HOUSE OF ASSEMBLY

Wednesday, 1 November 2017

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:01 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.

Parliamentary Committees

JOINT COMMITTEE ON MATTERS RELATING TO ELDER ABUSE

Ms COOK (Fisher) (11:03): I move:

That the final report of the committee be noted.

I am proud to rise to speak on the release in our house of this very important report. The Joint Committee on Matters Relating to Elder Abuse was instigated by me and the Hon. Kelly Vincent MLC, who will speak in the other place today. We planned to deliver our report within a year of commencing work and we have done so just about exactly. I thank all the members of the committee—the Hon. Kelly Vincent MLC, the Hon. Stephen Wade MLC, the Hon. John Gazzola MLC, Ms Dana Wortley MP and Mr Mitch Williams MP—who willingly gave of their time to dive deep into this vital and painful topic.

Some key contributors to our inquiry are present here today with us. Some have made a very long journey to be here. Even those who live locally have travelled a long and painful road to participate in this inquiry. For each of them, elder abuse has been a deeply personal family tragedy. Let the record show that on behalf of the committee I sincerely thank each and every one of our inquiry's witnesses, with special thanks to those attending the house today. I welcome them and I acknowledge their invaluable contribution.

I especially thank one of our very first witnesses, Ms Noleen Hausler. Noleen's heroic efforts in 2015 and 2016 helped secure an assault conviction against a residential aged-care worker who had abused her frail, utterly helpless and elderly father. Thank you, Noleen. The thoughts of the committee, and indeed of the parliament, have been with you throughout this inquiry. Your dear father, Clarence, is resting peacefully now.

It has not been easy for the committee to hear the testimony of those who have had direct experience of elder abuse, or from those who deal with it professionally, to share their frustration at the system, a system that is complex, unwieldy and confusing. The terrible fact is that elder abuse is an old problem, yet until recently for too many it was a hidden problem. Why? Most elder abuse actually takes place in the home in private settings, yet even in institutional settings events in our own state have proved that older people are not always safe. Why? Put simply, there have been far too many partners and too little leadership in this area.

How can this be? Our state has a very good South Australian elder abuse prevention strategy. It has been in place since 2014. We have a free South Australian elder abuse prevention phone line. We have the good efforts of many, many people. This problem is a national problem and it needs a national solution and it also needs renewed state investment in this area. The need for change is urgent, but we do not live in an ideal world. We live in a world with limited resources and competing priorities. That is why this report is a practical one in plain English.

We did not produce a very long wish list. We did not wander into 'should' territory. We have not even focused on 'could' territory. We have landed very firmly in 'can' and 'must' territory. We owe that to Noleen Hausler and the other witnesses here today, as well as to the victims. We received 34 submissions and made five unanimous, inclusive, practical and affordable recommendations to the state government. I am proud of our recommendations: each is a positive step, and together they are a game-changer. I will briefly run through the recommendations.

Recommendation 1 calls on the state government to advocate strongly to the federal government for leadership to provide a comprehensive and coordinated approach to elder abuse in Australia. It follows the recommendations of the Australian Law Reform Commission's report tabled this year. Recommendation 2 supports establishing a national strategy against elder abuse. It talks about codes of conduct, screening, restricted practices in residential aged care, and it covers other areas that will improve monitoring, research and education in our community.

The third recommendation calls on our state government to actively take part in the new federal government initiatives recently announced. This includes registers regarding enduring documents, extended mandatory reporting and clarification around the use of surveillance cameras in nursing homes. Recommendations 4 and 5 are specifically addressed by this state and can be. We call on the state government to introduce a bill to establish a new South Australian adult protection act. Our final recommendation calls on the state government to establish a South Australian elder abuse prevention unit, previously recommended in the Closing the Gap report back in 2011.

The state government must act where we can and where we have responsibility. We must lift our game in this area. We must set high benchmarks and we must advocate strongly in spaces where we do not have control. I will support this and I will not stop. We must do everything we can. We must work closely with the federal government in a new way. We must keep the pressure up, lobby and advocate. We need to work across political parties to see our recommendations come to life and to support those made in the Review of National Aged Care Quality Regulatory Processes, which was released last week.

Madam Deputy Speaker, fellow members, I thank everybody involved in the preparation of the report, and everybody who has supported it, including parliamentary staff—Myrana Wahlqvist, Shannon Riggs and Paul Collett—and I thank my fellow parliamentarians and commend the report to you.

Mr WILLIAMS (MacKillop) (11:09): I commend this report to the house, but there are a couple of matters I wish to raise and bring to the attention of the house with regard to the report and the process. It was a really interesting committee to sit on, and the evidence we received was equally interesting. There is no doubt in my mind that elder abuse is alive and well in our communities, and it is something to which I think we need to take a fresh approach.

Hopefully, the report will be part of that process, and I sincerely believe it will be if it is taken on board by the relevant people, particularly the state health department and our colleagues in the federal parliament. There were some things that fascinated me about the inquiry. Obviously, one of the most confronting issues was getting a handle on numbers, or the amount of elderly abuse that is occurring. None of the agencies that come across elderly abuse in their daily work (for instance, SAPOL) have historically kept datasets that fully expose the extent of the problem or the types of problems.

The data they had was quite general, which made it difficult for us to make more definite recommendations. The same could be said for other agencies that operate within this field. As I said, it seems, at least from anecdotal evidence, that elder abuse is alive and well. The vast majority of it occurs in the privacy of homes within the community. Most of it seems to be committed within families, even though the approach we took was about looking at elder abuse within institutional care. I think that is where we had to start, but at some stage we need to come up with some strategies to be able to tackle the problems within families, which to my mind is a hidden problem and probably significantly larger than we appreciate at this stage.

I will take the opportunity to say that I am somewhat pleased at the attitude I took in this house recently when we were debating euthanasia legislation. One of the concerns I had at the time was that there are many families where children reach the point where they would be pleased if their elderly mother moved out of the way so that the assets the family had accumulated, sometimes over generations, could be passed on to their generation. To me, that was a very real issue. My fears in that area were confirmed by some of the evidence and understanding I gained through being part of the committee. I am very pleased that this house ended up in the position it did on that particular matter.

One of the other disappointments I had with the work of the committee—and this was nobody's fault—is that if we were not coming towards the end of this parliamentary session the committee may have had the opportunity to take more evidence and look at wider issues. That was a source of disappointment to me and I am sure to other committee members. Maybe the next parliament will go back and have another look at this issue or open it up again and delve further into the matter. I am sure that there is a lot more that could be revealed with extra work.

One of the other disappointments I had—and it is a concern I have had for some time—is that we took the decision not to look into the Oakden matter, simply because there are a number of other inquiries afoot. As I said, we were under some time pressures and the decision was taken. There was no argument in the committee about this; the decision was taken that we would bypass that matter. I am somewhat disappointed that we found ourselves in that situation. That was a matter I was looking forward to looking into principally because I represent a rural electorate.

It is common right across regional South Australia that a lot of the aged-care facilities are attached to our country hospitals. They find themselves on the same campus. When the current government changed the management system of our country hospitals, disbanding the hospital boards, which had a significant management role in country hospitals, they took over not only the management of the hospitals but the management of the aged care facilities, which are very commonly on a shared campus with those hospitals.

I was looking forward to having the opportunity, if we were able, to look into the Oakden matter and to inquire into the financial arrangements that occur particularly within Country Health. I have no evidence, but there are some fears in my mind having observed country hospitals, country aged-care facilities attached to those hospitals and the budget pressure Country Health is under in delivering a suite of services in country areas.

I was looking forward to the opportunity to inquire into the financial arrangements and whether there was a cross-subsidisation from the funds given for the operation of those aged-care facilities at country hospitals, with some if not significant amounts of that money used to cross-subsidise the operation of the hospitals because of the budgetary pressure Country Health is under. I am disappointed that I was unable to make inquiries into that particular issue. I am suspicious that there is an issue and that the delivery of aged-care services in country regions may be compromised but, as I say, I have no evidence. It is just anecdotal and suspicion on my behalf.

With those caveats, I certainly commend the report. As I said, I think it is a way forward for the relevant agencies both at the state and commonwealth level. Interestingly, this is a matter that has been examined by many jurisdictions within this nation, and I am pretty certain that a lot of the parliaments that have inquired into these matters have come to pretty well the same conclusion. Hopefully in the not too distant future we will see much more activity in this area, and hopefully we can see some successes in tidying up what is undoubtedly a social scourge.

Ms WORTLEY (Torrens) (11:18): I rise to speak in support of the report of the Joint Committee on Matters Relating to Elder Abuse, a committee of which I have been pleased to be a member. In doing so, I recall the words of a very dear friend who sadly died way too young at the age of 51. She told me she wanted to grow old, have white hair and be able to tell stories of her life to the young who would gather around her, that to grow old was in a way a rite of passage, one that she would miss out on, a rite of passage that would see her surrounded by loving members of her family, extended family and lifelong friends.

Like many in the community, we shared a view that respect for the senior members of our families, our parents and our grandparents, was a given. Unfortunately, the evidence we heard in this inquiry painted a very different picture for some elderly in our community. It is a different picture for those in some of our aged-care facilities, but significantly it is a different picture for some who remain in their home and for some who live alone and remain independent but are isolated. In our state, and in every other state and territory around the nation, we have in recent times seen a light shone on the devastating reality of elder abuse. Elder abuse is not something new, but its prevalence in our society has come to light in the past few years.

I would like to acknowledge today those family members present in the chamber who provided evidence to the committee in writing and in person, including the case that first triggered

the public's concern through the determination of a daughter to stand up for her father. Noleen, and members of all the families who came forward and contributed to the committee's finding, you are indeed courageous.

I also acknowledge the professionals and the representatives from the different organisations, agencies and departments who gave evidence. You have all made a difference, and I thank each one of you for your efforts to raise public awareness of elder abuse and to assist us in our findings and recommendations. You saw a wrong, and, through your actions and subsequently the adoption of recommendations of this and other similar inquiries, we will do what we can to right it for the future.

The committee received 34 submissions, held eight public hearings and heard from 28 witnesses. Their experience, views and knowledge were considered, along with the information from other elder abuse inquiries, including the Australian Law Reform Commission's inquiry into elder abuse in Australia.

Our report makes five recommendations that support other expert inquiries around the nation in recent years. Recommendation 1 calls on the state government to advocate for strong federal government leadership. This is needed for a comprehensive and coordinated approach to elder abuse, and it is a key recommendation of the 2017 Australian Law Reform Commission's inquiry into elder abuse in Australia. The second recommendation supports the establishment of a national elder abuse strategy. This should include:

- unregistered direct care workers coming under a planned national code of conduct for care workers;
- national screening processes;
- legislation to regulate the use of restricted practices in residential aged care;
- a national online register of enduring documents; and
- improved research, data collection and community awareness raising.

The third recommendation calls for the state government to actively take part in the new federal government initiatives announced on 1 October 2010, including making the most of the membership and the co-chairing of the national elder abuse working group, established in January 2017, using this group to discuss, clarify and promote, as appropriate:

- an online register of enduring documents;
- extended mandatory reporting; and
- surveillance cameras in residential aged care.

Recommendation 4 calls on the state government to introduce a bill to establish a new South Australian adult protection act. The fifth recommendation calls on the state government to establish a South Australian elder abuse prevention unit, previously recommended in the Closing the Gap report. The committee supports a national approach called for by these experts.

I will continue to work in my community and in this place to do all I can to ensure that senior members of our community receive the care they deserve as very valued members of our community and also to ensure that the families who are here today, and many other families, do not have to go through the same kind of agony.

Ms COOK (Fisher) (11:23): Again, I would like to thank all members of the committee, all witnesses for their compelling stories and parliamentary staff, who provide us with incredible support and go above and beyond in order to make a report such as this meaningful, concise and give it the capacity for us to actually deliver on some really workable outcomes. It means that vulnerable people in our community will be safe.

Thank you to the member for MacKillop, Mitch Williams, who has provided some wisdom and really interesting thoughts throughout the committee and also just now. I will commit to making time to speak with him regarding regional facilities and also ongoing discussion and review of the

matter of elder abuse in our community. Thank you to Ms Dana Wortley as well for her contribution. I commend the report to the parliament.

The DEPUTY SPEAKER (11:24): As Chair of Committees, I am very grateful for your work and commend the report also.

Motion carried.

PUBLIC WORKS COMMITTEE: BOLIVAR WASTEWATER TREATMENT PLANT

Ms VLAHOS (Taylor) (11:24): On behalf of the member for Elder, I move:

That the 573rd report of the committee, entitled 'Bolivar Wastewater Treatment Plant activated sludge reactor plant supervisory control and data acquisition and controls upgrade project', be noted.

This proposal is for stage 2 of the upgrade to the supervisory control and data acquisition (SCADA) system and controls at the Bolivar Wastewater Treatment Plant, which is in the electorate of Taylor and is a very important place for people who live not only in the north but also in the Adelaide Plains area. SCADA systems have been used by SA Water to monitor, control and optimise water, wastewater and network assets for a number of years.

