared

from $300 to $60 to $70, and now we know that he didn't even price in the cost of the new interconnector that he says is going to save us in the future, and that will decrease this saving even further.

Members interjecting:

The SPEAKER: Premier.

The Hon. J.W. WEATHERILL: It has been consistently the case on this side of the house that we have been promoting the single and only policy which is going to improve, essentially, the long-term security of our system, the affordability of supply and the cleanliness of our electricity system, and that is a policy that encourages renewable energy.

Can I remind the house and those opposite of the Port Augusta solar thermal power station, which will be up and running in 2020 as a consequence of the government procurement. This government put out to the market and has secured what is likely to be a game-changer in terms of the electricity market in this nation. We now have a renewable energy proponent that is providing dispatchable secure energy to fuel our needs in the future.

Mr VAN HOLST PELLEKAAN: Point of order: the leader's question was about the energy security target. The Premier has not mentioned that once. He is not anywhere near it.

The SPEAKER: I may not be understanding the Premier very well, but I took it that the purport of his answer is that he intends to continue to pursue the target. Premier.

The Hon. J.W. WEATHERILL: Exactly. If those opposite had paid some attention when we made the announcement to defer the implementation of the target, they would realise that the deferral was made until 2020, the very date on which new competition will emerge in the system through the mechanism of the Port Augusta solar thermal plant. So the Port Augusta solar thermal plant is germane to the very question that the Leader of the Opposition asked, and I think that the South Australian community are excited about the investments that this government is making to drive renewable energy in this state and in this nation. They are increasingly aware of the national and international leadership role that we are playing in renewable energy.

Even today we are seeing the announcement by the billionaire Sanjeev Gupta to make a further investment of almost a further billion dollars in a battery to provide a further investment into Port Augusta. When the people of South Australia understand that it's the Leader of the Opposition who wants to scrap our renewable energy target, they will realise the next election is, indeed, a referendum on renewable energy. A government that is prepared to pursue—

Mr Marshall: Bring it on.

The Hon. J.W. WEATHERILL: Bring it on—excellent. Okay, let's have a referendum on renewable energy at the next state election and, when it goes as I expect it to go, I expect that after the next election you will be supporting our renewable energy policy because the people of South Australia understand that this is the future. They understand that it is the future for jobs. They understand that it is the future for new technology. They understand that taking advantage of these renewable sources will provide us with a secure, affordable and reliable energy system in the future.

For those opposite to be promoting something of a renewable energy future, it really does tell you that they are confining the population of this state and this nation to something which ultimately has no future, because the very definition of 'renewable' tells you that we have a continuing, sustainable future. They want to lock us into the technologies of the past.

ENERGY SECURITY TARGET

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:28): Supplementary: given that the Premier has just indicated to this house that his government supports the energy security target and an energy intensity scheme in South Australia, will the government persist with taxpayer-funded advertising saying that their plan will reduce energy prices when stakeholders clearly say that it will actually increase prices for South Australians?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts) (14:29): I don't know where the voice is that the Leader of the Opposition is listening to. Perhaps some of those

stakeholders are coal-fired power interests, because they are the only voices that the Leader of the Opposition hears when he stands up on the energy debate. The Liberal Party of Australia are utterly beholden to coal interests. They hand around lumps of coal in the federal parliament. Those opposite cheer them on.

We in this state understand that taking the energy associated with the renewable sources of sunlight and wind power, and storing them, represents a renewable energy future. It is already creating the jobs up in Jamestown, as local contractors are working to put in place the world's largest lithium ion battery. They are going to create jobs and opportunities in Port Augusta, as those workers from the old coal-fired power station find new roles working in the solar thermal plant. It is providing jobs and opportunities in our western suburbs, as companies that were working in the automotive component sector are now making heliostats to have a future in this renewable energy sector.

We are seeing great new companies like Buddy Platform, which is providing the high-tech algorithms which allow companies to save 5 to 10 per cent of their energy bills, because they understand that the future is in the technologies that create the energy-saving measures that are saving those businesses thousands and thousands of jobs. It is also creating jobs and opportunities in the new retailers like ZEN Energy partnering up with Sanjeev Gupta to create a homegrown renewable energy retailer here in South Australia, not only powering his own power plant at the steelworks at Whyalla but the rest of Arrium's former operations around the nation and also his ambitions to push into the aluminium sector.

This is the future—an industrialist choosing green energy to supply their needs. Those opposite scoff at green energy and renewable energy. On this side of the house, we understand that it represents the future.

RENEWABLE ENERGY TARGET

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:31): My question is to the Minister for Energy. Does the minister reject the Productivity Commission's warning that state-based renewable energy targets fail to consider the consequences of insufficient base load power?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:31): This is the same organisation that recommended the closure of the car industry, the same organisation that thought it would be better we buy our submarines from Japan. This is the same organisation the opposition now champion. Of course, the Productivity Commission modelling talked about mechanisms of renewable energy targets. Of course, our renewable energy target had no mechanism behind it; that is, we didn't subsidise renewable energy.

What the Productivity Commission was talking about was RETs to have modelling, and it is completely disingenuous for the Leader of the Opposition to get up and pretend that the state's renewable energy target is similar to the ones being criticised by the Productivity Commission, and he knows it. If he doesn't, he is not fit to be Premier. So he can choose: either he is naive or he doesn't understand what he is talking about.

Mr VAN HOLST PELLEKAAN: Point of order, Mr Speaker.

The Hon. A. KOUTSANTONIS: This is the Productivity Commission. This is exactly on the question.

The SPEAKER: I think I will make the ruling on that rather than the Treasurer be a judge in his own cause. I think the Treasurer is making a fair fist of answering the question in his own idiom. Treasurer.

The Hon. A. KOUTSANTONIS: Yes, I do reject the Productivity Commission's findings in reference to South Australia because our renewable energy target had no mechanism. Their criticism of renewable energy targets isn't of South Australia; it's of the one that the commonwealth government operate which creates certificates. Perhaps the members opposite could read the report properly.

RENEWABLE ENERGY TARGET

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:33): A supplementary, sir: despite all of the evidence, is the government now considering an even higher state-based renewable energy target for South Australia, following the Premier's statements on *Lateline* last week that stated, 'We are not going to slow down'?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts) (14:33): Well, we are not going to slow down. We're not going to be dragged backwards by the knuckle-draggers in the federal parliament. We're simply not going there. We are not going to have the federal Coalition, which is utterly in the thrall of the coal industry, dictate to South Australia about what its policies should be. This is the means by which we are going to establish an international reputation for cutting-edge technology.

Everybody understands that we are going to have to transition to a low carbon future. Intelligent people understand that there are advantages associated for first movers when they move then. First movers that decide to adopt those technologies first will attract the businesses that will decide to locate here.

Do you think that there is a reason why, on page 3 of the *Australian Financial Review* this week, Mike Cannon-Brookes, probably one of the most important young industrialists in this nation, a billionaire by the age of about 30, decided to attack the commonwealth government's go-slow on renewable energy? These are the people you are associating yourself with. You are associating yourself with the knuckle-draggers in the federal parliament, the people who actually want to go slow on renewable energy. That is the future you want to confine this country and this nation to.

The young people of this nation also understand that they have to live on this planet. They have to live on a planet which is choking through carbon pollution, and they are simply not going to tolerate a backward-looking party that consigns them and their children to a lower standard of living, a lower quality of life, than the one they have come to expect. They will look back on these debates and they will label the Liberal Party as the guilty party.

The SPEAKER: When the minister debates the question and the opposition responds with a wall of interjections, the only ruling can be, 'Play on.' At first drop, unusually, the member for Flinders.

EYRE PENINSULA POWER SUPPLY

Mr TRELOAR (Flinders) (14:36): Thank you, sir. My question is to the Minister for Energy. When does the minister expect the government will be installing diesel generators at Streaky Bay, Ceduna and Yadnarie as per the recently released ESCOSA report into the Eyre Peninsula power supply?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:36): We are considering the report. The question goes to a meeting we had at Port Lincoln with local community leaders. I think the member for Flinders came briefly to that meeting, and he had other engagements to go to, which is appropriate. We had a discussion with local communities there about the quality of the power that they were receiving on Eyre Peninsula.

Overwhelmingly, the response came back that the quality of the power being delivered to communities on Eyre Peninsula was inadequate. We are not talking about quality. I am not talking about reliability. I am talking about things like the damage it is doing potentially to compressors in air conditioners, compressors in fridges. So we then commissioned ESCOSA to do an inquiry into the reliability of the grid of Eyre Peninsula.

Overwhelmingly, what we are considering in the report are the requirements that ESCOSA believe perhaps AEMO or South Australian Power Networks or, of course, ElectraNet would have to make investments to stabilise that grid. Traditionally—for most of the state's existence—it has been the government that has been investing in making sure that communities like the ones on Eyre Peninsula receive good and decent reliable power that is affordable.

There was a decision made in this parliament to give that responsibility to the private sector. Now, the private sector is failing in that, and the ESCOSA report shows that it has failed to give South Australians the power that they need and deserve to go about their business. So it is a timely response.

Ms Chapman: That's why you sold the LTO.

The Hon. A. KOUTSANTONIS: The deputy leader interjects that that's why we sold it.

Ms Chapman: The LTO.

The Hon. A. KOUTSANTONIS: We didn't sell ETSA. In fact, I was in this parliament when the privatisation of ETSA was debated. I was here, and it was the Labor Party that opposed that sale, and it was members opposite that put the people of Eyre Peninsula in the hands of the private sector. So what ESCOSA and the government are attempting to do now is, through the regulatory frameworks established by members opposite when they privatised the assets, to try and make sure that regional communities have the power they need. So it is a bit rich when members opposite complain about the private structures they have established to deliver reliable power when it is failing. The chickens are coming home to roost.

Members interjecting:

The Hon. A. KOUTSANTONIS: And yelling and screaming is not a substitute for policy. Now what they are saying is they want more government intervention. Well, why did they sell them? Why did they sell the assets? Why sell the poles and wires? Why sell the transmission lines? Why sell the generators? Quite frankly, members opposite should be ashamed when they go back to their communities and look them in the eye and say, 'Actually, it was our fault. Actually, it was the Liberal Party's fault. We are the reason this has all occurred.' They are the guilty party.

EDUCATION FUNDING

Ms WORTLEY (Torrens) (14:40): My question is to the Minister for Education and Child Development. What has the state government's ongoing commitment to the Gonski agreement meant for South Australian public school students?

Members interjecting:

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:40): It is a good question, as the interjections on my side say, because without Gonski we wouldn't be able to put in the enormous effort that is being put in at the moment to make our public education system strong and fit-for-purpose in a modern environment, where we have students of today who need to have the skills for the jobs of the future, where they need to have strong literacy and numeracy basics, and where they need to be prepared for working in a world that requires a vast range of both skills and knowledge that weren't as important in past years and we need to keep up to date.

What was good enough a few years ago will not be good enough in a few years' time. To be able to be responsive to those needs we need to spend money on our public education system. That money was hard fought for by this state government and by other state governments many years ago in a six-year funding agreement. I understand that the opposition at the time of the last election felt comfortable that it would only be a four-year agreement, that the Tony Abbott view that the Gonski agreement was only four years was fine with them. Well, it was not fine with us because it was a six-year agreement.

The importance of the six-year agreement is that the funding in the last two years was where 75 per cent of the additional money came in. What did we do, despite losing our funding partners when the Abbott government came in saying, 'There will be no difference between us and the Labor government'? They cut those last two years, but we stuck by it and because we stuck by our last two years we are now able to spend money on the public sector system. To do that we are able to fund intervention in the early years. We are able to fund literacy and numeracy programs to make sure—

The Hon. T.R. Kenyon interjecting:

The SPEAKER: The member for Newland.

The Hon. S.E. CLOSE: —that the basics are being supported. We are able to prepare students for the jobs of tomorrow. We are able to have individualised attention for students so, whether they are gifted, whether they have disabilities or whether they just need a little bit more time to learn the basics of literacy and numeracy, they will get that level of attention. To do all of that we need to support our teachers to be the best that they can be.

In the recent week, many people will have noticed the amount of money that we have been able to allocate to these very important priorities: $67 million for literacy and numeracy announced back in August, $66 million announced some time ago for the funding of utilities bills centrally so that the schools can use that money on education in the schools, $30 million for lifting the income level of families who have students at school so that they don't have to pay the fees to go to public schools, $16 million for helping public schools deal with students with complex behaviours, $27 million for supporting vulnerable students and their families and making sure that their wellbeing is a priority for schools and $16 million on professional development through a leadership and teacher excellence academy.

None of this would have been possible without this government's commitment to Gonski. The one thing that is at peril for this state for public education is if a government should come in that doesn't care about funding public education, that doesn't have an adherence to funding to need and funding for Gonski.

SCHOOLS, MATERIALS AND SERVICES CHARGE

Ms COOK (Fisher) (14:43): My question is also for the Minister for Education and Child Development. What is the state government doing to support families with students in public schools across South Australia?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:43): I won't traverse too much information that is already in the public domain, but members will be aware that there was a recent announcement to lift the level of the household income before parents are required to contribute to the funding of their school through the materials and services charges. For a long time that has been about $37,000. We are in a position now to lift that to $57,800 for one child, with an additional, roughly, $1,000 for each additional child in the family.

What this means is that another 29,000 students across our public sector system will be the beneficiaries when their parents will not have to pay that fee. The impact of that will be, of course, variable in different areas, so I think it might be of use to members of parliament to hear the impact across some of the electorates. For Hurtle Vale, for example, as the member has asked me, there will be an extra—

An honourable member: Fisher.

The Hon. S.E. CLOSE: —Fisher, soon to be Hurtle Vale—690 families, who send their children to public schools, who will benefit from the start of next year through those reforms. In the electorate of Reynell, it will be an extra 420 families. In the electorate of Kaurna, it will be an extra 390 families. In Mawson, 440 extra families will benefit. The savings for these families will be large and significant.

What is important is that we are saying to these families, 'Concentrate on your children. Send your kids to a public school. We recognise that at $57,000 and upwards, depending on the number of children, life can be hard and we will make sure that we will look after you. Send your kids to our schools and they will have a fantastic education.' I thank the member for the question.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION OAKDEN INQUIRY

Mr DULUK (Davenport) (14:45): My question is to the minister assisting the Minister for Mental Health. Is the minister aware of any government members being interviewed by ICAC in relation to the Oakden inquiry?

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) (14:46): As members would know, to the extent that the ICAC is involved in matters it is not appropriate for there to be discussion about matters that occur there, so it is not appropriate for that sort of question either to be—

Ms Chapman: You're the one who is keeping it secret.

The Hon. J.R. RAU: —asked or responded to—

The SPEAKER: The deputy leader is on a full set of warnings.

The Hon. J.R. RAU: —so that is completely inappropriate. What I think can be said about the matters that pertain to that particular piece of work by the ICAC commissioner is that, as I understand it, he appeared yesterday, I believe, before a committee of the parliament. I believe that committee of the parliament had the opportunity to ask him questions about a number of matters, which included pretty much anything that they sought to ask him.

Any questions concerning that matter should be directed directly to him, particularly in circumstances where we have a joint house committee of the parliament which is explicitly set up to deal with relationships between this place and him. It is something that is there for the benefit of members of parliament, not just for the executive arm of government.

I would have thought that to come in and ask a question of the executive arm of government about a matter that was before the commissioner yesterday in a joint house committee is completely inappropriate. I don't know whether the member concerned is a member of that committee, but, if he is not, I can see a member of that committee who sits approximately a metre or so away from him, and I am sure he would be happy to invite him along to the next meeting, or possibly even ask a question on his behalf if that was necessary.

The SPEAKER: The member for Davenport, if he had gone on to name individuals, would have been committing a criminal offence under section 56A of the ICAC Act, but he is shriven by parliamentary privilege.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION OAKDEN INQUIRY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:48): My question is to the Minister for Mental Health. Why has the government delayed in providing documents to the current investigation by Mr Lander in relation to the Oakden scandal?

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) (14:48): I was explaining it briefly to the parliament, but I think for the sake of completeness, I will start again. There is a joint parliamentary committee, which was established, if I recall, specifically to enable the parliament to interact with and be able to have relatively informal opportunities to speak with the ICAC commissioner.

Ms CHAPMAN: Point of order, Mr Speaker.

The SPEAKER: I'm sorry, I'm just dealing with a query from the member for Stuart.

Ms CHAPMAN: Would you like me to wait until you have dealt with that, sir?

The SPEAKER: It's very kind of you to offer, but I will defer to you.

Ms CHAPMAN: Thank you. My point of order is that the deputy is not addressing the question; he is going on in relation to committee processes. My question was specifically not in relation to the evidence that has already been given. My question was to the Minister for Health as to why there was a delay in the production of the documents that Mr Lander referred to yesterday—nothing to do with the committee.

The SPEAKER: Yes, okay, we've got the idea. Attorney.

The Hon. J.R. RAU: Thank you, Mr Speaker. I am attempting to assist the house. I know—

The SPEAKER: As you always do.

The Hon. J.R. RAU: As I always do. I know you, Mr Speaker, are interested in these matters. I was just explaining that this committee, which is populated by members of both houses, did in fact meet yesterday with the—

Ms CHAPMAN: Point of order, Mr Speaker.

The SPEAKER: I'm sorry, I was again attending to the member for Stuart.

Ms CHAPMAN: Thank you, sir. Again, the Attorney-General is referring to committee processes, as distinct from the government's explanation as to why they delayed in providing documents.

The SPEAKER: Let's give the Attorney a chance to develop his answer. You know he is very much a slow-developing answerer.

The Hon. J.R. RAU: I am, but I do develop eventually, Mr Speaker.

The Hon. L.W.K. Bignell: Like a good red wine.

The Hon. J.R. RAU: Indeed—something that takes a little while to get to the good bit. Anyway, what I was going to say was this: I wasn't there but, as I understand it, a number of questions were asked of the commissioner directly in that committee yesterday pertaining to a particular inquiry and the way in which that was going. I understand that he made a comment to the committee which was actually reported broadly either last night or this morning, depending on how you take your media, to the effect that there were a vast amount of materials that needed to be gone through.

I have asked some further questions about this today, and my understanding of the matter is that there are literally hundreds of thousands of pages of material—hundreds of thousands of pages of material—already in the possession of Mr Lander, and that those hundreds of thousands of pages of material need to be the subject of examination and consideration by him. I am also of the understanding, having asked for some advice from the Minister for Health, that he has a staff of six people whose full-time, dedicated task it is to actually go through and try to recover further documents.

Mr Speaker, I think you would appreciate, as I hope all members do, that the documents that are being sought were never held, or filed, or retained in handy large boxes labelled 'Oakden; please pick this box up'. These records are all over the place and need to be collected, put together and provided to the—

Members interjecting:

The Hon. J.R. RAU: The government is providing every assistance that can be provided to collect all the materials. Again I say, as I understand the evidence that was given by the commissioner, the commissioner has yet to be able to digest all the material that is already in his possession, let alone all the material that will ultimately be in his possession. So we are cooperating. The government is keen to assist the inquiry. The government is keen to provide such materials as may be requested. As I said, my understanding as of today is there are literally hundreds of thousands of pages of material—

Members interjecting:

The Hon. J.R. RAU: I think that was the member for Kavel, was it?

The SPEAKER: No, it was not the member for Kavel; that is an unjust accusation.

The Hon. J.R. RAU: It was the member for Finniss.

The SPEAKER: It was the member for Finniss, who allowed his computer to play music over your answer.

The Hon. J.R. RAU: I found that disruptive, Mr Speaker.

The SPEAKER: Did you?

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

Ms Chapman: It was comic relief.

The SPEAKER: Yes, quite. Deputy leader.

SOUTH AUSTRALIAN OF THE YEAR AWARDS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:54): Thank you, Mr Speaker. My question is to the Premier. Was the Premier so ashamed of his government's Oakden scandal that he withdrew from presenting Barb Spriggs with her Senior South Australian of the Year award?

The SPEAKER: All I can say is that the question gives the Premier plenty of scope.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts) (14:54): Yes, a classy question. I had the opportunity—

Mr Marshall: A classy guy—a guy who won't distance himself from the disgraceful campaign in Elder at the last election.

The SPEAKER: The leader is on a full set of warnings.

The Hon. J.W. WEATHERILL: He thinks he has a glass jaw. I had the opportunity to speak to Barb Spriggs on the telephone just a few hours ago. She is a lovely woman and a courageous woman, and she deserves the support, congratulations and accolades of this parliament and the people of South Australia. Of course, she is Senior South Australian of the Year and we send her our best wishes as she goes off to Canberra—

Mr Marshall: Why didn't you present the award?

The Hon. J.W. WEATHERILL: —to hopefully become the Senior Australian of the Year, and there are many other wonderful winners who I have publicly acknowledged. The truth is that I don't get to every event. Indeed, I had a very strong representation made to me by the Hon. Russell Wortley, the President in the other place.

Members interjecting:

The Hon. J.W. WEATHERILL: I was never actually engaged to be at that function.

Mr Marshall: Really?

The Hon. J.W. WEATHERILL: Never.

Mr Marshall: Is that right?

The Hon. J.W. WEATHERILL: That's right. Further, we don't get to find out who the winners are, so it would be rather curious if I was to pull out on a basis that I was unaware of. I did go in 2014 and I don't attend every year.

The Hon. A. Koutsantonis: The tactical genius of Steven Marshall strikes again.

The Hon. J.W. WEATHERILL: Of course, I can't attend all the functions—

The SPEAKER: The Treasurer is called to order.

The Hon. J.W. WEATHERILL: In fact, I think I arranged for the Deputy Premier to represent me.

Ms Chapman: He didn't go.

The Hon. J.W. WEATHERILL: No. Indeed, it was the strong representations by the Hon. Russell Wortley, who has taken a particular interest—

Mr Marshall: Who?

The Hon. J.W. WEATHERILL: The Hon. Russell Wortley.

Mr Marshall: What does he do?

The Hon. J.W. WEATHERILL: He is the President of the Legislative Council, if those opposite would pay proper respect to the other place, and he has—

Ms Chapman: You want to abolish it.

The Hon. J.W. WEATHERILL: No, we don't. It's not in our policy. Is it in yours?

Ms Chapman: Oh, come on.

The Hon. J.W. WEATHERILL: No, it's not in our policy; it hasn't been there for years. He made a particular representation, as I am advised, to the Deputy Premier's office to say, 'Could I please represent the government because I have a special interest in doing it?' In fact, because he is on the council of the—

The Hon. L.W.K. Bignell: The Australia Day Council.

The Hon. J.W. WEATHERILL: The Australia Day Council, which is the body that makes the relevant appointments. So that's the history of the matter. Perhaps, given the explanation, the deputy leader could in a moment jump up and give a personal explanation and apologise for that shocking slur.

The SPEAKER: I can confirm the Premier is correct: it is not the Labor Party policy to abolish the other place, ever since Ralph Clarke addressed the convention and said, 'Where would assistant secretaries of unions ever go unless the upper house were retained?'

Members interjecting:

The SPEAKER: The Premier seeks leave to make a personal explanation. Leave has been denied, so perhaps the Premier can work it into the next answer.

ELDER ABUSE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:58): My question is to the Attorney-General. When will the Attorney-General introduce legislation to protect vulnerable aged-care residents by enabling video cameras in aged-care facilities?

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) (14:58): This is a matter that I thought we had canvassed reasonably thoroughly in this place 18 months ago or two years ago, but I am happy to go over that ground again. We were presented with a case some time back now by a Mrs Hausler, who was very concerned about the treatment of her father. She actually installed a camera of her own initiative in order to capture what she perceived may have been mistreatment of her father, and it turned out she was dead right.

I met with her and had discussions with her. We did make investigations into this matter and at the time that we were making investigations into this matter there was a furphy floated by some, possibly people I can see a few metres from me, which was to the effect that in some way the Listening Devices Act of South Australia was interfering with the opportunity for these people to look after their relatives. Of course, that was a completely bogus point—absolutely bogus point.

It turns out that there is no South Australian statutory impediment for a person to use a surveillance device, and by that we include in our definition now a listening device or something capable of capturing an image. There is no statutory impediment of South Australian origin to prevent a person to do that to protect their lawful interests or the interests of a person with whom they have a good reason to be looking out.

This then brings us to the question: what if anything is preventing this happening? The answer is partly, despite the fact that I have written to the umbrella group that looks after these people and said, 'Look, will you just have a consensual agreement with the families of those whose elderly members are in your care that they may at their discretion opt into a voluntary arrangement whereby you facilitate an image to go in there?', they have not agreed to that.

The licensing of these people is a commonwealth government matter. They are regulated by commonwealth law both in terms of an overarching act and regulations under that act. They are licensed by the commonwealth, and all of the matters in relation to what they do or do not do within their agencies is basically covered by a network of commonwealth legal arrangements. So, to the extent that the South Australian parliament or this government has any capacity to permit, or authorise, or agree with, or facilitate people looking after the lawful interests of their elderly relatives in nursing homes, we have got nothing in the way of it—we have got nothing in the way of it.

If somebody cares to read the Listening Devices Act, or the Surveillance Devices Act as it now is, it will be obvious what I'm talking about. There is no impediment for a person to use these devices to protect their lawful interests and, clearly, protecting an elderly relative from being abused is well within the scope of that opportunity. I am afraid everything that we can do we have done. It is now a matter for the federal authorities to deal with the matter from their end.

BUILDING BETTER SCHOOLS PROGRAM

Ms DIGANCE (Elder) (15:02): My question is to the Minister for Education and Child Development. Minister, can you talk about how schools across my electorate of Elder will benefit under the state government's Building Better Schools program?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:02): I am delighted to answer this question. In addition to the funding that we've been announcing recently—that is, ongoing recurrent funding courtesy of our commitment to Gonski, which will strengthen the quality of what occurs inside our schools—yesterday I was also delighted, as people would be well aware, to announce, alongside the Premier, an enormous investment in the infrastructure of our public schools: 91 public schools and about $692 million across the state.

The member asked in particular about the impact of that decision for her electorate of Elder. There are a few schools in her electorate that are being paid attention to as a result of this infrastructure expenditure. One of them, of course, is Pasadena. Members will recall that there were—

Mr DULUK: Point of order: Pasadena High School is in the electorate of Waite and not in the electorate of Elder—relevance.

The SPEAKER: I don't think that's a point of order.

The Hon. S.E. CLOSE: If I can clarify, Mr—

Members interjecting:

The SPEAKER: Presumably—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The Treasurer is warned. Presumably, there are some children who go to that high school from Elder.

The Hon. S.E. CLOSE: Indeed, as there are for Unley. Interestingly, school boundaries—

Mr DULUK: Point of order: the high school of Unley is in the electorate of Waite, not in the electorate of Elder. The question was about schools in Elder.

The SPEAKER: Yes, the member was told just a few seconds earlier what was wrong with the point of order, that it was not a point of order at all; in fact, he is just arguing with the answer. He has now made a bogus point of order a second time. I am going to be merciful and leave him here. If he does it again, he will be gone under the sessional order. Minister.

The Hon. S.E. CLOSE: Thank you, Mr Speaker. Just to clarify, schools and their boundaries don't conform neatly to our electorate boundaries, which in any case change periodically. Therefore, I am answering this in the manner in which I expect it was asked, which is: what schools are affected for the people who live in the electorate of Elder? It is about the schools that their children are attending. I am perfectly happy to talk about all the schools in the area but, in the interest of time, I will talk to those where the majority of kids who live in the electorate of Elder are likely to go.

One of those is Pasadena as is, indeed, Unley High School. Members will recall that with Pasadena and Unley there was a quite difficult process of considering a voluntary amalgamation between those two schools, which in the end was decided against by the community of Pasadena. I recall being asked a question at the time, I believe by the member for Morialta, about the extent of our commitment as a government to Pasadena in the event that amalgamation not be supported, as indeed it subsequently proved not to be.

For those young people who live in the seat of Elder, who either are already going to Pasadena or are not yet going to Pasadena but attempting to go to Unley, it is important that they understand that we are committed to making Pasadena a successful school. I have spent time with the principal of the school and with interested local members from across that area who want to see that the school has a plan to succeed. The Australian Science and Mathematics School, which is based at Flinders University, has taken an interest in Pasadena and spent some time working out how they can have an integrated approach to learning for their students.

The finances, the $10 million that we were able to allocate yesterday, are contingent upon a successful plan that shows us a pathway for that school. Without the funding, it is unlikely that the school would be successful. With the funding, it is highly likely that we will be able to turn that school around. Another school that many children who live in the seat of Elder attend is the school of Hamilton Secondary College, although as an adult-entry school as well it of course draws from a much broader area than the seat of Elder. That school has done some incredible work recently.

I was there to open their space centre recently. It was almost too overwhelming to speak coherently because there were two astronauts in the audience as well as my son, so I felt that I really needed to perform well and I am not sure that I was up for the challenge. To have Andy Thomas and Pamela Melroy there to be part of the opening of the space centre was a tremendous honour. Andy Thomas, who spoke, was incredibly complimentary about the quality of offering. To be able to put additional funding into that school, another $9 million, to make that a successful school in other parts of its infrastructure as well is very important.

BUILDING BETTER SCHOOLS PROGRAM

Mr GARDNER (Morialta) (15:07): Supplementary: can the minister confirm how much of the funding announced yesterday will be taken up with consultancies, project management and departmental administration costs? Will it be less than the one-third that has been spent on those expenses in the STEM Works program?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:08): There is a twofold answer to this. First of all, we are still developing the project management office, the precise costings for the work that has to be done. Project management has to occur; design has to occur. The member is inaccurate in drawing on what he understands to be the case for the STEM facilities in saying that a third goes into that kind of expenditure. It is not the case.

Yes, there is expenditure that is associated with project management and with good design. Of course that happens, and that will vary from project to project, but there is also a contingency amount set aside because some of our projects go over budget and some go under budget, and we need to make sure that across all the STEM projects we are able to balance the dollars we spend. We are constantly spending over the amount that is required in order to make sure that a project is successful. Where a project doesn't need to have as much spent on it, that's what can occur as well so that we balance across the system.

There is also a portion set aside—and this is absolutely crucial for the STEM facilities to be successful—for what goes into those buildings. It is not simply about having a building: it is about what is in those buildings so that the students and teachers can spend time on science, technology, engineering and maths. This is one of the most important learning areas for our young people as they transition into adulthood in a very different world, a very different economy, from the one which many of us left school to greet.

I recall when computers first materialised in our school. That was an unusual and unexpected event. Now that must be standard, and so we have set aside a proportion of the STEM funding for

what goes in and that will again vary across the different schools, but it is not accurate to say that a third simply disappears out of the school itself, and we are still working on how that will—

The Hon. P. Caica interjecting:

The SPEAKER: The member for Colton is called to order. Member for Florey.

ADELAIDE WOMEN'S PRISON

Ms BEDFORD (Florey) (15:10): My question is to the Minister for Correctional Services. What arrangements are in place to support any women due to give birth while serving a custodial sentence, and what subsequent arrangements are in place to give the infant contact with its mother during the first vital weeks and months of life?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (15:10): Thank you very much to the member for Florey for her question. Firstly, I note her strong interest in this area and, I understand, her long association with the Adelaide Women's Prison—as have a number of members in this house.

Early in the role as the minister for corrections, I had the delight to go and visit the Adelaide Women's Prison and, in particular, to see firstly a lot of the programs that are underway in that prison, including a significant number of programs aimed at the rehabilitation of prisoners in that prison; secondly, to see a number of the improvements that have been made in that prison for the amenity of prisoners and staff. There are a number of new units that the government has funded, including the new Ruby Unit, which is a significant improvement upon the previous accommodation. The first stage of that has just opened, I understand, this week, and the first prisoners have moved into that, and the second stage is now being worked on.

A further stage of work happening at the Adelaide Women's Prison is around the medical centre, and I met a lot of the staff in the medical centre at the Adelaide Women's Prison. To say that they are working in some very cramped accommodation at the moment is probably to put it mildly. It is very busy in there—a very small room. I saw that there were maybe 12 people working in what was quite a cramped location, so to have a new medical centre to provide facilities for those staff to work in and provide care for patients is I think to be welcomed by everybody.

In relation to prisoner births at the Women's Prison, these do happen from time to time. There are a number that happen every year. There is care that's provided, obviously, in association with hospitals and outpatient care in our public health system to make sure that those women get the care that they need.

In terms of what the member was trying to get at—do we need to have a special women's birthing area and children's area within the prison—that's not something that the government is contemplating at this time, although certainly a number of people have called for it. We look at the number of people who would have access to that. It is a very small number of people compared to the expense that it would have. Certainly, it's something that I would be happy to continue—

Mr Gardner interjecting:

The Hon. C.J. PICTON: —to talk to the member about and, coming into this role, I am happy to talk to her about any concerns that she has in that area and the care that we provide for the women in the women's prison when they are giving birth. There are obviously a lot of complexities in terms of that care and also in terms of a lot of interaction with the child protection system, obviously, for a number of the cases there. Obviously, we are very keen to make sure that we improve the care for women, and that's certainly what the investment in the medical centre is about.

The SPEAKER: The member for Morialta I call to order for using a member's Christian name instead of the member's electorate name. The member for Florey.

ADELAIDE WOMEN'S PRISON

Ms BEDFORD (Florey) (15:13): Supplementary: can the minister let me know if there is a review underway or even scheduled to examine ways to bring our Women's Prison facilities for mothers and babies up to the standards of prisons in other jurisdictions in the country?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (15:14): Further to my previous answer, no, I don't believe that there's a review underway as the member suggested. But there is obviously an investment of $1.5 million that the government is making to upgrade the health centre at the Women's Prison, which we think will lead to a significant improvement for care of women, whether they are mothers or not, across the Women's Prison. As I mentioned, it is a very small number we are talking about in terms of births that happen at the prison. I am happy to discuss further with the member her experiences from her long association with the prison and in terms of her care and significant—

An honourable member: From the outside.

The Hon. C.J. PICTON: From the outside—but I think it is a serious point to make. The member for Florey, as well as a number of other members (the member for Torrens and others), has had a significant interest in the Women's Prison and making sure that we improve the facilities there for some time. I commend the member for Florey for her work in that area and I am happy to continue to discuss this issue with her further.

SCHOOL FUNDING

Mr GEE (Napier) (15:15): My question is to the Minister for Education and Child Development. How will schools across the electorate of Frome benefit under the state government's Building Better Schools program?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:15): I'm very pleased to answer this question and thank the member for the question. I know that the local member for Frome is a huge advocate for the schools in and near his electorate and has met with me in some of the schools that are in his electorate, and I have very much enjoyed spending time with them.

A school that will be affected that his electorate will be pleased to know about is Clare High School, which is receiving $5 million as part of the program. I understand that the school has indicated that it will use this to upgrade classrooms and other learning areas. The Balaklava High School will be receiving $4 million. I recently visited Balaklava with the member for Frome, not only to tour around the high school but also to look at the children's centre. The high school had a very unfortunate fire some time ago and is shortly going to be opening an excellent performance unit there, replacing that building, and it is also well underway with its—

Members interjecting:

The SPEAKER: The member for Chaffey will rise immediately and withdraw and apologise, or I will name him.

Mr WHETSTONE: A point of clarification, sir: what am I apologising for?

The SPEAKER: You are apologising for referring to the Treasurer with the adjective 'gutter' and a noun which I didn't quite catch but which I presume is pejorative.

Mr WHETSTONE: Sir, I would call upon the Treasurer for an apology for calling me racist.

The SPEAKER: Well, we'll come to that. First of all, you will tell us what you called the Treasurer and you will apologise.

Mr WHETSTONE: I didn't call the Treasurer anything. I asked the Treasurer to speak up. He called me a racist. That is why I announced that he was playing in the gutter or he was a gutter smug.

The SPEAKER: A gutter?

Mr WHETSTONE: Smug.