The project will deliver upgrades to the existing electrical and controls infrastructure that will ensure a secure network compliant with SA Water standards and the government's network requirements. The upgrades will also address some identified environmental and workplace issues that need to be addressed for health and safety risks. It will provide a reliable and flexible system that will allow for future expansion, process optimisation and efficiencies in the system. The Bolivar Wastewater Treatment Plant is the last in the metropolitan area to receive the full upgrade of its SCADA system.

The cost of the upgrade is $6.8 million, excluding GST. The project is included in the SA Water Regulatory Business Proposal for 2016-20 and will have no net impact on SA Water's overall capital plan, borrowings or contributions to government. Works are due to commence this month, with practical completion by August 2019. Given this and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Motion carried.

PUBLIC WORKS COMMITTEE: CITY TRAM EXTENSION PROJECT ADELINK

Ms VLAHOS (Taylor) (11:27): On behalf of the member for Elder, I move:

That the 574th report of the committee, entitled City Tram Extension Project AdeLINK, be noted.

This project, which is already underway, is for the expansion of the tram network along North Terrace to the East End and along King William Road to the Adelaide Festival Centre precinct. It is the first stage in both the CityLINK and EastLINK tram extensions that will see the tram network expand to incorporate a city loop and a tramline to the eastern suburbs. The tramline along North Terrace will have three tram stops:

- one near the Gawler Place intersection to service Rundle Mall to the north and the cultural precinct to the south;
- another near the Pulteney Street intersection to service the university precinct and the east end of Rundle Mall and Rundle Street; and
- the final stop will be outside the old Royal Adelaide Hospital to service the east end of the city, the Botanic Garden and the new CBD high school, which will be located on Frome Road.

The other tramline will extend down King William Road to the Adelaide Festival Centre precinct, with a tram stop near the Adelaide Festival Centre. This will service the well-known area of Elder Park and provide easier access to the River Torrens. The delivery of this project has been determined in consultation with local businesses, educational institutions, the City of Adelaide and other key

stakeholders in the area. There has been strong support from stakeholders for intense construction periods of 24/7 operations to reduce the length of construction interruption to all of Adelaide.

As members have probably noticed, work has already commenced on the project, with the first stage of intensive works on North Terrace being undertaken during the last school holiday period, and another weekend of intense works along King William Road. There will be a further major intense construction period in early January 2018 to upgrade the King William Street-North Terrace intersection, again taking advantage of reduced traffic due to summer holidays and school holidays. Consultation is ongoing throughout the project with all the stakeholders, particularly Tourism SA, to avoid any tram works affecting the Tour Down Under cycling routes and projects that are often undertaken over the summer.

The intent is to have the tramline completed by the end of January 2018. The project is a key component of the South Australian Integrated Transport and Land Use Plan and the Adelaide light rail network. It will provide new, more reliable transport services along the city's cultural and educational boulevard and support economic activity and enhance connectivity to the East End of Adelaide. In addition, it will provide much-needed public transport to major events such as the Clipsal 500 and the Adelaide Fringe.

I wish to thank the current and former members of Public Works Committee for their consideration of this important project. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public work.

Ms SANDERSON (Adelaide) (11:30): I rise to also speak regarding the tram extension along North Terrace as the local member. Firstly, I will say on the record that, as the local member, the residents of the East End, the business owners in particular, were very much in favour of this project. As their member, I have supported this project along North Terrace.

There were great fears, and still are, that with the closing of the Royal Adelaide Hospital and the lack of activation of that site, albeit that the new hospital was announced around 10 years ago, we still do not have a master plan for that site, and we still do not have new tenants in there. The transition is taking a lot longer than was anticipated, and the traders in the East End have been already severely affected by the loss of trade. They saw the tram as a glimmer of hope to getting more people to the East End, so I have been supportive of this tram project.

However, one of the reasons that I decided to stand for parliament was as a result of the tram extension along North Terrace towards West Terrace. My office was in the Qantas building across the road from Parliament House. I had been there for around five years at the time and I had enjoyed the location. However, when the tram was put in, my personal business was affected. We lost all the loading zones in front of our business, and we lost all the trees along North Terrace in front of our office, so people could no longer drop in or pick up. In a modelling agency, you have uniforms, people used to be paid by cheque and parents would drop off children and load. Basically, we lost all that access.

Even worse, we lost all right-hand turns anywhere in the city. Coming from the north, as I did from Prospect, I used to be able to turn right at North Terrace from King William Street and get to my office. That was taken away. I requested hook turns, as they have in Melbourne. That was rejected, so I thought I could go around the back of the Festival Centre because that was the other way that you could get through. They then put in a new set of lights there because of the tram and you could not turn left between 7am and 7pm. Actually, you could not turn right; you could turn left.

However, because they built the tram with a raised median strip, I could not then turn left and then right into my car park, which was Woodson's Lane, or the Stamford Plaza car park, which also required the same manoeuvre—a left and then a right—so I could not get across. I worked out a way, where I could go up Kintore Avenue and around and then get into my car park. However, getting home, I could come out from Woodson's Lane to the new intersection.

Now you cannot turn right and go behind the Festival Centre, so the only way you could get out of there, besides going around the whole city, would be to do a U-turn, which was illegal at the time. I note that a lot of people do a U-turn there now because the Festival Centre road has been closed. They had police on the intersection straight after the tram was put in, and at least 20 of us

were spoken to about doing a U-turn there, which meant there was practically no way for me to get access to my business or car park.

Because of the raised median strip, it meant that people coming to my office from Port Road could not get across, from West Terrace they could not get across and from the north they could not turn right. Basically, I tried to move out of the city as soon as possible because the tram had made doing business near impossible for me. I moved all my after-school and after-work courses to a Saturday in the hope that people would catch a tram, a bus or find some other way in, because the city traffic in the evening, the no right-hand turns and the inaccessibility, made business impossible the way I had done it for the previous 10 years or so.

I then looked for an office on Melbourne Street, where there was better parking availability, but I had to survive through the 10 months or year remaining on my lease hardly making any money. I moved my business out of the city because of the tram. Whilst I was positive about the tram, and I knew that the East End traders wanted a tram, I made it very clear to everyone I spoke to, including the Adelaide city council and the Public Works Committee, that if they were going to put a tram in it needed to be with the same formulation we currently have from Victoria Square to South Terrace.

They should not repeat the mistakes of the North Terrace to West Terrace tram, which took away two lanes of traffic. It took away a lot of parking, it took away loading zones and it took away trees and added in traffic lights. It had a raised median strip, which meant there was no accessibility anywhere. The tram is a good idea if you have it as it is on the other side of Victoria Square, where you can drive on the tramline, you can turn right where the tramline is and it does not take up all the space.

However, what I found out was that, no, exactly the same problems and all the mistakes that were made with the original tramline along North Terrace would be repeated. Where there were up to five lanes of traffic—two right-turning lanes, two straight-ahead lanes and one left-turn lane—there will now be only two lanes of traffic in both directions. The traffic jams that we have been experiencing along North Terrace from King William Street to West Terrace will now be repeated to the other end of town—for what, I ask, when we could have done it the right way and made it a lot easier.

The only good thing is that, because it is a cultural boulevard, there are not as many commercial businesses that rely on people pulling up along North Terrace. That begs the question: why would you try to discourage people from walking when you have just spent millions of dollars on a boulevard, the idea of which is to promenade along and enjoy? We have removed all the traffic lanes. I think there is only one right-hand turn affected. However, we now have a tram that does not turn right.

If you are coming from Glenelg and would like to go to the East End, say when the Festival is on and there is lots going on in the East End, or you would just like to go to a restaurant on a Friday or Saturday night, you have to get off the tram either at Rundle Mall and walk through to Gawler Place to the next tram stop or go around the corner, get off at the Railway Station and then wait another 10 to 15 minutes for a tram in the other direction to take you towards the East End. To my mind, that means you might as well just walk, so what was the point of $6 million per 100 metres to extend three tram stops?

The government, apparently, is not redoing this intersection properly so that it can go in all directions, as it used to when there was a tram there previously, because it was too expensive. Apparently, that would have cost $20 million extra. That is a lot of money, I agree. However, this government found $10 million extra to speed up this project so that it could make sure that it would be ready in time for the next election. When it has a political imperative, this government can find money from wherever, but when it is practical and sensible why would you spend $10 million when you could have spent the $20 million and have a proper intersection at North Terrace and King William Street?

If you have a planned future of trams, it is ridiculous to do it in such a hotchpotch way that we are going to have to go through this again and dig up North Terrace and King William, definitely the busiest intersection in my electorate and possibly one of the busiest in the state. Why not do it properly? Why not do it once? Why not do it this time? Whilst I hope that the tram will take more people to the East End, I think it might be quicker to walk there, given that at this point the tram does

not turn right. It is a shame that the government is not spending the right amount of money to do the job properly and to do it once.

Motion carried.

NATURAL RESOURCES COMMITTEE: ANNUAL REPORT 2016-17

The Hon. S.W. KEY (Ashford) (11:40): I move:

That the 124th report of the committee, entitled Annual Report 2016-17, be noted.

The year 2016-17 has been another busy one for the Natural Resources Committee. Membership of the Natural Resources Committee was similar to that of the previous year. The Hon. Gerry Kandelaars MLC resigned, effective from 27 February 2017. The new committee member, the Hon. John Gazzola MLC, joined the committee on 28 February 2017, replacing the Hon. Gerry Kandelaars. Also the member for Colton very helpfully took up a vacancy left by the departure of the member for Elder in June 2016.

The committee staff was unchanged since the previous reporting period, with the research officer, Ms Barbara Coddington, and the executive officer, Mr Patrick Dupont, providing continuity in support to the committee. Ms Barbara Coddington has since resigned from the committee, which is a loss for the committee and the House of Assembly, but I am pleased to be able to report that Ms Coddington has taken up a position in the parliamentary library, so her expertise is not completely lost to the parliament.

Over the reporting period, the committee undertook 14 formal meetings, totalling 35 hours and 15 minutes, and took evidence from 38 witnesses. Seven reports were tabled: the Pinery fire regional fact-finding visit report, the annual report for 2015-16, the inquiry into unconventional gas fracking in the South-East of South Australia final report and the three reports on natural resources management levy proposals for 2017-18.

While I am talking about committee reports, I need to take this opportunity to note that the tabling of many reports has been a consistent feature of this committee. I recently ran through the list of all the tabled reports of this committee, and it turns out that over the past 10 years this committee has tabled 108 reports, an average of almost 11 reports per year. I am also very proud to say that this committee's strong record of report production is a credit to the committees, past and present, and of course also to the committee staff, past and present. Many of the committee's tabled reports have involved a considerable amount of work, and I trust that some of the reports, at least, have made a significant contribution to debate and policy development on a range of issues.

The committee endeavours to visit the eight NRM regions over the course of the four-year parliamentary term in order to meet NRM managers and community members and observe the work done by regional NRM boards and staff of the Department of Environment, Water and Natural Resources. During the reporting period, the committee visited the Northern Yorke NRM region, the South Australian Murray-Darling Basin NRM region and combined a visit to the Fleurieu and Kangaroo Island. It saw members visiting the Adelaide and Mount Lofty Ranges, the South Australian Murray-Darling Basin, KI and NRM regions over two days.

It has always been the philosophy of this committee to include local members and any other interested members on site visits. This practice has been of enormous benefit to the committee, and I am reliably informed that the committee site visits to the region often benefit local members and their communities by helping to get a range of issues investigated and considered more closely than might otherwise be the case.

As part of its regular visits to the regions, the committee always appreciates the very generous hospitality offered by local communities. It is the committee's experience that local government, as the grassroots tier of government, can always be relied upon to welcome the committee and provide us with access to local expertise and excellent venues in which to take evidence and conduct meetings. The regional NRM boards and DEWNR support staff that we have occasion to visit and meet in the regions are also tremendously helpful and always go the extra mile to ensure that the committee's visits are not only productive but highly stimulating. Of course, the local volunteers, such as those individuals who work with the NRM boards, local government and

community groups and also landowners and farmers, are also immensely deserving of praise and are a fantastic resource for the local communities and this committee.

For the 2016-17 period, the committee finalised its report—we managed to survive too, I might say—into unconventional gas fracking, hearing from the last two witnesses and tabling the final report in November 2016. The committee also continued to gather evidence for its sustainable marine scale fishery management in South Australia report and its prawns report and received briefings on SA Water storages, the Brown Hill Keswick Creek Stormwater Project, Smith Bay wharf proposal and a marine parks update.

I commend members of the committee over the reporting period—the Hon. Robert Brokenshire MLC, the Hon. John Dawkins MLC, the member for Napier, former MLC the Hon. Gerry Kandelaars, the member for Flinders, the member for Colton and the Hon. John Gazzola—for their contributions.