The SPEAKER: How do you spell that?

Mr WHETSTONE: S-M-U-G.

The SPEAKER: Well, this will be a topic at the next Commonwealth Parliamentary Association meeting in Bangladesh! I think in the interests of orderliness, the member for Chaffey will withdraw and apologise.

Mr WHETSTONE: I will withdraw and apologise as long as the Treasurer—

The SPEAKER: No, you won't do it conditionally. You will just do it straightforwardly, then I will deal with the second matter.

Mr WHETSTONE: I withdraw and apologise.

The SPEAKER: Treasurer?

The Hon. A. KOUTSANTONIS: I withdraw and apologise, sir.

The SPEAKER: Thank you. Minister.

The Hon. S.E. CLOSE: I was halfway through my answer. Balaklava is receiving $4 million on top of the excellent work that they already do, and it was a delight to visit them recently as they were preparing to appear at the Royal Show with some of their steers.

John Pirie is also going to receive $10 million, and what is crucial about John Pirie Secondary School is what a transformation it has experienced in recent times under the relatively new principal, Roger Nottage. Roger, the member for Frome and I spent a significant period of time over two or three visits talking about the expectations and aspirations he has for that school. To be able to offer $10 million to support that was an absolute pleasure and delight, and I know that they will use it very well.

Grievance Debate

LUTHER THESES QUINCENTENARY

Mr GARDNER (Morialta) (15:19): Five hundred years ago this very day, Martin Luther, a former Augustinian monk, ordained Catholic priest and doctor of theology at the University of Wittenberg, wrote a scholarly presentation to his bishop, protesting the church's practice of selling indulgences—taking coin and in return granting absolution from sins. One account suggests that he did so by nailing his essay, now known as the 95 theses, to the Wittenberg Castle Church door. Whether or not that story is true or apocryphal, I would prefer to believe that is how it happened. I can tell you now, having been to Wittenberg to look at the church door, that it would be hard to do again: the door has now been replaced with vast bronze gates inscribed with the 95 theses for all to read for evermore.

In doing so, Luther set off a chain of events that led directly to the Reformation, a tide of upheaval across Europe and the world, wherever the Christian message had been spread. The evangelical church founded by Luther—he would have been appalled at the idea of a church being named after him—spread its teachings according to his catechisms. Other Protestant movements spread, and in time the Catholic Church too changed its practices and adapted. Luther was in correspondence with them all, sharing theological arguments and influencing most of the political and religious thinkers of his time in one way or another.

Luther was an extraordinary figure, a complex man whose willingness to challenge institutions and authorities, if they were concealing the truth, emboldened many others to follow their principles, even if it came at a great cost. It is no coincidence, of course, that Martin Luther King Jr shared the same name and embodied that integrity, which was instilled in him from birth.

Luther's translation of the Bible into German was transformational: the conduct of services in the languages of the congregation rather than in Latin ensured that the word of God could be accessible to all. Most importantly, Luther called the church back to its basic task: to help humans

receive forgiveness from sin as God's free gift rather than as a commodity that could be bought or sold. He had a good deal to say about politics, members might be interested to know.

His theology of the two kingdoms argued firmly for the separation of church and state, as Christ instructed us to render unto Caesar the things that are Caesar's and unto God those that are God's. Many of the freedoms we enjoy today come as a result of the Reformation. Luther teaches that the task of government is to ensure the common good—not to impose Christian belief or morality but to legislate what is just. In turn, he argued, the government must not overstep its domain to impose transient ideology on the church or the private lives of its citizens. Limited government, constitutional government, government under the law—he would have been no fan of the nanny state.

If anyone wants to challenge my theology, that last paragraph I got from a tremendous fellow, Dr John Kleinig, formerly of the Lutheran seminary, to whom I spoke about this this morning. The task of government is to maintain good order and justice for its citizens. The task of the church is to provide forgiveness of sins.

I turn to the Lutheran influence in South Australia, which is tremendously important. It started in Prussia in the early decades of the 19th century. Kaiser Friederich Wilhelm III was attempting to impose the reformed union church, of which he was also the bishop, upon the whole population. Lutherans whose families had practised their faith for centuries were persecuted. By the 1830s Lutheran churches were outlawed, Lutherans were gaoled for maintaining their theological understandings and pastors had to conduct their ministry in secret. Many looked to leave and find new homes.

With financial help from George Fife Angus, in 1838 Pastor A.L.C. Kavel, followed two years later by Pastor G.D. Fritzsche, brought their congregations to South Australia. At great personal cost and with great suffering and hardship—many died en route—these communities formed an integral part of our young state and have contributed to it ever since in increasing ways. The fact that this state gave them the freedom to flourish is a credit to our history and testament to why they have been able to give so much in return to our state. I note Pastor Fritzsche's role in particular in the establishment of the town of Lobethal, in my electorate, in May 1842, 175 years ago, and Butcher Fritz, of that town, who has given us our name for processed meat.

Subsequent waves of migration in the years since have brought many more Lutherans, and their mission has seen many people from different backgrounds, including myself, find their faith strengthened through the Lutheran Church. Those early settlers who gave up so much would have been very pleased to see the Lutheran congregations of the Adelaide Hills—Birdwood, Lobethal, Spring Head, Woodside, Springton and Eden Valley—join together with many other local Christians to share in worship on Sunday 22 October at Lobethal.

It was a special day, and I was pleased to be joined by the member for Kavel, and Dan Cregan, the Liberal candidate for Kavel, in the celebrations. The church was overflowing. Many people came in period costume, and Tom Playford, son of the former premier, was outstanding as a town crier. Many came dressed as Luther or Melanchthon. The pastor, David Kuss, and the other pastors led a wonderful service and on this special anniversary I thank them for their spiritual leadership in our community, particularly on this occasion.

PLAYFORD ALIVE COMMUNITY REFERENCE GROUP

Mr GEE (Napier) (15:25): Today, I rise to speak about a group of residents from my electorate who have made a long and ongoing contribution to our local community and they are the Playford Alive Community Reference Group, better known as the CRG. Last Friday, the CRG celebrated their 10th anniversary. The event was a celebration of the involvement of the group as part of the Playford Alive project, a joint project between Renewal SA, Housing SA and the City of Playford. The Playford Alive concept was conceived in the mid-2000s and heavily supported by former Playford mayor and current councillor, Marilyn Baker.

The project itself has delivered very significant improvements to our local area and many people in the north would argue it is comparable with the impact that the Adelaide Oval, the Convention Centre upgrade and trams have had on the city. The Playford Alive project has delivered

the Playford Alive Town Park, the John McVeity Centre upgrade, three new public schools and so much more. The Playford Alive CRG was formed at the commencement of the Playford Alive project as an ongoing group of residents and community representatives to consult with and on behalf of the Playford Alive community.

The inaugural chair, and a local resident for more than 50 years, Betty Alberton, and equally long-term resident, Shirley Harris, addressed the celebrations describing the impact of the project on our area and the importance of community involvement in the project. I wish to recognise Betty Alberton, Shirley Harris, Brenda Larnio, Geoff Pope and Ron Jones for their work in leading the CRG over the past 10 years. They have all been very strong advocates for our community.

The CRG assists the Playford Alive project partners to engage with the wider community for input into the project and to encourage positive debate. Sharing of project information with the community is a key role of the members. The CRG has been a crucial part of the Playford Alive project over the last 10 years. This started with original members being part of a charrette exercise that resulted in the Playford Alive master plan and vision being established.

The members of the CRG have been involved in many projects and events and have given literally thousands of hours of their time on behalf of our community. Examples of some of the achievements that CRG was responsible for are the establishment of additional public transport routes to service the project area, the street proud program and Police and Community Together (PACT) initiatives in Mandeville Street. The CRG has undertaken community consultation whenever community input is necessary for a program of change to proceed, as was the case with the Roberts Crescent Reserve.

All these projects have had a very positive impact on the local community. I also have to thank all the members of the neighbourhood policing team who have assisted the local community, particularly those who assisted with the Davoren Park Community Centre and the PACT project.

One project that is enjoyed by not only local residents but families from across the north is the Playford Alive Town Park, which I have spoken about on a previous occasion. The CRG played a significant role in engaging with the community about the design features of this award-winning park. The park features an innovative water play space, large grassed areas and one of the most complex skate parks in the Southern Hemisphere. CRG members can also be seen towing an information trailer around the local area and setting up in public spaces, where they talk to the local community about the project and the work that is ongoing.

I want to thank everyone who has been a member of the CRG over the past 10 years. I would like to give a special mention to Coral Gooley, one of our long-term Playford councillors and Pauline Frost, who has also been involved in the Playford Landcare and Greening Group for many years. The CRG will be out in force this Saturday, as they have been for the whole 10 years, at the Playford Alive Fun Day. It is a brilliant, free community event that attracts over 5,000 people and is being headlined this year by world-renowned performer, Isaiah Firebrace. The CRG will be running an information stall, managing the stage, hosting the Yellow Brick Road and much more.

Congratulations on 10 brilliant years, and thank you to all your family members who have given you support to enable you to give so much valued service to our community.

EYRE PENINSULA POWER SUPPLY

Mr TRELOAR (Flinders) (15:29): I rise today to talk about a report that has come down over the last couple of days from the Essential Services Commission of South Australia into the reliability and quality of electricity supply on Eyre Peninsula. It has been long awaited. It has been a long time coming.

The statewide blackout, which happened on 28 September last year, really brought things to a head, but the reality is that much of the West Coast, places such as Ceduna, Streaky Bay, Elliston and even Cowell, had been experiencing frequent outages and unreliability for some time prior to that. As I have said in this place before, Eyre Peninsula turned out to be the canary in the coalmine as far as electricity reliability and supply relates to the rest of South Australia and, indeed, the whole nation.

The Minister for Mineral Resources and Energy formally referred an inquiry in March to ESCOSA, following a meeting with Eyre Peninsula mayors and CEOs. I will give credit where credit is due and I appreciate the Minister for Energy referring that inquiry. The terms of reference for the inquiry were:

a) The Commission is to inquire into prudent and efficient options for improving the reliability and quality of electricity supply to electricity customers on the Eyre Peninsula.

b) The Commission is to consider, in particular, the following matters:

i. Electricity reliability and quality of supply outcomes to customers on the Eyre Peninsula during the period 1 January 2007 to 31 December 2016.

ii. Prudent and efficient options for improving the incentives to ElectraNet and SA Power Networks, to upgrade current network infrastructure and restore supply following an outage.

iii. Possible technical solutions for improving reliability and quality of electricity supply on the Eyre Peninsula and potential costs to consumers of implementing those solutions.

and of course, as per usual—

iv. Any other related matters.

Many options are canvassed in the report, including the installation of small diesel generators, possibly coupled with solar and battery systems, near Yadnarie, Ceduna and Streaky Bay, as well as the hardening or reinsulating of feeders to make them more resilient during lightning strikes.

As recently as Sunday, the township of Elliston went offline following a strong wind and lightning event. The residents of Elliston are becoming all too used to this. Having said that, I recently travelled to Elliston and noticed three SAPN trucks, no doubt undertaking upgrade work, and I was pleased to see that. However, once again Elliston was offline off and on for about 24 hours following that weather event. I note the hardening of the distribution network owned and operated by South Australian Power Networks could take place over the next three to five years, having already begun.

The report also explores the feasibility of an upgrade of the main 132-kilovolt transmission line owned and operated by ElectraNet. Of course, that upgrade has been on the table for some years now and, once again, I have spoken in this place about that. There will be a business case necessary for that. An improvement in the transmission line from Cultana down to Yadnarie and then across to Wudinna and down to Port Lincoln will improve transmission capacity and reliability into Eyre Peninsula, but it will also create the potential to export out of the national grid should any localised generation occur.

The answer to my question to the minister today relating to diesel generators—that is, when they are likely to be installed— really put the ball fairly and squarely away from the government and back to private investors. That said, the government has been quite clear that they will install diesel generators in some places but apparently not in others.

I commend the report. I was pleased to see the results and its recommendations. It will now be for the community of Eyre Peninsula, the Regional Development Board and investors, along with the state government, to come to a solution to these issues which have really become manifest more completely in the last 18 months.

DAVID, PROF. D.

Ms DIGANCE (Elder) (15:34): I rise today to extend my sincere congratulations, and I am sure the congratulations of the house, to our newly announced South Australian of the Year, Professor David David. To say I was excited by the announcement last night is certainly an understatement. I also congratulate SA Local Hero Andrew Costello, Senior South Australian of the Year Barbara Spriggs, and Young South Australian of the Year Kyran Dixon, all of whom we can be proud.

In five minutes, I will endeavour to do justice to capturing the importance, passion, expertise and commitment of the 45-year stellar career of Professor David David, a surgeon who witnessed the human pain and anguish experienced by those with facial deformity and disfigurements and set out righting the wrong, a man who understood that our face is what presents us to the world, creating

those first impressions and instant judgment, and a man who has worked tirelessly and with nerves of steel to finesse the expertise of redesigning and reshaping human faces from babies through to adults.

For over four decades, David David has trained, built and invested himself in networks of expertise all over the globe, taking his much sought-after talent and commitment not only to teach other professionals but to also share his expertise with those in poorer countries, to ensure all could share and benefit from his groundbreaking work and gift, always executed through sheer hard work, determination and dedication. The status and recognition of this award shine a light and focus on the groundbreaking work of both the individual commitment of Professor David David and his innovative service through the Australian Craniofacial Unit, supported by the foundation.

Over the years, Professor David David has skilfully built a team of highly skilled and experienced professionals who may be required to treat and heal complexities of facial challenges and associated issues. These professionals may include orthopaedic surgeons; oral surgeons; neurosurgeons; eye specialists; ear, nose and throat specialists; occupational therapists; speech pathologists; social workers; psychiatrists; psychologists; dentists; and whomever he may need to call in with the expertise required to ensure the best outcome possible for the patient. To do this as a sole patient would be absolutely overwhelming in anyone's language, and it would not only be traumatic but almost impossible.

It was a future-thinking Labor government led by Don Dunstan that saw the foundation of the Australian Craniofacial Unit cemented in South Australia, for the benefit of not only South Australians but Australians and indeed the world. And so an ambitious process gave rise to the establishment of a national centre of excellence in the field of craniofacial surgery right here in Adelaide. The unit was the first of its kind in Australia, and in fact today the Australian Craniofacial Unit at the Women's and Children's Hospital is still the only unit of its kind in Australia and one of only two dedicated standalone multidisciplinary craniofacial units in the world.

As a young surgeon, Professor David David's passion was fuelled by the inspirational work of French surgeon Paul Tessier, a pioneer craniofacial reconstructive surgeon who, during World War II, developed a surgical and rehabilitative approach in support of burns victims. These victims often found themselves in mental institutions, entirely sane but rejected by society because of their disfigurement. This experience was the powerful impetus for Professor David, as he was driven to create a professional team-based approach to serve those people who needed this holistic care.

Human nature often dictates that until we are exposed to a critical life-changing situation, we take little notice of the journey of others, the intervention and expertise required. In this case, my family and I knew firsthand the expertise Professor David David had to offer. When our journey began with the arrival of our eldest daughter, Amelia, in 1990, with a rare bone disorder that would affect her personal journey, her growth and her physical development, we knew we were in good hands when we first met him in her very early days.

With countless and endless appointments, interventions and operations—too many to count, with quite a few being very confronting because of their significance—we managed to get through that journey due to his absolute care. Confirmation of the life-changing work of David David was reinforced when I heard Amelia speak as a craniofacial ambassador, and it brought me to tears when I realised what her journey had been before she had actually had this life-changing facial reconstruction.

This award is very well deserved by a person who has dedicated his life to improving the lives of others. Australia is proud of you, Adelaide is proud of you and I hope that you go on and do us proud in the national awards in Canberra next year. I know that Professor David David will work tirelessly, continuously and selflessly to campaign for the rights and needs of those less fortunate and that he will ensure that the Australian Craniofacial Unit will endure right here in Adelaide. Congratulations, Professor David. I am so proud to know you. You are not just Amelia's specialist but you are indeed our family friend.

REGIONAL SOUTH AUSTRALIA

Mr BELL (Mount Gambier) (15:40): Hear, hear! My nephew is also a patient of Professor David David.

When it comes to regional vision, we need a parliament that looks at opportunities for our regions. For too long, people in the regions feel like they have been forgotten. Not since the days of Tom Playford have we had a vision for South Australia that included the regions. He took a largely agricultural rural economy and turned it into a manufacturing hub. He was the driving force behind the creation of the Electricity Trust of South Australia and how water was distributed across the state. He drove the expansion of the Housing Trust. He brought companies such as Philips and Uniroyal to South Australia, as well as the defence industry.

Woods and Forests were powered in the South-East through government spending, as was APCEL in Millicent, power stations in Port Augusta, steelmaking in Whyalla, the lead smelter in Port Pirie and car making in Elizabeth, all on the back of a government and a premier with a vision and focused funding of both state and federal resources. Heading into the future, we can continue to tinker with what is left of this postwar vision of South Australia, or we can be bold and add to the foundation with a vision of our own.

Information technology is our next industrial opportunity and we need to proactively attract the opportunity that exists. Companies like Amazon, Facebook, Google and Apple have revenues similar to the gross domestic product of some small countries, yet what are we doing to attract them here? The partnership with Tesla is a positive step in the right direction. We now see the benefits of this, with the new owner of GFG Alliance investing $700 million in solar, battery and pumped hydro storage to deliver power to Liberty OneSteel in Whyalla.

What about the South-East? Why not have legislation enacted to enable the country's first driverless cars to operate in the South-East? Why not legislate to enable the first pod services, short haul automated freight movements? We have an AARNet line, which is a connection between the universities down in Mount Gambier which provides internet speeds 10 times faster than the NBN, yet it is relatively unused and underutilised.

Call centres could be established to utilise the superfast access, incentivised by stamp duty exemptions on properties valued up to $500,000 for regional areas. Cloud technologies for Australia could be based in Mount Gambier, where the temperature is ideally suited to handle hard drive and data storage. Regional centres could have prohibitive legislation removed so that companies could develop their products. For example, in areas where there is minimal air traffic yet they have a population base to service, such as Port Augusta, we could develop drone technology or invite companies here to do that with enabling legislation.

Amazon, a company with a valuation infinitely bigger than the South Australian economy, could invest to develop their home delivery services right here in South Australia. Port Augusta could be the home of drone advancements, training and delivery technologies. I imagine a future where our regions are growing and thriving; where young people are attracted to progress their hopes and dreams in a low-cost environment, very similar to that envisaged by Tom Playford 75 years ago; where regions are drawing our most talented and active minds from not only the state but the nation and even the world; where, instead of declining and ageing populations, we have our regions as growing, prospering and thriving, developing products and innovations that inspire and change lives in an environment that is legislated right here in this Parliament of South Australia.

What we need from both sides of politics in this place is that enabling legislation to take the risk, to mitigate the risk and to convince and educate the people of our regional communities that this is a worthwhile cause. What we need from the government of the day is targeted investment and attraction of that vision. Our regions need a Tom Playford, who sees them as a vital part of the state's ongoing success and prosperity.

CHILD SEXUAL EXPLOITATION OFFENCES

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) (15:44): I just want to say a few words to the parliament apropos some correspondence that was floating around last week. It has come to my attention that there was a letter prepared by the Bar Association of South Australia expressing views about the urgent changes that the parliament considered recently to the offence of persistent sexual exploitation of a child. Of

course, you would recall that the need for the parliament to consider those matters was precipitated by the decision of the High Court in Chiro. Those changes were passed on 19 October.

The opening premise of the letter was that the bill was 'a knee-jerk response to defects in legislation which is arguably flawed to begin with'. They do not say why they think the legislation was flawed to begin with but, based on the rest of the letter, it can be assumed that they simply do not like the type of offence which will permit sexual offending against children to be prosecuted. They said that Chiro was a case about the unfair and lazy use of section 50 by the prosecution and that the charge itself was only intended to be a charge of last resort and primarily directed to young children who could not particularise the offending in the usual way.

I would just like to point out that the offence has no such limitation. There is nothing improper or lazy about a prosecutor proceeding on a perfectly legitimate charge designed to hold those who sexually abuse our children to account. To suggest that a prosecutor proceeding as such has been lazy and unfair is, quite frankly, offensive, and it is offensive both to the director and all his staff. This is, quite frankly, unfounded and outrageous, in my view.

It is true that the previous version of the offence was originally introduced in order to overcome problems with children being unable to particularise offending. This is not and cannot be said to have ever been intended to be limited to 'very young children'. Indeed, the then Liberal Party deputy premier, the Hon. Stephen Baker, in this second reading introducing the first South Australian version of the offence back in 1994, in response to the High Court decision in S v The Queen, stated:

> The decision of the High Court poses great difficulty in charging defendants where the allegations involve a long period of multiple offending. In some cases, like S, the child—or the adult recalling events which took place when he or she was a child—cannot specify particular dates or occasions when the offence is alleged to have taken place. The result is that defendants are being acquitted even where juries clearly indicate that they accept the evidence that abuse took place at some time.

It is now accepted that very young children may not have a good understanding of dates, times and locations or the ability to describe how events relate to each other across time, and thus face difficulties particularising offences in the usual way. However, it is also the case that sexual abuse of children often happens repeatedly and in similar circumstances such that the complainant is unable to describe specific or distinct occasions of abuse. This is often the case for historical cases, where an older child or an adult may be recounting abuse that took place many years earlier.

The Royal Commission into Institutional Responses to Child Sexual Abuse has recently endorsed this position. Further, the offence as it stood until last week permitted the charge of persistent exploitation of a child to be charged in the alternative to particularised offences on the same information; that is, the prosecution could charge both particularised offences and the charge of persistent sexual exploitation of a child covering the same period; however, the accused obviously could not be convicted of both. Thus it was contemplated that the offence could be charged in the alternative even where the particulars of a specific offence had been provided. It was not a last resort only for young children.

Finally, it is the case, as the Bar Association knows, that offenders can only be sentenced for the individual acts for which they are found guilty. When individual offences are charged as representative counts over longer courses of conduct, the offender is still only to be sentenced for the offences charged on the information. The uncharged acts, which may be extensive, are only able to be taken into account to prevent the offender seeking to mitigate the overall penalty on the basis that the charged offences were out of character or isolated.

Why, in a matter involving, for example, in excess of 30 instances of abuse, should prosecutors be forced to choose two charges that can be particularised well against a background of a significant number that cannot be? Why can we not use a charge that allows all 30 charges to be considered and taken into account on sentencing? It is completely consistent with previous longstanding law and the royal commission recommendations.

Bills

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO NO 3) BILL

Standing Orders Suspension

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:50): I move:

That standing orders be so far suspended as to enable me to move an instruction to the committee of the whole house without notice.

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.

Ms CHAPMAN: I move:

That it be an instruction to the committee of the whole of the house, on the Statutes Amendment (Attorney-General's Portfolio No 3) Bill, that it have power to consider new clauses relating to the amendment of the Magistrates Court Act 1991 and the Remuneration Act 1990.

Motion carried.

Committee Stage

In committee (resumed on motion).

New clauses 14A, 14B, 14C, 14D, 14E and 14F.

Ms CHAPMAN: My understanding is that these amendments deal with the amendments to the Spent Convictions Act 2009. In short, can I say that the opposition's view is that, if it is the intention of the government and the effect of these amendments (knowing that they have been redone) to allow for an exemption where it may be necessary to take into account the prior record of an employee or prospective employee in relation to the fitness and character test relating to the care of children and vulnerable adults, we agree.

The effect of the amendments being much broader than that—and I know this was originally foreshadowed by the Law Society on the draft Statutes Amendment (Attorney-General's Portfolio) (No 2) Bill—was one of the concerns that they raised. Similarly, we would have that concern. I was sent a copy of some draft regulations late last week, but I cannot see that they specifically deal with that because I have not had an opportunity to go back to the current regulations.

If it is the case that the spent conviction clauses that are designed, as I say, to broaden the exemptions to enable spent convictions to be taken into account do go beyond that general objective then we may need to look at it in another place. It seems, on the commentary in the letter that has been recently provided, that the government has now moved to public safety as a basis upon which they might want to terminate someone's employment or not employ them, and that is a little bit broader.

With those few words, I will not be objecting to the amendments as they currently stand. Reading between the lines, there has been some attempt to firstly deal with an anomaly of taking into account the difference between some cases where there has been an immediate spent conviction and where there have been other circumstances of a finding of fact without conviction. In any event, we will work through that, and I am sure we can come to some sensible resolution.

The Hon. J.R. RAU: I thank the deputy leader for her remarks. Essentially, what we are trying to address is this: there are circumstances where we have the bizarre outcome where a person who has been charged with an offence and winds up being in a circumstance where they have what amounts to a spent conviction for the purposes of the Spent Convictions Act is actually in a better position than a person who was never charged at all whose perhaps very similar behaviour can be considered by an employer in the context of their suitability. That is essentially the problem, and I have two examples. I am happy to deal with this between the houses as well, but I will put two examples on the record so that they might assist, and I hope we have been as helpful as possible to the deputy leader so far with this.

The first example is the case of a health worker employed in a hospital. The person was charged with numerous offences in connection with the theft of fentanyl (a drug of dependence) from the hospital where they worked. The person took the fentanyl on 31 occasions for their own use. The offences were found proved, but the person was ultimately found not guilty by reason of mental incompetence. This resulted in an immediate spent conviction. The employer was therefore unable to act, despite the obvious risk that the person posed to patients at the hospital, on the basis of that proven course of conduct, having regard to it being spent. Further, the employer was prevented from notifying the Australian Health Practitioner Regulatory Agency about the person's substance abuse or incapacity. That is example number one, and we can talk between the houses about how we deal with these.

The second case concerns a worker in a children's residential care facility. The worker was charged with stealing surplus medication that was prescribed to one of the children at the facility and falsifying documents to cover the theft. The worker pleaded guilty, and the court declined to record a conviction. Consequently, the worker's employer was unable to take any action against the worker. In order to remedy this issue, there must be some restructuring of the legislation. Part 7B of the bill simplifies the rules about the situations in which protections of part 3, division 1 of the act against disclosure and use of spent convictions will apply. I am happy to discuss these matters further between the houses.

New clauses inserted.

Progress reported; committee to sit again.

Auditor-General's Report

AUDITOR-GENERAL'S 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) (15:59): I move:

That standing orders be and remain so far suspended as to enable the report of the Auditor-General for the year ended 30 June 2017 to be referred to a committee of the whole house and for ministers to be examined on matters contained in the report in accordance with the timetable as distributed.

Motion carried.

In committee.

Mr PEDERICK: I refer to page 336 of Part B: Agency Audit Reports, regarding PIRSA. On that page, the Auditor-General notes that PIRSA's internal audit plan had not been updated, and as such the current risks and priorities of the department were not reflected in the current plan. Resources may be directed at internal audit projects that are no longer a priority. PIRSA has responded that the chief executive, as at July 2017, was considering a draft plan which stretches to June 2020. Can the minister outline the risks and priorities which are current to the department and had not been documented in a current plan, assuming they are now part of the draft?

The Hon. L.W.K. BIGNELL: I thank the member for Hammond for the question. I am advised that PIRSA acknowledges the audit finding but had in fact redirected its resources to undertake internal audits and reviews which were deemed to be of a higher priority. This was noted by the audit team which reported that PIRSA delivered a number of critical internal audit reports during 2016-17. An updated three-year internal audit plan is now in place for the period 2017-18 to 2019-20.

The internal audit plan documents both the internal and external resourcing requirements necessary to deliver each audit activity. PIRSA undertook its most recent review of risk assessment during October 2017. The review has confirmed the internal audit plan is current and aligns to address key risks and controls applied across the agency. PIRSA will continue to actively manage its internal audit program and monitor and review the resources applied to the program to ensure deliverables are met.

PIRSA's independently chaired Audit and Risk Committee recommended a draft three-year rolling internal audit plan from 2017-18 to 2019-20 at its June 2017 meeting. After consideration by PIRSA's executive committee, the internal audit plan was approved by the chief executive in September 2017. This plan details a scheduled audit activity is necessary to provide an independent assessment of the effectiveness of controls and treatment plans assigned to PIRSA's risks, compliance and completion of key performance indicators, as detailed in PIRSA's policy procedures, guidelines and standards, and PIRSA's compliance with legislative obligations such as Treasurer's Instructions, agency-wide and divisional activities and programs to deliver PIRSA's key objectives, as defined in the PIRSA corporate plan. PIRSA has either commenced or completed each scheduled audit activity as per the internal audit plan since its approval in September 2017. To date, this totals seven audit activities.

Audits and reviews completed during 2016-17 include the monthly purchase card exception reporting; the lower value procurement review; fraud and corruption process and toolkit; digital information security; privileged account review; the Regional Development Fund; business continuity plans, including state disaster preparedness and response, returned to the senior executive management council; the risk management review; policy procedure and guideline framework; conflict of interest declarations; financial management compliance program; use of departmental vehicles; and attractive items. That is across PIRSA and SARDI.

Mr PEDERICK: Has the minister received any advice on what resources have been injected into projects which were no longer a priority?

The Hon. L.W.K. BIGNELL: There were none that were no longer a priority.

Mr PEDERICK: In regard to the revised internal audit plan, has the department obtained final sign-off from you on that?

The Hon. L.W.K. BIGNELL: I am not required to sign off on that. That was signed off by the chief executive and the chair of the audit committee.

Mr PEDERICK: Again on page 336 the Auditor-General has concerningly identified that PIRSA has no central legislative compliance framework. Essentially, this means that the different divisions of PIRSA are not working in unison to identify, manage and meet legislative obligations on the department. The Auditor-General has noted that this could have resulted in ineffective application of resources to meet legislative responsibilities and, more seriously, a risk of noncompliance, which could lead to litigation and subsequent losses to the department. My first question is: has the minister received any advice on how many resources have been wasted on such ineffective application?

The Hon. L.W.K. BIGNELL: I am advised that there was not any ineffective use or waste of resources. I am advised that audit did not identify any instances of noncompliance but was suggesting improvements to existing control mechanisms. PIRSA has commenced a review of the issues identified by the Auditor-General and is on track to complete this in line with the time frame advised to the Auditor-General at the time of the audit.

PIRSA's new framework will ensure a consistent and coordinated approach to managing compliance with the legislation that PIRSA must comply with. The framework will include an overarching legislative compliance policy and details of how PIRSA will integrate governance frameworks such as policy and procedure development and review, risk management, and internal audit and compliance testing. Significant work has been completed, and a draft legislative compliance framework is planned for consideration by PIRSA executive in November 2017, with a finalised framework and associated policies planned for consideration by the PIRSA Audit and Risk Committee in December 2017.

Production of the framework has incorporated the full review of current legislative obligations, consideration of systems and practices used across other government agencies for the monitoring and notification of key legislative changes and the development of a new policy to formalise the PIRSA legislative compliance framework.

Mr PEDERICK: Has the department sought legal advice on potential legislative failures which may have occurred throughout the period and associated legal consequences?

The Hon. L.W.K. BIGNELL: I have been advised that there was no identification of noncompliance within the legislation, so therefore no legal advice was required.

Mr PEDERICK: On page 337, the Auditor-General talks about general revenue contracts signed by SARDI employees which did not meet the definition of research and development contracts and which were signed under the R&D contract delegation. Could the minister clarify, perhaps by way of example, the distinction between general revenue contracts and R&D contracts?

The Hon. L.W.K. BIGNELL: I am advised that the auditors did not identify any inappropriate or adverse financial implications as a result of a small number of revenue contracts being signed with reference to the research and development contract authority, rather than a general revenue contract authority.

To address this issue, and to eliminate any potential ambiguity moving forward regarding revenue contracts, I am advised that the distinction between R&D contracts and what had previously been considered general revenue contracts—for example, diagnostic service provision, infrastructure use or consultancy services—has been removed. This has been done by consolidating revenue contracting authority into a single revenue contracts category within the agency's financial authorisations list.

Revenue contract authorisations have been reviewed and revised for select senior managers at SARDI as part of the 2017-18 financial and procurement authorisation review process that was undertaken with effect from 1 July 2017. The importance of diligence in exercising contracting authorities has been reinforced with those senior managers with revenue contracting authority. In the interim period, from the time of the audit finding in mid-April 2017 until the new authorisation list took effect from 1 July 2017, a direction was given that if any non-R&D revenue contracts needed to be signed they were to be forwarded to a PIRSA officer with the appropriate delegation.

One of the revenue contracts identified by the auditors was with the commonwealth Department of Defence for the hire of the SARDI Ngerin research vessel on a fee-for-use basis. This was for the Department of Defence to undertake their own field research activities. This is an example of one of a small number of revenue contracts raised by audit that did not meet the criteria for R&D services that were signed by officers using the now superseded R&D contract authority as a reference.

Mr PEDERICK: In regard to these contracts and the distinction between general revenue contracts and R&D contracts, the Auditor-General has noted that the failure may have resulted in PIRSA entering into revenue contracts that did not meet its own objectives. Could the minister provide some details around these objectives and whether any specific contracts have been identified that were signed off on and did not meet those objectives?

The Hon. L.W.K. BIGNELL: I have been advised that there were no contracts entered into that would not have been part of normal business for the agency.

Mr PEDERICK: At the bottom of page 337, the Auditor-General noted that manual accounting journals need to be independently checked to assure their accuracy before they are submitted to Shared Services. The Auditor-General tested a sample of 10 out of a total of 30 of PIRSA's manual journals and there was no evidence of any being independently reviewed. Can the minister give a general explanation of the nature of items included in that manual journal?

The Hon. L.W.K. BIGNELL: I am advised that this is a minor administrative matter for which the audit team acknowledged that there were no inappropriate journal adjustments identified. While the reviewer was copied into the email that was forwarded to Shared Services for processing the journal adjustments, there was no other evidence to indicate whether the review had been undertaken.

The relevant staff have been reminded of the need to ensure there is evidence of a review being undertaken. This is primarily achieved by the reviewer forwarding the email to Shared Services SA, rather than just being cc'd in by the preparer of the internal journal adjustment. It should be noted that there are other controls in place, in terms of independent reviews of general ledger transaction reports, that also mitigate the risk of inappropriate journals being processed.

Mr PEDERICK: On page 343, the Auditor-General references the Northern Adelaide Food Park project when discussing revenues from the SA government. To date, how much has been spent on the food park?

The Hon. L.W.K. BIGNELL: The state government allocated $1.994 million for the planning and investigations phase of the Northern Adelaide Food Park initiative, and has committed a further $7 million over two years as part of the Northern Economic Plan for tenant attraction to the Northern Adelaide Food Park.

Mr PEDERICK: Has all that funding been expended and, if not, how much has been expended?

The Hon. L.W.K. BIGNELL: The first part has been expended, but the $7 million has not. We are still out in the marketplace talking to potential tenants for the Northern Adelaide Food Park. We have made industry aware that there is $7 million out there to attract businesses to this precinct. Food South Australia and other people in the food manufacturing sector have asked government to try to bring people together into the one precinct. We think it is a good idea for the site at Edinburgh Parks, and we will be working with people who either want to buy their land out there or, if they want a lease, we can also make arrangements through that with Renewal SA. They are working with PIRSA and members of the Economic Development Board and Food South Australia to make sure that we can come up with the very best precinct for the Northern Adelaide Food Park.

Mr PEDERICK: How much was spent on the former proposed site prior to relocating to the Edinburgh Parks site?

The Hon. L.W.K. BIGNELL: That figure was given during estimates, so it is on the public record. As I said, $1.994 million has been expended to this point. A lot of that money has been put into things that were relevant to both the Parafield Airport site and the Edinburgh site that have been identified mainly by people who want to own a part of a potential food park. The Parafield site did not allow people to do that, given that the airport itself is leasing that airport land on a long-term lease from the federal government, so it was not possible to be able to sell bits of Parafield Airport to potential manufacturers who wanted to move into the Northern Adelaide Food Park and buy their own land.