I would also like to thank the members, particularly in this house, who have accompanied us and supported the committee. We really appreciate the work you have done to make sure that not only do we produce reports but we produce reports with recommendations that hopefully will be meaningful and will be taken up. All members have worked cooperatively throughout this period. Finally, I would like to thank the parliamentary staff for their assistance. I commend the report to the house.

Mr WHETSTONE (Chaffey) (11:46): I rise to speak briefly about the 124th report of the Natural Resources Committee which summarises the 2016-17 financial year. I acknowledge the great work that the Natural Resources Committee does and I acknowledge not only the inclusiveness of the committee members and the respect they give the local members and the communities they visit but also the exclusivity that the staff give local members when visiting. It is an outstanding achievement that, under the leadership of the Hon. Steph Key, this committee is always out there being proactive, looking at some of the great wonders of regional South Australia.

In saying that, I note the visit to the Riverland recently to visit the wonderful Gluepot Reserve, which is north of Waikerie—it is an outstanding destination—to look at what the fantastic volunteers have done. It gives an opportunity to look at some of the wonderful native fauna and native birdlife. Of course, the bird hides that give you those opportunities, the photography groups that go out there, the bird lovers who go out there, the environmental lovers who go out to Gluepot Reserve are testament to the large amount of recognition that Gluepot does get.

I also acknowledge all the volunteers' hard work. Not only does it pay off, in that it gives people the opportunity to experience some great wildlife and birdlife, it also highlights what tranquillity is all about. They are harsh conditions. It is native scrub. Most of it is sand and mostly conditions are quite arid, but it does have a dedicated group that allows schools and volunteer groups and enthusiast groups to go out and experience it.

Of course, we cannot not mention the malleefowl nesting mounds that are synonymous with that part of the country. The Mallee and the Riverland have many malleefowl mounds. Having been a horticulturalist, I was always very proud to have malleefowl nests coming right up to the border of my property, which goes to show that horticulturalists can work with the environment and they can coexist, particularly with the very fragile malleefowl.

I have also given evidence to the Natural Resources Committee regarding the proposed changes to NRM levies across the state, particularly the Murray-Darling Basin natural resources area. I note that there are eight areas and to me none are more important than the Murray-Darling Basin area.

What really does concern me is that the government continues to use the NRM Act as a cash cow. It is not just about what programs NRM undertake, but it is also that NRM levies seem to be going into propping up wages within the department of DEWNR. It just puts a bad taste in the contributor's mouth, particularly when they are paying an increased tax. If you own land, you pay a tax. If you own water, you pay a tax. The more land you own, the more tax you pay. The more water you own, the more tax you pay.

These people enable every government minister to stand up and spruik what wonderful work they do in contributing to the state's economy and what wonderful work they do contributing to the state's environmental and tourism assets. They give with one hand and take with the other. That is disappointing.

As an example, the Riverland wine and grapegrowers, who contribute some 60 per cent of the state's wine grapes, are the engine room of the wine industry. It is all very nice to have all the beautiful, small boutique wineries, but when you talk about value and when you talk about an economy the engine room is in the Riverland. The engine room is what levies are paid on, and the continual neglect of the engine room is concerning.

Without further ado, I congratulate and say well done to the hardworking committee. I congratulate the Chair on her astute leadership of a very good committee. I always look forward to the NRC coming up to the Riverland, and I look forward to next time they come up when I can potentially participate in that meeting. Thank you to them.

Mr PENGILLY (Finniss) (11:51): I would also like to make a few comments on aspects of this report, but my remarks will be prefaced by giving a great deal of praise to the Chair of the committee, the member for Ashford. She has done an amazing and outstanding job over a number of years. She has had the courage of her convictions to stand up and be counted on certain matters that probably did not please others in the government. Good on her for doing that. She will be sadly missed. It will be a hard task to follow by whomever succeeds the member for Ashford as the presiding member. I am delighted that I have had the opportunity from time to time to be involved and work with her. We may come from different perspectives on politics generally, but we are actually at one in relation to natural resources management.

I noticed that the committee referred to discussions with Mr Bob Knight of Cape Jervis. The ongoing issues at Cape Jervis in relation to the squid fishery seem to have gone a bit quiet. I know Mr Knight and another were pretty strongly opposed to the squid fishery down there. It did not sit well with the locals and there were some screaming matches between one particular person on shore and fishermen out in the water. I was actually concerned at one stage that it could have got quite violent. Fortunately, that seems to have faded away. The squid fishery is a major part of the economic boost for that area out of Cape Jervis. I am pleased that they spoke with Mr Knight. I saw him recently and he said, 'Do you remember me?' I said, 'I couldn't forget you, Bob.' Anyway, that is another story.

In relation to the committee's trip to the Fleurieu and Kangaroo Island in June this year, I could not attend the Fleurieu visit, unfortunately, for various reasons but mainly because I was as sick as a dog. Be that as it may, I am pleased that they did do what they did. I note that they went to Harvest the Fleurieu, which is a very progressive business that is hugely into strawberries. There is a commercial base there, which used to be run by Mr Rod Lewis, brother of the late former Speaker, Peter Lewis, and they have certainly taken that by the scruff of the neck and made it into a focal point on the Adelaide-Victor road for people to call in and get produce. They do have their issues. Quite frankly, one of the issues they have is with stealing, especially at night, and with people taking more than they should, but they will have to work through that as it is all part of the deal.

I would have liked to have been there for the discussions with local landholders and DEWNR staff on the low-flow bypasses. I have always thought they were errant nonsense, and my view has not changed. I see they are still messing around with them. My view is that they are a waste of time. If you were the most ardent conservationist, you may choose to have one, but I would not mind betting that if they were to become law—which I do not think they will—they would suddenly have accidents occur so that they would not work.

I think the former minister (the member for Colton) got a bit of an eye opener when he toured the Lower Fleurieu with me a few years ago, before he was dispatched. He got a bit of a different perspective on the world when he met with some Fleurieu farmers, the Ag Bureau and a few others on that particular matter. I would just like to read into my contribution what the report said:

> Members were very impressed by the work that Yumbah Aquaculture had done to build a multi-million dollar aquaculture business employing a significant number of Kangaroo Island locals in the venture. Members look forward to keeping updated on the Development Assessment Commission process underway for the proposed KIPT wharf as clearly the existing aquaculture business should be protected.

I am not convinced in any way that it will be protected, and I have spoken on numerous occasions in this place on Kangaroo Island Plantation Timbers and so on, which has upset some people. So be it; that is just too bad. I am not going to sit back and watch a good business destroyed to create another one, and that is the upshot. It is wrong, wrong, wrong. There is nothing that will convince me that putting in that port immediately adjacent to the abalone farm will not destroy it. I cannot for the life of me see how it could ever be approved.

While I am not speaking for the committee members, I think that the members of the committee who saw that site, walked around Yumbah Aquaculture and looked at the Smith Bay port proposal must have had some grave doubts as to whether it could go ahead.

The DEPUTY SPEAKER: Are we going to finish the matter this morning?

Mr PENGILLY: Yes; sorry, Madam Deputy Speaker. I do not want to see it happen there. Yes, I want to see it happen somewhere else. Yes, I want to see the trees gone; that would be wonderful. But the Natural Resources Committee would do well to keep a very close eye on that matter now and in the future. Once again, thank you to the Presiding Member.

The Hon. S.W. KEY (Ashford) (11:58): I would like to thank everyone for their work, both today in the chamber and also in general for our committee. We really appreciate the support, guidance and advice we receive from members in this house in particular, and I would just like to commend the report to the house.

The DEPUTY SPEAKER: I thought we could refer to the member for Ashford as the 'supernatural member for Ashford', couldn't we.

Motion carried.

Bills

STATUTES AMENDMENT (LEADING PRACTICE IN MINING) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 October 2017.)

Mr VAN HOLST PELLEKAAN (Stuart) (11:59): I rise on behalf of the people of Stuart and the Liberal opposition as the lead speaker on the Statutes Amendment (Leading Practice in Mining) Bill 2017. This is incredibly important work. We need improvements in this area; there is absolutely no doubt about it. The Liberal opposition will not slow down progress of this bill through this house. The bill seeks to amend three acts—the Mining Act, the Opal Mining Act and the Mines and Works Inspection Act—so it is a mining acts review, but if I forget to put the 's' on there every now and then I am sure everybody will understand.

Interestingly, this bill does not affect the Petroleum Act, and that is for very good reason. I understand that, but it is important for people to know that a lot of the issues we deal with regarding this bill are also relevant to the Petroleum Act, particularly in relation to land access and different stakeholders with different interests in how land is accessed and used. The government announced its mining acts review in September 2016, and I know that a lot of work has been done since then. I would like to thank all the people and all the organisations who have contributed to that work over that time.

No doubt the minister, the minister's office, departmental people and other public servants have done a lot of work, but most importantly I would like to thank the community members, the businesspeople and the advocacy groups who have contributed as well, because they have done an enormous amount of work. We are paid to do what we do—public servants are professionals at their work—but a lot of these people who contribute their time, their effort, their knowledge and their expertise do it for the love of it. It is a big job for community people to make submissions to government consultation processes, and I really do want to put my thanks to those people on the record.

Many of them put countless hours into doing this. What they might lack in professional capacity in that area, because it is not their primary way of earning a living, they more than make up for with their knowledge, their skill, their passion and their devotion to the issue they are trying to have a very positive influence on. That consultation process is not complete. While the government started that process in September 2016, it is actually an ongoing process. All the people I have referred to in general have been participating for a long time and continue to participate.

Of course, one of the great difficulties of a process like this is the issue of reaching a compromise. It is almost always impossible for every stakeholder's wishes to be represented in the final outcome. People know that; everybody understands that. People approach this issue in a range of different ways. Some people say, 'This is my absolute must-have. I am not messing anybody around. This is it.' Other people approach it with ambit claims and say, 'I want this much,' when actually they mean, 'I would settle for that much.' It is a very difficult issue for people to resolve, and it is hard to figure out whether it is the must-have or the ambit claim you have been presented with.

There is a huge amount of work, but it is important to get it right as we are dealing with two of the state's most important commercial sectors, which contribute to our economy and society in many ways. When I refer to mining, I am talking about prospecting, exploring, mining, services sectors and corporates here in Adelaide, interstate and, in some cases, overseas as well. If I talk about mining, I really mean all those people who have an interest. If I talk about farmers, I realise that we are talking about croppers, graziers, freehold land owners and pastoral lease and perpetual lease owners. We are talking about people who might be leasing freehold land for a range of different purposes. So when I talk about miners and farmers, so that I do not have to say all those words over and over again I hope you will understand exactly what I mean.

Agriculture is the greatest contributor economically to our state across the life of South Australia. It has made a greater contribution than any other industry. I am often reminded of a discussion I had with the member for Flinders, with whom I formed a very close friendship shortly after we were elected. Of course, he has 30 years-plus experience as a full-time professional farmer before coming into this place. I have none—no experience as a farmer whatsoever.

The member for Flinders said to me, 'Do you know, Dan, of all the things that we deal with in parliament, of all the things that we deal with as members of parliament in our electorates, hopefully as government members one day, of all the things that we agree on, we disagree on and we fight for, nothing helps our state's economy more than rain, and that is completely out of our control.' There is not one thing that contributes more to our economy in South Australia or makes a bigger difference to our economy in South Australia than whether or not it rains, whether we are in good seasons or we are in drought. It is ironic that it is out of all our control. So we have to work on the things that are within our control.

Miners also make an extraordinarily important contribution to our state, and the mining industry is one of our greatest growth opportunities. Given the situation that we find the state in economically at the moment with regard to our budgetary position, our unemployment position and a whole range of things that we talk about here endlessly—so I will not go through them again today—we need to be focused on the growth opportunities. This is about not sacrificing the outstanding industries we have in any way; whether they be in a broad range of agriculture or existing mining, let's make sure that the future opportunities in both those industries are given as much chance as possible to really thrive.

There is also great history in both those industries in our state. From the time of European settlement in South Australia, agriculture has been critical but so has mining. There have been times when the mining industry saved our state. For example, the mine at Burra in my electorate of Stuart is often referred to as having saved the state's economy and saved South Australia from going broke. We have great history in Kapunda, Burra, Moonta and other places on the top of Yorke Peninsula, and in Blinman, another place in my electorate.

Mining and agriculture have both been operating in Australia for a very long time and both have had great success. It is true to say that there has been friction between them for all that time. Today, we are trying to resolve some of that friction. While I talk about friction (and I will come back to some of those challenges later), it is important to point out that there are many similarities between mining and agriculture—miners and farmers, their businesses and their contribution in South

Australia—beyond the fact that they have been historically with us for a long time. Mining and agriculture are extremely important today, as they have been historically.