Mr PEDERICK: In regard to that, minister, at what stage is the new park? Have people taken up the option of purchasing land at Edinburgh Parks?

The Hon. L.W.K. BIGNELL: Not yet, member for Hammond. As I explained, that $7 million is there. There are some very good negotiations going on with three companies at this stage. As I mentioned before, it is quite a collaborative approach by government and the private sector. We have members of the Economic Development Board working with executives from PIRSA, as well as Renewal SA staff and the board of Renewal SA.

Renewal SA owns a big chunk of land at Edinburgh Parks and there are other parcels nearby that are privately owned. It has the potential to grow into quite a big park over many years, but it can be done in a modular way as companies decide to join up and bulk up, if you like, around a precinct that can have not only food manufacturing but great logistic services, packaging services and testing to make sure that food is safe as well.

There are a whole range of things that can be done in this precinct, but we are very much at the foundation days at the moment. We are looking for the right anchor tenants to get them on board, and from there we will see it grow. It is a bit like what has happened at Tonsley, where we had to get the initial tenants in there, and now it has become a very popular place to move in. We see what that has done for the high-tech manufacturing sector on the Tonsley site in the south of Adelaide. We think we will see this—and this is our hope and desire—in the future for food manufacturing.

Food manufacturing is one of the only sectors that has grown in South Australia year on year for 19 years in a row. It is a really important sector, as you would know, member for Hammond. The whole agribusiness sector employs one in five working South Australians and is worth around $19.6 billion to the South Australian economy. This is something that Food South Australia and their members really wanted, so we will continue to work with them and make sure that we have anchor tenants in there as soon as possible, and then we will see it grow from there.

Mr PEDERICK: I want to refer to the South East Forestry Partnerships Program. On page 345, under Administered Items, it is noted that PIRSA received $4 million from the South Australian government in order for the South Australian Forestry Corporation to execute its 'community service obligations'. Can the minister provide some detail on these community service obligations, particularly in light of the privatisation of the forests? How did the sale affect those obligations?

The Hon. L.W.K. BIGNELL: The South Australian Forestry Corporation, trading as ForestrySA, operates under a charter to provide commercial forest management services on behalf of the South Australian government. The charter also mandates a range of community service obligations (CSOs) to cover non-commercial activities which go beyond what Forestry SA would elect to do as a commercial entity.

The government funds these non-commercial activities through Primary Industries and Regions SA, including native forest management, community use of forest reserves, forestry industry development, community fire protection, and management of the Mid North Forests. The provision of these activities is not affected by OneFortyOne Plantations taking over the management of its commercial forests in the Green Triangle from Forestry SA during 2015. Delivery of community service obligations in the Mid North is being revised, as the Mid North Forests Future Strategy is implemented in order to provide ongoing environmental and social benefit in the most cost-effective manner.

The state's forest reserves contain large areas of biodiverse native forests intermingled with the plantation estate. This vegetation is managed to protect its important conservation values via pest, fire and people management programs. The forests at Mount Crawford, Kuitpo, Wirrabara and Bundaleer are used extensively by the community for a range of recreational activities such as camping, dog walking, mountain bike riding and horse riding. These activities are popular in planation areas as the activities are mostly not permitted in state reserves under the National Parks and Wildlife Act 1972.

Funding is provided to support community bushfire protection activities in excess of ForestrySA's commercial requirements. It assists the maintenance of airstrips, stand-by costs for staff during the fire danger season, and response to fires on private property, native forests and other public land. It also funds fuel reduction burning in native forest reserves and fire detection services, including fire towers and aerial detection.

With the Australian government's announcement of funding for a national institute for forest products innovation, PIRSA and ForestrySA are working with the Department of Agriculture and Water Resources to determine collaboration opportunities for the efficient delivery of the forestry industry development program via a partnership with the University of South Australia. PIRSA and ForestrySA regularly review community service obligation programs to ensure the services delivered are contemporary with community needs. The process also seeks budget efficiencies for these activities.

Mr PEDERICK: In regard to the South East Forestry Partnerships Program—I will try to group this up a bit—first, is the minister aware of the change in definition of sawlog used by OneFortyOne Plantations from 150 millimetres to 200 millimetres? Is the minister aware that this change of definition will result in an additional 100,000 tonnes of wood that does not fall into the category of saw log?

The Hon. L.W.K. BIGNELL: Chair, could you ask the member for Hammond what page he is referring to for this stuff about the sawlog?

Mr PEDERICK: It is to do with the South East Forestry Partnerships Program, which is on page 343 through to page 345.

The Hon. L.W.K. BIGNELL: Does that mention log size?

The CHAIR: Can you help us, member for Hammond?

Mr PEDERICK: I am having a look.

The CHAIR: The member for Mitchell might like to ask a question in the interim.

Mr WINGARD: My question relates to page 311. The report talks about the department as far as projects are concerned.

The Hon. L.W.K. BIGNELL: Sorry, are we moving on to sport now? We have the PIRSA people here, so I will have to wait for the sport people to get in here.

The CHAIR: Rather than the PIRSA people leaving, in case we find the log size reference, maybe you could sit in the back.

The Hon. L.W.K. BIGNELL: I do not think the log size is in the Auditor-General's Report.

Mr PEDERICK: On that, it is in reference to the South East Forestry Partnerships Program, which is on page 343. It is a broad reference to the South East Forestry Partnerships Program.

The Hon. L.W.K. BIGNELL: Yes, but there was nothing specific there about log sizes.

Mr PEDERICK: The minister should be aware of log sizes and the implications on the industry.

The Hon. L.W.K. BIGNELL: Yes, but we are here to discuss the Auditor-General's Report.

Mr PEDERICK: Yes, and it is directly related to forestry.

The Hon. L.W.K. BIGNELL: The Auditor-General has not referenced log sizes.

The CHAIR: It is a bit tangential, unfortunately, member for Hammond. Member for Mitchell, what is your question?

Mr WINGARD: My question is in relation to page 311, as I said. There was work done to arrange a better process for assessing projects on the pathway through DPTI. I wonder, from a sporting perspective, what the wash-up was and what plans will be implemented in the future to ensure there is a measure on projects that are done?

The CHAIR: That is the dot point on procurement and contracting, is it?

Mr WINGARD: Yes.

The CHAIR: You are in the middle of page 311; is that right?

The Hon. L.W.K. BIGNELL: I think at the bottom. Because that is a reference right across all of DPTI, I cannot speak for all of that, but are you referring to grants?

Mr WINGARD: No, it is more the facilities funding. Yes, fundamentally it would be through grants.

The Hon. L.W.K. BIGNELL: I think we might actually be comparing something with something different here.

Mr WINGARD: So it is a separate part of DPTI is what you are saying?

The Hon. L.W.K. BIGNELL: Yes, I think so.

Mr WINGARD: So when they did not accept it on DPTI—

The Hon. L.W.K. BIGNELL: We got a clean bill of health for our bit. I cannot speak for the rest of DPTI, but the grants program was given a clean bill of health. Most of the projects that we are involved with are in terms of a fund provider. We usually work in collaboration, as you know, with local sporting associations or sporting groups. We do not build things ourselves; we help facilitate that and give money to groups who are building things.

Mr WINGARD: The report states that across DPTI there was not a consensus, if you like, of ways of analysing that and determining who gets funding for which projects. I am asking from a sports perspective whether any work was done to look at that to determine, in the grant allocation for projects, which projects were selected over others.

The Hon. L.W.K. BIGNELL: I thank the member for the question. I think it might be a question better directed towards the Minister for Transport and Infrastructure. As I said, we have a

small component of it, and the area that we have has been given a tick. I have not looked at what the Auditor-General said about other parts of the department.

The CHAIR: Unfortunately, the time has expired for the examination of your areas, minister, so we thank you and your advisers and ask the Minister for Investment and Trade and all those other things to bring his advisers in as quickly as possible. The member for Mitchell is leading off. Could you let us know what page you are looking at?

Mr WINGARD: Part B of the Agency Audit Report, Department of State Development, page 455.

The CHAIR: And which part are you going to be looking at?

Mr WINGARD: Page 455. I just want to reference the $13 million DSD provided to the Our Jobs Plan. Can the minister outline which programs he is responsible for?

The Hon. M.L.J. HAMILTON-SMITH: Which volume are you referring to?

Mr WINGARD: Part B.

The CHAIR: The Audit Agency Report is part B. The member is looking at page 455.

The Hon. M.L.J. HAMILTON-SMITH: My agencies are dealt with in Volume 2 and Volume 5 of—

The CHAIR: It is a bit like when we do the budget. There is a big document, and if he can draw some sort of tangential line into Volume B—do you have a Volume B, or would you like one?

The Hon. M.L.J. HAMILTON-SMITH: No, I do not have Volume B.

Mr WINGARD: I refer to the last paragraph.

The Hon. M.L.J. HAMILTON-SMITH: Can you repeat the question?

Mr WINGARD: I will repeat the question; I am happy to do so to help out the minister. It states:

> Industry, innovation, science and small business grants include payments for the Our Jobs Plan program totalling $13 million, of which $5 million was a payment for the Next-Generation Manufacturing Works project.

Of the $13 million DSD provided to Our Jobs Plan, can the minister outline which programs he is responsible for?

The Hon. M.L.J. HAMILTON-SMITH: I am advised none of those.

Mr WINGARD: Again, just to seek clarification, the paragraph states:

> Industry, innovation, science and small business grants include payments for the Our Jobs Plan program totalling $13 million…

You are not responsible for any of those small business grants?

The Hon. M.L.J. HAMILTON-SMITH: The arrangement with DSD is that there are, I think, five ministers who cross over DSD. There is a basket of grants and programs that is managed by this very large department, reporting to different ministers. None of the grant programs listed as Our Jobs Plan, totalling $13 million, is administered or managed by me. Minister Maher is responsible for those particular programs. They are not regarded as small business portfolio programs. The $5 million payment to the Next Generation Manufacturing Works program is again managed by another minister, so none of those particular programs referred to on the bottom of page 455 is managed by me.

Mr WINGARD: For clarification, is 'industry, innovation, science and small business grants' potentially a typo, or are there other small business grants that come under other ministers, not the small business minister?

The Hon. M.L.J. HAMILTON-SMITH: There is a division within DSD that deals with industry, innovation, science and small business grants. That is the section within DSD. Industry is minister Maher, innovation is minister Maher and science is minister Maher. Some small business grants

come to me if they are specifically allocated to the small business portfolio, but there are some other grants that could be characterised as small business and go to small businesses but from other sources. The particular paragraph at the bottom of page 455 to which you refer does not include any amounts managed by me.

Mr WINGARD: This is getting confusing, and I apologise, but I am trying to seek clarification because, as you said, DSD goes through a lot of ministers. Still on page 455, the first paragraph under 'Other grants' states:

> Other major categories of grants include skills and employment grants of $47 million ($44 million) and industry, innovation, science and small business grants of $42 million ($29 million). These grants generally include specific milestones or deliverables that are monitored by DSD.

What measurables is the minister responsible for, how are these milestones monitored and what is the process of reviewing these grants? The precursor question is: are you responsible for any of these small business grants?

The Hon. M.L.J. HAMILTON-SMITH: There are three funds that come under my portfolio: the small business job creation fund, the $10 million fund that was first announced in the budget before last; the Centre for Business Growth, which is an amount of $1.395 million mentioned in the Auditor-General's briefing; and a further small business initiatives fund, which is principally money allocated to Business SA, which is managed by me. The others are managed by other ministers.

Mr WINGARD: I asked about the milestones, the monitoring and the measurables. Do you have any records there?

The Hon. M.L.J. HAMILTON-SMITH: Firstly, on the small business initiatives, which is the money principally provided to Business SA, we have a signed written agreement with Business SA on how that money will be managed, and they have to report in accordance with certain KPIs set out in that written agreement.

There is the small business job creation fund, which I receive a weekly report upon every Monday. That report indicates to me how many applications have been received, how many grants have been made, the criteria upon which they have been addressed, how many jobs have been created and what outcomes have been delivered as a consequence of those grants. I get that weekly, and there is quite an elaborate table.

Each recipient of a grant under the job creation fund has a written agreement with the government that requires certain KPIs and certain outcomes to be reported as a condition for the receipt of that loan. The Centre for Business Growth is reported quarterly and, again, a list of KPIs and outcomes are contained in that quarterly report. Those three funds are the ones that come to me.

Mr WINGARD: Are those reports made publicly available?

The Hon. M.L.J. HAMILTON-SMITH: We do not post them up on a website or specifically report on them as individual funds. However, we will be making a small business statement later this year, which is a fairly thorough written report on all that has occurred in the preceding year. That will include a summary of what has happened in regard to those funds, and they are available for a briefing. If the honourable member would like a briefing on each of those funds, I would be more than happy to provide it. Mr Reid, who is with me, would be very happy to explain to you how they work, what has been happening with them, and if you would like that briefing I will ask him to contact you and offer it.

Mr WINGARD: Thank you.

Mr WHETSTONE: I refer to Volume 5, page 91, overseas representative offices. Minister, can you provide a breakdown on cost to operate our overseas trade offices, and can you also give us the number of staff in each of those offices—two I presume that is.

The Hon. M.L.J. HAMILTON-SMITH: We do not have many dedicated overseas offices because, as a result of the Hartley review, we really found them not to be cost effective, but we do have a dedicated office in London. The Department of the Premier and Cabinet funds that office, the Agent-General's office, while the Department of State Development funds international

representatives to support the implementation of our strategies, generally through Austrade, in other locations.

We do have a dedicated office in Jinan, which is a stand-alone office, and that is our office in China. So we have dedicated offices in London and in China. The cost of the Jinan office in 2016-17 was $296,000; in 2017-18, it is expected to be $320,000; and, in 2018-19, $326,000. We also have embedded offices in Shanghai; they are with Austrade. They are an office, if you like; they are an officer.

Mr WHETSTONE: No, I just want the stand-alone offices.

The Hon. M.L.J. HAMILTON-SMITH: That is China, which I have mentioned, and Great Britain.

Mr WHETSTONE: Minister, what is the reason for the reduction in operating expenses from 2016 to 2017? It is only a small amount, but there is a reduction.

The Hon. M.L.J. HAMILTON-SMITH: Can you give me a budget line or an Auditor-General's line for that because I have it as an increase.

Mr WHETSTONE: It is in operations 11, overseas representative offices, operating expenses.

The Hon. M.L.J. HAMILTON-SMITH: Which page? Volume 5, page 91, is it?

Mr WHETSTONE: Yes.

The Hon. M.L.J. HAMILTON-SMITH: You are talking about section 11, operating expenses. You are saying that from 2016, $569,000 to $524,000. I can get back to the member with an explanation, but the quick advice from my office is that some years before, I think in 2015, the government decided to close the full office it maintained in Shanghai. That office—and the Hartley review commented on this—was not effective. We closed that office, resulting in some reductions in expenditure, which flowed over into 2016.

I think it was a flow-over effect from 2015 where we had a full office in Shanghai. It was not performing effectively, so we closed it, resulting in a drop in expenditure. We have since reconstituted an office in China, in Jinan, and you will probably see that figure bounce up a little bit in 2018.

Mr WHETSTONE: You said that you closed the office in Shanghai in 2015, so how many staff did you have in the office at the time it was closed?

The Hon. M.L.J. HAMILTON-SMITH: This was long before my time, so I am not aware of all the details, but I visited that office as the shadow minister for trade. It had a—

Mr WHETSTONE: You have been the minister since 2014, yet you said you closed it in 2015.

The Hon. M.L.J. HAMILTON-SMITH: I think it was before that. It was closed when I became the minister, so I think it might have been 2013. As I said, we will get back to you on that; it might have even been 2012. There were some flow-on issues with the closure in regard to the payment of entitlements and so on. I will ask the agency to give you a full briefing or prepare a fulsome answer. My recollection is that there was a gentleman we had hired there as a chief representative and I think three or four other permanent staff. There was a residence and a full office. It was quite expensive. I understand it was decommissioned prior to the last election because it was certainly gone by the time I became the minister.

The CHAIR: The leader has questions in another area; is that correct?

Mr MARSHALL: Yes. I would not worry about changing around advisers because I am not 100 per cent sure whether you are the person to ask, but it is covered off in the Auditor-General's Report regarding Defence SA.

The CHAIR: What page are we on?

Mr MARSHALL: Page 105, Part B. It is to do with the sale of Techport. My question is simply—you do not need to turn to it as it is just a procedural question—who was responsible for

negotiating the deal with the commonwealth for the sale of Techport? Can the minister make some comments regarding why the Auditor-General has made a comment in his report that the sale price represented a reduction in what was called the fair value of these assets of $11.5 million?

The Hon. M.L.J. HAMILTON-SMITH: Yes, I can reply to that. I was responsible for negotiating the matter and I appointed the CE of Defence SA and the CE of DPC to deal with that matter at an officer-to-officer level. The independent advice obtained by the Auditor-General advised that these assets should be reclassified as assets held for sale. They include the Common User Facility, the expansion land, the Maritime Skills Centre and certain land parcels.

The book value of these assets at 31 May 2017, I am advised, was $241.525 million. The consideration payable by the Australian government is $230 million, resulting in a loss on revaluation of $11.5 million. The impact of this reclassification can be explained as follows: the effects of the sale were recorded in the 2016-17 financial year, instead of 2017-18; an impairment loss of $11.5 million occurred; and reduced depreciation of $0.4 million, and that was an improved operating result. The budget effects of this sale, which were expected in the 2017-18 financial year, had the reclassification not been required would have been donated assets comprising land purchased from Renewal SA of $3.6 million, six months' depreciation of the Common User Facility at $3.6 million and a loss of disposal of assets of $4.5 million.

In overall terms with this negotiation, the commonwealth originally put to me that they wanted the land for free: they were doing us a favour, and we should simply hand it over, and that was our contribution. I took the view, and the government took the view, that this was the South Australian taxpayers' money and that there should be a transfer between the two governments. We went in and negotiated hard, and I must give credit to the two chief executives, particularly Don Russell, who was superb during this.

The net result was that we got a very good outcome for South Australian taxpayers, which included, by the way, certain infrastructure works that we are required to do down there. But to not only get the benefit of the work but also enable the South Australian taxpayers to get their money back was an absolute coup for the government. I remember when the government first took this to the parliament some time ago, realising it was a fairly bold and courageous move and that there was no guarantee that we would win either the air warfare destroyer or subsequent work at the time. This could have finished up being a white elephant.

Gracefully, that is not the case. Not only is it not a white elephant, it is going to be a vibrant, thriving shipyard, and the South Australian taxpayers have their money back and the benefits of all the work. I must say that it has been a pretty superb bit of work from the government officers involved and all who took part.

Mr MARSHALL: On a supplementary, given that the book value the minister has just indicated was $241.5 million, how did he settle on $230 million? What was the rationale for settling on $230 million?

The Hon. M.L.J. HAMILTON-SMITH: I think basically that was the best deal we were going to get in a fairly—

Mr Marshall interjecting:

The Hon. M.L.J. HAMILTON-SMITH: I think we did superbly. Considering that the opening ambit from the commonwealth was zero and they wanted it gifted—

Mr Marshall interjecting:

The Hon. M.L.J. HAMILTON-SMITH: What the leader will find, if he is in government, is that negotiating with the commonwealth is a little bit like root canal therapy. You give some, you take some; it is like any other negotiation. I must say that the commonwealth at the end of the day was pretty reasonable. They could have driven a harder bargain with us. They could have turned around and said, 'If you don't want to hand that asset over for free, we'll go and look elsewhere, or we'll move some of the work—' for example—'that was booked in at your shipyard to somebody else's shipyard, like WA'. They could have said, 'We'll build all of the patrol vessels in WA, or we'll build half the frigates in WA and half the frigates in Adelaide.'

There are a number of devices the commonwealth could have used to be quite difficult. I think at the end of the day they were pretty fair about it. We landed on that value. It is not far off the mark, I have to say. We had an opening position. It could have been far worse for the South Australian taxpayer, so I think Mr Russell and Mr Keogh did a pretty good job of getting an outcome for South Australians.

Mr MARSHALL: Did the minister put forward the number of $230 million to the commonwealth, or did he start at $241.5 million and was beaten down by the commonwealth?

The Hon. M.L.J. HAMILTON-SMITH: I am not going to go into the details of those negotiations. They were essentially between the commonwealth and the South Australian government, so I do not want to go into that commentary. The detailed work was actually done by the two chief executives, because it was really done between very senior federal and state government officials. They had to work through all of the issues. As I said, I must give credit to Mr Russell in particular, who played a very significant role in getting that fantastic outcome for us.

There were quite a few things on the table—for example, access to the site for non defence-related work, should it be needed, at some point in the future.

Mr MARSHALL: That is incorporated into the contract?

The Hon. M.L.J. HAMILTON-SMITH: Yes, there is a—

Mr MARSHALL: It is in the contract?

The Hon. M.L.J. HAMILTON-SMITH: Well, you have probably seen the contract; there is a clause in there about consultation. There can be no guarantees. They will own the land. They are prepared to consult and be flexible on that. There were a range of other variables. There was certain infrastructure work that needed to be done at the site that they wanted us to do. There was certain support they needed from us, certain other considerations. In the overall negotiation, that was the outcome.

I can tell you that there are not many ministers who can go to the Treasurer with a cheque for $230 million and hand it back. Usually we are going to the Treasurer asking for money. I can lay claim to being the only minister who has taken a cheque of that magnitude to any treasurer probably in living history. It was a really good outcome for South Australians.

Mr MARSHALL: Can the minister confirm to this committee that it was in fact your wish that that be sold to the commonwealth; that was the position you took to cabinet?

The Hon. M.L.J. HAMILTON-SMITH: I took options to cabinet. I am not going to get into cabinet discussions. We have taken a risk by selling the land to the commonwealth, and that risk is that we have diminished our ability to influence what happens down there to some extent by not having ownership of the site. Should a future commonwealth government, of any political persuasion, decide to sell off the site or make radical changes to the ownership structure, we will not be a party to that. There were some—

Mr Marshall interjecting:

The Hon. M.L.J. HAMILTON-SMITH: If you listen I will tell you, instead of answering your own question. There were risks with us selling it, but there were also advantages. In the end, a cheque is a very persuasive negotiating tool, a very powerful negotiating tool. The other point is that I think the commonwealth made a very good argument that, if they were going to make such a significant investment down at that site, they wanted to own it. Frankly, at the end of the day, they were able to convince us all that that was the right thing to do.

In the negotiation, of course, the arrangement for the air warfare destroyer program was that we had ownership of a part of the site and we worked together as partners. Their preferred arrangement, given that the scale of this was much greater, was to have complete control of the site and, on reflection, I think they were right about that. It was a negotiation. There were a range of options that were put on the table and ultimately I was able to take back to cabinet a recommendation to accept their offer of $230 million, which is what I put.

Mr Marshall: They offered $230 million, did you say? You said they offered $230 million.

The Hon. M.L.J. HAMILTON-SMITH: The agreed outcome.

Mr Marshall: It was not their offer of $230 million; it was your offer of $230 million?

The Hon. M.L.J. HAMILTON-SMITH: At the end of the day, that is what was agreed during the negotiation.

Mr Marshall: You said their offer, but it wasn't their offer, was it?

The Hon. M.L.J. HAMILTON-SMITH: I am telling you that is what the parties agreed upon.

Mr Marshall interjecting:

The Hon. M.L.J. HAMILTON-SMITH: Have you ever been involved—

The CHAIR: Order!

The Hon. M.L.J. HAMILTON-SMITH: —in a negotiation?

The CHAIR: Order! I am on my feet.

The Hon. M.L.J. HAMILTON-SMITH: If you have you would know—

The CHAIR: I am on my feet; that means you sit down. If you are going to ask questions, you do need to wait for the minister to finish his response, and you need to stand up. Let's try to restore some order in our last nearly five minutes. The minister has finished that answer. Is there another question?

Mr WHETSTONE: I refer to Volume 5, page 92, commonwealth revenues, under TradeStart. How much is allocated for Tradestart in the 2017-18 year and over the forward years? How much of the contribution towards Tradestart comes from the commonwealth and how much comes from the state?

The Hon. M.L.J. HAMILTON-SMITH: Can the shadow minister tell me what line he is referring to?

The CHAIR: Commonwealth revenues, under grants, third line down, Tradestart.

The Hon. M.L.J. HAMILTON-SMITH: That is $292 million. The agency is not able to give me that split here today, but I will make sure that we follow that up with either a briefing for the member or a response on notice. It is a commonwealth program effectively that we manage on behalf of the commonwealth. We bid for it and we compete for it with others. We have to win that work. We then position people around the state, particularly in the regions, to deliver those services.

We do contribute, but I will take on notice the exact split between the commonwealth and the states. I am just advised that we contribute roughly 60 per cent of that amount and the commonwealth contributes 40 per cent and that the commonwealth regards the arrangements with South Australia as a benchmark for other states in terms of how best to deploy the program.

Mr WHETSTONE: In last year's Auditor-General questions, you stated that four new staff were being appointed in 2016-17 into Thailand, Indonesia, the Philippines and Vietnam. The Philippines and Vietnam positions were never appointed. Why is that?

The Hon. M.L.J. HAMILTON-SMITH: Is that the Philippines and Vietnam?

Mr WHETSTONE: Yes, the Philippines and Vietnam were never appointed.

The Hon. M.L.J. HAMILTON-SMITH: Just to update you, the appointment to Malaysia has been made. It is a very important market. The appointment to Jakarta has been made. It is a very important market. Frankly, in the end we did not have the funding to position a person in the Philippines, although it is a very prospective market and I would like to put someone there. Vietnam is extremely prospective. I have been unable to get the funding to position that person now, but I am taking action to fix that for next year. You are right: I think it would be good if we had people in those two jurisdictions, but the funding in the end was not available for those two positions to be filled.

Mr WHETSTONE: Maybe the Treasurer does not think trade is important enough. On Volume 5, page 71, how much of the income for activity to fees and charges is from trade mission registration fees in 2016-17?

The Hon. M.L.J. HAMILTON-SMITH: I will have to again take that on notice. It is a fairly detailed question, but you raise a good point. When we first started organising these trade missions, we did not charge users for attending. We do now. They have to pay their way. It is not a great deal, but it is in the tens of thousands. I will get an exact figure for the member on notice.

Mr WHETSTONE: Grants and subsidies increased from 2016 to 2017. Can you provide a breakdown of grant program spending for that period?

The Hon. M.L.J. HAMILTON-SMITH: Again, I will have to take that on notice. It is a fairly detailed question, but I am more than happy to do so. If the shadow minister would like a briefing at any time on these issues, I am happy to ensure that it is provided.

The CHAIR: We thank the minister and his advisers.

Progress reported; committee to sit again.

The Hon. M.L.J. HAMILTON-SMITH: I draw your attention to the state of the house, ma'am.

A quorum having been formed:

Bills

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO NO 3) BILL

Committee Stage

In committee (resumed on motion).

Clause 12.

Ms CHAPMAN: I move:

Amendment No 1 [Chapman–2]—

Page 6, lines 5 to 13—Delete Part 6 and substitute 'Part 6—Amendment of *Magistrates Act 1983'*

12—Amendment of section 6—Magistracy

(1) Section 6(1)—delete subsection (1) and substitute:

(1) There will be a Chief Magistrate appointed by the Governor on the recommendation of the Attorney-General.

(2) Section 6(2)—delete 'or Deputy Chief Magistrate'

(3) Section 6(3)—delete subsection (3)

Amendment carried; clause as amended passed.

New clauses 12A, 12B, 12C, 12D and 12E.

Ms CHAPMAN: I move:

12A—Amendment of section 7—Administration of magistracy

Section 7(2)—delete subsection (2)

12B—Amendment of section 13—Remuneration of magistrates

Section 13(1)—delete 'and Deputy Chief Magistrate'

Part 6A—Amendment of *Magistrates Court Act 1991*

12C—Amendment of section 11—Chief Magistrate

Section 11(3)—delete 'the Deputy Chief Magistrate and, if both are absent, on'

12D—Amendment of section 49—Rules of Court

Section 49(2)—delete ', the Deputy Chief Magistrate'

Part 6B—Amendment of *Remuneration Act 1990*

12E—Amendment of section 13—Determination of remuneration of judges, magistrates and certain others

Section 13(h)—delete paragraph (h)

The amendment is newly minted from parliamentary counsel and purports to cover the amendments necessary to the Magistrates Act 1983, the Magistrates Court Act 1991 and the Remuneration Act 1990 to bring into effect the abolition of the position of Deputy Chief Magistrate. Firstly, can I place on the record my appreciation to parliamentary counsel to complete this work in such a short time, having of course viewed it, and the Attorney-General only having a short time to view it.

I present this amendment on the basis that, should it be necessary to attend to any other minor matters that may be identified by the Attorney or indeed parliamentary counsel to facilitate this request, then that can be attended to in another place. But it is on that basis that I present it, for all the reasons I outlined previously when we were considering clause 12 prior to the postponement.

The Hon. J.R. RAU: I thank the deputy leader for her assistance in relation to this matter and, yes, I endorse her remarks. We have obviously both not had very long to look at this. On the face of it, it looks to achieve what we were seeking to achieve, and it looks to be consistent with the Chief Magistrate's wishes. I am happy to support it on the basis that, in the event that it turns out there is some nuanced that nobody has yet picked up—and I am mindful of the fact that the deputy leader and I have only recently seen it—if something pops up, obviously both of us reserve our positions to offer other contributions in another place. On that basis, I am happy to support the amendment as filed.

The CHAIR: The Chair is happy that you are happy.

Ms CHAPMAN: Can I mention one thing for the record in this section, just so it is absolutely clear on both our moving of these amendments and the government's attempt to remodel, that there will be no interference with Dr Andrew Cannon's current position as Deputy Chief Magistrate and that, whatever we are doing here today, it is intended it will not interfere with the conclusion of his office.

The Hon. J.R. RAU: I am happy to go on the record to absolutely agree with that remark from the deputy leader. That is definitely not the government's intention.

New clauses inserted.

Clauses 15 to 22 passed.

Title.

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

Amendment No 2 [DepPrem–3]—

Long title—Before 'the *Bail Act 1985*' insert 'the *Advance Care Directives Act 2013*;'

Amendment carried.

Ms CHAPMAN: I move:

Amendment No 2 [Chapman–2]—

Long title—After 'the *Magistrates Act 1983*;' insert:

the *Magistrates Court Act 1991*; the *Remuneration Act 1990*;

Amendment carried.

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

Amendment No 5 [DepPrem–2]—

Long title—After 'Second-hand Dealers and Pawnbrokers Act 1996;' insert:

the South Australian Employment Tribunal Act 2014; the Spent Convictions Act 2009;

Amendment carried; title as amended passed.

Bill reported with amendment.

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) (17:11): I move:

That this bill be now read a third time.

Bill read a third time and passed.

WORK HEALTH AND SAFETY (REPRESENTATIVE ASSISTANCE) AMENDMENT BILL

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) (17:14): I move:

That this bill be now read a second time.

Very briefly, this matter is slightly unusual; nevertheless, I rise to support this bill. This was a private member's bill introduced in the Legislative Council on 12 April by the Hon. Tammy Franks MLC, and the government has consented to permit the matter to proceed here in government time. The bill proposes to remove section 68(4) and related subsection (6) of the Work Health and Safety Act South Australia 2012. Section 68 of the act outlines the powers and functions of HSRs, which are to represent workers in the work group in matters relating to workers' health and safety, to monitor measures taken in relation to workers in the work group, to investigate complaints from members of the work group and to inquire into anything that appears to be a risk to the health or safety of workers in a group. Subsection (2) goes on to state:

In exercising a power or performing a function, the health and safety representative may—

(g) whenever necessary, request the assistance of any person.

The government supports the amendment on the basis that it will allow the representatives the ability to seek such assistance required when needed. The amendment also means that a person who is willing to provide assistance will be relieved of what, in hindsight, can rightly be viewed as a bureaucratic and time-consuming process. The amendments will also bring South Australia's WHS legislation back into harmonisation with other jurisdictions on this particular issue.

During the debate in the other place, the Hon. Rob Lucas discussed the original debate of these laws back in 2012. He noted that, in the Legislative Council at the time, the amendment proposed by the Liberal Party to include section 68(4) and (6) was not opposed by the government. That is true; however, the part of the *Hansard* record that the Hon. Rob Lucas omitted during debate in September is that it was accepted 'in the interest of progressing the legislation'.

Compromise was indeed the name of the game. In 2017, the Hon. Tammy Franks proposed an amendment to realign the provision with other jurisdictions, and the government is willing to support that attempt. The requirement for 'any person' to be specified as someone working at the workplace, involved in the management of the relevant business or undertaking or be approved as a consultant is not in place in any other jurisdiction and is not deemed as necessary. The concerns of submissions received have been noted; however, we are not convinced that the provision in its proposed form has created any extraordinary circumstances in other jurisdictions that cannot be adequately dealt with as they already are.

The Hon. Rob Lucas discussed at length the CFMEU and construction sites and how the amendment of this provision will cause further issues for this sector. Let us not forget that construction workers make up less than 10 per cent of the workforce and account for around 31 workplace fatalities each year, or about 15 to 20 per cent of all fatalities. Safety on these sites is critical, and safety representatives should have the ability to seek the assistance they require to increase the level of safety at their and their co-workers' workplaces. As the Hon. Tammy Franks points out, section 68 of the act does not deal solely with the CFMEU or the construction industry or,

for that matter, any organisation or industry specifically. It is not a right of entry provision, which is the basis of a number of the court cases the Hon. Rob Lucas raised.

I do not propose to discuss the cases raised except to say that they relate to breaches of entry permits under the Commonwealth Fair Work Act, breaches which have been dealt with effectively by the courts, as the legislation enables. From a WHS perspective, the right of entry for these purposes is clearly provided for in the act, with rights, powers and penalties for the breach of these provisions for entry permit holders being clearly outlined. This bill in no way changes that. We seek the support of this house for the passage of the bill.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:18): I rise to speak on the Work Health and Safety (Representative Assistance) Amendment Bill 2017 tabled here today and which originates with the Hon. Tammy Franks MLC in another place. As the Attorney has just pointed out, the bill attempts to remove a requirement for any qualifications or oversight of persons entering to provide safety assistance by way of the deletion of section 68(6) of the Work Health and Safety Act 2012; that is the South Australian legislation. The effect of this will also remove the SafeWork SA Advisory Committee's role. Further, the bill would create what is effectively a right of entry provision that avoids the important checks and balances of the applicable right of entry laws, particularly that the persons are fit and proper.

Essentially, the provision would operate to circumvent the checks and balances on union officials' conduct, which is set out in the commonwealth Fair Work Act 2009 in parts 3 and 4 and part 7, with the effect of diminution of the rule of law. Members would be only too well aware that the courts have found extreme lawlessness by union officials in South Australia, particularly in the construction industry, with the result that a number of union officials have lost their right of entry permits as a result of their conduct. Many of those matters arose under the pretence of safety grounds.

As the Law Society of South Australia has pointed out, there are a number of recent successful prosecutions in relation to right of entry breaches in the construction industry in South Australia. Some of the most recent cases include Australian Building and Construction Commissioner v Construction, Forestry, Mining and Energy Union No. 3, 2017 FCA 10; Director of the Fair Work Building Industry Inspectorate v Bolton No. 2, 2016 FCA 817; Director of the Fair Work Building Industry Inspectorate v O'Connor 2016 FCA 415; Director of the Fair Work Building Industry Inspectorate v Construction, Forestry, Mining and Energy Union 2016 FCA 414; and Director of the Fair Work Building Industry Inspectorate v Construction, Forestry, Mining and Energy Union 2016 FCA 413. That is a very telling list.