Also it is very much the case in my electorate of Stuart that I work very hard to represent both mining and agricultural interests. It is very interesting that sometimes I can be in a meeting or walk down the street and people will say, 'You're just the shadow minister for mining. That's why you've got that approach.' On a different day, in a different meeting with different people, in a different place, people might say, 'You're the member for Stuart. That's why you were just sticking up for the farmers.' The reality is that people can read into this whatever they like, but for me particularly as the shadow for mining and energy and also as the member for Stuart—which stretches from Kapunda and Truro in the south all the way to the Northern Territory border—this is a very real-world issue. Most of my country colleagues are in exactly the same situation with regard to trying to do what is best for the state and their constituents.

Both industries are primary industries, which is often forgotten. Often, people think about the agriculture or farming side of things as being a primary industry, but mining is also a primary industry. Both industries require capital investment, operational investment, operational skill, ever-improving technology and a degree of luck to be successful.

Those are very interesting categorisations, and both farming and mining need all those, as well as other things, to be successful. Both contribute to regional development. I think that probably goes without saying, but what is less obvious to people, and also worth saying, is that both contribute to our metropolitan economy enormously. Where would the majority of South Australians who live in metropolitan Adelaide be without our farming and broader agriculture industry, and where would they be without mining?

There are endless similarities between these two industries, but let me be very clear that all South Australians, regardless of where they live, benefit from both these industries. Both are very significant employers. People often mistakenly think about mining employment in a regional context only, but the reality is that most people who work in mines or associated service industries actually are metropolitan people. Sure, there have been plenty of opportunities for country people to work in mines, and there still are.

In the district around Wilmington where I live, I can tell you that times are perhaps not as good this year as they have been for the last five years, where things were very good from an agricultural perspective. I can guarantee that the 10 years before that were very difficult for the people where I live. I know a lot of farming families very close to where I live who still own their farms because one or more family members were able to go away and work in a mine. That is something that I want people to keep very closely in their minds.

Wilmington, where I live, is a lower rainfall area than much of South Australia. It is going to be more cyclical: when times turn bad, there might be fewer resources stored up behind you or, when times come good, you cannot catch up as quickly as you can in some of the other farming areas of the state. I could rattle off the names of a dozen families right now who own their farms today because they were able to work in a mine during a drought. I think it is very important to recognise that, just as all those people who work in mines need to eat. They all need fibre and protein; they all need the items that are produced. There are a lot of interactions.

As I have said, both industries contribute massively to our economy. They both rely on international prices, which are out of their control. Both agriculture and mining almost exclusively—not entirely, as there are some niches in both, but overwhelmingly—rely on prices that are out of their control, so they both have cyclical returns. They both need to look at their costs and investments over a long period of time, but they cannot guarantee exactly what their incomes are going to be.

They are both tough businesses to know exactly what your profit is going to be. They both require long-term investment and, to be very successful, they both require a perpetual focus on cost reductions and efficiency gains. Both industries are exactly the same in that regard. You will not get to stay in business for too long if you are not focused on those sorts of things, given that your income is largely out of your control because of weather, international prices and so on.

What we are here to talk about in this bill is that both industries need access to land and both have a significant impact on the land that they use, so how can we make that work? Sometimes it is easy. Sometimes it is not hard. There are many examples of instances where mining exploration or prospecting for petroleum, gas and oil have worked incredibly well with agriculture. Of course, let's think about that in the Far North of the state, an area I am extremely familiar with.

As a general rule, if a mining company goes to a family or a business with a sheep or cattle station, they are very welcome to talk about what they want to do. There is a long history of doing that. Most of the benefits that come to agriculture in the pastoral zones are very welcome because a lot of those benefits are not things that they naturally have anyway. However, as you get closer to the CBD, two things happen: generally, you have more rain and generally have more services as well, so the contest between the use of the land gets tougher and tougher. They can work very well together, but we need to find ways that they can work better together and more often.

We should always try to find ways that they can be compatible for the benefit of both sectors—the people who work in them and the people and businesses who require their outputs. Both these industries are generally supplying products which do not go directly to market. Again, there are niches; it is not always that way, but overwhelmingly they are supplying a product at the farm gate or the mine gate that does not go directly to the end consumer. The products from both industries are supporting a wide range of other businesses.

For me, this is all about trying to find responsible, productive, useful and helpful ways to get mining and agriculture to coexist for everybody's benefit. I am not looking for ways to stop it. I am not trying to say, 'There's a risk here, so we will rule that out,' or, 'There's a risk there, so we will rule that out.' I would rather investigate the risk. I would rather interrogate the positives and the negatives, and, if they do not stack up or if they are unfair to either party, then maybe we will throw the project out then. Let us get a really good look at it first rather than just assume that there is no positive way forward.

Generally speaking, there is not a huge amount of animosity between the industries. It is very much about where businesses want to operate. This is not always the case, but in the majority it is very much about the issue. I have talked to most farmers, most people in Adelaide, most pastoral lease lessees, and most people say that they are quite comfortable with mining, that it is good, but most people do not want it near them, and I can understand that. I would not like to live near a mine. I would prefer not to.

On a tangent, it is quite similar to the nuclear power generation debate. Over time, more and more people are becoming comfortable with that possibility. I am not suggesting that everybody is; I know it is far from that, but over time more and more people are becoming comfortable with the idea that maybe that would be a good thing, but I do not know anybody who wants to live near a nuclear power station. Given that a nuclear power station with today's technology would have to be near the coast to get cooling water, I do not know of a coastal community that wants one, and I can understand that. I do not know of a farmer who wants a mine on their property unless, by fluke, they are looking to move on for one reason or another anyway. I do not know—and this is a tough area, and I will come back to this—a farmer who wants a mine on a neighbouring property. That is actually the hardest part of all to deal with, and I really do understand that.

I will say quite openly that this is a very broad generalisation, but it helps to frame the bigger picture. Croppers and graziers often say, 'We were here first. We live here. We have been here for generations. Food is more important than minerals. Food can be grown continuously, but mining products are only ever harvested once.' Both business and lifestyle are impacted when mining comes into close proximity to a farm. All those things are true in the mind of the person who owns or works on an agricultural property or in a business which he or she thinks is under threat. For that person, it is true. People are not making this stuff up.

Miners often say—again a broad generalisation—'We have exploration and/or mining rights under law and we are entitled to them.' They say, 'We use less land and generate more profit than farming. We can make a bigger difference in a shorter period of time to local jobs or the economy or whatever it happens to be. Our industry supports a wider range of other service industries. Mining is not what it used to be with regard to safety and people. It is not the bad old days anymore. We can

do it really well now, we can do it efficiently and we can do it safely with regard to people and the environment.'

Mineral resources are necessary for so many other industries without which our state, our nation and our world would be in big trouble. Again, for the mining company, or the person who works in a mining company who wants their project to go ahead, who believes deeply in their industry, for that person all those things I have mentioned are true. As a general rule, people are not making up arguments for the sake of argument. There are some people who do that, but they are in the vast minority. People believe what they are saying and they believe what they are submitting with regard to this very important issue.

We have had an interesting geographic rearrangement. Everybody here would know that many decades ago mining in the Adelaide Hills very close to the CBD was a very significant industry in South Australia. Many people would know that a little bit farther out mines are still operating, near Strathalbyn, for example, and other places. I will not go through all of them for fear of offending somebody because I did not think of them, but half a dozen mines are operating quite close to Adelaide. Over the last few decades it has been largely an outback issue. As I said before, there is less conflict in the outback and so there has been less friction on this issue overall.

As technology has improved in both the mining and the agriculture sectors, mining is starting to come back geographically closer and closer to the CBD and, as I said before, back more frequently into higher rainfall, more productive areas of the state. If the miner sees a great opportunity in a closer country area, but the farmer sees greater opportunity potentially at risk in that closer country area, naturally that sets up an environment where there is going to be more friction. The miner sees more opportunity, the farmer sees more risk and it is natural that it goes that way.

We are all people, and I think that it is very important to remember in all the things we do in this place that we are working to try to get better outcomes for people, and people's input into these solutions is offered at a very human level, and that includes personal interest. There is nothing wrong with a person putting forward an argument based on their personal interests. As long as it is done in an objective way, people are allowed to stick up for their personal interests.

A lot of existing landholders think that they are being forced out and a lot of existing miners think that they are being excluded, and it is quite a challenge. Miners think that they are being denied really important opportunities. Miners, of course, want to make money and they use the argument, 'This is for the state. This is for the region,' and that is true and part of what we are dealing with. Both claim often that it is the thin edge of the wedge. Farming communities often say, 'But if we allow this one mine, if we allow this to happen here, they will be everywhere. There will be lots and lots of them. We don't really object to this mine, but we just don't want lots and lots of them, so we are going to try to stop it right here.'

Miners take the same approach. They say, 'Well, if we allow you to stop this one, we don't want to do them all over the state, we don't want to do them all over this region, but if we allow you to stop us here we will never get the next one up, or the next one or the next one.' Again, it is human nature and there are a lot of similarities on both sides of this argument. I would like to touch upon the principle that is put forward that mining should not happen in high-value land or in highly productive land.

If I had a farm that was high value and highly productive, I would use that argument, too, if I did not want my operation to be impacted by mining, but I offer a word of caution to people who choose that argument: if you really do want to focus on high value or high productivity, agriculture will not beat mining. Mining will beat agriculture on that argument. I am not saying that is the argument that should be used, but I do offer that as a word of caution.

I would also suggest that probably the highest value agricultural land anywhere in the state right now is the 20 hectares of land under four greenhouses just south of Port Augusta where Sundrop Farms have started their operation. They produce 10,000 tonnes, I think it is, of tomatoes every year for Coles. While I have not done the analysis, I believe that would be the highest value land use for agriculture in the state right now.

I ask people to please be careful of that, because most other people in what would typically be considered to be more productive, higher value land would think that mining up there somewhere would probably all be okay. Again I say to please be cautious about that high value argument, because it can be a trap.

The impacts of drought are very important as well. I said earlier that both industries deal with cyclical prices. Farming has an extra challenge, a really big, significant challenge. While the prices for what they produce are moving up and down in a way out of their control, their productivity is moving up and down in a way out of their control very often. One of the things that makes a farming area better is that it does not change as much as some of the other areas. I used Wilmington as an example earlier. It changes there more often than it does if you are another 200 kilometres south, 100 kilometres from Adelaide, for example; it is far more reliable.

There is still a huge impact from that variability of weather, and even very successful farmers or very successful farming families on terrific land who have done everything right and who really are top-notch operators can still find it extremely difficult when the seasons turn. Nobody has a bottomless bank account to see them through tough times.

The reason I mention this, apart from wanting to be sure that everybody here is familiar with the types of personal issues we are dealing with, is that people's attitudes to mining change, depending on their personal circumstances. If a person has a job in Adelaide and is quite secure and gets to go home every night to their family, and they earn a living they are satisfied with, and broadly speaking their life and their circumstances are good by their own personal assessment, it is probably not very attractive to go and work one week on one week off, or two weeks on two weeks off—maybe longer—away from home in a mine.

I can understand that. Why would you not want to be at home every night with your wife and your kids, your family, your friends, sporting clubs and churches and all the things that most of us enjoy in our life, whatever it happens to be? Of course you would rather that but, if you lose your job and you do not think that your chances of getting another job are very good, going and working away in a mine becomes very attractive very quickly for a lot of people. I am generalising, but it is very true with regard to land access.

When things are going great in your agricultural business, why would you want a mine to come along and wreck it all for you? Of course you would not, but do you know what? If you get five or 10 years into a drought and a mine is offering you some form of compensation or some benefit for you that would help see you through—and that might be in a monetary way, it might be in providing a service, it might be in providing infrastructure, it could be in a whole range of things; it might even be in the fact that there are going to be some extra jobs in your district, and you would like to have one of those—it is quite natural for farmers to then say, 'Actually, maybe this mine isn't so bad.'

I am not saying that everybody would want it. Some people would want it after one year of drought. Some people would not want it until after 10 years of drought, but these are the types of things that impact on people's assessments of what they think is good or bad or fair or unfair or what should happen or should not happen. I say again that these are real-world issues and, for almost everybody, whatever they put forward is true and real for them, and that does need to be recognised.

I said before that I would rather not live near a mine, so I really do get it. I have never lived on a farm, so I can only imagine. I live in the middle of a small town and I like it that way. It is really lovely; it is a lovely, beautiful, quiet place. But if I had grown up on a farm and if my father and mother or my grandparents or cousins or uncles had grown up on a farm, if it had been in my upbringing and in my psyche all my life that this was home, not only for me but for my predecessors and for my successors, I would not want that changed either. It is a very real-world thing.

I really do understand that there are so many different aspects here, but if I were a miner and I had a legal right, so long as I did it responsibly, to seek permission to harvest the mineral resources under the ground, I would not want somebody telling me, 'No, I don't like it, so you can't.' If I were a miner, and I am not and I never have been and I doubt I ever will be—actually that is not true, Deputy Speaker. I need to correct that. I have actually had two opal mining claims in my name and I will go into that another time on another day, if you want to.

The DEPUTY SPEAKER: Nothing to do with the bill, nothing to do with the present.