Importantly, if this amendment were to be passed, it would create a back door to the lawlessness on construction sites. So why is this being progressed? That is a good question. The Hon. Tammy Franks presents this as a bill that will have the effect of producing some harmony in the sense of the other states and the national work health and safety law. It is true that we had lengthy debates back in 2012 in which sections 68(4) and 68(6) of the act were amended and inserted, which had the direct effect of making South Australia different from the other jurisdictions.

It is sometimes presented as necessary to provide something that is streamlined for there to be efficient application of the law, that it be harmonised across the country, where we have a national scheme. It seems to be more in the breach than the observance. There are a number of tranches of legislation that we have signed up to in South Australia in an attempt to develop a national model with some consistency. The desirability of that is especially for national companies that operate in multiple state jurisdictions. Frequently, however, we do not allow the national standard to become the South Australian standard. We add in pieces and make amendments to strengthen the South Australian model relative to the national model.

The one I can remember that was the most hard fought and also recognised the significance of South Australia was the obligation under our health nationalisation—that is, the nationalisation of the health industries—when it came to opticians and people in the ophthalmology fields. There was an obligation under South Australian law for any person who purchased plano lenses, which are coloured lenses, cat's-eye lenses and all sorts of other playful adornments that come with optical lenses, to do so under prescription.

The reason for that is that obviously, if children buy them in the local show bag and apply them to their eyes and they get stuck, or there is some other injury as a result of that, then blindness is not something that is easily reversed. It was seen as serious enough that the South Australian standard should be maintained. Indeed, minister Hill, the minister for health at that time, said that that was going to remain in the South Australian legislation as we went into the national scheme, and we supported that. We were not going to go to the lowest common denominator of other jurisdictions.

There are occasions, whether it is nationalisation of transport laws or health laws or, in this case, safety and workplace laws, when we have a different standard or we have a different set of rules or we have experienced certain events that justify us having a different model to apply. That is exactly what happened here and that is something that I suggest has been supported by the history. We can see from this list of legislation, where there have been breaches, the importance of ensuring that we maintain standards in this state.

The bill, therefore, does not have the support of the opposition, and we will oppose it accordingly. Unsurprisingly, a number of stakeholders in this area have expressed disquiet about the bill, its motives and the effect that will occur in respect of continued behaviour which is seen as undesirable in entering the workplace via the back door, that is, without a permit.

It is important to note that in June this year the full Federal Court found that a CFMEU official who had called onto a Victorian construction site to assist a health and safety representative was not protected by the state's OHS laws and should have had a federal entry permit. That decision confirmed that union officials require a valid federal entry permit to enter a site under a state or territory occupational health and safety law, including where an HSR invites the official under the OHS law. Chief Justice James Allsop and Justices Richard White and David O'Callaghan found that the plain words of the legislation required union officials to have a valid entry permit regardless of occupational health and safety concerns.

I just want to make it clear that we have an agency in South Australia that is responsible for both the education standards and the enforcement and protection of persons on workplace sites, that is, SafeWork SA. This entity has had an interesting history, and today is not the time to go into the detail of that, but I make this point: they are the workplace police. They are the state agency that has responsibility to ensure, as best as possible, employers comply with the rules, that employees and other visitors to the sites of workplaces enter in a safe circumstance, that there is appropriate training and the like and that, where there is a breach of obligation, there are warnings, prosecutions or the like.

That is their job. So if a member of the workforce, either employer or employee, has any concern about the occupational health and safety, or in particular if there is some breach of standard or practice that is operating, then they have a specialised agency to which they are entitled to report, and in fact frequently are obliged to report, especially if it is to implicate themselves and their area of responsibility to ensure that they do all that can be done to ensure that their workplace remains safe.

The work sites obviously also have work health and safety representatives, who are instrumental and play a very important role in ensuring the general implementation of the rules and that standards are employed and that, for example, if new people come on site, or are inducted for the purposes of either delivering material to the site or working on the site, they follow the appropriate training and the like.

As the Attorney points out, we are not talking here about just construction sites. There are other areas of significant risk, whether it is in manufacturing or abattoirs. There are lots of areas where a person, who is either working on the site or indeed just entering the site could be putting themselves or others at risk if they are not properly trained, prepared, inducted and compliant. It may be something as simple as wearing suitable safety clothing or protective gear. It may be much more serious, of course, in respect of the operation of a heavy vehicle and equipment. So the opposition will oppose this bill with the reassurance that there are a number of laws and provisions by SafeWork SA to ensure that, as best we can, we have protection for people in the workplace.

I want to mention one other thing in relation to work health and safety and the significance of what has been happening right here at our back door, namely, at the Royal Adelaide Hospital site, a new building erected over a 10-year period. To my knowledge, there have been two deaths on that

site, which have been recognised by a plaque on the site. There may be others, but they are the two I am aware of and both involved the death of employees when using and/or operating a scissor lift, and the consequences have been tragic.

I am concerned, and other members should be concerned, that if we are really serious in this place about ensuring that appropriate standards are employed on work sites, especially when they are working under contract by the government, who are supposed to be model citizens when it comes to their operations, the highest standards should be employed.

To find that there had been a prosecution over two years in respect of the death of the construction worker Jorge Castillo-Riffo and that it was abandoned just before it commenced trial, and then followed an inquiry by the government and the release only of recommendations and the keeping of that report secret, I consider to be shameful. It is completely inadequate for the government to justify it by saying to the people of South Australia that they are doing everything they can to ensure that even in their own contracts workplaces are safe. Clearly, they are not.

I have had this discussion with Mr Aaron Cartledge, who is a member of the CFMEU—I think he is still their head—as to why on earth his own union had not complained, not just about the long delay in relation to the prosecution of this matter but then its abandonment, and what the practices were in operation by SafeWork SA post the death of these two workers. To be perfectly frank, he seemed to be quite dismissive of it: 'That is just a matter for SafeWork SA.' This is a man who is supposed to be in charge of the protection of his workers, his own union.

I find it extraordinary that we have a government that has the responsibility for and the opportunity to commission and contract major projects in this state, not just in construction but in the construction field, for the purpose of this exercise because it is a workplace that has significant risks. We know that, and yet we are unable to find out what has happened in that regard.

I can talk about all sorts of other safety in the workplace issues. The Salvemini case comes to mind. I am not going to be spending time on that tonight, but it is another case where the government I think have utterly failed to follow through and ensure that where there have been identified areas of failure—I am not saying 'blame' at this point but 'failure'—they have not followed every rabbit down a burrow. That is what they should be doing and spending their energy on, making sure that this does not happen again.

I am utterly appalled that since the Premier has thrown off SafeWork SA issues, the SafeWork deaths information is all put off into the Attorney-General's portfolio now. It is out of the Premier's area, and what do we find? We find that in 2016, 23 people died in South Australia in workplace deaths. I have been here for 15 years and each year I have a look at this statistic. It is usually around 10 or 12. It has now blown out to 23. This year, by the end of August, there were already 12. I do not know what is going on but there seems to be a much bigger issue that needs to be looked at here by the government in respect of workplace safety, particularly as some of the most alarming cases are in respect of worksites which are either a party to a contract or operating them.

That is deeply disturbing—to think that we would have South Australia now in a situation where we must be the state that has the mantle of the most dangerous place to work. I think that is shameful and I think that the government ought to be spending their attention on that, rather than progressing legislation of this nature. I oppose the bill.

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) (17:38): I thank the deputy leader for her contribution.

The house divided on the second reading:

Ayes.....24
Noes 16
Majority 8

AYES

Bedford, F.E.	Bettison, Z.L.	Bignell, L.W.K.

AYES

Brock, G.G.	Close, S.E.	Cook, N.F.
Digance, A.F.C.	Gee, J.P.	Hamilton-Smith, M.L.J.
Hildyard, K.A.	Hughes, E.J.	Kenyon, T.R. (teller)
Key, S.W.	Koutsantonis, A.	Mullighan, S.C.
Odenwalder, L.K.	Piccolo, A.	Picton, C.J.
Rankine, J.M.	Rau, J.R.	Snelling, J.J.
Vlahos, L.A.	Weatherill, J.W.	Wortley, D.

NOES

Chapman, V.A. (teller)	Duluk, S.	Gardner, J.A.W.
Goldsworthy, R.M.	Griffiths, S.P.	Knoll, S.K.
Pederick, A.S.	Pengilly, M.R.	Pisoni, D.G.
Sanderson, R.	Speirs, D.	Treloar, P.A.
van Holst Pellekaan, D.C.	Whetstone, T.J.	Williams, M.R.
Wingard, C.		

PAIRS

Caica, P.	Redmond, I.M.

Second reading thus carried.

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) (17:47): I move:

That this bill be now read a third time.

Bill read a third time and passed.

RESEARCH, DEVELOPMENT AND INNOVATION BILL

Second Reading

Adjourned debate on second reading.

(Continued from 28 September 2017.)

Mr WINGARD (Mitchell) (17:49): I rise to speak on the Research, Development and Innovation Bill, noting I have tabled an amendment for a sunset clause so that (1) this act expires on the fifth anniversary of its commencement, and (2) research and development declaration in force immediately before the expiry of this act under subsection (1) ceases to be in force at that expiry.

This is an interesting bill to be put before the house. We did get a briefing from the government, and I appreciate that. On this side of the house we are all for research, development and innovation here in South Australia. I believe very strongly that we need to be doing all we can to take South Australia forward and to create opportunities for our state and the people of our state in the future.

I was just over at Adelaide University's expo today, where engineering and science students were displaying their projects for the year, what they have been working on. It was absolutely outstanding to see the wonderful young people we have in South Australia in this example, the great minds they have, their thinking and innovation, and the opportunity it presents for these young people to do wonderful things in the world. I believe very strongly that it is our position, in this place, to make sure that we generate that opportunity for these young people. We need to do all we can to make

sure we have a place and a space that allows these people to perform and show their wares on the world stage. To that end, on this side of the house we are very supportive of anything to do with research, development and innovation.

When we look at this bill there are a couple of concerns and some things that we can flesh out in the committee stage. I quote the Attorney's explanation, which outlines:

> The Governor must not make a research and development declaration unless satisfied that it is appropriate having regard to:
>
> - whether the project or activity is consistent with the objects and purposes of the act;
> - whether the applicant possesses the relevant skills, experience or capacity to give proper effect to the project or activity;
> - whether the project or activity is on balance in the public interest; and
> - whether any risks identified in respect of the project or activity can be appropriately eliminated or minimised; and
> - whether there is a risk of loss, harm, or other detriment to the community if the project or activity does or does not occur.
>
> Further, the Governor must not make a research and development declaration unless the Governor considers that doing so will not give rise to any adverse effects to public health or to the environment. Finally, a research and development declaration may not dis-apply or modify the application of the Aboriginal Heritage Act 1988.

What the government wants to do with this bill is be able to nullify bills currently in place to allow someone to go ahead with research and development or with an innovative project they might have. There are some other steps that I will talk through in a moment and, as I said, flesh them out in the committee stage but, fundamentally, that is why this bill is put together.

We had the autonomous car legislation come through this place. It was talked about for a long time and, in fact, I think its passage through here was quite swift. We were very supportive of that, and said, 'Let's go. Let's get this thing happening.' We need to find all the jobs we can here in South Australia; as I said earlier, we need to create an environment that allows for innovation at every turn and allows for new industries to be unearthed. So we moved on that very, very swiftly.

However, there are a couple of concerns with this legislation. When we had the briefing with the government we asked what the intentions were with this bill, what did we want to do here. They said that fundamentally they wanted to keep it very open-ended so that it could capture opportunities in the future. We understand, as they say, that the jobs of the future, in 20 or 30 years, probably have not been invented yet, but is it good legislation to put legislation forward for things that we do not know or are not aware of? We understand the potential advantage the government is looking at, and we are looking to be proactive on this front and want to be supportive of that proactivity, but there are some checks and balances that need to be put in place.

When we had the briefing we were told that it was to be proactive and so the question that followed was: what things are in the pipeline, what are these innovative, development and research opportunities that sit in the pipeline? Sadly, the response was, 'Well, there's nothing there. We are doing this just in case.' That was an interesting response. We said, 'Well, surely someone is talking to you about something, stakeholders out there who are saying this would be really good.' They said, 'No, no-one was really banging the door down to have this done.' Then you look across the board and ask, 'If we put this in place, who is it going to impact and how is it going to work and which stakeholders have you spoken to?'

I did get a response to that, and I can list all the stakeholders. They are all government stakeholders: the Department of State Development, Health Industries South Australia, PIRSA, the Department of Environment, the EPA, DPTI, Investment Attraction South Australia, Defence SA, the Department of the Premier and Cabinet, SA Health, the Department for Education and Child Development, and SA Water. It was all an internal conversation; there was no external conversation.

That was a little bit alarming and, again, it is something that we want to follow through. We might ask more about it in the committee stage. Fundamentally, as I said, we on this side of the chamber are very supportive of the idea of this bill to attract research, innovation and development,

and we want to make these things happen as fast as possible. We on this side believe that we need to create these opportunities for the next generation and for all the people of South Australia. We believe we have some very intelligent people in South Australia and we want to make sure that they can ply their wares here as opposed to being sucked to the eastern seaboard, as happens so often.

I went through the research and development declaration, which is what part of the bill does, to have the Governor, on the recommendation of the minister, declare the mechanism to temporarily suspend, modify or dis-apply laws that would otherwise prohibit the pursuit of the innovative, research and development proposal. I also asked about the elements of how this may play out, who may put this in place, and I asked whether we could be given an example. Again, there are no new examples on the horizon. We are only referred to the example of the driverless car legislation. Again, the point goes back to the fact that that legislation was put in place and, once it came here, it was able to be moved through very quickly, specific to that task. That is something we want to be very conscious of.

In the Attorney's second reading explanation, he also talked about councils being involved and the fact that councils must be considered in this conversation. That is something that is very important in allowing this to go ahead. When we had a chat and a briefing with the department, we asked whether the LGA had been consulted on this and again the answer was no. We trust that a bit more work has been done in that area as far as consultation is concerned.

The other part to this is that if this legislation were enacted and a project did go ahead, a report to parliament would happen, but the report would be optional, which was interesting as well. It was only if the outcome were advantageous or positive or in the affirmative, if you like, that it would be reported to parliament. If it was a failure and did not work, then there was no obligation to report this to parliament. Again, that is something that we would like to explore.

All in all, this piece of legislation has the right intentions, but will it give the right outcomes? That is our real concern. We know this government is very big on inputs and not so big on outputs, and outputs are really what we need to be looking at in South Australia. On this side, we believe very much that it is the people of South Australia and the opportunities that we can give them that will take this state forward. That is the real key to what we need to be doing here. I again quote from the Attorney's second reading explanation:

> Before making a recommendation to the Governor to make a declaration, the minister is required to consult with other ministers if the proposed declaration relates to an act the administration of which is the responsibility of that other minister. The minister is also required to consult with any council the minister considers would be particularly affected by the proposed declaration. It is also a requirement for the minister to publish a proposed research and development declaration inviting comment from affected persons.

We are intrigued to know where that will be published and how that will play out. Again, we will find out more when we go through the committee stage.

Sitting suspended from 18:00 to 19:29.

Mr WINGARD: I continue after the dinner interval, and I would like to recap where we were with this bill just before we left. Again, I stress the point that on our side of the house we are very supportive of innovation, development and research to help grow jobs and create opportunities for people in South Australia, for some of the great minds that we have just been hearing about. I will refer to a few of those we were listening to in our dinner break.

The bill that the government have introduced and the legislation that they have put forward have, as we said, a proactive element about them, much like the driverless car experience. There is an upside to that, but there are also some concerns. As we said, an applicant may make a request for a research and development declaration to be made by the Governor. On the recommendation of the minister, the application for the declaration may, to the extent that the Governor considers it necessary for the purposes of the project or activity, provide that an act or provision of the act does not apply, or applies with specific modifications.

The Governor must not make a decision unless the Governor considers that doing so will not give rise to any adverse effects to public health or the environment. A declaration must not dis-apply or modify the application of the Aboriginal Heritage Act 1988. The research and development declaration is limited to an initial maximum operation of 18 months in special circumstances, and an

extension for a further 18 months may be granted. In the committee stage we might find out from the minister how he foresees the enactment of this. Questions remain about how the bill will be managed and how well it will fulfil its purpose of reducing red tape and overcoming regulatory barriers.

On this side of the house, it is always our focus to reduce red tape and regulation to make sure that the great, innovative minds we have in South Australia can get ahead. I have already mentioned some of the questions that we would like to raise regarding what industries have been targeted, the public interest, at what stage of the declaration application the additional conditions or requirements will be considered and what penalties will apply for noncompliance.

While I am on innovation and science, I have a great opportunity to point to the federal government's innovation agenda, which is about promoting innovation and entrepreneurship across all sectors, supporting the economy's transition and providing more job opportunities for Australia. That is what I have been speaking about quite a bit in my speech tonight because that is what is important. I believe very strongly that we need to be doing all we can to put legislation in place to create opportunities for young people to be able to get in and have a go and do great things.

Where South Australia will be strong, and where South Australia is strong, is in the great and very intelligent people we have in this state. I mentioned before that I was at the Adelaide University ingenuity afternoon. Some of the young people we saw putting on their displays there were absolutely outstanding. There were a couple of groups that had some really great ideas. One group of guys was doing 3D photographs of people, and within a matter of seconds you could get a 3D photograph of yourself done. I questioned how accurate it was. I thought I had put on a few kilos, but they assured me it was spot on, so I am going to have to go to the gym and start doing some more work.

The DEPUTY SPEAKER: No more schnitzels.

Mr WINGARD: You are right: there probably were too many schnitzels in there, and my kids will remind me of that tonight when I get home. We spoke for a minute and we said, 'Where are the applications for this? How can we commercialise this, and where can we go?' They started talking about the health industry and the fitness industry, again, when they were reminding me of how I had had too many schnitzels. Then we talked about the fashion industry and they reeled off other industries that really could use this sort of application. So this is the opportunity that is before us.

I believe very strongly that we have the people here in this state, and we just need to create the opportunities to allow these wonderful minds to flourish and take what they know and have learned to the world, because that is where the opportunities are. That is very much our focus on this side of the house. We spoke to some other people who were doing some wave research, which was absolutely fantastic, too. They spent a bit of time at Carrickalinga and designed a few models and improved on the prototype that was put before them by a company that was looking to work in this area.

Another thing that was most notable was the analysis of data and the ability to use the ICT sector and computers and analyse data to get the benefit out of the big use of this sort of information. The more information they could get and the more data they could put into their systems, the more accurate the outcomes they could devise. These young people were just amazing and I think the opportunities that lie before us in this area, as I said, are absolutely outstanding.

I would like to mention some other people who have done a marvellous job and I met with, coincidentally, during the tea break. We had dinner with Dr Kate Fennell, who is involved with innovation in rural and remote health and mental health. She is absolutely outstanding. Again, it is just that other way you can think about doing things. She pointed out farmers' mental health and the fact that it is a very significant issue. She has devoted her time and study to this issue. She is actually the niece of Graham Gunn, who was a member here before my time, but, again, you would have crossed over with him—

Mr Snelling: A good member.

Mr WINGARD: The member for Playford mentions that Graham Gunn was a good member and I am sure, like most of us on this side, that he was. I am sure the member for Playford is a good member as well, knocking on doors in his community, no doubt.

An interesting stat, which came from Dr Kate Fennell, was that patients are 35 per cent more likely to die post-cancer diagnosis if they are in the country—again, the member for Playford, as a former health minister, would probably be aware of that stat—and this is why she has devoted her time to helping people in rural areas with cancer find ways to get the services and support they need to help them with their illness.

She has a Winnovation Award. In 2012, she put together the Country Cancer Support website, which I think was just a fantastic idea. She is about to release a YouTube channel with rural cancer stories and peer support for people out there in their homes who want to know what is going on and who want to see what other people have been through by sharing these experiences. That is launching next month and is another innovative way to reach out to people in the regions.

Finally, there is the ifarmwell website, which is about to be launched, which looks at coping mechanisms for people with mental health issues in that space. I am told the website is going to go live in January. It could go live now but, being harvest time, they figured no-one is around. Dr Fennell has also been awarded the Churchill Fellowship, which will allow her to look at rural cancer patients overseas and some of the online tools that are working over there to find ways that we can bring them back and fit them into our society.

One of the things she talked about was virtual reality and how we could potentially use this to fit in with some of the innovative things that she is doing. She made a very good point—again, the member for Playford will be interested in this—that they actually do have some videos and that the things they have filmed already are from the old RAH.

Now they are saying to these patients who live in remote areas that potentially getting a look at the new RAH could be a good way to appease them and make them comfortable with what is happening in the new hospital. I am sure the member for Playford will be keen to pursue that as well and help out. I think it would be a really great idea, as we move this forward, to get videos and/or potentially some virtual reality through this innovative health system, filming what is happening in the new RAH.

I had a wonderful conversation with Caitlin Byrt from the Waite Research Institute about the work she has been doing to help major food crops, like wheat, to cross-cultivate traditional wheat with older cousins so they could get more durable qualities to improve the yield of the crop. She is working with wheat here in Australia, but talked about doing work with tomatoes in Spain, grape growers for better wine production and better barley production as well to improve the quality of beer. I see again a smile on the face of the member for Playford. Not only will it improve the processing but it will also improve the quality, so that is absolutely fantastic.

Creating these crops that are tolerant and grown in sea water is another agricultural advance. Now they are looking at ways to commercialise all these aspects, and there are some great things moving forward in this space. Innovation is vital right across the board, no matter which way you look at it. Most people think that innovation is just about apps, or whatever it might be, but we can see from a couple of these examples that we have great people here in South Australia. I believe very strongly that they are the way forward for our state, and creating the right environment to unleash them and to take their great ideas to the world is what is going to take our state forward.

We are hoping that this bill is going to do that. I did mention my amendment right at the start of my speech that will make this just that little bit better. However, whilst the intent is good, we want to make sure it actually happens and we get ahead and we can harness the great skills of all those people to help take South Australia forward, lift us off the bottom of the ladder and get good things happening in South Australia.

Mr WHETSTONE (Chaffey) (19:40): I will make a short contribution to this bill because research, development and innovation is one of my passions. It is about how we can move with the times and how we can make this state and the world a better place. It is about moving with the times. Obviously, the electorate of Chaffey is always looking for research opportunities and most of the research opportunities that have been supported by government over many years have, sadly, slowly disappeared. The onus is now put back on to the man on the land, the farmer, who has to stump up the time and the cash and search for the intellectual property or the intellectual know-how on how

they are going to achieve both research and development and how they are actually going to move forward.

The legislation will enable the government to temporarily suspend, modify or dis-apply laws that would otherwise prohibit the pursuit of an innovative research and development proposal. An applicant may make a request for a research and development declaration to be made by the Governor on the recommendation of a minister. The application for the declaration may, to the extent that the Governor considers it necessary for the purpose of the project or activity, provide that an act, or the provisions of an act, do not apply or apply with specific modifications. The Governor must not make declarations unless the Governor considers that doing so will give rise to any adverse effects to public health or the environment. A declaration must not dis-apply or modify the application of the Aboriginal Heritage Act 1988.

A research and development declaration is limited to an initial maximum operation of 18 months. In special circumstances, a further 18-month extension may be granted. As I understand it, we will be asking a number of questions around the bill in the committee stage. I would like to take the opportunity to speak about research within my portfolio of health industries. We have seen a great growth in health and biomedical precincts and research. You only have to look to the west end of North Terrace to see the magnificent investment that the federal government and the universities have made there to bring South Australia in line with the great medical research institutions around the world, with the capacity to do what we need to do at the SAHMRI building.

It is not just the SAHMRI building: we have SAHMRI 1 and we have SAHMRI 2 coming along. We also have the university hubs that are looking to do great work. It is a little bit like the ingenuity showcased in student projects today at the Adelaide Convention Centre. I was lucky enough to go and have a look at some of the great engineering, computer and mathematical sciences projects that are underway there. One that really got my attention was the solar challenge, in which the University of Adelaide had a vehicle. They were really up against it. The Germans had the latest photovoltaic cell technology and were using technology that is used in satellites. They were using technology that most students would only dream of having, because money is no object to the Germans.

What I saw today was passion. I looked at visualising flood scenarios and into support, communication and decision-making. That is very dear to my heart because those flood scenarios are really going to play a huge part in my electorate of Chaffey. Having the River Murray running through and having the implementation of the Murray-Darling Basin Plan will mean that we are going to see man-made water events.

Those man-made floods will send a shiver up the spine of some landowners. I know that most governments, the Murray-Darling Basin Authority, Water For Nature and a lot of those groups that are going to manage and send those flood scenarios down the river will watch with a very careful eye because of insurance claims and liability. A man-made flood is not a natural event. That will mean that any man-made scenario will be met with some legal challenges. I think that is a sad state of affairs because what we are looking for is an outcome which is an environmental benefit, and that is obviously underpinned by the basin plan itself.

With regard to health care, pharmaceuticals, biotechnology and biomedical devices and industries, I was talking to some funds managers today. They came in and visited me. They see this as one of the areas that investor groups are looking to put money into—people who are looking to be on the forefront of new technology and investment portfolios. Not only health services but medical devices will be one of the big ticket items.

I think we are positioned beautifully in South Australia, particularly with the health precinct at the west end of North Terrace. The South Australian health and biomedical precinct is likely to become one of the largest health precincts in the Southern Hemisphere. The government is always looking for silver bullets to fix our economy. I do not think this is a silver bullet, but I do think it is one of the great pieces of the puzzle that we will use to ensure we put investment into research and development within the health care and biotechnology area.

I also want to speak a little about some of the start-up businesses I have recently met with that are doing wonderful work. SKIN Tissue Engineering at the University of South Australia is a leading start-up in South Australia. It is a biotechnology company which is focused on delivering a

global paradigm shift in burns and wound care. I have been there and had a look. It is amazing technology. People who suffer horrific burns or horrific injuries through car accidents or some form of unfortunate workplace injury do not have to have all that skin taken off their back or another part of their body; the tissue culture is developed in a lab.

The work it is doing is just outstanding. It was founded by Julian Burton OAM and Professor John E. Greenwood AM. Through the development of these innovative products, SKIN will remove the need for skin grafts forever. In most instances, for those people who have had skin grafts or know people who have had skin grafts, the most painful part is having skin removed from another part of your body so that you can have the skin graft performed.

At present, severe burns and wounds are treated with traditional bilayer skin grafts, where a piece of healthy skin the size of the burn is taken from a donor site and grafted over the affected area. With SKIN Tissue Engineering and the pioneering process they are doing, they will replace that. They will be growing a patient's own composite cultured skin in the lab and then it will be used on the wound or the burn. The patient's own cells are isolated from a small graft cultured separately before being seeded and grown in a biodegradable matrix that produces bilayer skin ready for grafting over the burn.

As I said, it is not just about burns; it is also about wounds. I saw some of the most horrific photographs during presentations at the University of South Australia and it showed me what they can do. It is making that process much easier and safer, and it is turning the corner when it comes to rehabilitation, which is much faster. It is also giving those people who have already been through the most horrific pain the opportunity to recover and have this skin product put over their wounds and burns.

Over 28 days, there will be enough skin growth to cover an entire adult. I think we are on the frontier of some great technology. The two major impacts will be in patients with smaller deep burns injuries. Conventional skin grafting results in the creation of donor sites. The donor sites are excruciatingly painful, as I have said. You only have to burn the end of your finger to know it is extremely painful. You burn it a bit more and you get a blister, and that hurts badly. Imagine burning some of the precious parts of your body—not just your hands, which are hardened, but your feet or your legs. These inpatients with extensive deep burns and donor sites—they are scarce and extremely painful.

We look back a number of years to the number of people who were victims of the horrific Bali bombings. We look back at the people who were in pain. History tells us that their minds and thought processes are scarred forever, not only because of the pain they have gone through; it leaves mental scarring. Dr Greenwood and Julian Burton were brought together through the tragedy of the Bali bombings, where 202 people lost their lives and many more suffered horrific injuries.

I have seen people with very serious burns. I myself received quite serious leg burns while competing in a water ski race. I was in a boat and the engine exploded, sending out hot oil and bits of engine which burnt my legs. The hot engine parts also went into my legs and left some nasty injuries, so I do understand what burns mean. I understand the pain that comes as part and parcel with burns.

Fortunately, I was not burned enough to need skin grafts. I was flicked out of the boat when it happened so I was able to get into very cold river water. Without being dismissive, I was able to tip cold beer onto my leg until the esky was dry, and that is what helped save the condition of my legs until the paramedics got there and I was admitted to hospital.

I think Dr Greenwood and Julian Burton ought to be congratulated because they are bringing to the forefront what we can do to deal with horrific burns and injuries that people are currently dealing with. Dr Greenwood led the Royal Adelaide Hospital burns emergency response unit to the Royal Darwin Hospital, where he helped in the recovery and evacuation process after the Bali bombings.

The South Australian Health and Medical Research Institute (SAHMRI) is South Australia's first independent, flagship health and medical research institute. The federal government allocated $200 million to build the iconic research facility, which will significantly increase Australia's capacity for leading scientific research by bringing together teams of top researchers in a world-class precinct of medical research and clinical application, state-of-the-art laboratories and a purpose-built, iconic,

25,000 square-metre facility adjacent to what we now know as the NRAH. SAHMRI is a collaboration with the state government, South Australia's three major universities and the CSIRO to provide resources to researchers across the state.

I will touch on some of the research and development, particularly in the agriculture sector. What I saw today down at the Convention Centre was absolutely outstanding. The member for Mitchell has already highlighted some of the great work those university students are undertaking, but what I saw down there today was the ability of young minds to think outside the square. These young minds are not confined by old thinking: they have this fluid thinking that anything is achievable. I looked at all sorts of technology, all sorts of means of using a free mind, whether it is electric vehicles, whether it is looking at simulation on any front, or whether it is looking at simulating mine activity.

I looked at one of the latest mines in South Australia, that is, Carrapateena. One of the great cost burdens for the Carrapateena mine is that, with the overburden, when they mine the material a lot of the less productive material shakes on down through all the very valuable ores—the way they are processing that, the way they separate the less valuable from the more valuable—and they were telling me that, over the course of that mine, it could save over $1 billion, so it puts $1 billion back into the value of the mine.

We look at some of the other motion, non-friction capacity to pump and agitate liquids. I saw the virtual flood scenarios, and I am sure that the member for Mitchell has told us all about some of the other great achievements the University of Adelaide students have achieved. Everyone I spoke to, particularly the solar challenge vehicle students, was so enthusiastic because they see opportunity, they see themselves as being part of the future here in South Australia and they see themselves as being part of making South Australia a great research hub of the world.

I have spoken extensively about the opportunities in health, and I have spoken a little bit about agriculture and, of course, I cannot not mention the rebirth of the Loxton Research Centre, which is an outstanding achievement. Through the SARMS, the federal government money through the Murray-Darling Basin Plan implementation with SARMS, and the state government are administering that money, they have put money into some of the commodities there so that we can look at how we can be more competitive on a world stage.

We look at almonds, at citrus and at stone fruit and we look at the application of bringing dried fruit back into a bigger, more competitive world. We can look at new varieties, we look at new irrigation technology and we look at the way we address our soils. We look at vehicles on farm now, the autonomous vehicles—no drivers. For many years, people have said, 'Oh, yeah, how can that happen?' but now we are seeing more and more of that technology coming in. It is not about using GPS tracking: it is about using satellite technology so that we can steer our vehicles, we can understand our soils and we can understand application on those soils. It is about that technology saving us money and making us more globally competitive.

I know a great family in the Mallee, the McNeil family—Jock and Digby are the boys, Swinger is the father—and they are bringing technology to the forefront. The equipment they have on their farm now is all infrared, so they are spraying only the weeds, not just broadacre spraying the ground or anything that does not move. They are saving hundreds and hundreds of thousands of dollars on the application of herbicide. The protein measure they put in their harvesters is another way of bringing technology to a farm to make it more globally competitive, to gain more for their bottom line. It is an outstanding achievement.

Many farms in the district of the Mallee—north Mallee, south Mallee, the upper region of the Riverland—are starting to embrace this technology. I think it is absolutely outstanding. There is intensive row crop farming and driverless tractors. Using satellite technology, they will put certain applications of sprays on certain areas of the property. They will put nutrient only where it is needed. That is a huge saving when it comes to being globally competitive. It is a huge saving when it comes to the bottom line of those farmers. It will make us more competitive and it will put us on a much higher level when we come to sell that technology and that product. Without further ado, I will be very interested to hear the member for Mitchell's questions on this bill.

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) (20:00): Can I thank those who contributed to the debate. I am pleased that we have an indication of broad support from the opposition. I appreciate that. We will deal with the particular matters raised in the amendment in due course, although I can indicate that, for reasons I will go into if need be, I do not believe that the particular amendment being suggested is actually necessary. We can deal with that shortly.

The member for Mitchell in particular posed the question: what, in particular, is in mind for this bill? The answer is that, at the moment, there is nothing in particular in mind for this bill. However, what is in mind is that, if South Australia wishes to be a destination where people who are interested in research and development want to go, it is very important that we stick up our advertising, in the whole global range of options that are there, as an environment that is ready, willing and able to work with research and development teams to enable them to realise outcomes associated with technology, which in turn, we hope, will translate into jobs for South Australians. I think the member for Mitchell shares that aspiration.

Rather than looking at this bill in terms of what in particular this bill is about, I would prefer to put it in these terms: this bill is as much as anything a very loud signal to anybody in the research and development game anywhere in the world that we are available, we are open for business and we want you to talk to us, and then let them come to us. Ideally, sure, if we also have local developers or entrepreneurs who are coming up with ideas and they are bumping up against regulatory issues that we can accommodate through this type of mechanism, then by all means let us help them as well.

This is about making South Australia have a marketing edge as a destination for research and development opportunities. That is what it is about. It is not about me or the government having a particular project in mind. Can I say also that it is probably useful to see this bill as another step in the direction that the parliament embraced a little while ago with the data analytics legislation we put through. We now have probably the most advanced data analytics legislation in the country, and we are already in a position where we are having quite positive conversations with the federal government about being a venue for testing or piloting a whole range of data analytics-based projects. Why? Because we already have a legislative framework that enables us to do that.

At the time that bill went through, I think I said that one day people will look back at some point in time and say that that was a very important piece of legislation we put through. I am very confident that this also will sit in the same space. The combination of those two is a fantastic marketing proposition for South Australia to a global marketplace for research and development. What I want to be able to do, and what I would like every member in the parliament to be able to do, is, if we get this bill passed, I would like everybody to be able to speak to anybody.

I was listening to the member for Chaffey talking about all the different industries that he has been looking at. Wouldn't it be terrific if, when he is speaking to those people, the member for Chaffey could drop on the table, 'Here's what we can do in South Australia to help you develop your latest products. This will supercharge your ability to market your state as a place where difficult things can be achieved, because there is a willingness and an open-mindedness about the way we look at these opportunities'? As I said, I am very grateful that there is an indication of support. This bill basically enables us to jump to the front of the research and development queue globally, not just within Australia, and I think that is something that we should be embracing and grabbing hold of with both hands.

In terms of the process, I was concerned, as I know some members may be. I think the member for Chaffey may have touched on the question of process, and the member for Mitchell certainly did. It leads in to the member for Mitchell's amendment. The process is basically this, if you think about it. The first question is: do they have something innovative that meets with the objects of the act and is not otherwise excluded? Let us pick on something that everyone picks on these days because people can get their head around it: driverless vehicles.

It does not have to be driverless vehicles; it could be some innovation in agriculture that requires a temporary relaxation of certain regulations in agriculture, obviously with certain safeguards

around it. If there was a problem with people having driverless tractors running around farms because there was no driver in control of the vehicle, this is the sort of thing you could utilise to say, 'Look, we're doing a test program on that and, for the purposes of that program, the Murray Mallee or the Riverland is the designated precinct that is going to be the test zone,' and within that zone we suspend for the time being the requirement that these vehicles—provided they are doing this and that—have a driver in control of the vehicle at all times, for example.

It does not have to be about driverless vehicles. It could be testing biotechnology issues. It could be testing anything. I have deliberately not sought to make this specific because I have no idea what might come through the door. I want this to be as flexible and versatile as possible. The process is this. It has to meet with the objects of the act. It has to be something that a person cannot do anyway using regular arrangements, short of getting the parliament to enact a specific act just for them. It has to then go through a process of being scrutinised by the cabinet.

Can I assure members here that every minister who sits around the cabinet table would look at one of these proposals very carefully with a view to asking: 'Is the agency for which I am responsible strongly committed to or opposed to this for whatever reason?' That is the first filter: each agency would be using their minister to scrutinise what this thing is looking like as it comes to cabinet. It then has to go from cabinet to the Governor. It then has to come to the parliament, where either house of parliament can kill it. So we have multiple layers of security.

Let us be frank about this: in any foreseeable period in the future, it is unlikely that whoever happens to be in government will have a majority in both houses. So there is that final parliamentary capacity to wipe it out. Then, even if it gets through all of that, it is only for a maximum term of 18 months and there can only be one extension, if any, which has to go through the same process, and that can only be for 18 months, after which no extension is possible and you either change the rulebook in an orthodox way or you do not.

Coming back to the original point, I have been very encouraged by what I have heard from the members opposite about their willingness to see the potential for South Australia to be a place where innovation, research and development and all the job potential that hangs off that may occur. I have to say that I am very encouraged by those sentiments. I am happy, obviously, to deal with any questions that might arise from this in the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr WINGARD: The minister said that he does not anticipate any industries jumping onto this straightaway. I noted in his speech that he said that he sees it more as a marketing edge, but part of clause 3(c) states 'increase employment and economic opportunities for the State and South Australians'. With the increase in employment, how many jobs are anticipated to be created by this act? Has a figure been modelled or calculated?

The Hon. J.R. RAU: No, it has not because obviously we do not know what we do not know, and I am not going to go—

Members interjecting:

The CHAIR: It is early—

The Hon. J.R. RAU: Okay, in deference to everybody, and in the hope that it means we will all finish early, I will not quote Donald Rumsfeld. What I will do, though, is mention what I have been trying to do to stimulate conversation that might be of use to us. Obviously, I can only do this to indicate that I have introduced the bill; I cannot indicate that it has passed because it has not yet.

Recently, in an attempt to alert people who might be interested in this matter, I sent a short note, enclosing a copy of the bill, to the following people and, without naming them, they include: the

managing director of Google in Australia; the country manager of Amazon in Australia; the managing director, Australia and New Zealand, of Apple; Tesla, Australia and New Zealand; the chief executive officer of Hills Ltd, a local outfit; the managing director of Microsoft Australia; Samsung Electronics, South-East Asia and Oceania; and the managing director of Facebook for Australia and New Zealand.

Ms Chapman interjecting:

The Hon. J.R. RAU: I think a number of them are, but you distract me. Even though we have not even got the bill through, I am trying to at least excite some interest in those types of—

Ms CHAPMAN: I hope you didn't send them a copy of your speech—

The Hon. J.R. RAU: No, I think I spared them my speech. For reasons of not wanting to embarrass anybody, and not to be tactless, I will not say who at the moment—I am happy to discuss that—but at least one of those has already responded by saying, 'We are actually quite interested in knowing a little bit more about what you people are up to.' So it is early days. I am not going to give some bold prediction about jobs; I genuinely do not know, but I do know that if we do not have a go we will not get anything. This is a no-regrets move.

Mr WINGARD: I understand your marketing edge that you have just described there, but do you have a guesstimate of when you might get your first request, as you have hinted, and when this act might be first implemented? Given that we are looking at the bill, when might the act be first implemented?

The Hon. J.R. RAU: It is difficult to say with any certainty, and I will not even attempt to guess, but the way I would see this unfolding would be that, if we get this bill through, I would think every government agency in every interaction it has with business, with foreign business delegations and with our trade delegations would be throwing this out as one of the many things that we say are an advantage that this jurisdiction has to offer. Hopefully, we will find over the next year or so that interesting proposals come forward.

Whether or not a proposal that comes forward ultimately passes the test, again we would have to see, but I cannot make the point enough: if we do not take this step, we will never find out what potential this step might yield.

Mr WINGARD: I have a question on clause 3(e). I understand where you are coming from with this bill and the fact that it is very wide open, but I know that you will have also had public interest at heart. How will the public interest be protected and served in the process of making a declaration? Will there be an opportunity for the public to participate in the declaration application? Will they be notified of an impending application and have an opportunity to voice their concerns, if they have any, at the early stage?

The Hon. J.R. RAU: A large part of the bill deals with process and consultation. We are obliged to consult with groups that are likely to be directly impacted. I will pick an obvious example—local government. If we were to be doing a driverless tractor test in the Riverland, we would have gone to speak to the councils there, obviously, because it affects them. We would not speak to the Adelaide city council, the council on Eyre Peninsula or somewhere else. We speak to the people who are on the ground.

If the test is geographically confined, that would tend to dictate the groups to whom you would speak. On the other hand, if it was a statewide test, you would go directly to the people because no particular local government area, for example, is probably any more or less impacted than any other. We have tried to build in that flexibility here, and the important point is: if anybody ultimately is unhappy about this, each chamber of the parliament has the capacity to veto one of these things before they actually get going. If it does get going, it can only go for 18 months before it expires, unless the whole process is done again, which again gives the parliament another chance to veto it.

I am confident that there is enough safeguard built into this. If it were going to be a permanent change to rules, that would be one thing, but we are talking here about temporary changes for a particular purpose, which expire come what may after, at the most, 18 months.

Mr WINGARD: Minister, you have jumped forward in your answer there to the consultation, so I will follow through with that. Have you consulted with the LGA and talked to them about this process, given that they are a stakeholder, as you mentioned?

The Hon. J.R. RAU: No, I have not. To come back to my example, if we were in the member for Chaffey's electorate testing out—

Mr WINGARD: Overall.

The Hon. J.R. RAU: Yes—why would I want to talk to the LGA when I could be talking to their council?

Mr WINGARD: To tell them what you are doing, to give them that bigger picture.

The Hon. J.R. RAU: I have—

The CHAIR: You must speak through the Chair. The Chair is insisting.

The Hon. J.R. RAU: Thank you, Madam Deputy Speaker.

The CHAIR: I am the Chair at this point. I am a chair.

The Hon. J.R. RAU: Are you?

The CHAIR: I am down here. I am Chair.

The Hon. J.R. RAU: Okay, Madam Chair, thank you. I have had informal discussions with representatives of the LGA because I meet with them reasonably frequently, but I would not pretend that I have got into detail with them because of what I just explained. If we were going to be testing a new agricultural device in the member for Chaffey's electorate, we would be talking directly to his council. We would not be waiting for the LGA to filter it through whatever committee they have. That is why we have specifically mentioned local government here because I wanted to make it clear to those people in local government that if we are going to be particularly affecting their area, they must be spoken to.

Clause passed.

Clause 4 passed.

Clause 5.

Mr WINGARD: Clause 5(2) states:

A research and development declaration in respect of a project or activity may…

(b) impose conditions or other requirements that apply in respect of the project or activity.

What other conditions or requirements are likely to be imposed as part of a declaration?

The Hon. J.R. RAU: This is contemplating something where there are potentially two broad possibilities open. You want to do something innovative; you cannot do it because the law says for some reason you cannot do some bit of it. In that case, you are wanting to suspend something. However, there is another possibility as well, which might be that in order for you to do it, you need some framework within which to be able to do it.

That was intended to give us sufficient flexibility to both suspend some regulatory frameworks and also to create, for the purposes of this, some other framework, because it might be necessary, for instance, to build evaluation tools into the project, and you might want to make sure that those evaluation tools are not simply optional but mandatory. So you might use that provision to be able to bring things to the project which are not already there. It is not always necessarily about taking things away; it may also be about bringing things to the project.

Mr WINGARD: Who will create that framework and decide if and where it applies?

The Hon. J.R. RAU: The framework would be constructed as part of the process by which the declaration is made. If you are looking in clause 5, 5(1) says that the minister may recommend to the Governor that the Governor make a declaration; 5(2) says that the declaration can suspend or whatever or impose; 5(3) says that a condition or other requirement may include conditions, and it

goes into what those conditions might be; then subclause (4) says what the Governor may not do under any circumstances in making one of these. As with clause 5, 6 says that in circumstances where all these criteria have been met it supersedes anything else for the term, obviously, only.

Then if you go to the next bit, 6 talks about what you need to do to commence that process. There are all these requirements there about what you have to provide in order to even get to the beginning of that process. So you have to provide detailed descriptions, you have to identify exactly what you are on about, you have to have a risk assessment, and all those things would be taken into account before the minister would even consider taking the recommendation that a declaration be made to cabinet, at which time all the other ministers would get to look at it and get a chance to comment. Then, even if that went past the Governor approving it, there is still an opportunity for either house of parliament to knock it off.

Mr WINGARD: As a result, what penalties will apply for noncompliance with a condition or regulation imposed as part of the declaration?

The Hon. J.R. RAU: That would be a matter that could itself be dealt with to some extent. However, if you look at clause 15, that deals with offences for noncompliance with conditions or requirements. You see that a person who ignores a condition or requirement would do so at their considerable risk. There is a criminal sanction attached to that.

Mr WINGARD: In the same part, 5(4) provides:

The Governor must not make a research and development declaration in respect of a project or activity unless the Governor considers that the making of the declaration—

(a) is appropriate having regard to—

and then it lists five factors. Is it up to the applicant to ensure to the Governor or minister that they satisfy the requirements in clause 5?

The Hon. J.R. RAU: Yes, they are necessary preconditions before a valid declaration could be made. So if you do not get to tick all those boxes, you do not get to make a declaration. This is in 5(4). Sorry, are you still in 5(4)?

Mr WINGARD: In 5(4), yes.

The Hon. J.R. RAU: Yes, and then of course that is mentioned in 6(1)(a) as well. You fail on any of those, and the whole process stops; you do not get anywhere.

Clause passed.

Clause 6 passed.

Clause 7.

Mr WINGARD: Clause 7(2) provides:

...an applicant must, if requested to do so by the Minister, provide the Minister with a report from an independent expert relating to any matter relevant to the application specified by the Minister.

How long is it anticipated the application process will take from beginning to a declaration being made?

The Hon. J.R. RAU: Again, it depends. If it were a relatively simple one, and the applicant had studiously gone through the bill and prepared themselves properly, it might be that the process of preparing a declaration, going to cabinet and so on might take a matter of months. If the applicant either failed to meet any of these or was inadequate in their response, and the minister had to go back and say, 'No, that's not good enough; go away and find some more. I want to know more about this,' it could go on for quite some time.

So it would depend on the competence and engagement of the applicant to a large degree. Above and beyond that, it would be a matter of how long bureaucratic process needs to take. There would have to be a necessary assessment of the application. There would need to be a cabinet submission, a cabinet decision, a determination by the Governor and then an opportunity for the parliament to either veto or not. So we are talking months, as a minimum, obviously, between start

and finish, but I can easily see it could go a lot longer than that, particularly if the applicants have not got their act together.

Mr WINGARD: You mentioned that there was a stakeholder process, à la LGA, to be involved in this process. How will that play out? How will the LGA or a local council have their opportunity to speak out if they are not happy with some aspect of the process?

The Hon. J.R. RAU: If you have a look at clause 9, it says the minister must, before making a recommendation to the Governor—so this is right at the front end, not at the back—consult with any minister who has a portfolio that deals with that matter, and of course that minister would in turn have their own list of people to whom they would be going for their feedback; and any council that might be particularly affected, and we have already mentioned that; and we would be looking also to affected persons. Of course, there has to be the publication, under subclause (2) of clause 9, of the proposal anyway, which is a public consultation exercise.

So we have contemplated two levels of consultation here. One is targeted consultation, where the minister must seek people out, and another one is general consultation, where the minister advertises the fact that the declaration is coming, and anyone who wishes to comment may comment. Then, of course, if it goes through all of that, there is still the opportunity for people to lobby members of parliament before the parliamentary approval stage.

Mr WINGARD: Under clause 7, it would appear that the applicant may be required to provide quite extensive information at the request of the minister, which could be unexpected when the initial application is lodged. Are you concerned that this could be too top-heavy, too front-heavy, if you like?

The Hon. J.R. RAU: I am not, provided the minister is sensible about what they are doing and has the objects of the act in mind. If you go back to clause 5, and you look at the things that might be very important for the minister to be satisfied about, like, for example, the risks to members of the public and so on, it might be entirely reasonable for the minister to go back and say, 'I want a risk assessment by an engineer,' for instance, 'about your proposal to see if members of the public are likely to be harmed by this'.

I think the reason we have clause 7 in there is to make sure that where there are those non-negotiable things, like a danger to the public and all that sort of stuff, the minister can actually not just have to accept whatever he or she is given; they can push back and say, 'Sorry, that's not quite good enough. I have an obligation, before I put this forward, to be satisfied that people aren't going to be hurt out of this, so I want more information about that.' I would hope that any sensible minister, in a position where these things are coming to them, would not unnecessarily burden an applicant. That would be completely counterproductive to the whole purpose of this.

Clause passed.

Clause 8 passed.

Clause 9.

Mr WINGARD: I refer to subclause (1)(a), and I apologise, because the minister has gone over this a little bit. However, I seek clarification that the minister is very comfortable that in the case of the council (as the example) there is a front-end mechanism where they can get engaged in the process, and then there is the publication of a back-end mechanism, as he called it, to get engaged. Does the minister feel that all stakeholders will have an adequate opportunity to get involved early and/or, if the process goes on, they can get involved late to raise any concerns?

The Hon. J.R. RAU: Yes, I do.

Mr WINGARD: I have a question regarding clause 9(2)(a). The minister must publish, as the minister sees fit, a proposed research and development declaration inviting affected persons to comment within a period allowed by the minister of not less than 28 days from the date of publication. What is anticipated as being a fit way of publishing the proposed declaration?

The Hon. J.R. RAU: Bear in mind that we are talking about a publication under 1(b), which is a publication to affected people. As I mentioned earlier, in those circumstances the minister must take reasonable steps to attract their attention in a proactive way; whether that is writing to them,

emailing them, whatever they might do, it is seeking them out in particular. That is different to 2(b), which is for the general public, where you would just put out an advertisement where any other person who does not necessarily, at first blush, appear to have any particular interest in this matter would still be given a chance to comment.

So again, in our hypothetical with the member for Chaffey's electorate, we would pick on the local government people there; clearly, they would have an interest. There might be farmers' groups in that area that we would write to directly, because clearly they would be directly interested in that matter. So there are two kinds of engagement going on.

Mr WINGARD: Further to that, how will people comment on the proposed declaration? You said that you would proactively contact them with an email or whatever it might be. Do you consider it adequate if you send them an email or a letter but they do not respond to it? Does that mean they have been engaged, or would you follow up and make sure they have responded?

The Hon. J.R. RAU: These things are all questions of degree, but obviously you would try to make a meaningful attempt to contact them. However, if someone is not interested or cannot be bothered it is not the minister's job to go up and knock on their door and shake them up and say, 'Write me a letter.' Obviously the minister would have to make reasonable efforts; if the minister did not make a reasonable effort to do that it would probably be a legal ground for challenging the validity of any declaration.

Clause passed.

Clauses 10 to 19 passed.

New clause 20.

Mr WINGARD: I move:

Amendment No 1 [Wingard–1]—

Page 9, after line 25—After clause 19 insert:

20—Expiry of Act

(1) This Act expires on the fifth anniversary of its commencement.

(2) A research and development declaration in force immediately before the expiry of this Act under subsection (1) ceases to be in force at that expiry.

The Hon. J.R. RAU: I do not support this because I think there are sufficient checks and balances in here. Another side effect of this thing would be that you might have something that is on track, having been the subject of quite extensive consultation and possibly expense on the part of an applicant, which will be chopped off by this in midstream.

I am opposing this, but if the member for Mitchell wants to have a chat to me between the houses I would certainly be amenable to having a review period or something built into this, so that the parliament or the minister has to review how things are going. I think that would actually be quite useful, because I think everyone would like to know how it is going. The review period should be a number of years. It should not be one year or two years. I think five years is probably a sensible review period. I would support that if that were acceptable to the member for Mitchell.

New clause negatived.

Title passed.

Bill reported without amendment.

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) (20:35): I move:

That this bill be now read a third time.

Bill read a third time and passed.

RESIDENTIAL PARKS (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 28 September 2017).

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (20:37): I rise to speak on the Residential Parks (Miscellaneous) Amendment Bill 2017. The bill was introduced by the minister in his role as Minister for Consumer and Business Services on 28 September. I will be the lead speaker and the member for Hammond will be a star performer in this debate and will be making a contribution. I know that you are going to be waiting with bated breath to hear that contribution, because I am sure it will be excellent.

The situation is that the government had released a discussion paper in 2016 to deal with the question of security of people living in residential parks. Largely, they are people who live on low incomes and are frequently retirees. I think it is fair to say that the controversy that prevailed around the Holdfast Bay council asking 40 residents of the Brighton Caravan Park to leave their property, when they decided to redevelop that site, brought this matter to a head. Back in January 2013, the response from a number of these residents was illustrative of their distress and a number of them took legal action.

I recall meeting with Mr Xenophon, formerly of the Legislative Council, who had supported them in the Supreme Court. My recollection is that he had attached their handwritten statements to cover sheet affidavits, which is rather a cheat's way of lodging documents, but I am not here to make comment on his legal skills. Nevertheless, he assisted them. Those proceedings, unsurprisingly, went nowhere and were ultimately withdrawn, but they did at least precipitate some discussion.

I think it is fair to say and appropriate to recognise that the Holdfast Bay council had, both initially and at all material times, placed on the table an offer of compensation to assist the residents to relocate. I say the word 'compensation' in a fairly loose form, in the sense that, whilst there was denial of an obligation to provide compensation to people who were being asked to move, I think they were cognisant of the importance of assisting people who had been resident in their area and had been duly paying their tenancy to be relocated and that this was both reasonable and appropriate.

Ultimately, the negotiations resolved in a settlement between the council and the Brighton Caravan Park residents. That issue was itself resolved, but it highlighted the question of how one should properly deal with these matters. I think it is fair to say (and there was general media around this) that there were concerned people who resided in the area who felt that they were lawful owners of property, that they paid their rates and were paying all their state taxes and the like and that they had rights of occupancy of the interests, whether in fee simple or otherwise, in property they owned.

They felt that it was rather unfair, from their perspective, that people who lived in the caravan park should be presenting to argue that they should have some permanency and, in the absence of it being continued or it being interrupted, should be given some significant compensation for what had not been a legal right but for which there was felt to be some need to provide some assistance, as I have said.

Not unreasonably, the government issued this discussion paper to talk about how these matters might be dealt with in the future, with the security of tenure being the primary concern. Other issues such as the disclosure of information, safety plans in parks and the payment of compensation were all matters that were raised during that consultation. The key aspects of this bill are, first, to provide an obligation to disclose information on establishing residential park agreements, that machinery provisions include being in writing, that a sound copy of the written park rules is to be provided to the residents and that penalties are to apply for default.

Secondly, it is to provide security of tenure at the end of a fixed-term agreement. Currently, this continues for a periodic tenancy only. It can be terminated on no specific grounds with 90 days' notice. Residents of more than five years are entitled to renew terms at expiration unless there is a

statutory ground not to do so. Park owners also have to give 90 days' notice prior to expiry of any changes in the terms proposed.

Thirdly, the bill will mandate residents' committees for parks, with more than 20 long-term residents and obligations on park owners to facilitate meetings and to respond to issues raised; and, fourthly, it will provide improved safety measures, including a mandatory safety evacuation plan, with copies to be provided to residents and to be reviewed annually.

The consultation provided by members of the government on 9 October this year is noted and appreciated by the opposition. There were members of the Consumer and Business Services offices available to provide machinery information. The government claims that they had consulted the relevant stakeholders, with general approval from the South Australian Residential Parks Residents Association, SA Parks and other state government agencies and park residents.

SA Parks is an organisation representing caravan parks in South Australia. They presented a number of submissions to commissioners Soulio and Chapman and proposed a number of amendments. We understand that ultimately these were incorporated into the bill. As usual, we have not seen any draft regulations, but this is always problematic because we are expected to assume that these will be able to be resolved.

The government also provided a number of residential park listings that we had sought, and I appreciate that information being provided. I also sought information in relation to residents' access to advice. There are 19 advice and conciliation officers in the advice and conciliation section of CBS. They are available to provide advice in respect of owners' rights and responsibilities and assisting in dispute resolution. My recollection, on consultation, is that no extra staff are to be allocated for this purpose, but we are yet to see whether that is going to be a matter that can be accommodated in CBS.

Clearly, residential parks provide a level of low-cost accommodation to a number in our community who are probably the least likely to be in a position to have other alternative accommodation and whose options therefore are extremely limited. Not long after coming into this parliament, when the Hon. Kevin Foley was treasurer, I can recall visiting a residential park in the northern districts. I will not name it, but I make the point that it was a residential park where the purchase of interests had been subject to very significant payments of stamp duty and the obligation to pay was challenged.

It took a long time for the government to accept that these people did not have a legal interest as a registered proprietor, that they were acquiring a right to occupy and that was it and that they ought be relieved from the obligation to meet the significant stamp duty that the former treasurer demanded. It was a long fight, but eventually the government, through the former premier, agreed that that would not prevail and that these people would be provided with some relief, thankfully, because to me it was like stealing from the most vulnerable and, frequently, the poorest. I certainly hope that practice does not prevail in any other way in relation to those who are living in residential parks and, if it does, it should cease immediately.

Nevertheless, we commend the government for having progressed the review of tenancy arrangements generally. I hope that the formality of this legislation will help as some guide and that there will be assistance for those who will need support in mediating resolutions to some of the protocols that will be enforced under this legislation. With that, I support the passage of the bill.

Mr PEDERICK (Hammond) (20:48): I rise to speak to the Residential Parks (Miscellaneous) Amendment Bill 2017. I note that the bill was introduced by the Minister for Consumer and Business Services on 28 September this year and that it goes about amending the Residential Parks Act 2007.

It was back in March 2016 that the government released a discussion paper aiming to increase the long-term security in residential parks for those on low incomes and retirees. From what we are told, residential parks accommodate approximately 2,600 residents in South Australia, some in dedicated facilities and others in a portion of the area such as caravan parks. Tenancy arrangements are regulated by the act. The accommodation ranges from caravans with annexes to manufactured homes.

Certainly, as far as we can understand with advice from the minister's office, the full list of residential parks in South Australia include Seachange Village, which is at Gardiner Street Goolwa, in my electorate; Rosetta Village, Maude Street, Victor Harbor, which is just outside my electorate; the Northern Community Residential Village, Andrews Road, Penfield; The Palms, Supple Road, Waterloo Corner, Virginia; Hillier Park, Hillier Road, Hillier; Lakeside Goolwa, Banfield Road, Goolwa North—and I will have some more debate about Lakeside and some of the history there, obviously in my electorate. We also have Waikerie Lifestyle Village at Waikerie; the Bridge Village, Murray Bridge, which I understand started off with eight homes; and Beachside Village at Normanville.

There are somewhere around 200 caravan and tourist parks throughout South Australia and, from what we understand, about 20 of these have other dedicated residential park living. However, there may be other long-term residents in many more caravan parks throughout the state.

Before the Holdfast Bay episode, which received a lot of media attention—and I will go back to the summer of 2009-10—Goolwa was coming into my electorate out of Finniss with a redistribution. I went down there with my family and we had a holiday. Where Lakeside Goolwa is now was the Goolwa North caravan park. There were a lot of sites there where you could have your camper trailer (which we had) or a caravan, and that is fine.

There were also a lot of what you would call semipermanent sites—some of them looked fairly permanent—which essentially were a caravan next to an annexe that looked like a reasonably permanent structure, and the tyres on the caravan probably needed renewing before you could tow it away. So they had been there a long time. There were some quite reasonable structures there. They were all on land and they had agreements with the owner as far as staying there on long-term leases.

I saw some of the sites a few years ago. Back then some of these sites had quite tidy set-ups, with handy annexes built that were almost like a room that you might build onto a house. Some of these sites were on the market back then for something like $20,000 or $30,000. I thought that was interesting because essentially you were buying into something that just gave you the right of tenure, as long as you had a lease arrangement with the owner of the property.

The person who now owns where Lakeside Goolwa is purchased the property from the previous owners only a year or two after that, I believe. That was when I was contacted by many people. A lot of people from Adelaide had semipermanent vans down there with some fairly permanent looking structures tacked onto the caravans. I met with them and we went through the process and I said, 'Right, I will talk to the person who has bought this property and we'll see if we can get a resolution.'

I went down there and met with them and with the owner of the property, and he said, 'Yes, I've bought this as a legal arrangement. I own the freehold. I can essentially do what I like.' He was not quite as blunt as that, but that is essentially how it stood. I said, 'Well, that's how the law stands at the day.' He has actually turned it into Lakeside Goolwa. There are a lot of people from further afield in my electorate—I know there are some people from the Mallee and from Peake—who have gone to live there and they are having a marvellous time.

However, it did create a lot of issues where people thought they had some sort of longer term tenancy, but it was only as good as the agreement because they did not own the soil under their van and their annex. No matter how solid the structure that was built, it was not freehold. It was some sort of leasehold rental arrangement with the owner of the property.

I did my best to negotiate an outcome through all the parties' understanding, and to me it was black and white: the business owner bought a property and wanted to develop it. From everything I could see, he had the legal right to do so, but there were some issues about relocating. I worked with some of these people on where else they could go in Goolwa or Victor Harbor or other places around the Fleurieu. Some just wanted to retire their vans once they got them off the site, because they obviously had to remove the vans and the annexes. It was a difficult process. There was some interesting media about it, but there always is when there is a lot of passion in the conversation.

I could not see where the people leasing the sites had much of a leg to stand on when it came to the rule of the law. This is where some of this legislation is helping to fix some of that. However, at the time the owner was perfectly within his rights to do what he was doing. He is developing a magnificent site, and I must say that it is providing some great homes for people in their latter years and a great lifestyle choice down at Goolwa.

It is interesting, because down the track (it was only a few years ago) this one got a lot of publicity and there was a lot more controversy around the Holdfast Bay council, which advised 40 residents of the Brighton Caravan Park that they had to leave. That was in January 2013. From what I understand, the residents were offered $8,000 each, which is probably a fairly reasonable amount, to help them relocate. Some of the residents took legal action. Nick Xenophon got involved, supporting them in the Supreme Court, and got a lot of media out of it, but essentially the proceedings went nowhere and fell apart.

As I said, the council had offered residents compensation, and I understand it was in the field of around $8,000 a site. Ultimately, there were some settlements agreed, but I understand from information I have received only today that that settlement was only in the manner of $1,000 to $2,000 a site. Essentially, with Nick Xenophon getting involved, these people lost $6,000 or $7000 a site, from the information that has been given to me.

It is an issue that got a lot of media but it did not get a good outcome. It certainly highlighted, though, the lack of security for people on these long-term sites. It also shows that you need to be careful of what you wish for and be careful of what people promise they can do because, if they do not follow through, you get an outcome that could have been a lot better. There was obviously this issue around the insecurity of tenure and the inadequacy of legislative requirements on disclosure of information and safety in parks, and the payment of compensation was also brought up.

In regard to key aspects of the bill, there is an obligation to disclose information in establishing residential park agreements, machinery provisions, including them being in writing, the provision of a signed copy, and the written park rules being provided to the resident, and there are penalties that apply for any default.

There is security of tenure at the end of a fixed term agreement. Currently, this continues for a periodic tenancy only. It can be terminated on no specific grounds with 90 days' notice. Residents of more than five years are entitled to renew terms at expiration unless there are statutory grounds not to do so. Park owners also have to give 90 days' notice prior to expiry of any changes or terms proposed. I know there have been some issues raised as far as some as the park owners are concerned, in relation to whether things have gone too far one way, but I think a lot of that has been addressed in the bill.

Other aspects of the bill include mandated residents' committees for parks with more than 20 long-term residents and obligations on the park owner to facilitate meetings and respond to any issues raised. There are also improved safety measures, including mandating safety evacuation plans, with copies to be provided to residents and reviewed annually. The government have indicated that they have developed the bill in consultation with the South Australian Residential Parks Residents Association, SA Parks, state government agencies and park residents. Consumer and Business Services will advise and provide consultation services. No extra staff are proposed, and they have undertaken to update information material for both parties to be available on the website.

Because people directly involved in these parks are in my electorate or in the neighbouring electorate of Finniss, I was involved in some meetings along the way. On 10 June 2014, there was a meeting at Seachange Village in Goolwa, which was quite heavily attended by residents not just from Goolwa but also from Victor Harbor. On 18 September 2015, another meeting was held at Rosetta Village in Victor Harbor.

I must acknowledge that the minister sent several departmental staff to consult with residents of Goolwa and Victor Harbor at those meetings. I was made to feel more than welcome and was invited to sit up the front with them, which I appreciated, and the departmental staff answered questions from residents and interested parties. Certainly, from what I saw, there was consultation in my area, and people had ample opportunity to explore the changes that were going to happen under this bill.

I think it is a good lesson in law. As I indicated, because this occurred in my electorate I was fully involved. Sometimes I bore the brunt of some negative comments, but on the face of it, when I looked at the rule of law as it stood at the time, I thought, 'Well, the owner of this village wants to change the living arrangements.' Most of the work has been done. It is a very beautiful lakeside retirement village and many people are enjoying their retirement in Goolwa.

It is not hard to see why people thought they had longer term tenure. There were some vans and annexes and a number of quite substantial buildings that had been there for not just a few years but for decades. There was a similar issue at Brighton Caravan Park in Holdfast Bay. I think some people took legal action, which would have cost them a lot of money. I think they got a lot less out of it, and this was on the advice of Nick Xenophon, who managed to get some headlines but did not get the result. I think you have to be careful what you wish for.

This legislation appears to quell a lot of the issues that were brought up not just with the consultation but also the dramatic lifestyle changes, as was the case with both these parks that I have discussed here today. Yes, it did cause an upset, but there is a simple fact in life: if you are only a tenant, you do not own the land under your feet. You have to have full ownership to be able to do exactly what you like. From what I understand, this bill will offset a lot of those issues. Let's hope that it works well into the future and that we can have beneficial retirement living.

It worries me that I am eligible to enter these parks now; it is a bit of a concern. I am not planning to go there too soon if I have my way. Let's see how it pans out, and hopefully we can get better outcomes for the citizens of this state into the future.

Ms VLAHOS (Taylor) (21:04): I would like to speak on this bill tonight. When I first came to this parliament in 2010, one of the first issues my constituency in northern Adelaide raised with me was the need to amend this act. My predecessor as member for Taylor, Trish White, had done a lot of work representing the people in her electorate around Elizabeth Village and The Palms at Virginia, around establishing rights and entitlements for people living in residential parks. Their needs are unique, and over the time I have been a member of this area, for eight years now, they have continually represented through the statewide Residential Parks Association, through Chris Sloper and Chris Cairalle-Allen, a number of their concerns to ongoing governments about what they need.

But I am very pleased to be standing here tonight and to see the Attorney's bill come before this place. It was a pleasure to go out last year and host two of the listening posts in both those parks and talk to people who have been longstanding residents—each park had its own unique set of circumstances—and give them some say in their future. Many come to these parks with modest incomes, but substantially invest in permanent housing on, effectively, a rented pad. To give them some surety about the future of how their lives will be conducted is a significant thing for this parliament to do for the several hundred people who live in the Northern Adelaide Plains in those parks.

Increasingly it is becoming a very popular way of living for not just necessarily people who are becoming more elderly in their years, as I think many families potentially may wish to have a holiday home and a home in the city, people who are looking for flexible lifestyles, and residential parks provide that. This bill represents a very good thing that this parliament is doing tonight. I know that the people in my electorate who have come to me regularly over the months and years that I have been the member for Taylor will welcome the passing of this bill tonight.

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) (21:07): I thank all the contributors to the debate this evening. It is one of these rare occasions where everybody is pretty much of a same mind, and I appreciate the remarks of the member for Bragg and the member for Hammond and, of course, my colleague who has experience in the northern parts of Adelaide with her electorate of Taylor.

There is no perfect answer to these problems—there is always a balancing act. No doubt some people somewhere will be unhappy with exactly where we have struck the balance here. But what I can say to the parliament is that I am very confident we have struck the balance in a much more reasonable place than it was previously and, as the member for Bragg made the point at some

length, we are talking about people who often are quite vulnerable people, and we are talking in some instances about people who have sunk their whole life savings into a home which they have been under the mistaken impression is on land over which they have some tenure and it turns out they could be booted off at five minutes notice. That is not really very good.

It was high time we came to some method of rebalancing the relationship between the park owners and the occupiers, and I think this strikes that balance, as well as we can, to try to be as fair as we can to everybody. I acknowledge that no doubt there will be somebody out there who is not 100 per cent pleased with what we do here this evening. If we were worried about people being 100 per cent happy with everything we did here, we would be a very worried group of people indeed.

I am convinced that basically we have done a good job, and I thank all those people who contributed, I thank the members who got involved in this, and I am genuinely very appreciative of the support of members of the opposition, who obviously have thought quite deeply about this issue and have the same concerns about the imbalance that has been in the system for some time. I think we can all be quite well satisfied that we are doing a good piece of work this evening.

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) (21:10): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ENVIRONMENT PROTECTION (WASTE REFORM) AMENDMENT BILL

Second Reading

The Hon. J.R. RAU: Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (21:13): I move:

That this bill be now read a second time.

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

Leave granted.

South Australia enjoys a national and an international reputation as a clean, green and beautiful State.

This hasn't come about by accident.

It has happened because of our commitment to protecting the environment while also growing our economy.

A commitment that has led to our establishing South Australia as one of the world's best recyclers.

Promoted by policy settings that have encouraged resource recovery over the past decade, the State's waste and resource recovery sector has grown into a significant part of our economy, comprising a $1 billion industry and employing nearly 5,000 people.

Further growth, including significant job creation, has been identified as possible with the next series of modernised regulatory and policy settings.

The South Australian Government is pursuing a broad waste reform program for the confident operation and expansion of this sector.

The *Environment Protection (Waste Reform) Amendment Bill 2017* proposes amendments to the *Environment Protection Act 1993* to support the South Australian Government in continuing to lead the way in waste management and resource recovery.

The Bill will provide the necessary underpinning to enable the Environment Protection Authority to implement important waste reforms.

These further steps include a suite of staged measures that will enhance competition, provide stability to the waste and resource recovery sector, facilitate the sector's expansion, and encourage innovation.

This Bill supports economic, environmental and health benefits for South Australia.

Being able to improve recycling rates and improve resource recovery also helps to reduce water and energy use, cut greenhouse gas emissions, conserve natural resources and create new jobs.

As well setting up the architecture to enable the EPA to undertake further reforms, the Bill also provides improved tools for dealing with excessive stockpiling, waste levy avoidance, illegal dumping and contraventions of the Environment Protection Act.

These changes will increase justice and fairness for legitimate operators who are unfairly impacted by the economic gains obtained by those who avoid or delay the costs involved in the safe and lawful disposal or recovery of waste through excessive stockpiling, misclassifying material or illegal dumping.

The Bill upholds the polluter pays principle, holding relevant operators responsible for costs arising from their operations rather than either: State or local governments or innocent land owners bearing these; or, communities suffering the health, amenity and environmental consequences of non-action.