Mr VAN HOLST PELLEKAAN: Technically I was an explorer not a miner but I had better be very sure that the record is accurate. In the broadest sense, I have never been a miner but I would not like it if people said, 'I just don't like what you do, so I want to impede your legal right to seek permission to responsibly harvest those resources.'

The other thing I would like to say is that it is impossible for the government, impossible for the opposition and impossible for anybody on either side of this argument, or in the middle of it, to deal with unreasonable people. I have already said two or three times that overwhelmingly people are reasonable, but there is a small sliver of people who say, 'I don't care what you think. I'm going mining regardless. It's my right and I will just bulldoze and pay lawyers and do whatever I need to do to make it happen. Get out of my way.' That is a very tiny fraction.

There are also people on the other side who say, 'I don't care what your rights are. This is my home, it always has been and it always will be. You are not coming. There is absolutely no way that I will consider the possibility.' Again, it is a very small sliver of people involved. In my opinion, those people on both sides of the argument actually deal themselves out of the debate. It does not matter which side they are on: they deal themselves out of the debate.

I am not saying that a person should not have 'must haves' or 'must not haves' within what they are seeking, but if you turn up to say, 'I don't care what anybody thinks, I'm doing it,' or, 'I don't care what anybody thinks, it's not going to happen,' then you have surrendered your opportunity to be part of a responsible debate about how to find a good outcome. As I said before, if you cannot find a good outcome after trying to go about it responsibly, let's deal with that then but let's at least start to try. It is a very important point for me personally at least when it comes to trying to look at this and many other things.

It is also very important to point out that the government says that nothing in this bill is intended to change any party's existing rights. I think that is a pretty good and pretty safe place to start. I think many stakeholders on either side of the argument would disagree with that in some areas, but that is what the government says its intention is. The government says that the bill is all about streamlining the process associated with explorers and miners gaining access to land or being denied access to land for their projects as well as being about environmental issues and, very importantly, Aboriginal heritage issues and a range of other things.

This is important because the streamlining is important. Even if a person, after fair process, is going to end up with a result that they are dissatisfied with, let's make it take one year, not five years. Let's make it take three years, not 10 years. It is no good for anybody, whether it is through missed opportunity or whether it is through dragging out the pain, whoever is the winner or the loser, or the more satisfied or the less satisfied. Let's not drag it out.

Streamlining this is very important for both sides of the argument. If a miner is going to be denied permission to access land, let that company find out sooner rather than later. If the company is going to be given access to land against the wishes of the landholder, let that person find out sooner rather than later. I am not saying that anybody will like the outcome better, but let's not torture people through the process if we can possibly avoid it.

Whether there is a dispute or not, we need to deal with these things as quickly as possible, even if everybody is comfortable. Even if, let's say, it is a fairly remote pastoral lease and a miner with a great reputation and great talents in many ways comes along and everybody is comfortable, let's get on with that as quickly as possible. Let the benefits flow. Let's try to get DSD to be as efficient as possible, even when there is a minimal amount of dispute, because it does happen that people come to agreements quite quickly, too. It is not only bad stuff that we are dealing with.

There are also different layers to this land access issue, as I have mentioned a few times, to prospect or to explore versus to actually mine. There are very important distinctions in the act as it exists and the act as it will be, if it is changed with this bill. Another very important point is, even if a miner owns the land freehold, there is still a very important process to go through. The mining company that owns the freehold land does not own the mineral resources that are under the ground, in the same way as the farmer or the household does not own those resources. The mining company still must go through a process.

There is one that is very topical at the moment. I will not raise it—others might—but there is a live example, as we speak, of a miner who has really tried to be responsible and said, 'We want to pursue this project here. We will buy all of this land. We will own it freehold so that we can try to absorb as many of the impacts as possible and try to save as many other people from as many impacts as possible.' I think that is a very responsible approach but, of course, that is not enough to get to go mining. You still need to deal with a wide range of environmental, neighbour, business, economic, and potentially Aboriginal heritage issues. Even the miner who owns the land does not own the resources. There is still a process that needs to be gone through.

I want to discuss neighbours a bit. I touched on it before and I said that I would come back to it. To me, this is one of the hardest areas. If you own the land and you do not want to go, as it has been in your family for a long time, and you hate everything about this project coming, you can probably still come to some arrangement—even an arrangement that you are dissatisfied with—and you can probably come to it without legislation. You might need some legal support on both sides. You might need some facilitation process, but your chance of coming to an agreement is much greater if it is your land and your business where the mining project is proposed to be.

While you might not like the agreement, your chance of just reaching an agreement is much greater than if you are one of the neighbours. Maybe a neighbour could just sell out and say, 'I am happy to go. I don't want to live here anymore. I will lease my land and somebody else can farm it or the mining company can buy it,' or whatever, but the opportunity to do the deal for the neighbour is significantly lower than it is for the owner of the land where the project is. The influence that the neighbour has in the negotiation is significantly lower than it is for the owner of the property where the project is proposed to go. I have gigantic sympathy for those neighbours.

This is not just to do with mining. This can be to do with wind farms or a whole range of other issues, such as ports. There is a long list of neighbours who are affected but who do not have really strong rights when it comes to negotiating changes or seeking compensation. That is the toughest part of this, and for me it is the part that really needs the biggest change in terms of the way we go about our work setting rules as a broader parliament. I believe this area still has a long way to go with regard to the existing act and bill. It is a huge issue for people who are negatively impacted but cannot lobby for themselves enough to address that negative impact.

I also want to give another example, on the flipside, of a neighbour. I was at a community meeting—it does not matter where, but it was in South Australia—where a mine is being proposed. There is already agriculture within the area (specifically, vineyards) and another person in attendance was a grazier. I was talking to the grazier and asked, 'What do you think about this potential mine? Clearly, all the grapegrowers are vehemently opposed to it, so you might be, too. You want to access underground water, you want your lifestyle to be good, you want your cattle to be happy and all those sorts of things.'

He said, 'Put it in context. The grapegrowers are angry about the mine coming because they think the mine is going to affect their underground water, their lifestyle and their business. I didn't like it when the grapegrowers came. We used to have all grazing around here; we did not have any grapes. Those grapegrowers have come in and they have changed the landscape entirely. There are roads and trucks all over the place, and tourists come in all the time. They have sucked more water out from under the ground than I ever did in my grazing operation. I didn't like it when the grapegrowers turned up, but we have found a way to get on, and we are friends. We are fine and we have a lovely district.'

That person was saying that he did not have a great deal of sympathy for the grapegrowers, who now do not want the miners to turn up. I am not saying that anybody is right or wrong in that argument, but it is another illustration of how the real-world perspectives of different people are very important. Apart from striking the right balance between the rights of different parties, the biggest issue that we need to deal with is uncertainty, which is why this work is so important.

There is still great uncertainty in this bill as we have it at the moment. There is uncertainty for people because, while we have the bill, we do not have the regulations. I am reminded of the Firearms Act, which we changed. The government came in once during the last term of government, when I was shadow minister for police. We went through all the debate and they said, 'We are going to stop. We haven't done our homework. We cannot proceed; we are not going to do it.' They came

back with a much better bill in this current term of government. While I was not shadow minister at that time, I still took great interest in it.

The most difficult aspect of that debate was that, while the bill was pretty good, at the point in time in which we needed to make a decision about it in parliament, the regulations were unknown to anybody outside perhaps the police, the minister's office and others who had a bit of a draft in their heads. We have exactly the same situation here. I know a lot of people from the agriculture side of this debate who say, 'I guess I'm not thrilled but I could live with what I see in the bill, but I cannot support the bill until I know what the regulations are. I cannot accept this, with so much left open and hanging, and so much up to whomever is in government after the next election to decide without reference to parliament.' That makes great sense; there is huge uncertainty there.

There is uncertainty with regard to the government's consultation process. There is uncertainty with that because it is actually still ongoing. We are asked to debate this bill in parliament and the government's own consultation process is still ongoing, so that creates a great deal of uncertainty.

I can say because it is true that the South Australian Chamber of Mines and Energy (SACOME) have certainly told me that they are comfortable with how things sit. Please do not take that as them thinking they have won. That is not the case. I know that they think they have compromised and sacrificed as well, but it is fair to put on the record that they are comfortable with this bill. As the shadow minister for mining, it is very important for me to have that conversation with them and to talk with them about that.

The government says that generally all other stakeholders are comfortable with where the bill has landed as well. They do not say 'everybody'. To the government and to the individual people who have worked hard on this, what they are saying is that, generally speaking, people are comfortable with the compromise that has been reached. They are saying openly that not everybody has everything they want—I am not putting those words in the government's mouth—but they are saying very clearly, and there are quite a few glossy brochures along these lines, that generally people are pretty comfortable with the bill as it stands as a result of the consultation.

But there is uncertainty about that because a significant number of people have come to me and my colleagues and said that they are not comfortable with the compromises in the bill. The government's comfortable with the compromise it has reached on behalf of all stakeholders, but not all the stakeholders agree. The government does not get to choose what overall compromise is appropriate: the parliament does that. That is what this debate is about. I know that many members on my side of the chamber have contributions to make because we want parliament to work. We want to get it right. We support the government in its effort to improve the processes in the real world that are delivered by the three acts and the subsequent regulations.

My colleagues and I want what is best for all stakeholders, as I am sure the government does, and for our electorates, the environment and the state as a whole. We really do want what is best. In case anybody thought it might be the case, we are not going to have a shadow minister say, 'I will just do whatever I can to help the mining industry,' or a country and outback MP saying, 'I am just going to do whatever I can to help the farmers.' There is nobody on my side of the chamber who is going to take that attitude. In our roles as members with responsibilities to our electorates, our portfolios and the state more broadly, we are all going to contribute our minds and our hearts to this in the very best way we can to get what is best for the people we represent and the state.

We are told by the government that, on balance, stakeholders are happy. As time goes on, more and more stakeholders are coming to us and saying that they are not. To hark back to something I said before, maybe some people are working on the must-haves and they are dissatisfied that a must-have for them is not in the deal. Maybe some people are coming out trying to push the boat out a bit further. They see an opportunity to improve their position, or maybe it is an ambit claim. We get that, we really do get that, but in all of that there is still some uncertainty. I have been told by some stakeholders that they are still waiting for or have slowly, unacceptably slowly in their minds, received responses from the government to some of their requests or submissions.

One organisation, which I will not name but people will know it, received a response only yesterday to a very significant letter that they put forward. They are frustrated, they are very

frustrated, that they received a response yesterday to issues that are incredibly important to them. They want to be part of the consultation process. They want to feed their views into the government, the opposition and no doubt crossbenchers in the other chamber as well, but they are only just getting the responses they believe they need from the government. That makes this process very difficult and it creates uncertainty.

The government can do whatever it wants in this chamber. We know that, we are realists, we accept it. The government can bring legislation in, the government can take legislation off the agenda and the government can vote on anything it wants and create any outcome it wants in this place. I know they are entitled to do that, but I think it is inappropriate for the government to table legislation and want to vote on legislation in this house of parliament before the government's own public consultation is completed. And who knows what will come out of that consultation?

Maybe that consultation will finish—I think it is on 14 November—and absolutely everybody will be happy and say, 'Well, great, then let's start on the 15th.' Maybe nobody will be happy. We do not know what the result will be. However, to start the process and require a vote in this house of parliament before the consultation process is complete is inappropriate, and that is separate to mining or farming, or whatever the topic is. I do not think that is the right way to go.

There is public consultation, which I understand has a broad intended schedule for April or May on the regulations. People are coming to me and saying, 'If the government has a rough idea when they are going to do that public consultation on the regulations, they probably already have a rough idea of how long it's going to take them to develop those regulations. If they have a rough idea of where those regulations are going to go, why won't they at least share with us the rough idea that they already have?' I think that is a very fair question, too.

Many stakeholders have told me and my colleagues that they think this process is being rushed. The government started this process about 14 months ago, so I can understand that it might be frustrated after 14 months of doing this work. Anybody who is saying to them that the process is rushed I can understand must be very frustrating. By the same token, the real people who are involved in this process, the real people who are going to have to live with the results of this process, are saying that they feel rushed.

After 14 months of work on this issue, it is quite fair that the government would have thought back in September last year, 'Surely, that will be enough time. We know there is an election coming. Parliament started in September 2016 and will finish in November or December 2017, and we won't have another chance until after the election. Who knows who will be in government then? Surely that 14 or 15 months, if we consider November as well, will be enough.' Well, it was a miscalculation. I can understand how they made it, but it has turned out to be a miscalculation.

After 16 years in government, it will not be good enough for the government to say to stakeholders, who are uncomfortable with this bill as it stands, 'We have to rush it through. We gave you 14 months. Surely, you know the times. Parliament is running out, and an election is coming,' blah, blah, blah. 'Don't you guys drag the chain; we want to get this through.' It will not be acceptable if the government says that, because the government has had 16 years to do this. The current minister has been the mining minister for about seven years. The government has had a very long time to do this work. If the government has run out of time, it is the government's fault.