The Bill strengthens the tools available for enforcement and prosecution of illegal dumping. In doing so, it provides further deterrence for those that might contemplate such action.

It is important to acknowledge that the waste levy does not create an incentive for illegal dumping. Illegal dumping still occurs where the costs of disposing are low or even free. For example, in Queensland, there is no waste levy, and yet they report cases of illegal dumping in their community.

Indeed, a 2012 review by KPMG of the New South Wales Waste Levy concluded 'illegal dumping is not due to pricing signals, but rather a convenience factor'.

By improving the illegal dumping provisions, it is hoped that illegal dumping across the State will reduce and deliver improved community benefit.

Consultation

This Bill is part of a broader reform package initiated by this Government in 2015 in close consultation with the industry and broader sector.

Consultation to develop the Bill has been extensive and I would like to thank all organisations, agencies and individuals who provided feedback in the development of the key reforms and priorities that informed the preparation of the draft Bill and submissions made during the public consultation on the draft Bill.

Consultation on the proposals in the Bill first occurred between August and October 2015 through the discussion paper, *Reforming waste management – Creating certainty for an industry to grow*, which identified key areas of reform necessary for the waste industry to prosper. Submissions received informed the drafting of the Bill.

A draft of this Bill, supported by an explanatory paper, subsequently underwent consultation in September—November 2016. Submissions from consultation on the draft Bill also informed the form of the Bill presented to you here.

The strategic direction of waste reforms and their prioritisation has also been informed by regular meetings of the EPA's high-level advisory group, comprising industry, local government, non-government organisation and community representatives.

Key industry stakeholders have shown a strong degree of support for the rapid pursuit of the Bill and subsequent key reforms.

Key features

Before I close, I want to draw all Honourable Members' attention to key aspects of this Bill.

For example, explicit powers to enable the regulation of material flow and stockpiling through amendments to the objects of the Environment Protection Act and new powers regarding stockpiling conditions to support the legitimate resource recovery sector.

These changes are also supported by improved and proportionate powers for tackling breaches of licence conditions and expansion of the circumstances when financial assurances can be used (including insurance) to protect against environmental, abandonment and distortion risks in the waste sector while supporting innovation.

Additionally, the Bill will introduce a process enabling assessment of materials as approved recovered resources and changed evidentiary requirements about waste to support innovative and safe resource recovery.

As I have mentioned before, the Bill also strengthen the EPA's ability to prosecute illegal dumping strengthening car owners' responsibilities for dumping from their vehicle, enabling the use of tracking devices, expanding EPA authorised officer powers to enter certain premises and mark materials that are likely to be illegally dumped and improving monitoring of waste and related material movements.

The state government wants to unlock future potential and drive innovation in the sector with targeted and effective changes to the *Environment Protection Act 1993*.

We seek to continue to lead the way in demonstrating that we can both protect our environment and support business and job growth.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Environment Protection Act 1993*

4—Amendment of section 3—Interpretation

This clause amends section 3 of the Act in a number of ways, by introducing several new terms that are key to the measure, including *approved recovered resource*, *resource recovery* and *unauthorised stockpiling*, and by clarifying other definitions, including *pollutant*, *waste* and *vehicle*. The definition of the *waste management hierarchy* is brought into the Act, reflecting the frequent reference to this principle in statutory instruments made under the Act.

The clarification of terms in new subsections (4) and (5) reflects existing provisions that are brought up to the level of the Act from the *Environment Protection (Waste to Resources) Policy 2010*. These are key concepts that have broad application.

5—Insertion of sections 4 to 4B

New sections 4, 4A and 4B are inserted. They are headed, respectively: Waste, Approved recovered resources and Waste management hierarchy.

New section 4 (Waste) gives the term a section of its own and it is here that we find a key concept of this measure, namely that of approved recovered resources that allows the argument of whether or not matter constitutes waste to be determined on a case by case basis. A reference to the term *waste* (when used in the Act or in the regulations or environment protection policies made under the Act) will not include an approved recovered resource whilst it is being dealt with in accordance with the declaration of that resource under section 4A.

New section 4A (Approved recovered resources) is a regulation-making power enabling a scheme to be set out by regulation under which declarations of approved recovered resources may be made by the Authority by Gazette notice.

New section 4B (Waste management hierarchy) sets out the principle of the waste management hierarchy, discussed above.

6—Amendment and redesignation of section 4—Responsibility for pollution

Section 4 is amended by including the term 'dispose of', thereby ensuring that disposal comprised of stockpiling or abandoning a pollutant (see new section 3(4)(a)) will be brought within the concept of responsibility for pollution.

This clause also redesignates the section as section 5C so that it is in a more logical position in the Act.

7—Amendment of section 5—Environmental harm

This section is amended to clarify that declarations, in subordinate instruments made under the Act (ie the regulations or environment protection policies), of environmental harm will have effect for the purposes of the Act (and not merely for the purposes of the instrument in which the declaration is made). It also brings the wording of section 5A of the Act into section 5 itself, enabling section 5A to be repealed. (Similar changes are also made to the definitions of *pollutant* and *waste*.)

8—Insertion of section 5D

New section 5D (Liability for certain offences from vehicles) is inserted. This section 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 a principal offence. A *principal offence* is defined as an offence against Part 8 Division 2 or Part 9 of the Act or an offence prescribed by regulation. An *owner* of a vehicle is defined—

(a) in the case of a vessel within the meaning of the *Harbors and Navigation Act 1993*—as having the same meaning as in section 4(1) of that Act, and as including the operator of the vessel within the meaning of that Act; and

(b) in the case of a vehicle within the meaning of the *Road Traffic Act 1961*—as having the same meaning as in section 5(1) of that Act, and as including the operator of the vehicle within the meaning of that Act.

Safeguards for owners and alleged principal offenders are provided for in this deeming provision as are evidentiary provisions in order to maximise prospects of a successful enforcement regime under the Act whilst ensuring that the risk of convicting the wrong person is avoided. Precedents for this provision are to be found in the *Road Traffic Act 1961*, the *Local Nuisance and Litter Control Act 2016* and the *National Parks and Wildlife Act 1972*.

The new section does not apply to the disposal of waste or other matter by a passenger of 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.

9—Repeal of section 5A

Section 5A is repealed as its contents have been incorporated elsewhere in the Act, namely in the definitions of *pollutant*, *waste* and *environmental harm*.

10—Amendment of section 10—Objects of Act

The objects of the Act are amended to expressly broaden the preconditions for taking measures under the Act. The objects, which the Minister, the Authority and all other administering agencies and persons involved in the administration of the Act must have regard to and seek to further, will now also include resource recovery aims, the application of the waste management hierarchy, promoting the circulation of materials through the waste management process and supporting strong markets for recovered resources.

11—Amendment of section 13—Functions of Authority

This amendment makes a minor adjustment to the list of functions of the Authority so that the investigation function relates also to conditions of other authorisations under the Act, for example, declarations of approved recovered resources.

12—Amendment of section 27—Nature and contents of environment protection policies

This clause makes amendments of a clarifying nature.

Codes are added to the list of documents that may be referred to or incorporated by an environment protection policy.

Discretionary powers may be given, in policies, to authorised officers and prescribed persons or bodies. These powers are similar to regulation making powers.

Subclause (4) gives legal effect to codes, standards or other documents that are referred to in a policy. In addition, the contents of section 33 of the Act are moved to the foot of section 27.

13—Amendment of section 28—Normal procedure for making policies

This amendment makes a minor typographical correction to section 28.

14—Amendment of section 32—Certain amendments may be made by Gazette notice only

This amendment adds to the list of reasons for amending environment protection policies via the fast-track method (ie by Gazette notice), where the Minister considers it necessary to amend an environment protection policy in consequence of—

- an amendment to the Act or the making, variation or revocation of regulations under this Act or the making, amendment or revocation of another environment protection policy; or
- the commencement or amendment of a prescribed Act.

This amendment brings this provision into line with similar provisions in the *Aquaculture Act 2001* for policies made under that Act. The amendment reflects the fact that there may be new Acts or amendments that need to be reflected or addressed in an environment protection policy, and for which the lengthy consultation process is not appropriate.

15—Repeal of section 33

Section 33 is repealed as its contents have been moved to section 27(6) and (7) (see clause 12).

16—Amendment of section 42—Time limit for determination of applications

This amendment is consequential on new section 51 of the Act (see clause 19 below). It clarifies that if a person applies for a licence or other environmental authorisation for an activity for which a financial assurance is required, the time period within which the Authority must advise the applicant of its decision on the application runs from the time that the Authority receives the details prescribed by regulation in relation to that financial assurance.

17—Amendment of section 45—Conditions

The Authority is given the power to impose or vary a maximum allowable stockpile limit at any time if the Authority considers it necessary to promote the circulation of materials through the waste management process. This power complements amendments to sections 3 and 10 of the Act that deal with unauthorised stockpiling.

Further amendments are made to section 45 to fine-tune the penalty system around breaches of conditions of environmental authorisations. These amendments involve the introduction of expiation fees and default penalties. The amendments also reflect the proposed abandonment of divisional penalties under the Act and resumption of monetary penalties.

The new expiation fee structure provides that, for a particular condition prescribed by regulation, the expiation fee will be the corresponding expiation fee prescribed for that condition. For any other condition other than a reporting-deadline condition, the expiation fee will be $1,000. For a breach of a reporting-deadline condition, a default penalty of an amount prescribed by regulation may be imposed. A *reporting-deadline condition* is defined as a condition of a kind referred to in section 52(1)(a) of the Act requiring a specified report on the results of tests or monitoring to be made to the Authority before a specified date.

The interaction between legislation and environmental authorisations is clarified by new subsection (8). Where the Act or a statutory instrument made under the Act (eg a regulation or environment protection policy) relates to activities carried on by a person under a licence or other environmental authorisation, the Act or statutory instrument will prevail over the conditions of the licence in the event of an inconsistency in the terms, unless the Act or statutory instrument provides otherwise. This will be the case regardless of whether the licence was granted before or after the commencement of the statutory provision.

18—Amendment of section 47—Criteria for grant and conditions of environmental authorisations

These amendments give the Authority the power to refuse an application for a licence or other environmental authorisation in cases where a financial assurance under section 51 has been required by the Authority but the prescribed details in relation to that financial assurance have not yet been provided by the applicant.

19—Substitution of section 51

Section 51 is repealed and replaced with a new section (Conditions requiring financial assurance). The new section is modelled on the previous section but contains additional provisions. It gives the Authority the power to require an applicant for a licence or other environmental authorisation to provide the Authority with a financial assurance in the form of—

- a bond;
- a specified pecuniary sum;
- a policy of insurance;
- a letter of credit or a guarantee given by a bank;
- any other form of security approved by the Authority.

The financial assurance may be used, realised or claimed against by the Authority for costs or expenses, or for loss or damage, incurred or suffered by the Authority or any other person in the event of—

- the holder of the authorisation contravening a requirement imposed by or under this Act; or
- a failure by the holder of the authorisation to take specified action within a specified period to achieve compliance with this Act.

There are several things the Authority is required to have regard to when determining whether to impose or vary a condition under this section or the nature, term or any other particulars of, a financial assurance. These are—

- if there is a risk of—
  - environmental harm; or
  - unauthorised stockpiling or abandonment of waste or other matter,

associated with the activity authorised under the environmental authorisation or any activity previously undertaken at the place to which the authorisation relates—the degree of that risk;

- the likelihood of action being required to make good any resulting environmental damage, to decommission, dismantle or remove stockpiled or abandoned plant or equipment or to deal with any other stockpiled or abandoned waste or other matter;
- the nature and cost of such action and the length of time such action is likely to take (including following cessation of the activity so authorised);
- whether the holder of the authorisation has previously contravened this Act (whether or not in connection with the activity authorised under the environmental authorisation) and if so, the nature, number and frequency of the contraventions;

- the Authority's reasonable estimate of the total of the likely amounts involved in satisfaction of the purposes for which the financial assurance is required;
- the depreciation of the value of the financial assurance over time;
- any other matters considered relevant by the Authority or prescribed by regulation.

A financial assurance may extend to such time as the Authority is satisfied that no clean up or remediation will be required as a result of the activity (including following cessation of the activity).

The amendments detail further procedural matters relating specifically to bonds or pecuniary sums and policies of insurance.

20—Amendment of section 52A—Conditions requiring closure and post-closure plans

Dealing with stockpiled or abandoned waste or other matter is added as a reason for enabling the Authority to require, by condition of a licence, closure or post-closure plans.

21—Amendment of section 65—Interpretation

This amendment makes a minor spelling correction.

22—Amendment of section 66—Division not to apply to certain containers

This amendment makes the same spelling correction as in the previous clause.

23—Amendment of section 72—Certain containers prohibited

This amendment updates the terms 'recovery, recycling, reprocessing or reuse' in section 72 with the more widely used collective term 'resource recovery'.

24—Insertion of section 85A

New section 85A (Senior authorised officers) is inserted, providing for the appointment by the Authority of senior authorised officers for the purposes of new section 88A.

25—Amendment of section 87—Powers of authorised officers

An additional power of entry under section 87 is given to authorised officers, namely where construction, demolition, excavation or other earthworks, or any activity carried out in preparation for construction, demolition, excavation or other earthworks, is being or has been carried on at the premises and—

- the works or activity has or may have disturbed, uncovered or produced waste or pollutants of a kind prescribed by regulation; or
- a potentially contaminating activity of a kind prescribed by regulation has previously taken place there.

Construction is defined as including alteration or refurbishment.

26—Amendment of section 88—Warrants other than special powers warrants

This clause updates references in current section 88 from 'justice' to 'magistrate'. New subsection (9) clarifies that section 88 does not apply in relation to a special powers warrant issued under section 88A.

27—Insertion of section 88A

New section 88A (Powers of senior authorised officers to investigate illegal dumping etc) is inserted.

Senior authorised officers appointed under section 85A may obtain a *special powers warrant* in order to exercise certain new powers to investigate illegal dumping and other waste-related contraventions. These very specific warrants are to be issued by a judge of the Supreme Court, who will be familiar with issuing these types of warrants under current section 6 of the *Listening and Surveillance Devices Act 1972* (soon to be replaced by Part 3 of the *Surveillance Devices Act 2016*).

A judge may only issue a special powers warrant if satisfied that—

- there are reasonable grounds to believe that—
  - a contravention of the principal Act has been, is being, or is about to be, committed in or in relation to premises or a vehicle in relation to the handling, storage, treatment, transfer, transportation, receipt or disposal of waste or other matter; or
  - something may be found in premises or in or on a vehicle that constitutes or may constitute, or will or may give rise to, evidence of such a contravention; and
- there are reasonable grounds for issuing the warrant, taking into account—

- the extent to which the privacy of a person would be likely to be interfered with by the use of powers under the warrant; and
- the gravity of the criminal conduct to which the investigation relates; and
- the significance to the investigation of the information sought to be obtained; and
- the likely effectiveness of the use of the powers authorised by the warrant in obtaining the information sought; and
- the availability of alternative means of obtaining the information; and
- any other warrants under the principal Act applied for or issued in relation to the same matter; and
- any other matter that the judge considers relevant.

A special powers warrant may authorise any 1 or more of the following powers (as specified in the warrant):

- the power to mark waste or other matter found in specified premises or in or on a specified vehicle or class of vehicle by—
  - spraying or brushing paint or any other identifying substance onto the waste or matter; or
  - spraying, brushing or placing microdots or similar identifying objects onto or with the waste or matter; or
  - placing any other identifying objects with the waste or matter,

  (to enable the subsequent identification of the waste or matter at another place following its movement there); or
- the power to install a camera in, on or in relation to, specified premises or a specified vehicle or class of vehicle or thing and use or maintain it or cause it to be used or maintained as so installed for a specified period; or
- the power to install a GPS device in, on or in relation to a specified vehicle or class of vehicle or specified waste or matter or a specified class of waste or matter and use or maintain it or cause it to be used or maintained as so installed for a specified period; or
- the power to retrieve a substance, object or equipment placed or installed, or any waste or matter marked, under a previous subparagraph.

Subject to any conditions or limitations specified in a special powers warrant—

- the warrant will be taken to authorise the senior authorised officer to enter or interfere with any premises, vehicle or thing as reasonably required to exercise the powers specified in the warrant; and
- the authority under the warrant to enter or interfere with any premises, vehicle or thing will be taken to include the authority—
  - to use reasonable force or subterfuge for that purpose; and
  - to take any action reasonably required in respect of the premises, vehicle or thing for the purpose of placing, installing, using, maintaining or retrieving a substance, object or equipment to which the warrant relates; and
  - to extract and use electricity for taking that action or for the use of the substance, object or equipment; and
- the authority under the warrant to enter specified premises will be taken to include the authority—
  - to exercise any of the powers in sections 87(1)(c) to (m) (inclusive) and 87(6) of the principal Act in relation to the premises, vehicle or thing (subject to the requirement in section 87(7) of the principal Act); and
  - to exercise non-forcible passage through adjoining or nearby premises (but not through the interior of any building or structure) as reasonably required for the purpose of gaining entry to those specified premises; and
- the powers conferred by the warrant may be exercised by the senior authorised officer at any time and with such assistants as the officer considers necessary.

A special powers warrant may, in urgent circumstances, be obtained by phone, fax, email or other electronic means. Considerable restrictions and procedural safeguards are included for such circumstances.

A special powers warrant may not be in force for longer than 90 days, it may be subject to such other conditions or limitations that the issuing judge thinks fit, and it may be varied or renewed on application by a senior authorised officer.

The term *microdots* is defined to mean identification tags etched, coded or marked with unique identifiers (including identifiers that are discernible only on viewing under magnification). The inclusion of this term in the principal Act reflects the expected use of this technology in tracking the movement of waste and other matter.

28—Amendment of section 93—Environment protection orders

These amendments complement the amendments of section 45 (see clause 17) by applying a default penalty for continuing breaches of licence conditions (or conditions of other environmental authorisations). Where a person has expiated an offence under section 93(8) of failing to comply with an environment protection order that imposes a requirement to secure compliance with a condition of the licence or other environmental authorisation, but the act or omission continues after that expiation, a default penalty of one-fifth of the expiation fee is payable for each day on which the act or omission continues.

29—Amendment of section 93A—Environment protection orders relating to cessation of activity

These amendments complement the amendments to section 52A. Dealing with stockpiled or abandoned waste or other matter is added as a reason for enabling the Authority to issue environment protection orders after a licensed activity has ceased.

30—Amendment of section 119—False or misleading information

These amendments insert a higher offence for making a false or misleading statement knowing it was false or misleading.

31—Amendment of section 139—Evidentiary

These amendments include evidentiary provisions to facilitate proof of offences.

32—Amendment of section 140—Regulations

These amendments clarify and bolster various regulation making powers. The maximum penalties and expiation fees set by regulation are increased, namely to $10,000 and $1,000 respectively.

The power to incorporate or refer to codes, standards or other documents in regulations is included. Legal effect is given to codes, standards or other documents that are referred to in the regulations.

Discretionary powers may be given, in the regulations, to authorised officers and prescribed persons or bodies. These powers are similar to the provisions in section 27 of the Act for environment protection policies and are standard provisions in regulation-making powers in many other Acts across the statute book.

Schedule 1—Related amendments

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *Motor Vehicles Act 1959*

2—Amendment of section 139D—Confidentiality

This clause makes a consequential amendment to the *Motor Vehicles Act 1959*.

Schedule 2—Further amendment of *Environment Protection Act 1993*—penalty provisions

This Schedule converts the divisional penalties in the Act to monetary penalties.

Mr SPEIRS (Bright) (21:13): I am going to talk briefly as the lead speaker. It is a pleasure this evening to be able to speak quite briefly, I hope, on the Environment Protection (Waste Reform) Amendment Bill 2017. This is a piece of legislation that has really been driven by the sector in collaboration with the government. There is no doubt that there is a requirement for legislation to be updated when it comes to waste management. South Australia has a proud history, a history we can be proud of in a bipartisan sense, when it comes to waste management.

Often, when we talk about waste management in this state we talk about our pioneering role in container deposit legislation and, in more recent times, the outlawing of plastic bags being used for day-to-day shopping. Those are stand-out items, but we know that in South Australia we have

been at the forefront of many other waste reform legislative matters and reform matters over several decades, initiating the container deposit legislation I think around 40 years ago, and in more recent times a whole range of waste management initiatives. I remember several years ago there was the move towards zero waste, a very aspirational goal. With this legislation, we see an aim to really professionalise waste management, and the waste management industry in particular, in South Australia.

The bill has been a long time in the making, with waste management operators, particularly larger organisations, calling for its development and implementation for some years. It is certainly the view of industry leaders that I have liaised with as I have consulted on this bill that the legislation will professionalise the industry. It will lift the industry in a strategic sense and it will get policy in place that will allow the industry to grow, to become more sophisticated and to continue to lead Australia, if not the world, in some aspects of waste management. That is what the bill that is before the house tonight seeks to do.

There are a couple of items that I want to draw particular attention to with regard to this bill, things that I think need to be put on the public record. I have no intention of amending the bill or moving to committee stage tonight. I think the legislation is, as I have said, necessary legislation and fairly good legislation, but I do think it is worth spending a moment putting on the record that when you professionalise an industry and seek to lift standards within an industry, you can negatively impact operators who might not have that level of sophistication because of their size or because of their geographical location.

I would take the opportunity to ask the government when it comes to the implementation of this legislation that there be a real focus on providing support, particularly for smaller regional operators to have the opportunity and also the support to come on board with this legislation and perhaps even have exemptions along the way from some aspects of it. That can obviously be done through regulation that will ensure that for those smaller operators and geographically isolated towns in South Australia, which may have small FTE counts and small annual turnovers, the impost of meeting the requirements of this new legislation is not such that it calls into question the overall viability of those organisations.

I had the opportunity a few weeks ago to visit the West Coast in my shadow ministerial role, as a guest of the member for Flinders, and actually met with one of the operators, who is hoping to be able to do the right thing but does feel that some aspects of this legislation might be difficult for smaller regional operators to fulfil effectively. I am asking the government to take those into consideration when putting this bill into practice and to particularly consider whether regulation is needed that will provide that extra support to smaller operators.

Two of the key areas that I want to dwell on in that regard are the reforms around stockpiling in this legislation and the reforms around financial assurances that will be placed on the industry. Firstly, I want to mention the amendment to section 45 of the act, where authority is given to the power, which in this case is obviously the EPA, to impose or vary a maximum allowable stockpile limit at any time it deems necessary to promote the circulation of materials through the waste management process.

We know that stockpiling can become a problem when it comes to waste management. I have asked the environment minister a few questions on this matter but have not always had clear answers as to the extent of the problem of stockpiling in South Australia. We know that from time to time certain products within the waste stream do build up. There may not be a recycling option for them, or perhaps not a cost-effective one.

Rather than being sent to recycling and re-used, they are stockpiled in warehouses and other facilities across the state. It is acknowledged that that is not ideal. It is not good for the industry and it is not good for consumer and customer confidence in waste management. People are putting things in their bins—in my case, it is a yellow bin in the City of Holdfast Bay—expecting it to go to recycling and re-use but, in fact, sometimes it ends up in stockpiling.

The government's legislation is seeking to provide authority to limit stockpiling when the authority deems that those stockpiles are in place for particular items and categories within the waste stream. I am supportive of that. I think that is certainly good across the waste management sector in

general, but I do have some concerns, and these have been repeated to me by regional operators. There is a possibility that it might be an onerous requirement for smaller operators, again because of geographic isolation and perhaps having to travel down to the city in order to move on some of those stockpiles.

I do not think that the legislation intends to capture stockpiles that are that small in regional areas. It is probably the case that the intent behind the legislation is that it is only very large stockpiles that would be captured by such a power, and the EPA would probably not be interested in those smaller stockpiles in regional areas. However, regional operators have indicated that they have concerns, so I would like to put on the record and ask that the government take that into consideration. They might want to look at an exemption or a different control mechanism for organisations and operators that have a turnover of less than a certain dollar figure on an annual basis or perhaps a certain level of employment, an FTE count, for example.

That is the issue of stockpiling. As I say, we support it, but we would like the government to take into consideration the regional impact. The second situation is similar in terms of my concerns, and that is the substitution of section 51, being repealed and replaced with a new section entitled 'Conditions requiring financial insurance'. It gives the authority the power to require an applicant for a licence or other environmental authorisation to provide the authority with a financial insurance (which could be a bond), a policy of insurance or a letter of credit.

In the event that the holder of the authorisation fails to comply with the act, the authority is then required to have several things taken into consideration when determining whether to impose or vary a condition, including if there is a risk of environmental harm. That is all captured in this amended section. This is necessary for professionalisation and to ensure that we get an increasingly sophisticated and world-leading industry here in South Australia, which, as I said earlier, we are well on the way to achieving.

However, it might be worthwhile the government considering the level of those financial assurances that are required for small operators—again, whether there would be a scaled number of thresholds depending on the size, whether that be the financial turnover or the FTE count or even the geographical location of some of these operators in regional South Australia. I do not have a great problem with the idea of having those financial assurances put in place. It is important to hold waste management operators to account and to make sure that they are doing the right thing and complying with the various licences they have to deal with waste. They can make a lot of money out of waste. We know that waste is a very valuable commodity in 2017 and there is much that can be done with it.

But we also need to make sure that organisations are doing the right thing, and the provision of bonds and other financial assurances are no doubt necessary reforms which this legislation achieves but which could have unanticipated consequences for smaller operators. Again, I ask the government to take that into consideration when they get to the implementation stage. Those are really the two main reform issues in this bill overall—the issue of stockpiling and the issue of financial assurances. There are other extensions of powers for authorised officers under the act to enter properties and to undertake investigations, and those are issues that I am more than happy to commend to the house and support.

In closing, I would like to thank those in the waste management industry who have worked with me and spoken to me over the last few weeks when we have looked at this bill. There is no doubt this is legislation which many of the professional operators in the industry are looking for. They are pleased to see it. The legislation will give them certainty, and certainty is a good thing when it comes to doing business and expanding business. South Australia remains, I believe, a significant player when it comes to innovation in waste management. This legislation will help take that to the next level. I commend the bill to the house.

Mr PEDERICK (Hammond) (21:26): I rise to speak to the Environment Waste (Protection Reforms) Amendment Bill 2017. Waste management has come a significant way forward just in my lifetime. In a small country town like Coomandook I can show people—and they may see it when they drive through to Melbourne—that there is a small patch in the scrub line right next to the highway that used to be a local rubble road before the road was directed from Tailem Bend through Cooke

Plains to Coomandook. Anyway, there is a patch right next to the highway that was the Coomandook dump. I can tell exactly where it was because there is nothing growing there but weeds.

Way back in the day growing up, that is where you drove. It was a local council road back then because the highway turned at Coomandook on the infamous Coomandook corner, which claimed more than a few trucks. It went out to Moorlands and then you did a sharp left to Tailem Bend, getting on the Mallee Highway. That was used for many years. Down the track there is a new dump site, which was called the Yumali dump site, not far from my property, off the Sherlock Road in Yumali. It just had pits, and you would put all your refuse in there, and when it got full the council would just light it up. Those pits would last for decades sometimes, depending on how many people were delivering rubbish.

Obviously, things break down over time but things may not be combustible in the first instance when you light everything up. It did dry out and became combustible later on. Things have moved on a long way from there. Currently, in the local area we have a lot of these dump sites that have turned into waste transfer stations where you will have a squat of SULO bins where rubbish will go into some and larger rubbish will be designated to an area, and in some places some of this has disappeared over time. I can remember at Coonalpyn there was a site where the bigger loads of rubbish would be buried as landfill, and that still happens in places around the state. Certainly, there are issues like lead acid batteries that have been kept; you can take them for recycling. You can take used oil for recycling purposes, and things have really moved on.

In recent years, I note that the Coorong District Council has put on a service—mind you, you pay for it—a triple bin service where you have a rubbish bin, a recycling bin and a green bin. Being on the land, I have never put out the green bin. I think it costs something like $325 a year. It is a service that I think is contracted out now to a waste recovery firm. They have a truck exactly the same as you see going around the City of Adelaide that drives past the back of the property and picks up your rubbish. Yes, you pay for it one way or the other. Some councils do it through rates, but this is a fee-for-service opportunity.

I note that the Coorong District Council is about to go out to a consultation phase to see if they can deliver bins everywhere in the community. By that, I mean every property owner over at least 1,600 kilometres of rubble local roads. They are suffering a bit through lack of maintenance in many places. I wonder how sustainable that will be if it goes ahead, but that is for the council to deal with. I know some people are not happy about it.

There is something about waste that we all have to be aware of: if you make it too easy it can be a problem and if you make it too hard then waste can be a problem. Several years ago, the Rural City of Murray Bridge put in big skips, huge rubbish bins that need a truck to pick them up, which you see on building sites and through the city and in country areas. They had designated sites because they thought it would be good to get waste collected. Guess what happened? I guess people overused or abused the system. The skips soon filled up, rubbish was dumped around them and it became too hard to manage. They basically became stockpile sites, and the only way to regulate them was to pull them out and work out another way of dealing with the issue.

The licensing of dump sites has probably become dearer now, but I think the Hartley dump in the Rural City of Murray Bridge is where it has its waste repository area now. Even though they are quite heavily clay and rubble-lined pits when you dig them, under the rules and regulations they have to spend about $100,000 per pit to line them again. That comes at a cost to the ratepayer. Some people deem that it is over the top, but it is under the regulation so it has to be done.

A few years ago, when I was on holiday one summer down near Geelong, I was talking to some people from Sunshine in Victoria who were holidaying there as well. They said, 'When you throw a mattress out in Sunshine, you just take it down the street somewhere and throw it out.' Their thinking was, 'As long as you don't get caught,' because the issue was that for every mattress that they wanted to dump legally there was a $100 fee, which was an instant disincentive for those people to do the right thing. I am not saying that is what they should do, but it was an interesting observation that that is what they did because it was too expensive.

I understand that we have come a long way and that recycling is a fantastic thing, whether you are recycling soft drink cans, milk cartons, orange juice cartons, wine bottles or whatever. It is a

great thing, and we have that access down at the Coorong and I have access at my Adelaide house when parliament is sitting. There are people who want the 10¢ from our deposit scheme, and plenty of operators will take cans and bottles if you collect them and deliver them. Coming from the farming sector, many people, as I do, have wool packs in sheds that they fill up with cans and bottles, or you might use a 44-gallon drum to put beer or wine bottles in. You tie them onto your trailer or ute and take them up and get the appropriate money, and it is quite handy. You might only have to do it every couple of years, but it is quite handy and it is doing the right thing.

I note that in this bill they are managing stockpiling and also that there are some issues around the financial assurance. There are concerns about whether or not this will put small waste operators out of business in regional areas. Waste has become an industry over time. I remember, when I went overseas, looking at the storage of nuclear waste, and we took a senior person from Veolia with us —fascinating conversation about how you manage all sorts of waste. He was certainly on the trip to see if there was going to be a part to play for their company in regard to the storing of nuclear waste. So people are looking at all angles. We know that asbestos has to be managed appropriately. As I said before, so many items can be recycled, which is a great thing, because it does seem pointless to just keep digging holes and putting it in.

Certainly, then, on this side of the house we are supportive of the bill. I note that it gives significant extra powers to inspectors and authorised officers, but as I said the one overriding issue I have with anything to do with waste management is that if you make it too hard, too expensive, people will find a way out. It would not matter what penalty you put on it; they will take the risk. That is just human nature. It is not right—I am not saying it is right—but it is human nature. You have to find an equitable outcome so that you can convince people that they must do the right thing, not just for the benefit of their community but for their state and for the country and essentially for the world into the future. With those few remarks I commend the bill, and I will be interested in the debate as we progress.

The DEPUTY SPEAKER: The minister to—oh, the member for Flinders is going to say something.

An honourable member interjecting:

Mr TRELOAR (Flinders) (21:37): A brief but important contribution. It gives me pleasure to rise this evening to speak on this debate, but what an act to follow from the member for Hammond! A broad-ranging contribution that included a mention of his holiday to Victoria, it was wonderfully well put together, a well-crafted contribution I think.

This bill has been a long time coming—in the making—with large waste management operators calling for its development and implementation for some years, and there is the crux of the problem for a constituent in my electorate. In the view of large operators and that of the government, the improved legislation will professionalise the industry. The government's process for legislation began in March 2015, when minister Hunter convened a waste summit, which was followed by the release of a discussion paper and further stakeholder workshops taking place through 2015. The government's Environment Protection (Waste Reform) Amendment Bill intends to further their waste reduction strategy.

Of particular note within the discussion paper and through the consultation process was the focus on improving stockpile controls and the tracking of waste material; once again we will be having an impact on smaller operators in regional areas. The bill also intends to uphold the polluter-pays principle, holding relevant operators responsible for costs arising from their operations rather than having local or state government or landowners bearing these costs. Well, the community is suffering from the very consequences of non-action.

Waste disposal is of interest to me. I have always been concerned about the environment, and I am one who believes that possibly the greatest invention of modern man is the wheelie bin. You put your rubbish in it, and somebody comes and takes it away. It is an extraordinary thing, in these days of green waste and hard waste and household waste, all segregated, and those recyclables. Of course, the shadow minister mentioned that South Australia was at the forefront of recycling drink containers particularly. In fact, I know a young man—he is probably in his 20s now—who actually bought his first car as a result of—

An honourable member interjecting:

Mr TRELOAR: Yes, as a result of recycling drink cans. So not only is it good for the environment but it can also be economically worthwhile for the individual.

I was visited by a constituent—in fact, the shadow minister was in Port Lincoln and sat in on this meeting with a small, local operator on Lower Eyre Peninsula—who had great concerns about how this legislation might impact him as an operator. One of the things he talked about was the cost of the increased red tape to him as a small operator. Also of concern to him was the EPA shutting down the pond in Port Lincoln, which means that all grease trap, trade waste, etc., now has to go to Dublin, near Adelaide.

For this particular operator, as well as other waste products out of Port Lincoln, it is about 30,000 litres of water a week that has to be transported on a 1,200-kilometre round trip from Port Lincoln. Of course, he questioned the cost effectiveness of this, but also the impact that freight has on the environment overall. He would like to know the opportunities or the possibilities of being able to process the grease on Eyre Peninsula in Port Lincoln—and I suspect other country areas would have the same questions. Unfortunately, in his mind the EPA is making that nearly impossible, and it is only getting more difficult with the extra compliance the new bill is bringing in.

The shadow minister talked about the stockpiling of waste, the distances involved to outlying regions and the cost that will put on operators. In essence, he is concerned about his future. He is competing against large nationwide or multinational operators, and I feel it is important to put his concerns on the record. I do hope that the minister, in her closing remarks, rather than going into committee might be able to address some of these problems.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (21:42): I am delighted to give the second reading speech in reply and thank all those who have made contributions. I note that the concerns and questions they have raised are very sincere reflections of issues that have been raised by their constituents and by some members of the industry. Nonetheless, I thank them very sincerely for support, ultimately, for this bill.

I would also like to thank the crossbench in the other place for their constructive engagement with this bill, through briefings with minister Hunter's office and the EPA, and for their support for the legislation. I would also like to thank key industry stakeholders, who have shown a strong degree of support for the rapid pursuit of the Environment Protection (Waste Reform) Amendment Bill and subsequent reforms.

This bill has been developed in consultation with industry over the last two years. It contains numerous reforms that will provide the necessary underpinning to enable the EPA to implement important waste reforms as well as providing improved tools for dealing with excessive stockpiling, waste levy avoidance, illegal dumping and contraventions of the Environment Protection Act. The bill supports the economic and environmental health benefits that we want for our state. The state government wants to unlock future potential and drive innovation in the waste management and resource recovery sector that is already a billion-dollar industry for our state, employing nearly 5,000 people.

We seek to continue to lead the way in demonstrating that we can both protect our environment and support businesses and jobs growth at the same time. This bill will empower the EPA to reduce excessive stockpiling and to effectively regulate the flow of materials in the waste and resource recovery industry so that material will move to recycling or landfill faster, with a levy becoming payable for the disposed waste. This will assist with the more timely application of the levy in practice and promote fairness and certainty for operators.

In closing the second reading contributions, I address some of the matters that have been raised during consideration of the bill. As part of this, the bill proposes to expand the circumstances in which financial assurance and stockpiling conditions may be imposed by the EPA to cater for abandonment and material flow risks that can pose commercial burdens on our community, in addition to environmental harm risks. The EPA will be developing guidelines for the use of these stockpiling powers and also financial assurances.

The EPA will consult with key stakeholders, including regional and local government and regional operators in the community, when reviewing and setting the circumstances under which the EPA will amend a licence condition in order to set new stockpile limits for particular waste types. In the absence of a guiding policy, the EPA has made relatively limited use of its existing powers to impose financial assurances in recent years and holds financial assurances from very few licensees. The current assurance requirements range from about $50,000 to just over $1 million, with varying site circumstances.

The EPA intends, along with the proposed amendments in the bill, to develop a policy to help guide and support the use of financial assurances to achieve better environmental outcomes and maintain regulatory control, most particularly in the waste sector. This is similar to the approach taken in various other states. The magnitude of assurances will reflect the potential risks associated with the site. The bill also envisages the need for new regulations for matters such as approved recovered resource assessments.

Building on early engagement processes, these intended policies and regulations will be developed by the EPA in a staged consultative manner with the community and stakeholders, including relevant small businesses and small business representatives, regional businesses and also local government, together with input from the EPA's regular stakeholder engagement groups, comprising representatives from the waste industry, local government, the Conservation Council, Keep South Australia Beautiful and Green Industries SA.

As part of these consultation processes, the EPA will be ensuring that small and regional local government and business views are considered, including for reasonable adjustment times where stockpiling controls are needed. In many cases it can be considered that stockpile controls or financial assurances will be irrelevant for small operators.

The bill will also strengthen the EPA's powers to successfully prosecute illegal dumping, helping return waste to the lawful sector and enabling levy moneys for disposal to be recovered. The powers will provide the EPA with better tools to tackle commercial level and hazardous illegal dumping, including asbestos, whether occurring on the roadside, the ocean, parks or other land.

EPA investigators periodically become aware of circumstances where material is likely to be illegally dumped; for example, asbestos-containing buildings that are being demolished at exceptionally cheap prices, that is, unlikely to support lawful disposal costs, or allegations about a given business dumping waste materials into the ocean. EPA investigators have found that they are restricted by the current legislation when trying to carry out proactive work, as the legislation has not been worded to allow this type of investigation.

The objective of the amendments proposed in the bill is to provide authorised officers with the power to enter premises if something may be found in the premises that may be used in illegal dumping and to allow the marking of something that an authorised officer reasonably suspects may give rise to evidence of a contravention of the Environment Protection Act. These new powers will enable the EPA to better utilise identification and tracking technology to combat illegal dumping practices and reduce the significant risk and cost of illegal dumping to the environment, government, private owners and public health and safety, particularly when hazardous chemicals or asbestos are involved. They will build on changes already made by our government to support sound disposal practices, such as the removal of the levy on packaged asbestos waste.

I again thank the waste and resource recovery sector for their strong support for the bill and associated reforms that are being pursued. The bill will introduce the framework to support additional waste reforms to support both fairness and certainty within the industry and also to protect the environment. In conclusion, I look forward to the implementation of the reforms to support the South Australian government in continuing to lead the way in waste management and resource recovery. I commend the bill to the 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) (21:49): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Sitting extended beyond 22:00 on motion of Hon. S.E. Close.

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 October 2017.)

Mr KNOLL (Schubert) (21:51): I rise to make a contribution on behalf of Her Majesty's Loyal Opposition in relation to the Correctional Services (Miscellaneous) Amendment Bill and, to remove the suspense, say from the outset that we will be allowing passage, such that we can, through this house. We have opposition to one clause at this stage but, given the large volume of correspondence that has come in only in the last couple of days in relation to the potential effects of this bill, we will be teasing out quite a number of issues in committee to determine whether or not amendments need to be put in the other place.

I think that what the government has tried to do with this bill is largely sensible and will have a positive effect on the ability for our prisons to work and for some positive steps to be taken in relation to drug use, positive steps in relation to the use of body-worn cameras and positive steps in relation to official visitors. I think that this bill has much that is good about it, but it seems that there are a number of things, as is often the way with legislation, that have not been considered and a number of issues that we need to tease out to be able to turn this bill from what it is—a good bill—into a great bill. It does a whole series of eclectic things, all of which come under the purview of the Correctional Services Act.

The bill seeks to make the following changes, and I propose from the outset to go through some of those major changes and then to discuss in detail a number of them. I would also like to put on record a number of submissions that have been put to me, especially in relation to some clauses that we potentially need to tease out, and talk about some other approaches that this bill could have otherwise taken.

First and foremost, the bill sets out a number of objects that will, for the first time, provide some guiding principles as to how the Correctional Services department is to go about its business. It puts in place as the primary object the promotion of community safety. 'Community safety' is a term that is used in this place and also in the public sphere and in the media sphere quite often. The government and the opposition, on many, many occasions, claim to be acting for the benefit of community safety when we talk about issues at hand.

There is another bill which I will not refer to, but essentially we are having a discussion in the public sphere at the moment about the role of rehabilitation in relation to how we can stem drug use. I think both sides of the argument are trying to claim that community safety is the paramount concern and that community safety is indeed on their side. We have talked about it in relation to drugs. We have talked about it in relation to driving. We have talked about it in relation to sentencing. We have talked about it in relation to the conduct of the courts. We have talked about it in relation to the conduct of the police in doing their job.

The difficulty is that this is quite a vague notion. What is community safety? Is community safety best served by looking at greater prevention measures? Is community safety best served by never letting another prisoner out of gaol again? Is community best served by effective transition and rehabilitation back into the community?

The government currently provides a vision using 10 by 20, a report that lays out a number of measures that the government says will help to improve community safety. Interestingly, before the lightbulb moment and the illumination of then minister for correctional services, minister Malinauskas, the government would have said that rack 'em, pack 'em and stack 'em was the primary way that we were going to ensure community safety, and herein lies the problem with this primary object: nobody knows what community safety means.

We know what the outcome should be. We know that we want it to mean less crime. We want it to mean fewer victims in our community. We want it to mean lower rates of reoffending by people who get out of prison. We want it to mean people doing themselves less self-harm, but how do we get there?

Interestingly, it says the 'promotion of community safety'. Does that mean, for instance, that DCS is going to turn into an advocacy department that runs ads in the public sphere around community safety? The difficulty is that these objects can seem to be benign. They can seem to be in there. There is no legislative effect. There is no penalty, for instance, for the Department for Correctional Services not making community safety its primary concern, but those objects are in there and those objects will inform judicial rulings in this area. It should also inform the way that DCS does its job.

If the parliament is going to go to the trouble of putting in this object as the primary object within this bill and, hopefully, this act, then it would be pretty good if DCS knew what it meant. That is something that definitely needs to be fleshed out as we go on so that we can actually get a genuine understanding of what it is we are attempting to achieve, or at least some guidance about how it is we are going to attempt to achieve what it is that we want to achieve.

The bill then goes on to talk about a whole series of objects, which I will not repeat for the benefit of the house, which essentially talk quite a lot about how DCS is to go about their work. It talks about rehabilitation and ensuring that prisoners are kept safe and that essentially DCS should be doing their job properly to keep prisoners in prison and keep everybody else out of them. It provides some guiding principles essentially around the conduct of DCS.

The bill goes on to provide a whole series of investigative powers to the chief executive. I asked in the briefing why it is that this clause needed to be put in the bill. It seems quite odd. It seems something that would otherwise normally appear in standard operating procedure or standard industrial relations procedure, but for some reason the government has decided to put this clause into the bill and provide greater powers to the chief executive.

Interestingly, when asked in the briefing why, the answer was, 'Nothing specific. We just thought it would be good to be in there. Some other people have this, so we should have this power.' I do not necessarily accept that argument. To say that there is no reason for this legislative change I think suggests that maybe we are a little bit naïve. I definitely do not think that we are.

Again, that is an area that we will be looking at. Whilst we would want the chief executive to undertake his work in a timely fashion and for him to have the compliance of his department, we also want to get to the bottom of what powers the chief executive feels he currently lacks, which the bill seeks to remedy. Essentially, these are quite coercive powers where:

> 1. The CE may, for the purpose of review or investigation of any matter relevant to the CE's powers, functions, duties or responsibilities…
>
> (i) require an officer employed at the Department to appear at a specific time and place; or
>
> (ii) require an officer or employee of the Department to produce a specified document…and
>
> (b) require an officer or employee of the Department to answer truthfully questions put by the CE that are relevant to the subject matter of the review or investigation.

And this is the bit where it gets slightly coercive:

> 2. An officer or employee of the Department who fails to comply with a requirement under this section or hinders the exercise of powers under this section is guilty of misconduct for the purposes of the Public Sector Act 2009 and any other Act.

We know that there is a breakdown in the relationship between the minister and his senior executives within the department and with rank and file officers. The fact that, from May 2016 to May 2017, the PSA and DCS appeared in front of the Industrial Relations Tribunal no fewer than 15 times says that there is a breakdown in the relationship. The fact that a union and its senior management need to go to the Industrial Relations Tribunal for every little matter that seems to go wrong suggests that there is no trust between the rank and file prison officers and senior management, that there is no

trust between the Public Service Association and DCS and essentially that the umpire is used in a whole range of circumstances, and these are not just individual matters; these are broad-based concerns.

I know of a number of those concerns in relation to the Mobilong Prison: the introduction of the structured day and also the fact that, as I understand it, DCS was asked to provide some physical upgrades in relation to a canopy and also in relation to the opening and closing of gates to cut off certain areas from other areas. Essentially, undertakings were given and not followed through on. I know of a number of other issues that different prisons have brought, via the PSA, to the Industrial Relations Tribunal. That suggest to me that it might be a cost-effective measure to just reserve a court over there at the Riverside building and rename it according to this long-running dispute.

It seems to me that, potentially, that is where this amendment comes from. Potentially, the chief executive feels that he is not getting the truthful and correct information from members of his department. Certainly, that is something we need greater detail on because these are quite serious powers. It basically gives the CE the opportunity to require any employee to produce a specific document and, if they fail to comply, find them guilty of misconduct, which one would presume would lead to sacking. The government needs to come clean about why this is in there, otherwise we may need to look at amending this so that it is in line with normal industrial relations procedure and this is not just a get out of jail free card where the CE can turf anybody if he feels that they are not doing what he would like them to do.

A provision that we certainly support in this bill is the drug testing of DCS employees. It is an amendment that we are going to ask a number of questions on in relation to the implementation of this to make sure that it is done in the correct way. The reason we are extremely supportive of this is because this is our policy. It was something that we announced back in August and we are glad that the government is playing catch up on this, and we are glad that they have finally come to their senses and that this is going to come to fruition.

From what I understand from the briefing, we will be looking at only three drugs, they being the same drugs that we use to test on the roadside, being MDMA, cannabis and meth. At this stage it is only envisaged that we will be using these testing measures in relation to post-serious incident or where senior staff or authorised officers believe that there is reasonable cause to suggest that somebody might be under the influence of drugs and therefore ship them off for a test.

We also believe that it should be extended to random drug testing. I understand, and I am going to check through the committee stage, that that is the case, that this does allow for random testing of prisoner officers. But, as I understand it, that is not something that initially the government is going to look at. This is the debate that has been had in SAPOL for a long time, that is, essentially extending the regime that has just been put in place for SAPOL to be extended across to prison officers.

There needs to be a discussion; we have just, through this chamber, allowed SAPOL to test for heroin and cocaine in addition to the three drugs that are normally tested for in roadside testing and whether or not that is going to come into force here. There is also a question mark around whether or not steroids are something that we should be testing for. That is a concern that has been raised by the Public Service Association. It makes sense to me that they are worried about the side-effects of steroids and their ability to incite aggressive behaviour amongst security officers, especially when you are putting prison officers in some pretty difficult situations in which we would like them to have a level head to make calm and considered judgements.

If they are taking drugs that are going to significantly affect or have a detrimental effect on their being able to undertake their duties, then that is something that we definitely need to look at, whether or not that is something that can be done within the existing framework. I did receive at 9.04pm a letter from the minister in relation to this. I think the minister's office, like we all were, was gearing up for a debate tomorrow, but I do appreciate they have tried to get us some information tonight.

In relation to drug testing of prison officers, one of the questions we have asked is: who currently conducts the drug and alcohol testing of prisoners? It has been said that authorised officers collect the samples which are sent through to SA Pathology for testing, and we will try to tease out

what that means, and whether or not that that is going to be the same regime now for testing of prison officers.

The bill also introduces protections for the use of biometric data. When somebody goes into prison—and I have done this a couple of times—you have to present your retinas for inspection. That is valuable—

The DEPUTY SPEAKER: Do you take them out or you just stand there with them in?

Mr KNOLL: You stand there with them in, but it depends whether it works or not. You have to get it at just the right angle. It is important that the use of that biometric data is limited. Essentially, there is an offence that has been created for the disclosure of biometric data that incurs a maximum penalty of $10,000 or two years imprisonment. That is quite a serious penalty, but it is quite a serious offence.

If I look at a lot of things that we have been dealing with in this place, we have been looking at biometric data collection, whether it be drug and alcohol testing, whether it be police being able to fingerprint scan or do a whole range of things. In this age of technology, where so much more of our private life becomes public and so much of our personal information or personal DNA becomes public, it is important that our legislation keeps up with that, and so those measures are certainly very much welcomed.

Another positive step is that this bill allows for the use of body-worn cameras in prisons. That is something that we have been pushing for with South Australia Police for a long time. It is good to see that that has been moved over here. I note that SAPOL's rollout of their 1,000 body-worn cameras is moving along quite slowly. I know that there are only about 30 or 40 cameras, as I understand it, in circulation at the moment and that the rollout of these things is quite slow. Certainly, in working out how these things are used in relation to when SAPOL officers need to go to the toilet or need to do something of a more personal nature, we need to make sure we get the implementation of these things right.

Again through the briefing, though, it was pointed out that, whilst this bill will give the government the ability to allow body-worn cameras in prisons, this is something that the government is not looking to roll out currently. It is something into the future. We were told that DCS are currently looking at a trial with emergency support officers. I hope I have that name right, but essentially this is the group of officers I imagine would exist in high-security facilities who would be on stand-by to deal with escalating violent situations within our prisons.

I had cause to visit Silverwater gaol in New South Wales, which is their remand centre. It is also their holding facility to transfer prisoners from other parts of the corrections system into Sydney and then elsewhere. Having gone into one of the main high-security areas, I saw their emergency support officers contain a situation. We got there at the back end of that. It is quite a difficult situation, because they are quite often dealing with people under the influence of drugs who have just come into the prison system and are detoxing, and as such are feeling the poor after-effects of illicit drug use.

As with all the arguments for the use of body-worn cameras by police regarding the gathering of evidence, hopefully it incites better behaviour by both officers and prisoners, and all those positive effects of body-worn cameras will come to play in the corrections system. As I understand it—and again, this is only from the briefing—it was suggested that prison officers currently use handheld cameras to take evidence in certain instances. I think that would be pretty difficult, but if that is something they can actually do, then all power to them. I am sure that trying to conduct your duties in a high-risk situation whilst also holding a camera in one hand would make life pretty difficult.

The bill also creates a new system for the inspection of prisons. When I was first given the honour of being the shadow minister for correctional services, I read the Correctional Services Act. As I will get to a bit later, that led to a few problems for the government, because it seems that, whilst I had read it, the senior executives within DCS had not. It was quite difficult to get to the bottom of the current regime for inspectors visiting prisons. It took me a few months, but I managed to get the name of the current inspector, Mr James Hugo.

There are a few sections within the act that allow for visitors to come into prisons, but it was quite vague, and it seems that the government is looking to bolster that part of the act. The current volunteer system involves a coordinator (currently Mr James Hugo) and a team of around 20 volunteer inspectors. Mr Hugo is paid a small stipend to cover his travel and other costs, but essentially that is more about cost recovery than actually paying him for his time.

Currently, prisoners can request access to an inspector through prison staff, and that is a well-worn process that has been in place for a long time. Inspectors then have access to all areas of the prison and any prisoners or staff. Something which I think is quite smart—and it is something that we would expect and hope to continue—is that when an inspector goes into a prison they will always visit every prisoner who is being kept separate from other prisoners. We can take that to mean, more generally, those who are in solitary confinement.

Currently, there is communication between inspectors and the general manager of the prison. Essentially, the visiting inspector will have a chat to any prisoners who have made a complaint, and chat to any staff member they feel is relevant, and then chat with the general manager. I think that is an informal system to provide another communication link between prisoners and senior management, which is important, especially within prison.

Something I have been thinking about since this bill came out is that I know that I as a shadow minister, along with the previous shadow ministers and I am sure the minister as well, all receive letters from prisoners relating to a whole series of matters. I have received letters in relation to very specific conduct and in relation more generally to the provision of education programs, into a whole manner of things. I received a long, long letter—about 12 pages—and I did take the time to read it. I should have perhaps read the last page first and maybe I would not have spent my time looking at it so closely.

It was from a prisoner in Yatala who said he was having difficulty in undertaking the cleaning tasks that the corrections staff were asking of him, that essentially he had really bad knees and was not able to get on the floor to scrub. He was complaining that prison staff were saying to him, 'Well, mate, you need to find a way to get this done because this is part of your job.' Essentially, he had to find a way by scrubbing whilst sitting on the toilet, which was quite an interesting thing to read. He goes through a whole list. It goes through some of his personal history, which I will not repeat at all, except to say that, when I got to the end of the letter it was signed off 'John Bunting'. I am sure that is a name that all of us would be familiar with, and certainly any potential sympathy that may have been engendered by that long letter evaporated at that point.

There are times when we as shadow ministers try to investigate some of the claims that we think are serious, and the difficulty for us even is that there is no independent way of being able to verify this because these people are in custody and are in a very confined environment. It would be very difficult to ascertain the reality of those situations.

So a visiting inspector regime or official inspector regime is extremely important, because if you are stuck in a gaol cell and something is genuinely going wrong, not to have access to anybody to be able to talk to about it would be extremely difficult and frustrating and may lead to a whole series of adverse behaviours. A strong inspection system for prisons will help to create calm, especially if they are bolstered in the way that it seems the act wants to bolster them, and potentially could lead to less violence within our prisons.

If prisoners feel that there is due process, if they feel that they have procedural fairness, that they have been heard and that genuine complaints are being dealt with, that can have a positive effect. I have received a number of letters that I did not think had a genuine basis for claim, but I suppose when you are sitting in prison and you do not have much to do all day except pen handwritten letters, I am sure that creates the time and ability for prisoners to do that.

This new system is much more prescriptive, at least in the act, but it involves having at least one Aboriginal, one woman and one legal practitioner appointed as an inspector to each prison. I want to ask whether or not we need necessarily to have one woman inspector for all male prisons and what is the rationale behind that. Certainly, having legal practitioners and Aboriginal inspectors is extremely important because we have such a high rate—22 per cent, I think—of Aboriginal incarceration, and anything we can do to help break that cultural divide between the Australian rule

of law inherited from our UK forebears and the different cultural practices and traditional practices of Aboriginal people is important. Potentially, there may be some issues with female inspectors if that is misused in any way. I am keen to tease that out and see what is the rationale there.

The system also involves setting three-year terms for the appointment of inspectors, sets out terms for the removal of inspectors and triggers for a vacancy, defines the independence of inspectors from the minister and the chief executive, although, interestingly, I note around that that even though there is independence and that independence is put into the bill, there is still the ability for the chief executive, especially when we are talking about appointing people on three-year terms, to exert a level of influence over the inspectors.

Whilst it does say here that neither the minister nor the CE can control how an official inspector is to exercise the inspectors' statutory functions and powers, or give any direction with respect to the content of any report prepared by an official inspector, there is no penalty for breaking that clause. I am not suggesting at this point that we should but, having said that, we also need to make sure that these inspectors are real.

As I understand, the volunteer system as it currently stands is something that needs to be improved. I think that the next part of the bill, the inspectors' regime that seeks to change that, may help to professionalise it. I am trying to read between the lines here a little bit to say that, whilst we all appreciate the work the volunteer visiting inspectors currently do, creating a more official regime may help to professionalise it and, if we are talking about people giving of their time, help to encourage and expand the use of this.

The bill also allows for the remuneration of inspectors. The terms of any remuneration are still to be worked through—that is something that came out through the briefing—but it is envisaged that inspectors will be paid. It will be interesting if the minister has any further answers since the briefing. It provides for staff and resources for inspectors, sets out the functions for inspectors, provides powers for inspectors to request information from anyone involved in the provision of services and creates an offence for noncompliance, with a maximum penalty of $5,000.

I am keen to tease that out and explore the parameters because it seems that there are some potential unintended consequences in relation to that clause. Whilst we want to give official inspectors a strong mandate to be able to do their job, we also want to make sure that we are not in effect capturing people outside the system, as I will get to in the Law Society's submission at some point during my contribution. They raise a couple of scenarios in which potentially this clause can be used but may not be appropriately used.

This is interesting: it creates an obligation that, where the official inspector provides a report to the minister, the report is to be tabled in parliament within six sitting days. That is something new and it is something that I think is genuine and courageous from the government. Maybe they are thinking that by the time this first report is handed down they will not be the government and that it will become our problem. It creates an obligation on the official inspector to provide a report to the minister every two years.

I thought, 'Well, who would currently undertake that work? Who provides those reports?' There is the DCS annual report, but at the moment it appears that prisoners use the Ombudsman quite widely to hear their complaints. That is a process by which, in a limited fashion, these issues can become public. As I said, much of this work is currently done by the Ombudsman, who received 691 complaints from prisoners in 2016-17. When I look at the breakdown of how those complaints were handled, it gives us a greater picture.

I said that prisoners are people who have plenty of time on their hands, who write letters to anyone they think will listen. I can see the Ombudsman potentially being inundated with a whole heap of work that is frivolous, but I think that there are some instances where the Ombudsman's intervention is warranted, especially in relation to the improper use of restraints, which was something the Ombudsman highlighted in his recent annual report. He had a few scathing things to say about some of the conduct of DCS in relation to some specific incidents. I would hope that, if we are going to expand the use of the official inspector system, this offsets some of the work the Ombudsman does, as opposed to potentially duplicating it. Again, that is something I would love to tease out in committee.

The bill also revokes automatic parole for drug traffickers and dealers who are sentenced to less than five years' imprisonment. I had discussions with the Parole Board Presiding Member, Frances Nelson QC, a woman who I think is respected by everybody in this space. When you become a shadow minister, you go to talk to everybody, and it seems that there are groups of people who sit on both sides of the fence, whether they take a rehabilitative approach to post-offending options or they take the tough 'lock them up and throw away the key' type of approach.

Frances Nelson is somebody who I think takes neither approach. In every discussion I have had with her, she is firmly focused on what works and what does not work: if it works, you do it, and if it does not work, you do not do it. I think that that is actually the smarter way to go on these issues, and I hope that in future discussions on another bill in another place the minister and I can reach agreement about what works and what does not work.

Essentially, Frances Nelson said that she was happy with those changes. She talked about there potentially being a mismatch where others are not granted automatic parole for what she deems to be lesser offences in the drug offence space, while others may be eligible for automatic parole for more serious offences, which for reasons various have attracted a sentence less than five years. It is interesting to understand what the scope of that is going to be, and I will get to that a bit later through the submission from the Law Society.

The bill also bans the use of drones above and around prisons and bans the use of drones within 100 metres of a correctional institution. Again, this is something that we need to tease out. Are we talking about 100 metres above a correctional institution, or are we talking about 100 metres within, and does that create issues, particularly for the remand centre, for Yatala Labour Prison and for the Women's Prison? Are there going to be issues in enforcement of those areas, given the fact that they are highly built up and populated areas?

The bill also seeks to improve the provision of prisoner communications with law enforcement agencies. This is something that is quite interesting, and something we are definitely going to have to tease out through committee. What was presented to me in the briefing was that currently DCS has the power to monitor prisoner communications, and where there is information about an offence that has been discussed, that information must be provided to SAPOL. That makes sense.

This amendment seeks to clear up the circumstances in which information is provided but evidence cannot be. It seems that there is a situation currently where DCS rings up SAPOL and says, 'Hey, prisoner X has just talked about some drug deal that they have done a while ago,' or some pending drug deal that is going to be done and, 'We are telling you about this but, for reasons of legislation, we cannot give you a copy of that recording,' or various circumstances. Whilst I am keen to help the government to achieve this, to get this in place, as somebody who took a keen interest in the Surveillance Devices Act, I am keen to understand how those two things work together and also to understand a little bit more closely what this clause means.

The PSA has concerns in relation to this clause and whether or not they are captured as part of this. Legal practitioners are also a little bit worried about whether they are potentially going to be caught up in this, and potentially then whether there are issues in relation to attorney-client privilege that we need to ensure is protected. There are a number of things that we need to go through so that we can satisfy ourselves that this will do what we want it to do, and that is to help law enforcement to catch criminals and not unduly affect the normal processes in relation to offenders and their legal representatives.

The bill also limits contact between prisoners and their victims through mail. Again, this is what I understand from the briefing. If the bill allows the regulations to prescribe circumstances where mail can be rejected, it is proposed that this clause will be used to prevent prisoners from contacting victims and will automatically suppress victims' names when the victim makes a claim against a prisoner from the Prisoner Compensation Quarantine Fund. The bill also seeks to make changes to the Prisoner Compensation Quarantine Fund.

Essentially, what the government is trying to do through this clause relates to a couple of cases, notably the infamous case of Mr Bruno Tassone, who received $100,000 in damages from the state in relation to what he says was a mishandling by the department of his diabetes illness.

That was quite an interesting debate in the public sphere; nevertheless, Mr Tassone got the money. I understand that people have 12 months to claim against that money, but Bruno was a drug dealer, and so anybody who came forward would be worried about whether or not claiming to be a victim of Mr Tassone might incriminate them in relation to illicit drug-taking behaviour. One wonders whether or not anyone will actually come forward. If the changes to the bill come into force before the end of Mr Tassone's 12-month period, this can come into effect for him.

The changes to the Prisoner Compensation Quarantine Fund state that, after the specific victims have had a chance to take the money, 50 per cent of the remaining funds go to the Victims of Crime Fund. Again, I think that is to remedy the fact that potentially victims will not come forward to make a claim on this money. That makes sense to me. I know that some of the stakeholders have concerns in relation to that, but they are not concerns that I share. I can see the logic, if victims do not come forward, in putting that into the Victims of Crime Fund so that it can help all victims in some small way. The other 50 per cent would be quarantined to help prisoners with their rehabilitation and transition out of gaol, and that makes perfect sense.

The government has to be commended for the money they have put aside to implement the 10 by 20 strategy. It is a clear move away from the rack 'em, pack 'em and stack 'em days and seeks to achieve better outcomes. There is a bit of cynicism within the Correctional Services community about whether or not it is going to do any good, but I am of the firm belief that we need to give it a go because the current system that we have does not seem to be working. Our recidivism rate is too high, and that is an issue we are dealing with nationally.

The 10 by 20 strategy and what it seeks to do, from a principle standpoint, is positive. I really do hope that it comes into fruition and practice, especially if we are going to spend more money trying to house prisoners, if we are going to spend more money trying to get them job ready and if we are going to spend money helping them to develop networks and friendships that help to transition them away from the criminal behaviour that got them in trouble in the first place. They receive money whilst they are in prison and that should go towards their rehabilitation, because it is expensive.

It costs just over $100,000 to keep somebody in gaol and, with the amount of money that the government has put aside through 10 by 20, all South Australians are investing in trying to stop prisoners from reoffending, and it is only right that they themselves contribute towards that. It will be interesting to see how those first couple of programs—Work Ready, Release Ready and the new foundations program—come into practice. The government has a pretty tight deadline, especially in relation to new foundations, to try to get that up and running I assume before caretaker period, but I think it involves a pretty serious commitment from larger housing providers to provide some new housing stock for these prisoners as they transition out. That is going to be a challenge, but there is a definite need there.

I have had discussions with OARS in relation to the work that they do. Basically, they put on the table that to change someone's behaviour post prison they will need three things: somewhere to stay, a job and some better friends. It is amazing in its simplicity, but it is 100 per cent right. If a prisoner gets out of gaol and has nowhere to stay, they are forced into criminal behaviour to try to support themselves or they live in less stable circumstances that do not provide the ability for them to find work, because that is the second step. If they either do not have access to Centrelink or do not give themselves access to Centrelink or have not found a job then they are likely to turn back to criminal behaviour to support themselves.

They also need better mentors and better friends. As somebody who has operated a business in the northern suburbs, I have seen a lot of people come through. How people act and behave depends very much on the friends they choose to hang out with. I have seen people make a decision to move away from their drug-taking friends and make better decisions for themselves. They can do that, but only through the support of a new friendship network. If you get out of gaol and the group of mates waiting for you as you walk out the door are the same blokes you were mucking around with and got you into the mess in the first place, then your ability to break free from that cycle of offending behaviour that lands you in and out of gaol makes it a lot more difficult.

At this stage there is one clause that we will be opposing, and that is the removal of section 22(3) of the act, which requires that sentenced prisoners not be held in police cells when

they have been sentenced to a term of longer than 15 days. I want to go through this in some small detail because it is something I have looked at quite closely. As I mentioned earlier, as a new shadow minister I thought one of the smartest things to do would be to have a look at the Correctional Services Act which governs this space. I only had to get a few pages in to get to section 22(3) which is fairly simple and provides:

> Subject to this Act, a person who is sentenced to a term of imprisonment exceeding 15 days must not be imprisoned in a police prison.

The first step was to find out what a police prison is; helpfully, they are gazetted, and the gazetted regulations show that they are police cells. There are a number of cells at the City Watch House. There are cells currently being used at Sturt Police Station and Holden Hill Police Station; at various times Elizabeth and Port Adelaide have been used. It depends at any one time. It could be up to 60 or 70 cells, I think.

Essentially, we have used these police cells every single day since 3 November 2011. We know that because that is the answer the government gave us. They are used because the actual capacity of our prisons is beyond the approved capacity of our prisons. There are a number of surge capacity beds that exist within prisons themselves, and I assume that is things such as chucking a trundle down the middle of units in various prisons across the place.

But there have even been times—and we discussed this in the correctional services select committee earlier in the year—when the prison population was beyond the approved level and the surge capacity beds within our prison system. In fact, it seems like we even had to count the number of prisoners who were being held in hospitals to try to make sure that the number of beds was more than the number of prisoners in our system.

At estimates this year I asked a question in relation to how much money has been put aside for the use of police cells. Police cells are normally run by SAPOL, but essentially what happens is that when DCS want to take over the use of some police cells they have an agreement with SAPOL but DCS has to pay. In the first few years that they were being used—let's say 2011, 2012, 2013, 2014—there was no budget for DCS to use these cells, so they had budget overruns year-on-year to pay for the use of the cells. From memory, it got up to around $9 million a year that DCS was paying to use these police cells. Again, I say we have used them every single day since 3 November 2011.

In estimates this year I asked: what is the budget this year? The other change that had happened is that last year, maybe the year before, was the first year that DCS put money in their budget for police cells. I think that gave them the ability not to get their budget blowout story when they came before the Budget and Finance Committee in the months before the end of the financial year, having blown their budget.

This year in estimates the minister said to me, 'We have no budget this year for police cells because we are not going to use them.' I thought that was quite brave. In fact, I understand that we are using them. I understand that Holden Hill Police Station is currently being used, so it will be interesting to see how much of a budget blowout we have this year.

Anyway, in my search to understand what a police prison is, I ticked that off. I thought, 'Let's ask a question of minister Malinauskas in the other place in relation to the use of these police cells.' The Hon. Mr Wade asked a question on Thursday 30 March 2017: 'Can the minister assure the council that no prisoner who has been sentenced to a term of imprisonment exceeding 15 days is housed in a police holding cell? Can the minister assure the council that prisoners are not being transported from a prison or by bus or otherwise only to be returned to the same prison primarily due to overcrowding?' The minister's answer was as follows:

> I thank the honourable member for his questions. It is well known and on the public record that the Department for Correctional Services do, from time to time, use police custody facilities to keep prisoners in custody, where it is appropriate to do so.

Tick. He goes on to say:

> There is an understanding and a good collaborative working relationship, as I think all members would reasonably expect, between SAPOL and the Department for Correctional Services to ensure that there is the capacity

to be able to use police cells for DCS purposes, if and when it's appropriate to do so, but at the same time doing it in a way that allows for the necessary functions and also police operations, as required.

I have an aside at this point to say that when I asked these questions of the SAPOL commissioner, he did confirm, in fact, that there is a good working relationship, but what he said was, 'Look, if we need the cells we will use the cells but, we will hand them over to them when we think that we can spare them.' Minister Malinauskas goes on to say:

Regarding the second part of the honourable member's question regarding the transport of prisoners, that is something that occurs regularly. There is a whole range of reasons why prisoners are transported between facilities. It could be access to rehabilitation programs, it could be for health reasons or it could be moving prisoners for reasons to accommodate visitation. There is a whole range of different reasons why prisoners are moved between facilities; that is, movement between facilities is part of the day-to-day operation of the Department for Correctional Services and is not remotely unusual in any way.

Mr Wade then asked a supplementary question. He said:

My supplementary question to the minister is: when the minister says that prisoners are held in police custody if and when it is appropriate, does the minister consider it appropriate that a prisoner who is sentenced to a term of imprisonment exceeding 15 days is housed in a police holding cell?

The minister then answers in a way that makes me think that he does not know what he is talking about. He says:

Where appropriate agreement has been reached between both SAPOL and the Department for Correctional Services, yes.

What the minister has done in that answer is to basically condone illegal behaviour, and he has done so because it is clear that he does not know what he is talking about. It seems that he had not been briefed properly. We thought, 'Okay, that is a little bit odd. He is saying yes, they do do it.' That is evidence to me that either somebody does not know what is going on or they are essentially okay with breaking the law.

On Thursday 6 April 2017, the Chief Executive of the Department for Correctional Services, Mr Brown, came before the Select Committee on Administration of South Australia's Prisons. He was asked by the Chairperson, the Hon. Terry Stephens, the following question:

When you talk about accommodating the prison population, at the moment how many prisoners do you have in police cells who have been sentenced for more than 15 days?

Mr Brown answers:

We don't accommodate prisoners who have been sentenced to a term of imprisonment greater than 15 days in police custody facilities. That is not provided for under the Correctional Services Act.

As an aside here, it seems that he has read the Correctional Services Act, and I think that that is a good thing. It continues:

The CHAIRPERSON: And that hasn't been the case over the last 12 months at all?

Mr BROWN: Not to my knowledge.

The CHAIRPERSON: Would you take that on notice and just reassure the committee, whether it be in response by writing or—

And Mr Brown interrupts and says, 'Certainly.' So, lo and behold, in an answer to the committee on 22 May, in response to that question, the department gives the following answer:

A review of departmental records has determined that in the past 12 months, a small number of prisoners with a sentence of more than 15 days were accommodated in a police prison. Specifically, during this period of time there were 14 prisoners, from a total of 2906 police prison admissions, who fit this criterion. Two of these prisoners were held in a police prison for 10 days.

Of the 14 prisoners identified, three were moved the day after sentencing and four remained in a police prison for two days. These prisoners were considered to be in transit, in accordance with Section 26 of the Correctional Services Act 1982…and were suitably accommodated in police prisons, prior to appropriate prison accommodation being identified.