As I said, we in the opposition will not slow this matter down in this house. There is a huge workload in the other chamber already, as we know. That is their business. Even within our broader Liberal Party meetings, our Legislative Council colleagues take their right to run their work in their place. They work with the crossbenchers and they work with the government. We will not slow this legislation down. There is nothing in my mind about slowing it down. But if, after 16 years in government, they cannot get this through in time, it will be only the government's fault. In fact, one government member told me this morning that he or she did not think there would be enough time to get this bill through both houses of parliament before our parliament is prorogued in advance of the election.

There is a key issue to all of this, which I know my colleagues will touch on. I do not intend to go into great detail on too many of the nitty-gritty aspects of the bill because I do want to go through the committee stage and have the opportunity to ask questions before sharing too many judgements

on the specifics of the bill. However, there is one area that I am going to touch on, and that is this issue of exempt land versus restricted land. As with many of these issues, it is a vexed issue.

The government essentially says, 'It has been called exempt, but it is not really exempt, so we are going to call it restricted because that more accurately reflects the way the act works and it more accurately reflects the real world situation.' That makes good sense, but people who own the land or use the land in one way or another for agriculture say, 'Hang on, it was called exempt before, but it wasn't exempt. Now, if you are going to call it restricted, it probably won't be restricted either.' Quite understandably, they think that they are being slid along the scale.

The government says, 'We just want a more accurate description,' but people who are concerned say, 'We have had a worse deal already out of the word that exists,' and if you move down that sliding scale and you open up more opportunities through a different word then they think they are going to get a worse deal out of a worse word, if that makes sense. I have great sympathy for that view because this is one of the absolute critical issues: what can a landholder stop, what can a landholder not stop and what must a landholder negotiate on with a mining company? Of course, the same is true for the miner: what can you do, what can you not do and what must you negotiate on?

I have to say very openly and clearly to the government that, while I understand why it might have made sense in an office building somewhere here in the Adelaide CBD to change that word, out in the broader world, in rural areas, it has not made any sense at all and I think it has actually inflamed the debate. It has given people fear that they did not need to have.

There are many other concerns that have come to us, but I did want to touch on that one because it is not only a very real-world technical issue that flows through to really key nuts and bolts issues and also touches on the emotional, the heartfelt or the fear and concern side of the issue, as so many things do. I am not saying that the opposition will support every concern that comes to us either. We will work through them. I am not saying at all that everybody who comes to me or one of my colleagues and says, 'I am worried about this,' whichever side of the argument they are on, that we will automatically say, 'Oh, good. We will fix that for you and that for you.' We will try to consider all those issues as fully as we possibly can. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: Before we rise, I would like to mention that we had visitors today. There were two groups this morning of wonderful students from the Woodcroft Primary School, who were guests of the member for Fisher. We hope that they and their adults enjoyed their time with us in parliament and we look forward to perhaps seeing them again not too long from now.

Sitting suspended from 12:59 to 14:02.

Members

SENATE VACANCY

His Excellency the Governor, by message, informed the House of Assembly that the Governor-General of the Commonwealth of Australia, in accordance with section 21 of the Constitution of the Commonwealth of Australia, has notified him that, in consequence of the resignation on 1 November 2017 of Senator Nicholas Xenophon, a vacancy has happened in the representation of this state in the Senate of the Commonwealth.

The Governor is advised that, by such vacancy having happened, the place of senator has become vacant before the expiration of his term within the meaning of section 15 of the constitution and that such place must be filled by the houses of parliament sitting and voting together, choosing a person to hold it in accordance with the provisions of the said section.

Ministerial Statement

SENATE VACANCY

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts) (14:04): Arising out of that report, I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: I rise to inform the house about correspondence the government has received regarding the Senate vacancy created by the retirement of Nick Xenophon. As the house is no doubt aware, and we have just heard, Mr Xenophon has now formally resigned his Senate position. This creates a casual vacancy and, as per section 15 of the Commonwealth Constitution, it is incumbent upon our parliament to convene a joint sitting and to vote on a nominee to fill the vacancy.

I can confirm that the Clerk of the Legislative Council has received a nomination for the vacancy from Mr Rex Patrick. I can also confirm that I have received a letter marked Private and Confidential from lawyers representing Mr Timothy Storer, a Senate candidate for the NXT Party at the 2016 federal election.

I have sought and received permission to publicly disclose the existence of that correspondence. Mr Storer asserts rights in relation to the filling of the casual vacancy. I have asked the Attorney-General to seek legal advice from the Crown Solicitor's Office to allow him to inform the deliberations of the joint sitting. There will be a joint sitting of parliament on Tuesday 14 November to consider a replacement senator.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:05): Mr Speaker, a point of clarification?

The SPEAKER: Yes.

Ms CHAPMAN: As the Premier has announced that he will be seeking legal advice to inform the deliberation of the joint sitting, will the Premier ensure that that is tabled in the parliament before that joint sitting?

The Hon. J.W. WEATHERILL: You will see that the words I used were deliberately chosen. I have asked the Attorney-General to seek legal advice, and I have asked the Attorney-General to assist the joint sitting by providing his support to allow the joint sitting to properly consider the matter. Whether he chooses to table that advice or whether he chooses merely to report to the joint sitting is a matter that I will leave in his hands for the moment.

We are very keen to provide as much disclosure about this matter as possible. It may be proper for the legal advice to be tendered. It ordinarily is not, but I do appreciate that these are extraordinary circumstances and it may be appropriate that it is done on this occasion.

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.

RESIDENTIAL CARE FACILITIES

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition): Presented a petition signed by 1851 residents of South Australia requesting the house to urge the Minister for Planning to reject the proposed high rise residential village developments at Joslin, Norwood and Glen Osmond and call on Life Care to undertake a more balanced, lower impact developments in line with the Norwood, Payneham and St. Peters and Burnside Council's current Development Plans, and in keeping with character of these low-rise residential areas.

Ministerial Statement

INTERNATIONAL ASTRONAUTICAL CONGRESS

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) (14:07): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.L.J. HAMILTON-SMITH: In September, Adelaide's world-class convention centre hosted the 68th International Astronautical Congress, one of the most successful in its long history. This was a significant opportunity for South Australia to showcase its capabilities in space, defence, telecommunications, advanced manufacturing, education, research and development. The congress attracted around 4,500 registrations, exceeding the initial estimated attendance. A total of 81 countries were represented, with the majority visiting from overseas.

Following the congress, I met with NASA officials at the Goddard Space Flight Centre in Greenbelt, Maryland, near Washington. Two of those officials had just returned from Adelaide and were fulsome in their praise for our city and our commitment to the space sector. We discussed joining NASA's internships, fellowships and scholarships program through South Australia's Space Industry Centre—the first of its kind in the country. NASA's internships program aims to inspire, engage and educate and it presents a wonderful opportunity for young South Australians.

We are also encouraging our universities to collaborate with NASA on its earth science, astrophysics and heliophysics programs. Artificial intelligence and advanced processing power are the building blocks today's developers are using to move to the next frontier.

The space sector is a major player in communications, IT, medical science, mining and agriculture. Many South Australians depend upon it for their livelihood. There will be significant disruption to existing industries that will in turn release exciting new developments for young South Australians. Our state is perfectly placed to capture a greater share of the $420 billion annual global space revenue stream, an industry that is growing at nearly 10 per cent per annum.

If Australia replicated the investment and growth in the UK sector over the first eight years, there would be an improvement in space turnover of 132 per cent, from $4 billion to $9.3 billion by 2025. Equally, an increase in direct employment is predicted, from 11,700 jobs to around 23,000 jobs in 2025, a 102 per cent increase. There are enormous economic benefits for South Australia's research and educational organisations and for industry.

In the coming months, this government will continue to position the state as the ideal location for an industry hub. We have received unprecedented interest from international representatives to attend the fourth South Australian Space Forum on 22 November this year. The state government and industry will be following through on a raft of actions initiated at the space congress, including:

- two letters of intent, which were signed between the South Australian government and the German Aerospace Centre to promote bilateral cooperation;
- a memorandum of intent between the South Australian government, the University of South Australia and the International Space University, which will promote the Southern Hemisphere Space Studies Program;
- the South Australian, ACT and Northern Territory governments' signing of an MOU to jointly advocate for the development of Australia's space industry and promotion of Australia's space capability;
- letters of intent, which were signed for cooperation in space-related matters with international space agencies, including Thailand, Korea, Japan, the United Arab Emirates and New Zealand;
- South Australian company Fleet Space Technologies and the French Space Agency agreed on a deal to track and support Fleet's first nanosatellites, planned for launch next year; and

- South Australian based company Inovor Technologies also signed a letter of intent with Italian company SITAEL to jointly establish a multimillion-dollar company in South Australia to design and manufacture nanosatellites, microsatellites, minisatellites and ground station applications.

The congress and the actions that follow will underpin our state's future in this dynamic industry sector. While the commonwealth reviews its national space agency framework, the South Australian government is getting on with the job, and I will lead a delegation to Canberra to reinforce the strengths of our local space ecosystem and the commitment of this government to support this new industry.

The opportunities before us are infinite, and the government is determined to support our state to become a global space industry leader to help incubate our greatest minds, to foster new innovations and to create opportunities for generations to come.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The SPEAKER: I call the member for Little Para.

Mr Snelling: Good committee.

Mr ODENWALDER (Little Para) (14:13): It is a good committee, yes, The member for Playford, a new member of the committee, praises the committee—and rightly so. I bring up the 52nd report of the Legislative Review Committee, entitled Subordinate Legislation.

Report received.

Question Time

CHILDREN AND YOUNG PEOPLE (OVERSIGHT AND ADVOCACY BODIES) ACT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:14): My question is to the Minister for Education and Child Development. Has the minister received any request from the Children's Commissioner at the Australian Human Rights Commission to explain why the South Australian government has suspended section 5 of the Children and Young People (Oversight and Advocacy Bodies) Act 2016, which requires the state to protect, respect and seek to give the rights outlined in the UN Convention on the Rights of the Child?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:14): I'm not sure if I have received any correspondence from the person holding that position, but if the question is about why some of the powers of our children and young people's commissioner have not yet come into effect, that is because the commissioner asked for those powers to not yet come into effect in order to enable her to spend a period of time going out and consulting with young people and with children about how her office should organise itself and how she should conduct herself. She is nearing the end of that process.

COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15): Just for clarification, it was the commissioner who requested this of the government? The government didn't have any plans whatsoever to suspend section 5 when the legislation was envisaged?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:15): The Attorney-General took the legislation through, so I wouldn't wish to speak on behalf of what was in his mind. However, I can say that the Commissioner for Children and Young People asked us to not bring into effect her full powers in order to enable her to spend a period of time consulting with children and young people.

COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15): But surely there is an obligation under the current legislation for us to put that effect of the law into place. Can the minister

provide some explanation as to why that hasn't occurred, whether the government is in breach of its obligation and when that power of protection will be put in place?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:16): I feel that I have answered that question. There has been a discussion and I will return with a more fulsome answer.

COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:16): Supplementary, sir, to the Minister for Education: in respect of the suspension of section 5 of the act that has been referred to, which is the obligation to comply with the United Nations treaty, if the commissioner has asked that she be relieved of the responsibility to comply with that, why does she advertise on her website in the introduction that the work of the Commissioner for Children and Young People is guided by the United Nations Convention on the Rights of the Child, the core international treaty which sets out the civil, political, economic, social and cultural rights which all children are entitled to? Having published that, why then, minister, did she ask you—and you say your government acquiesced—to suspend section 5?

The SPEAKER: Can we, instead of being desultory about it, get to the point of a question. Minister.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:17): Given that the questions that are being asked relate to an officer who holds a very significant role in our community, I will take that question on notice in order to have a conversation with her and bring back a fulsome and accurate answer.

Mr Pisoni: You didn't know that was on the website.

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

COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:17): Supplementary, sir: when will these powers be put in place?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:17): I will include that in the answer I bring back.

COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:18): Supplementary: was this issue raised by the applicant when she was being interviewed for the position of Commissioner for Children and Young People?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:18): I wasn't involved in the appointment process and I wasn't part of the interview process, so I'm not aware.

Mr Pisoni: Why don't you find out?

The SPEAKER: The member for Unley is warned. Does anyone else have a question? The member for Schubert.

ALERT SA MOBILE APP

Mr KNOLL (Schubert) (14:18): My question is to the Minister for Emergency Services. Has the minister received a response in relation to the failure of the Alert SA app that happened on Sunday?

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) (14:18): I thank the member for his question. As members may have seen from the media reporting, certainly my view of this matter is that it was unacceptable that we did have an outage of the app over the weekend. I am advised that what happened was on Sunday, which was a day of significant bushfire

risk, and that a number of the elements of data that went into the Alert SA app caused the app to overload, for lack of a better word, and caused the functionality of it on the app version to no longer be providing updates to people, which was clearly not acceptable.

I have asked SAFECOM, who look after the provision of the app, to undertake urgent work to rectify that and to investigate what happened and how we can go about fixing it for the future to make sure that this is something that people can rely on in the future. They have been undertaking that work with the company that provides that app to the government, which is called RIPE Intelligence. It's a company that provides similar architecture and apps to the Victorian government and they also run national programs for emergency apps.

I understand that an initial report has been provided to SAFECOM, and I look forward to reading that. I am meeting with the SAFECOM chief executive after question time today to get an update on that work. We will need to make sure that, firstly, work has been done to ensure that the app is functioning, which I understand has been done on an interim basis and, secondly, that work happens in terms of addressing the issues that happened on the weekend, from a data perspective of the information going into the app, about which I understand there is also a meeting today with all the emergency services chiefs and all the agencies that provide data into that app. Obviously, it is not just bushfire information, but there are a huge number of agencies that have a consultative committee who work on that.

They are meeting today, I understand, to address that issue, but also to address the system architecture to make sure that is fixed in the future. I have also asked them to make sure that there is some independent looking and testing of this app after that work has been done so the community can be reassured.

I am also advised that the Alert SA website, which has the same information, did not go down during that process. That information was still available on the Alert SA website, alert.sa.gov.au. So people can go to that website if there is ever an issue with the app. They can also look at the CFS website, which obviously had all the bushfire information as well. We also encourage people, if there is a particular bushfire danger in their area, to look at multiple sources of information to ensure they get the most up-to-date and readily available information. That, of course, includes our emergency services broadcasters, including ABC local radio. There is also a huge amount of information that goes out on social media networks through the CFS, SES and MFS, so we ask people to keep up to date with them.

In terms of the outage, it was clearly unacceptable and I have asked SAFECOM and, through them, the vendor to make sure that this is rectified and we can be assured that these issues are not going to reoccur in the future.

ALERT SA MOBILE APP

Mr KNOLL (Schubert) (14:22): When he meets with SAFECOM this afternoon, will the minister release that advice publicly to give assurance to South Australians that this issue has indeed been fixed?

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) (14:22): I am happy to take advice. The only question would be if there is some sort of confidential commercial information or something that they have provided us, but otherwise I am happy to provide that. I am also happy to provide information to the member and brief him on where we are up to because, as the member is alluding to, the public needs to rely on this app and have confidence that it is going to work.

I understand 170,000 people have downloaded this app. It is obviously something that has been promoted to provide excellent coverage in terms of providing information to people, and the fact that it let down people on the weekend is something that clearly we do not want to see happen again. That's why this work is being undertaken in a very quick process now to ensure that we have the ability to provide a reassurance to the public that the app is going to provide information to them in the future. I reiterate that obviously there are a number of different sources of information as well, including the Alert SA website, which did not have those similar issues happen to it. I also encourage

people to look at those multiple different information sources in the case of an emergency or bushfire in their particular area.

ALERT SA MOBILE APP

Mr KNOLL (Schubert) (14:24): A further supplementary: is the minister now suggesting that people actually revert from using the Alert SA app to using the CFS and other information sources instead of the Alert SA app?

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) (14:24): I don't believe that is what I said. I think if you look back at what I said, I said quite clearly that every time there is a bushfire and emergency risk, the advice always is to use different multiple sources of information as appropriate in the circumstances to make sure that people have the most up-to-date information available to them.

There are a variety of sources of information that we promote, one of which is the Alert SA website. Another of course is the Alert SA app, as we have discussed, and also the CFS website, which we direct people to in the case of bushfire risk. We now have huge connectivity with people through Facebook and Twitter, particularly when there is bushfire risk.

Full credit to the people who work in the CFS who, when there is an incident, spend a long time monitoring, checking and updating all of those other sites which we know are the areas in which people regularly interact as well, to make sure that the information going out through that media is accurate. Then of course there is the traditional media as well, through television and radio. We obviously have a longstanding relationship with the ABC as the emergency broadcaster, and relationships with other commercial broadcasters in South Australia, to make sure that they get accurate information and can broadcast that as widely as possible.

So, when there is an emergency, whether it is a bushfire or any other type of emergency, our emergency services are well trained at using all the means at their disposal to get that information out to the public. The advice that we have for the public is to try to use as many different sources of information to make sure that they have the most up-to-date information to be able to respond to that and hopefully, in the case of a bushfire, to activate their prepared bushfire action plan, which they will hopefully have in place to respond to that event if it is likely or if it has the potential to impact upon their particular locality.

ALERT SA MOBILE APP

Mr KNOLL (Schubert) (14:26): My question is again to the Minister for Emergency Services. What independent testing was undertaken prior to the launch of the latest update to the Alert SA app?

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) (14:26): I will have to take on notice what happened in that regard. I am advised there has been a lot of rigorous testing in terms of the demand for this app. Obviously, one of the risks of any type of computer program is about the downloading, and if there is an overload in terms of a major incident and people trying to access that, as to whether that would go down. I understand—

Members interjecting:

The Hon. C.J. PICTON: I'm trying to answer the question. I understand that there was a lot of rigorous testing in terms of making sure that we had a system that, if there was a major incident, a significant number of people—in terms of hundreds of thousands to millions of people—would be able to access it. The issue here wasn't in terms of that side of things; it was in terms of the data input. I will have to take on notice what the arrangements and testing were in terms of the prior testing of that side of things. I am happy to provide that information to the member.

ALERT SA MOBILE APP

Mr KNOLL (Schubert) (14:27): Supplementary. Minister, given that the app failed quite spectacularly on Sunday, and given that prior to Sunday there has been widespread dissatisfaction with the Alert SA update—

The SPEAKER: Can we come to a question?

Mr KNOLL: —will the minister now instruct his department to roll back the latest Alert SA update until all of the bugs that have obviously gone on with this update over the last couple of weeks have been sorted out?

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) (14:28): There are a couple of assumptions in there that I am not quite sure are accurate. In terms of the information—

Mr Knoll: Did the app fail on Sunday or not?

The Hon. C.J. PICTON: The proposition that the member has put is that it was because of the latest update. I am not advised that it was necessarily because of that update compared to the previous version of the app, but I am happy to talk to our emergency chiefs about that.

Mr Knoll: You told us you didn't know why but now you say you don't think it's the update.

The Hon. C.J. PICTON: I'm happy to talk to the emergency chiefs about that. Certainly if their advice is that going back to a previous version would resolve those issues, then obviously we would look at that. However, I don't believe that is necessarily the case, and that the issues that happened on the weekend in terms of the data provision from different agencies into the app would have necessarily resolved the problem that happened on the weekend.

Members interjecting:

The Hon. C.J. PICTON: I don't think that that was necessarily the issue that happened on the weekend. Therefore, I don't think what the member is proposing would necessarily fix the issue. But I am happy to talk to our emergency chiefs about that and provide further information to him about it.

The SPEAKER: Before the next question, I call to order the members for Schubert, Stuart, Finniss and Morialta and the leader, and I warn the members for Morialta, Schubert and Finniss. Deputy leader.

COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:29): My question is to the Minister for Education and Child Development. If Ms Helen Connolly, the commissioner, requested a suspension of powers in respect of the legislation, which occurred on 10 November 2016, will the minister explain to the house how her advice was received given that she was not appointed to the position until April 2017?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:30): I welcome the opportunity to stand again in order to clarify my previous answer. There is a slight complexity because the Attorney-General and the Minister for Child Protection Reform was responsible for the legislation and also for the development of the regulations. Therefore, I was answering a question that was not in fact the question asked of me: I was answering a question that relates to the suspension of the powers of the children's commissioner. She did indeed ask that she be able to operate without having those obligations initially.

The section the opposition asked about earlier was, as I understand it—and again, I will seek to clarify with the minister who was responsible for passing the legislation and whose department is currently responsible for regulations—initially suspended in order to allow the establishment of the office and also to prepare regulations.

Members interjecting:

The SPEAKER: The leader is warned, and the member for Morialta is warned a second and final time.

COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:31): Supplementary to the Minister for Education: when the operative parts of this legislation were suspended on 10 November 2016, did the minister also inquire and obtain advice or information from the guardian for children and the chair of the Child Death and Serious Injury Review Committee, both of whom also still have their operative powers suspended a year later at the time that was suspended?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:32): Again, because this legislation was the responsibility of a member of parliament who is not currently in attendance, I will take that on notice and provide a fulsome answer.

WOMEN IN POLICING

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:32): My question is to the Minister for Police. Since July 2016, what percentage of police recruits has been women?

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) (14:32): I thank the deputy leader for her question. In terms of the exact number, obviously I do not have that in front of me. However, I can point to the fact that the police have been doing a significant amount of work to increase the percentage of women coming through the graduation process and the academy. We have a very significant training program underway at the moment.

As members would be aware, we are recruiting through the 313 program a huge number of extra officers into our police force. A significant number of women are coming through that program. In terms of the exact percentage, I will have to take that on notice, but from firsthand accounts, having attended many of the graduation ceremonies both in my role now as the police minister and also previously when I represented the minister for police at those graduation ceremonies, I have to say that there are a significant number of women now coming through the academy. It is a huge percentage higher, I would dare say, than compared to, say, 10 years ago.

I know from my conversations with the Commissioner of Police that, as members would be aware, he is very committed to improving and eventually getting up to parity in terms of the numbers of men and women in our police force. That is obviously going to take a considerable amount of time, given the number of men we have had in our police force historically, but we are seeing more and more women coming up through the ranks of our police force.

Notably, of course, we now have our first Deputy Commissioner of Police who is a woman in Deputy Commissioner Linda Williams, who is doing a fantastic job. We want to see more and more women coming through our police force. I certainly encourage women across South Australia to look at our processes for training and recruitment of police officers and to consider that as a career in the future.

SOUTH AUSTRALIA POLICE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:34): My question is to the Minister for Police. How many complaints of sexual misconduct have there been since the sex discrimination, sexual harassment and predatory behaviour in police independent review by the Equal Opportunity Commissioner was undertaken?

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) (14:34): Likewise I don't exactly have the exact stats on complaint numbers before me, as I doubt the deputy

leader would have thought I would, but I'm happy to take that matter on notice. I can say that, in terms of the Equal Opportunity Commissioner's report—

Mr Knoll: It's written down in front of you. You just don't want to explain it to us.

The Hon. C.J. PICTON: —the police force has been working very hard since the release of that report and those recommendations, working with the commissioner cooperatively to follow up each of the recommendations released in December last year, many of which have been completed. The remainder are underway to implement them in terms of the priority order—

Mr Pengilly interjecting:

The Hon. C.J. PICTON: —to ensure that we address the concerns that were raised in that report.

The SPEAKER: The members for Schubert and Finniss are warned for the second and final time. Deputy leader.

SOUTH AUSTRALIA POLICE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:35): My supplementary question to the Minister for Police is: in making that inquiry, will the minister also inquire and report back to the parliament how many women have resigned from the police force since the report that I have just referred to, the independent review, was undertaken?

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) (14:36): I'm happy to check the figures and provide them to the deputy leader. Of course, there might be a number of reasons why people have resigned, but I'm happy to investigate that further and get back to her.

SOUTH AUSTRALIA POLICE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:36): I have a further question to the Minister for Police. How many victims of sexual misconduct within the police force in respect of the review that you have referred to have been compensated?

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) (14:36): Likewise, I'm happy to check the figure and provide that to the deputy leader.

SOUTH AUSTRALIA POLICE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:36): Supplementary: in making that inquiry, will the minister identify how much, if any, is the compensation capped at, and if there is any total cap compensation?

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) (14:37): I am happy to make the inquiries as the deputy leader has suggested and provide whatever information I can to her.

DRUGS IN PRISONS

Mr KNOLL (Schubert) (14:37): My question is to the Minister for Correctional Services. Is the minister aware of how often needles have been used in violent incidents, either as prisoner on prisoner or prisoner on officer assaults over the past three years?

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) (14:37): I am happy to check the detail of the exact figures that the member has asked for in his question. Of course, in terms of our prisons, safety is a very important factor and in terms of, of course, drugs,

which has been a discussion today, eliminating drugs is a very important factor in our prison system as well.

There is a significant amount of work that is underway and has been underway for some time to reduce and hopefully eliminate drugs throughout our system. It's something that of course prison systems throughout the world combat, particularly when you imagine the number of people who come into our prison system who are users of drugs when they have come into the prison system. We have a significant amount of work that is underway in terms of combating drugs, but also other types of contraband in our prison system.

We work very well between the Department for Correctional Services and the South Australian police in ensuring that we undertake operations to detect and eliminate that contraband when it's identified. That includes, as the member has alluded to, needles that might well be used and might pose a safety risk to our staff or other prisoners in our system. That is something that we work hard at.