In addition, one of the prisoners who spent two days in police cells after being sentenced, had his sentence backdated and was discharged, sentence served from a police prison. In such circumstances, there is no benefit in transferring a prisoner to a prison, only to have them discharged in the following days.

The remaining seven occasions in which prisoners remained in a police prison were as a result of complex placement issues—

as an aside here I am going to say overcrowding—

including protectee status, mental health issues, behavioural issues and links to outlaw motorcycle gangs. Upon review, DCS acknowledges that these placements were not consistent with the requirements of the Act.

I can confirm that no prisoners with sentences of more than 15 days are currently located in a police prison.

The Deputy Chief Executive has written to General Managers to reaffirm the Department's statutory responsibilities under the Act, with respect to prisoners and their placement in a police prison.

That is about as close to a mea culpa as we are going to get, and thank goodness that was taken on notice, and thank goodness that has all been cleared up. Obviously, there was some resulting bad media for the government in relation to that, because clearly the government should not break the law. It seems now that instead of just complying with the provision, the government wants to get rid of it.

The reason we are opposing this clause is this: police prisons, or police holding cells, are not gaol cells. They are different because a police cell is designed to hold a prisoner for a very short period of time and a gaol cell is supposed to be a more permanent level of accommodation. It is not appropriate to put a sentenced prisoner in a police cell for any reasonable length of time. The reason it is not is that it has been illegal under this act, I assume, since 1982. Instead of wanting to comply with the law, the government want to change the law to the lowest common standard that they are currently enforcing, and that simply is not good enough.

The other reason I am confident we should oppose this amendment is that in South Australia we have the highest remand rate of prisoners in our system in the country: 42 per cent. Twelve hundred of our, roughly, 3,000 prisoners are on remand. We have an approved capacity at the moment of around 3,000 beds. I know that we have about 300 coming online at Port Augusta, which I think we are going to the opening of in a couple of weeks' time—

Mr van Holst Pellekaan: The 14th, I think.

Mr KNOLL: —on 14 November, and Mount Gambier Prison is due to come on board in, I think, April next year, with 300 extra beds coming into the system. But we have 1,200 prisoners who could be housed legally in these 50 or 60 police cells: 1,200 into these 50 or 60 cells. The remaining remand prisoners, I assume, are housed in prisons, yet the government says we cannot fill up those cells with remand prisoners and comply with this law easily. It is simply getting rid of this.

And this is the issue. The letter that provided answers to the select committee talked about there being some transitional issues. There were a couple of prisoners who were in there for 10 days. If it is a short period of time, that is less of an offence, but to simply get rid of the section suggests to me that the minister and the department want to use police cells for a more permanent, ongoing arrangement, and that is simply not good enough. You cannot just change the law because you do not want to comply with it. Given the fact that there are enough prisoners we can stick in these police cells, I cannot see a valid reason why this needs to happen.

So, without any evidence to the contrary, we will be opposing that clause, and, assuming the government insists on the deletion of this provision, we will be resubmitting that in the other place, because we do not think it is appropriate. The Law Society do not think it is appropriate and OARS also do not think it is appropriate for exactly the same reasons. In fact, they find this all a little bit incredible.

The bill also removes the restriction that stops the department from being able to force remand prisoners to be involved in work programs. I note that currently in the act there is an ability for prisoners who are on remand to be able to work. Currently, it provides:

A prisoner (other than a remand prisoner) is, while in a correctional institution, required to perform such work, whether within or outside the precincts of the correctional institution, as the CE directs.

The use of the phrase 'required to' suggests that there is an obligation, a coercive obligation, to do that. Subsection (2) provides:

A remand prisoner may, at his or her own request, and subject to any directions of the CE, perform any work that has been arranged by the CE.

So essentially, as I understand it, the arrangement is that if a remand prisoner wants to be involved in a work program they can request it, but they are not required to.

OARS does make a submission in relation to that—which I will get to when I talk about their submission—to say that this may be a bit tricky, but I do agree with the government that this is an important step. Even if a prisoner is in remand, and holding to the fact that there is innocence before being proved guilty even though someone has been denied bail and is in a correctional facility, I cannot see any harm in a prisoner having a productive way to occupy their day. Whilst this change may force some remand prisoners to get involved with work, I do not necessarily see that as a bad thing; in fact, in the prisons I have visited the work programs are extremely important in helping to give structure and purpose to a prisoner's day. I think that structure and purpose exist regardless of whether they are a sentenced prisoner or a remand prisoner.

The bill also allows restraints to be used on prisoners in certain circumstances. That is seen by quite a number of people as being a positive step, but it has been suggested by OARS that we need to make sure this is used only as it is needed and that this clause does not give rise to a broader ability for prisoners to be restrained in circumstances that are potentially outside the intent of this legislation.

The bill also changes the environment around the possession of certain items in and around prisons. It creates a new offence where a prisoner is found in possession of a controlled substance, or of an item prescribed by the regulations, inside the prison. That carries a maximum penalty of five years' imprisonment. It is assumed that this provision will supersede current possession offences as well as including contraband items such as mobile phones. I think this is a positive step. Having a mobile phone outside a prison is, in the vast majority of cases, a benign act, but having a mobile phone inside a prison is a completely different scenario. That is why we have put a policy on the table that I will talk about a little later.

It is assumed that, where possession offences are illegal outside a prison, currently those possession offences are what happens inside a prison. Essentially, we are going to jack up the penalty here and, given the alarming rates of contraband and drugs getting into our prisons, that is important. It does provide the CE with the ability to prescribe, in regulation, contraband items or items that would be prescribed by the regulations. For inside prison, that makes perfect sense. I think where we get into difficulty with this clause is outside prison; where a person other than a prisoner brings a controlled substance into a prison, that maximum penalty is doubled to 10 years' gaol. For other prohibited items, the maximum penalty is five years in prison.

That part make sense to me. We want to crack down on contraband. Former minister Malinauskas said, when he first came to the portfolio, that he would clamp down on this and that he had a zero tolerance approach to contraband, only to find that was pretty difficult to actually get anywhere on this. I think that whilst doubling the penalty to 10 years' gaol is a bit draconian, I understand that we are trying to send a very clear message here.

For me, the difficulty comes with this: this section also proposes amendments to introduce a buffer zone around prisons where increased penalties for possession of drugs and other contraband items—we are assuming such as unauthorised mobile phones—will apply. We were told in the briefing that the buffer zones will be set by regulation but will take into account the individual circumstances around the prison. There was no answer as to what would happen around Yatala Labour Prison or the Adelaide Remand Centre, and police cells are not included in this section.

Let me unpack that a little bit. Where you have a prison that is separated from the town, and I think about Mobilong to a large degree and I think about Mount Gambier and I assume the same happens at Port Augusta and Port Lincoln, where the prisons are far enough away from the towns that they are on their own and you can institute that buffer zone, essentially, if you are walking around within that buffer zone—and I do not know what we are talking about here, whether it is 100 metres or a couple of hundred metres—it is likely that you are up to no good, that you are trying to throw something over a fence or whatever.

The real difficulty comes when you are in a built-up area. I would like the government to explain, if a mobile phone is listed as a contraband item for the purposes of this section and if I have my phone in my pocket—and as a member of generation Y, I always have my mobile phone in my pocket—am I going to commit an offence if I walk past the Adelaide Remand Centre? The obvious answer here would be that we may not be able to have a buffer zone around the Adelaide Remand Centre, or even around the Yatala Labour Prison, because there is a footpath right out the front.

But if it means that we have a buffer zone around some of these other gaols and that works for those circumstances, then bring it on, but I think there are some real problems with this section in relation to those prisons. This is another reason why we should not allow sentenced prisoners to reside in police cells, because police cells, as I understand it, are not included in this section. If the idea here is to find ways to reduce contraband, then putting sentenced prisoners in police cells is not appropriate. It is why, again, we will be opposing this clause.

The bill also refers the determination of allowances for Parole Board members to the Remuneration Tribunal. I understand, looking at this, that currently what happens is the chief executive makes the decision and that essentially will be handed over to the Remuneration Tribunal. We think that is a positive step, but we would like to understand when the first review will be. Without having had the time to investigate completely, it does seem that our Parole Board potentially is remunerated less than their interstate counterparts and that the very good work they do goes a little bit underappreciated. I am reading between the lines here, but if a move to the Remuneration Tribunal will essentially spark a review and that review will look at what is happening around the country and will help to create parity with interstate regimes and the South Australian Parole Board, then that is a positive step and one that we support.

The bill also makes changes to the setting of parole conditions. Something that is a little bit contentious and we are going to have to tease out is that the chief executive will be able to accept parole conditions on behalf of the prisoner where the prisoner is either unable or unreasonably refusing to accept the conditions. I can see some merit to this, and Frances Nelson could see some merit to this. But it does raise some issues about whether or not the chief executive is the most appropriate person to accept those conditions, because there is a certain logic that suggests that if you are unable to accept the parole conditions because you cannot understand them, then how are you going to comply with them? I think there are some issues there that we need to tease out.

All in all, they are the major clauses of the bill. There are also a couple of changes here, and I am looking at amendment No. 7 which talks about deleting 'with the approval of the Minister' wherever it occurs and essentially moving those powers back to the chief executive. We are going to want to ask questions as to where and why that is going to happen and why it is that we are moving away from ministerial oversight, which we believe to be important, especially for the accountability of ministers in this modern age where it seems that public servants much more readily fall on their sword for things that could and should otherwise be the responsibility of the minister.

I did receive late a couple of submissions that I want to go through in part because I think that they are from people who certainly have credibility within this space. As always with legislation, you can draft an amendment that achieves what you are seeking to achieve and, because you see it as an amendment that can help solve a specific problem you have, you think the amendment is worthy. However, the reason we share these things around and have broad consultation is that there are often unintended consequences or things that we did not think about that, if we enacted this amendment, would have a negative effect on other circumstances.

I want to read a few sections from a letter from the Law Society to the then minister Malinauskas back in April. As was discussed at the briefing, there has been ongoing communication over a number of years that has culminated in this bill. Various stakeholders have made submissions on various aspects, and those submissions have been taken into account when drafting this bill. There are a couple of issues in this letter from the Law Society that correspond with some of the evidence we have received not only at our select committee but also issues that have been raised with me. The Law Society states:

> With respect to other matters to be considered, I confirm that they are in two areas. The first concerns the inmates who suffer from serious mental health problems, and the second is more generally in relation to the inmate population.

I preface this by saying that there are varying statistics about the number of people in our prison population who live with a mental illness. Some suggest it could be as low as 20 per cent and others will put that figure a lot higher. The SA Prison Health Service made comment on it when they came before the select committee a couple of weeks ago. I do not have those figures in front of me, but essentially they were suggesting that they could be quite high and that, in fact, they are higher in the Women's Prison than in men-only prisons. The society states:

1. The number of persons incarcerated with serious mental health problems has been increasing steadily in recent years.

2. Amphetamine offending has severely exacerbated the problem.

This is something that we know anecdotally and from the evidence, and we in this place have been tackling it through legislative amendment for a while now. The Law Society goes on to state:

3. Requests for psychiatric reports in the area of domestic violence have also increased dramatically.

4. The closure of institutions like Glenside Hospital has also exacerbated the problem.

5. Sex offenders and high risk offenders (which have also been increasing) also require the preparation and provision of an expert medical report. It is often the staff of the Forensic Mental Health Services Unit that are permitted to prepare such reports.

6. By way of example of the increase in the requirement for psychiatric reports, the number of reports requested in relation to sex offenders and high risk offenders has increased from an historic average of 1 to 2 per year to 12 in the last 12 months.

That is certainly a scary statistic.

7. Overall, over the last 12 months, the Forensic Mental Health Services Unit has received about 850 requests for reports. This averages to a little over 16 per week. Even if the conditions for accessing inmates were to be ideal, the current staffing level to prepare that many reports, within the Forensic Mental Health Services Unit is very substantially inadequate. At least one further full-time psychiatrist is urgently required.

It will be interesting for the minister and Mr Palmer to see whether or not that request has been fulfilled.

In addition, in other States some staff are located within the prison or institutions like James Nash House. It would be far more efficient for psychiatrists and psychologists if there were some staff in the correctional facility.

8. The requirements for arranging and conducting an assessment of an inmate is a further exacerbation of the problem.

9. The Adelaide Remand Centre's infirmary was previously used for psychiatric assessments, but attending psychiatrists and psychologists have been advised that this is no longer available. They are also advised that they will be allocated between half an hour to an hour for an assessment depending upon the complexity of the case because, overall, only 2 hours per day, 2 days per week, is available for all inmates. Moreover, set times of 9.00am to 11.00am and 1.30pm to 3.30pm on two set days of the week are required to be utilised. This is unsatisfactory. For example, complex assessments require at least 2 hours. The allocation of only 4 hours per week, overall, results in substantial delays. A further exacerbating factor is that overcrowding is producing more regular unrest and resultant lockdowns. If a lockdown occurs during a period ordinarily set aside for an assessment of inmates, not only does the assessment not proceed but an additional allocation of time, other than the set hours, is not granted, essentially exacerbating that delay.

10. At Yatala, the interview room is tiny, dingy and claustrophobic. Moreover, the walls are effectively paper thin, so that conversations in the room are able to be heard outside of the room…

I assume that that creates issues for attorney client privilege and it is very difficult to conduct an effective assessment in such circumstances.

11. Where it is sometimes necessary to transfer an inmate from a country prison to the metropolitan prison for an appropriate psychiatric assessment, inmates are reluctant to comply because no assurance is given that following the assessment they will be returned to the original country prison…

13. The majority of psychiatric assessments are funded by the Legal Services Commission. However, at the Adelaide Remand Centre, as noted above, the infirmary is no longer made available and the clinic rooms that do exist are made available exclusively for court ordered psychological and psychiatric assessments. The practical result is that the normal visiting area is then required to be used for psychiatric assessments funded by the Legal Services Commission. This is unsatisfactory.

14. As a result of these issues, extensive delays occur in relation to psychiatric assessments. This includes assessments required as a pre-condition for release by the Parole Board with the end result that prisoners are spending longer in prison than is necessary.

We know that overcrowding is an issue and bed capacity is an issue. Court delays are another issue, but we need to look at these rate limiters so that we can actually reduce our prison population. I know it has been highlighted on the front page of *The Advertiser* in relation to the delays that exist within SAPOL and the e-crimes branch and the fact that it takes on average over 12 months to process a mobile phone.

As has been explained to me, if you are a drug dealer and you get remanded in custody, it takes 12 months to process your mobile phone. You need that mobile phone because in those text messages is the evidence that you were dealing drugs. If you get caught with an traffickable amount and you get caught maybe with a weapon or something, you need that communicative evidence to be able to prove that you were drug dealing. I understand that there is a case that took about three years to process where in the end the offender only got three months. We were essentially holding the bloke in gaol at $100,000 a year for two and a half years longer than we had to. So we need to deal with these rate limiters within the system, and if psychiatric assessments is one of them, then that is something we need to deal with.

The general issues go on. This is an issue that I want to talk about because it is something that our committee found. It is something that we have heard consistent evidence on and that is in relation to access to rehabilitation programs. Officers of the Public Service Association have noted that the shortage of prison accommodation is particularly in the area of high-security beds. That has cascading effects. Prisoners who are placed in a low-security environment who are better suited to a high-security environment expose themselves and other prisoners to harm and the possibility of increased sentences. It risks a more stressful environment and, consequently, altercations and possible lockdowns and riots.

We have seen that with the increased prisoner on prisoner violence. We have seen that with increased prisoner on officer violence within our prisons and it seems fairly easy to make a causal link between this concern and the lack of a proper high-security environment and the increase in violence.

There appears to be little or no education and/or support for those involved in the home detention scheme. The society understands that there has been a significant level of breaches relating to the failure to report as required in contraventions with respect to the use of drugs. That is quite interesting. It is probably not something that I have encountered before. While we have people in prison, we can give them access to rehab programs, but essentially if they are out on home detention, those schemes either are not available or not appropriate. The Law Society goes on to say that:

There are ongoing reports of prisoners being held for longer than is desirable in police cells at Sturt, Holden Hill and the city.

I think that has confirmed the issues that we talked about previously. They continue:

19. The shortage of appropriate accommodation, according to the level of risk, and generally the problem of overcrowding, is resulting in an inappropriate level of rotation of prisoners from one facility to another. This regularly involves the issue reported recently in The Advertiser newspaper concerning transfer by bus. It can be expected that as prisoners are unsettled, the risk of inappropriate behaviour increases and the risk of further offending and increased sentences that otherwise could have been avoided similarly increases.

Again, this is an issue that is exacerbated by overcrowding. If we were able to deal with it properly, it would help to cause less violence within our prisons but also help to actually reduce the prison population. They continue:

20. The PSA also identified an issue that, too frequently, prisoners would be brought to a prison facility only to discover that the bed available is not suitable for them and that they will need to be moved again. The Society understands that there can be a number of reasons for this including, the appropriate level of scrutiny and issues relating to bikie gang culture.

21. It is noteworthy that PSA officers overwhelmingly backed the concerns that have been expressed by medical experts relating to inmates with mental health problems and which have been addressed above. Both the PSA and the medical experts identified a need for a further facility dedicated to mental health problem inmates where

the degree of mental health problem and security is not such as to require detention in a facility like James Nash House. The Society appreciates that this would require specific funding and a substantial expense.

That is something that I have heard, especially in relation to Ward 1 out at the Lyell McEwin Hospital, where more and more prisoners are being housed in Ward 1, which is a mental health unit within the Lyell McEwin Hospital. This is something that we are going to have to tackle. I know that the government has done a good job of increasing the number of infirm beds at Yatala for prisoners who are quite old and infirm, but this forensic mental health is definitely an issue that we need to deal with more and more. It goes on to say:

22. There are limited teleconferencing facilities at the correctional institutions and because they are being used increasingly by the courts, there is less ability to use them for the purposes of medical assessments or other reasons. Further, whilst the Legal Services Commission has direct teleconferencing facilities, the representatives of those accused not funded through the Legal Services Commission are not able to use those facilities. You are invited to consider the possibility of the Department for Correctional Services having, at its Adelaide office, a teleconferencing facility that could be used by representatives of those who are incarcerated for the purpose of teleconferencing in relation to their matters.

That, again, is another rate-limiting factor that we need to tackle. Again, these are simple things. I have been out and had a look at AVL in a couple prisons. I looked at use of AVL in Silverwater as well. These are good advances and I know that the department has been investing in them, but if we are able to deal with some of these rate-limiting issues, then I think we can have a more settled but also a more efficient prison system.

Here is an issue in black and white, and this is something that I have never been able to get to the bottom of despite asking, FOI-ing and trying to find everything. The Law Society says it is an issue, lawyers I have spoken to say it is an issue, letters from prisoners say it is an issue, other people in and around correctional institutions have said it is an issue. The issue is this:

23. The Society has previously noted that there are a number of prisoners who reach the end of their non-parole period and then experience a further delay in being released because the completion of courses, required as a condition for release, were not completed by that date. The Society understands that, not infrequently, this is the result of the limited availability of these courses and, again, it would appear to be a funding issue.

I know the government, I am going to say in the 2015-16 budget, put extra money into these criminogenic programs. I would hope that that has now fixed the issue. In a time when we have prisons overcrowded, we have a system that is bursting at the seams, and the government is investing huge resources in upgrading and creating more beds, if we have come to the point where we are holding prisoners in prison—and, again, I make no comment or pass judgement about the appropriateness of the head sentence in a non-parole period; that is something that is quite rightly determined by judges—and those prisoners are simply in prison because they have passed their non-parole period, still have not been able to complete those courses and are therefore kept incarcerated for longer than they should otherwise have to be, that is not acceptable.

Certainly, the letters that I have received suggest that that is the case. Again it is very difficult to get to the bottom of that, but this again would seem to be low-hanging fruit. Surely, there should be investment in the funding of criminogenic programs to make them available so that prisoners can complete them before their non-parole period.

I know that there is a desire that these courses be completed not that long before the non-parole period ends so the information is fresh in a prisoner's mind at the point at which they are released. I get that and I understand that but, again, this seems to me to be an area which has been identified where there could be positive change to help improve the efficiency of our system and also potentially improve the overcrowding problem, so this is something that we should be tackling.

Whether it is getting psychiatric assessments on time, whether it is getting courses done on time, whether it is improving teleconferencing facilities, these are day-to-day issues that can help to improve a system that is at breaking point. Similarly, it states here:

24. Similarly, once prisoners are discharged, there is little available by way of rehabilitation or assistance in reintegrating within the community. Despite the success of rehabilitation programs like the Bush program run from Port Augusta or the partnership that the prison had with BHP, those initiatives are no longer funded and that is regrettable. Moreover, on discharge, there is little assistance provided to secure employment.

This letter was written back in April. The government announced in May, I think, the initial 10 by 20. The budget had put the money on the table, and I understand that they have already gone out to tender for New Foundations. I am fairly sure that Work Ready, Release Ready should have gone out, but this is one key aspect that I am hoping the government is addressing through 10 by 20. They go on to say:

25. As you are well aware, a major issue is the ageing and inadequate infrastructure of the Adelaide Remand Centre and the male and female prisons in this State. Whilst prisoners and the community do not expect that prisoners will be housed in lavish accommodation, the current Dickensian environment is not conducive to effective rehabilitation which, as you have rightly acknowledged, is a key to reducing recidivism.

26. The members of the PSA with whom I met did ask me to remind you—

I am saying this as Malinauskas, but I assume that the member for Kaurna, the minister, has been offered the same. I know as shadow minister I have been given the same opportunity—

that you have promised to spend a day on the floor of a prison. If that were to occur, then I—

and this is Tony Rossi, the President of the Law Society—

would welcome the opportunity to be able to participate.

I know that the PSA put that standing offer out there to all and sundry to come and actually experience a day on the floor at a prison. I know that is something that I would love to take up. In my previous life I used to run a factory. There were about 70 or 80 people who worked in the factory. The only way I knew to run the place was to actually walk the floor four or five times a day and see for my own eyes what was going on.

I think that, essentially, what the PSA is saying to the minister is, 'Hey, come and do the same thing and you will actually see what it's like on the floor of a prison. You will get a greater and deeper appreciation.' I am not sure what sort of training would need to get involved with that, but, yes, it would certainly be a rewarding experience.

The Law Society also has, yesterday, provided a submission in relation to this bill. They say here that they received the letter on 19 October. They were allowed five business days to consider the bill, but the brief extinction of time is considered. However, the society notes that it is unaware of any reasons why this legislation should be rushed through parliament without proper consultation. I think it is because we have about three sitting weeks left and if we are to get this done before it is prorogued, then we are going to have to get our skates on.

There are a whole heap of issues that the Law Society raises that I want to tease out in committee. I will only go through some of the more general comments that they make in relation to a number of the amendments. I want to put those things on the record. I do agree with a lot of them, but I want this to contribute to the debate because I think that, depending on how the committee stage goes, we may need to look at some amendments between the houses in relation to a number of their concerns. It continues:

9. The Society is not aware of the government having produced an evidence based proposition of what community safety means, or what a court should take into account when considering community safety. Indeed, we note the experience in Victoria, particularly when Mr Kennett was Premier, that a heavy emphasis upon early intervention resulted in a substantial reduction in the number of criminal offences being committed.

Good on Jeff Kennett. Further:

The Society has previously alluded, in other submissions, to the importance of early intervention and rehabilitation when considering, overall, the safety of the community.

Again, I think this is what we are discussing now. I think the government and minister Malinauskas's change of heart in relation to rack 'em, pack 'em, stack 'em shows that what community safety can mean in different contexts is entirely different.

It does seem to me to be a lot of what minister Malinauskas did and what John Rau did, which is essentially to try to undo a lot of the harm that the rack 'em, pack 'em, stack 'em days did to the South Australian criminal justice system.

10. Furthermore, the Society considers that there should be no paramount object in the Act. The objects contained in the proposed section 3(2) are all important factors in reducing recidivism. For example, the proposed

section 3(2)(c) is to promote the rehabilitation of prisoners, probationers and parolees. Such an object is fundamental to the safety of the community.

11. The Society questions whether the additional objects in section 3(2), suggest that section 3(1) refers to matters to be taken into account that are not included within section 3(2). That is, should the court have regard to other criteria, other than for example, the rehabilitation and reintegration of prisoners into the community or the rights of victims of crime, as being the key factors in ensuring community safety?

12. This further highlights the need for clarification with respect to some of the objects and guiding principles of the Bill. The Society also notes that some of the objects included in section 3(2) may be better considered as guiding principles. The Society suggests that clause 5 be reconsidered and redrafted to clearly reflect the objects and principles to be taken into account in the application of the Act.

I think that very clearly sums up some of the concerns that I raised quite early on in my contribution, but that is something that we are going to have to get right if the objective of putting these objectives into the act is achieved. The Law Society are quite happy that the creation of official inspectors is put into this bill. They do have a number of concerns, but we can tease those out in committee rather than go through them now.

They do have a series of questions in relation to the powers to compel information and investigative powers of the chief executive. I share their concerns, given that during the briefing I was told that there is no specific reason for this to be put into the bill and that this was just something that they wanted to put in there. I do not accept that. Why are we going to make a legislative change if there is no reason for it? Their concerns are such that:

23. Furthermore, the proposed section 81T provides the Chief Executive with the power to require an officer or employee of the Department to appear at a specified time and place; require an officer or employee of the Department to produce a specified document or object that is relevant to the subject matter of the review or investigation; and require an officer or employee of the Department to answer truthfully questions put by the Chief Executive that are relevant to the subject matter of the review or investigation.

24. The Society notes that coercive powers of this kind have been traditionally reserved for investigations into serious criminal conduct or corruption…

They go on to say a heap of other things about why this must be put in and discuss the exceptional circumstances to justify their use. That is something that we are going to have to tease out in committee. They also query where, in other acts for other departments within the Public Service, this is done. They also have questions in relation to the confidentiality of information in relation to official inspectors. I agree with them on this. Essentially, they say that at the end of the amendments in relation to official inspectors, the bill provides that official inspectors not be FOI-able.

I can understand, in relation to individual cases, that you would not want those issues dealt with. But, as the Law Society notes, that is already covered as an exemption under the current FOI Act. We need to tease out why it is that everything that an official inspector does should not be FOI-able. Why should we not be able to get broad information about the work of an official inspector, knowing that the FOI Act has enough safeguards to be able to stop individual cases and personal information? As someone who has FOI'd a lot of things, any time a third party is mentioned, the FOI Act provides that the third party needs to be notified and consent to their information being disclosed. There are provisions that, as section 26(2) of the FOI Act provides:

An agency must not give access unless the agency has taken steps as are reasonably practicable to obtain the views of the person concerned.

So there is a right to privacy, and that is enshrined in the FOI Act. The Law Society goes on to have serious concerns, as I do, in relation to the assignment of prisoners to particular correctional institutions. The one thing I forgot to mention before that was interesting to me is that nowhere in the minister's second reading speech was there a mention of the fact that this clause was being deleted. The second reading speech was quick to espouse all the virtues in this bill, but somehow this pesky little clause did not make the second reading explanation. Maybe the minister was just trying to hide the fact that this little sucker was getting through. Unfortunately for the minister, we found it.

The Hon. C.J. Picton: We told you in a briefing.

Mr KNOLL: I did not ask any questions in the briefing. The Law Society has the same view as us, and that is that the removal of this clause is inappropriate.

There are some questions in relation to work by prisoners that we will get to. Prisoner mail is something that is quite interesting here, and the Law Society do raise a number of concerns in relation to prisoner mail. They have some real issues about prisoners who cannot read and write and may not be able to provide a nomination in writing and how essentially this clause will work in practice in relation to prisoners' mail being looked through. So, there are a whole number of questions about that, but we will get to that when we go into committee.

There are concerns on the record from both the PSA and the Law Society in relation to the power to monitor or record prisoner communication. Again, whilst I am supportive of the intent of this clause, the Law Society says that, essentially, the proposed amendment provides that regulations may, in relation to a communication of a kind prescribed by the regulations, be monitored or recorded and provides that parties to the communication must, at the time of the commencement of the communication, be informed of the fact. It is not clear why it is being suggested that prisoners may not be informed that the calls are being recorded. If that is the intention, the amendment is not supported by the society. The society does not consider there to be a valid reason to change the long-standing requirement. It is also consistent with the Listening and Surveillance Devices Act 1972 that a person be warned that their communication is being recorded.

The PSA want to know whether or not they are caught up in this as well, and want to ensure their right to privacy or at least to be notified, and that is something we can tease out in committee. Offences by persons other than prisoners in relation to buffer zones and how that will work in practice, again, the Law Society has a huge number of concerns. Essentially everything else they are talking about I think we are going to tease out in committee.

OARS also provide an amendment, and I must admit that OARS are extremely complimentary of the government and this bill. OARS agree with a whole heap of what the government is trying to do, but they do—surprise, surprise—agree with the opposition and the Law Society in relation to the amendment of section 22, where they say:

> This amendment raises concerns. A government report from 2016 indicates that the Department of Correctional Services were able to utilise SAPOL facilities, 58 beds, as part of their demand management strategy. Police cells are not designed to accommodate prisoners for more than a night or weekend at most; therefore it is concerning that the bill proposes to remove 22(3), which currently prevents a person who is sentenced to a term of imprisonment exceeding days from being imprisoned in a police prison.

OARS also go on to say that 'the suggested amendment in relation to 34(4)(d) raises a question in relation to the definition by which a child sex offence will be determined', and actually that is something that again the Law Society talks about. It seems to me from the bill (and I have highlighted the clause) that you do not need to also have been convicted of a serious sexual offence, that if there are reasonable grounds to believe that the offender has also committed a sexual offence that is a ground for changing where a prisoner can have rights to have visitors.

The PSA basically said that this does not go far enough, that essentially where a convicted sex offender is in a visitors' area and any children are in there they are potentially put at risk, whereas others are suggesting that we roll it back. I think that is something we need to tease out to find that balance. I agree with the sentiment of what is trying to be achieved here, but I want to make sure that it is done in the most correct fashion. I seek leave to continue my remarks.

Leave granted; debate adjourned.

CRIMINAL LAW CONSOLIDATION (CRIMINAL ORGANISATIONS) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

At 23:31 the house adjourned until Wednesday 1 November 2017 at 11:00.

Answers to Questions

TELECOMMUNICATIONS EQUIPMENT

319 Dr McFETRIDGE (Morphett) (7 August 2017). What was the 2016-17 budget for the replacement of telecommunications equipment, and what is the expected budget for CFS pagers in 2017-18?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse): I am advised:

The 2016-17 budget for the replacement of telecommunications equipment was $741,900. The expected budget for CFS pagers in 2017-18 is $170,000.

CFS WEBSITE AND SMART PHONE APPLICATIONS

320 Dr McFETRIDGE (Morphett) (7 August 2017). What was the cost of upgrading the CFS website and smart phone applications in 2015-16 and 2016-17, and how much has been budgeted for 2017-18?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse): I am advised:

The following table details upgrades and associated costs for 2015-16 and 2016-17:

Year	Upgrade	Description	Cost
2015-16	CFS Local	Development of a new interface between the CFS website and the CFS Maps application that provides end users with the ability to enter an address/location and be quickly provided with a personalised display of relevant information (fire ban district, fire danger rating, local brigades, events, meetings, bushfire safer places and last resorts).	$24,420
2015-16	Web Content Management System – Cloud Migration	Migration of the agency's Web Content Management System from state government hardware infrastructure to a cloud based infrastructure deployed on the Amazon Web Services Platform. This was a major development in Cloud Services for the Emergency Services Sector, placing the Sector at the forefront in State Government Cloud Computing, while increasing the reliability, performance and scalability of the CFS public website.	$56,175
2016-17	Development of a new interface between CRIIMSON, the CFS website, and the CFS Maps application to provide enhanced public messaging for incidents	CFS implemented a series of enhancements to its public warning system. Changes to messaging include showing potential impact areas on maps on the CFS website and in emails sent automatically to subscriber groups and the media to support wording about the location and direction of the fire. Warnings on all CFS social media feeds have been automated.	$35,625
2016-17	My Plan to survive	CFS developed a simple three step process to complete a Bushfire Survival Plan on the CFS website, with the resulting plan output to a page the user can save to their mobile device and to a PDF file for printing and sharing.	$37,000
2016-17	Web redesign and content audit	The new cfs.sa.gov.au site launched in July 2017 gives users current information at a glance, with all critical information available via the homepage. The page will find the user's location and provide all the information needed to stay informed and make sensible decisions on bad fire days. A redesigned menu makes it easier to find and save safety and bushfire preparation information, upcoming community events and programs, and what the coming days will bring. CFS has developed the site with new technology known as 'Progressive Web App', which will make information	$95,625

Year	Upgrade	Description	Cost
		even quicker to access via mobile devices and provide some information when no network coverage is available.	

The Country Fire Services FireApp mobile phone application was discontinued in June 2016. No expenditure was made on development in the 2015-16 Financial Year.

There are no significant upgrades planned for the CFS website in 2017-18.

SAMFS ENTERPRISE BARGAINING AGREEMENT

321 Dr McFETRIDGE (Morphett) (7 August 2017). In relation to the SAMFS Enterprise Bargaining Agreement—

1. Will the allocated expenditure for the agreement be funded through the Community Emergency Services Fund and if so, what was the final amount for 2016-17?

2. How much has the agreement increased the total expenditure of the SAMFS in 2016-17?

3. By what percentage and by how much (in numerical terms) is the wage component of the Agreement in 2016-17?

4. What is the expected increase in wages for 2018 as a result of the current agreement?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse): I am advised:

As the South Australian Metropolitan Fire Service Enterprise Bargaining Agreement 2017 is currently being negotiated, information regarding the Agreement is unable to be provided.

FIRE MANAGEMENT PROGRAM

322 Dr McFETRIDGE (Morphett) (7 August 2017). In 2015-16 and 2016-17, what resources were provided by the Country Fire Service (including man hours, units, training, equipment etc.) to work with the Department of Water and Natural Resources on the Fire Management Program to undertake prescribed burning?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse): I am advised:

The Country Fire Service (CFS), in conjunction with the Department of Environment, Water and Natural Resources (DEWNR), advise that this type of information is not readily available in any kind of quantifiable form.

- CFS brigades are invited by DEWNR to participate in prescribed burns in their local area. The involvement of CFS brigades depends greatly upon the timing and location of the burn.
- A number of CFS personnel are involved in the planning and on ground management of prescribed burns.
- Prescribed burning training is a joint operation between the CFS and DEWNR.

RETURN-TO-WORK RATES

323 Dr McFETRIDGE (Morphett) (7 August 2017). What are the return-to-work rates for the Emergency Services sector in 2016-17?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse): I am advised:

In 2016-17, the emergency services sector had twelve claims where workers had more than ten days off. As at 30 June 2017, seven made a full return to pre injury duties, two returned to suitable duties that accommodated their functional abilities and three were deemed medically unfit to return to duties at that time.

FALSE ALARM REVENUE

325 Dr McFETRIDGE (Morphett) (7 August 2017). What was the total revenue collected by the SA Metropolitan Fire Service and the SA Country Fire Service for attending false alarms in 2015-16 and 2016-17?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse): I am advised:

Total revenue received by the SA Metropolitan Fire Service for attending unwanted alarms was $2.2 million in 2015-16 and $2.0 million in 2016-17.

Total revenue received by the SA Country Fire Service for attending unwanted alarms was $307,934 in 2015-16 and $410,169 in 2016-17.

MINISTERIAL STAFF

In reply to various members (29 July 2016) (Estimates Committee B)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised of the following:

For a list of ministerial staff and salaries please refer to the *Government Gazette* published in September 2016.

Non-ministerial appointments are as follows:

FTE	Classification
1	ASO7
5.2	ASO6
2	ASO5
2	ASO4
1	ASO3
2	ASO2