I can report that it was only last week that we had a significant joint operation between South Australian police and the Department for Correctional Services in terms of an operation conducted at Mobilong Prison that identified a significant operation in terms of providing contraband and attempting to provide contraband into that prison. It was good work between DCS and SAPOL to identify and deal with that threat, and there are a number of people now facing charges because of that. This is a constant effort by the department to do this.

Additional searches have been undertaken. At the same time we have been conducting more searches, they have been finding less contraband. I think that goes to the point that we have less of this in the system, which is a good thing, but there is obviously still more work to do.

The SPEAKER: Point of order.

Mr GARDNER: Standing order 98: the question was quite specific about the number of needles and the minister indicated he didn't—

The SPEAKER: The number of?

Mr GARDNER: —needles used in these assaults—know the answer, and he has now been speaking for nearly three minutes for that, 'Don't know the answer.'

The Hon. J.M. Rankine interjecting:

The Hon. C.J. PICTON: I have finished.

The SPEAKER: The minister has finished; that is good, and the member for Wright is called to order.

BUILDING BETTER SCHOOLS PROGRAM

Mr HUGHES (Giles) (14:40): My question is to the Minister for Education and Child Development. How will students across regional South Australia benefit from the 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) (14:40): I am delighted to answer this question, having visited many of the schools that are now the recipients of additional funding for refurbishment. It is a genuine pleasure to have been able to at least partially satisfy some of the needs in our education system.

The house will be well aware that on Monday the Premier and I announced the $692 million program to upgrade 91 schools across South Australia. The twin goals of that, of course, are to have better, stronger and more fit for purpose schools for the modern economy to prepare students for the future and also to maximise local participation in the building. Members will be aware that not only are we building a new school in the north of Adelaide and the south of Adelaide but today we also announced that we will be building a new high school in Whyalla.

Not only will it be an important asset for Whyalla but it will also resolve what I think was a less than satisfactory situation of having a truncated high school experience for students. Experience

across the world demonstrates that it is better to keep students in one environment for their high school years rather than giving any suggestion that leaving after year 9 or even after year 11 is acceptable. It once was, absolutely, but it no longer is. Our economy requires us to educate our students through to the end of high school.

The question was in fact about the money that is being spent on our regional schools. It is understood, I think, that about a third of the schools that are being supported are from outside the Adelaide metropolitan area. Across the Barossa, Nuriootpa primary will be receiving a $7½ million upgrade. I remember visiting that school a couple of years ago and having the principal explain exactly what she would do if ever she came into some funding, and I am delighted that that has been able to occur.

Port Lincoln High School will be receiving a $15 million upgrade, and that is extremely important. That school has a number of transportables that are not satisfactory learning environments, and I think they will do a magnificent job with the funding. They have long been on my mind and on the department's mind. Murray Bridge High School will be receiving $20 million and Murray Bridge North School will be receiving $5 million. Murray Bridge high is subject to growth and has this great opportunity to really develop a very strong high school there. The principal and the local member have met with me several times to urge upon me what a fantastic environment that could be with an injection of some money.

I also recently met with the federal member for Mayo, Rebekha Sharkie, and she brought along the Mayor of Mount Barker, Ann Ferguson. They talked about the growing needs in the Mount Barker area. We are very well aware that Mount Barker's population is increasing and also that we need to be—

Mr Knoll: So you asked the federal member and the local councillor but you didn't ask the state members of parliament.

The Hon. S.E. CLOSE: I didn't invite; they came and saw me because they wanted me to pay attention to the needs of the schools in their area.

Members interjecting:

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

The Hon. S.E. CLOSE: It's rare that federal members come to see me, but not unheard of, and dedicated federal members do come and talk about the state schools and investment in them.

The Hon. P. Caica interjecting:

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

The Hon. S.E. CLOSE: Between Mount Barker Primary School and Mount Barker High School, they will be receiving a total of $13.5 million not only to improve and refurbish their facilities but to expand their capacity. These high schools and primary schools across the regions of South Australia—and there are schools in each of the regions in South Australia that have received funding—will make the maximum use of that funding. Schools are important to every community, they are the beating heart of country communities, and I am delighted that we have been able to improve the facilities for them.

The SPEAKER: Did the minister mention Mannum Community College?

The Hon. S.E. CLOSE: Mr Speaker, I didn't, but you are quite right that Mannum Community College is receiving funding—

The SPEAKER: And Murray Bridge High School?

The Hon. S.E. CLOSE: —as indeed Murray Bridge High School is.

The SPEAKER: And Nuriootpa Primary School?

The Hon. S.E. CLOSE: I mentioned Nuriootpa Primary School, indeed.

The SPEAKER: Supplementary, member for Morialta.

BUILDING BETTER SCHOOLS PROGRAM

Mr GARDNER (Morialta) (14:44): In relation to the minister's answer about the support for regional schools, which the opposition supports, can the minister explain why the communication strategy for informing the schools about these announcements was made by paired city Labor MPs to regional schools in their paired electorates prior to the public announcement of the funding?

The SPEAKER: Mon dieu! I require an answer to this, minister.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:45): Mr Speaker, I think as soon as people are informed of good news they like to share it.

NATIONAL ENERGY GUARANTEE

The Hon. J.M. RANKINE (Wright) (14:45): My question is to the Minister for Mineral Resources and Energy. Minister. How will the commonwealth government's National Energy Guarantee advantage or disadvantage South Australian consumers?

The SPEAKER: Is the minister able to help the house?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:45): I will do my best to assist, sir. I thank the member for the question and note her interest in ensuring we have a sound national energy policy that helps put downward pressure on prices for all South Australians. The National Energy Guarantee (NEG) was announced by the commonwealth government on 17 October after directing the Energy Security Board to work in secret for six weeks on an energy solution acceptable to Tony Abbott.

Make no mistake: this policy is a complete capitulation to Tony Abbott, which amounts to a subsidy for coal at the expense of renewable generation. Critically, it has never been explained why the federal government is no longer considering a clean energy target, a mechanism which, although widely accepted as not the first best option, had at least been based on exhaustive consultation and detailed modelling from the nation's Chief Scientist through a cooperative COAG process.

The CET, or the 50th of Dr Finkel's recommendations, was wildly accepted and should be proceeded with. It has still not been explained why this is no longer the case. Compared to the NEG, on the little information we have, the CET would drive the transformation to renewables rather than the NEG, which is solely designed to stifle it. Many industry groups have already pointed out that the NEG will give coal and high emitting generators a lifeline but would see a flatlining in investment in renewables.

The state government has written to Energy Security Board Chair, Kerry Schott, requesting evidence to support claims made by the Prime Minister that the NEG would result in average savings of $100 to $115 between 2020 and 2030. Ms Schott in her—

Mr Marshall interjecting:

The SPEAKER: The leader is warned for the second and final time. There will not be further warnings. Treasurer.

The Hon. A. KOUTSANTONIS: Ms Schott, in her written response, conceded that the wholesale retail price reductions that were noted were, and I quote, 'not based on detailed modelling'. As far as we can interpret with the scant amount of detail provided, what the NEG will potentially do is entrench the market power of the vertically integrated gentailers such as Origin and AGL, which may actually increase prices for consumers. On the face of it, the NEG is likely to push up prices in South Australia because of the lack of retail and wholesale competition due to the privatisation of ETSA, gifted to us by the opposition.

We on this side of the house will not accept this proposition simply because the Prime Minister cannot get a better scheme through the coal lobby that is his party room. The Coalition might eventually wake up to this, but the National Energy Guarantee also places a price on carbon. It might be too low to make any difference, but there is unequivocally a value placed on carbon as part of this policy. Even if we took the Prime Minister at his word, the NEG will strangle the renewable energy

industry, destroying jobs for a lousy 50¢ in three years' time. It sounds very similar to another Liberal Party plan.

To demonstrate the sloppy and rushed nature of the work, representatives from across Australia's energy companies were contacted last Thursday night and were given less than 24 hours' notice to travel to Sydney to discuss the proposed approach to modelling for the National Energy Guarantee. This was nine days after releasing the plan and the ESB thought it prudent to then reach out to industry. The facts are that the commonwealth government is doing everything it can to avoid the energy COAG, everything it can to avoid scrutiny, they are doing their modelling in secret and they are giving no-one time to consult. They do not want to raise any awareness about what is actually occurring in their modelling because it is a house of straws.

POLICE COMMUNITY CONSTABLE DEVELOPMENT PROGRAM

Mr ODENWALDER (Little Para) (14:50): My question is to the Minister for Police. Can the minister update the house on the South Australian Police Community Constable Development Program?

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) (14:50): I am happy to do so and I thank the member for his question and note his very long-term commitment in this area. Today, directly before question time, I had the great pleasure of attending the inaugural graduations of the expanded Community Constable Development Program. I was there with the shadow minister, as well as the Hon. Tung Ngo from the other place. We saw 10 new community constables receive their appointment from Commissioner Grant Stevens, bringing us to a total of 34 community constables in our community across the state.

This new program replaces the former community constable course and now, for the first time, includes members from African communities, along with Aboriginal members. This is the first time that any other multicultural part of our society in the state has been involved in the community constable program, which is a fantastic thing. Among those who graduated today were three members from Ethiopia, South Sudan and Liberia and seven Aboriginal Torres Strait Islander recruits, six from South Australia and one from the Northern Territory.

The use of diverse culture community constables, African in this case, is a new innovation and should assist SAPOL to work more cooperatively with African communities throughout South Australia. I would particularly like to thank the Hon. Tung Ngo from the other place who has been advocating for this, as well as the Minister for Multicultural Affairs in South Australia, who has also been advocating for this. Community constables undertake the valuable work of utilising their knowledge of cultural sensitivities to build relationships between SAPOL and their communities.

At today's graduation, I also had the great privilege of presenting the Leadership and Efficiency Award, which was presented to the student achieving overall excellence in leadership and overall excellence on the course. I was very pleased to present this award to Chelsea Lieberwirth. Chelsea will be posted to the Whyalla Police Station. I congratulate her and wish her the best for her future in the South Australian police force.

I understand she knows the member for Giles quite well. Also the former member for Giles, the current mayor of Whyalla, Lyn Breuer, was at the presentation, and she is a family friend of Chelsea's, who was very excited about her graduation. Today's graduates completed a 16-week training program that assessed the practical and academic skills of the graduates via written assessments, practical assessments, law-based training and operational safety training.

The graduates also completed a majority of the same psychology training as police cadets and the program also developing the participants' knowledge in community policing skills and liaison with their local communities. The graduating members are now qualified to use police-issue firearms, electronic control devices and other police tactical options. The graduating members have been sworn in as community constables and, while working with a sworn officer, they will assume full powers. However, when working solo they will have limited powers, as defined in their instrument of appointment.

Following three years of service, a community constable can also consider becoming a general duties police officer. Their training and probationary period are adjusted, having regard to their experience served as a community constable. They will now leave the Police Academy, which, of course, is an outstanding purpose-built new facility, for their postings throughout the state. We wish the 10 graduates full congratulations on behalf of the government on going through this process and we look forward to all the great work that they are going to do for our community in the future.

I would particularly like to thank a number of police officers who were very active and involved in setting up this program, particularly Sergeant David Galanos, who is the person who designed the new course that these constables have gone through, and also Senior Sergeant Mark Zadow, who was very heavily involved in the recruitment of these 10 new community constables.

COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:54): My question is to the Minister for Education and Child Development. What was the cost of setting up the office of the Commissioner for Children and Young People, including the ongoing staff costs, office accommodation, website and marketing costs, and travelling costs around South Australia since her appointment?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:54): I do not have those figures with me, and I will return with an answer to the question.

The SPEAKER: The member for Colton. No? Never mind. Member for Schubert.

PRISONER NUMBERS

Mr KNOLL (Schubert) (14:55): My question is again to the Minister for Correctional Services. What is the current average daily prisoner population?

The SPEAKER: The Minister for Police.

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) (14:55): Thank you very much, Mr Speaker—

Mr Whetstone interjecting:

The SPEAKER: The member for Chaffey is warned. He is also warned for giving me an answer yesterday I could not find in the Urban Dictionary.

The Hon. C.J. PICTON: He is nothing if not creative, the member for Chaffey. I am happy to advise the member that, in regard to the current daily population in terms of our corrections system, there are 3,080 prisoners. This is obviously less than the maximum population in terms of the number of beds that we have available, including surge beds. Of course, soon we have additional beds opening at the Port Augusta Prison, which I believe the shadow minister has been invited to, as well as the member for Stuart, in a couple of weeks' time. That will increase the total number of beds we have available in the system quite significantly.

PRISONER NUMBERS

Mr KNOLL (Schubert) (14:56): A supplementary: will the DCS budget be met this year, and will the average prisoner population as set out in the budget be met over the course of the 2017-18 year?

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) (14:56): I am sure the Treasurer will implore me as the minister to do everything I possibly can to ensure that we meet the budget. Obviously this is a portfolio in which demands vary from time to time, and we have to respond to the demands that are placed upon us by the community and the courts in terms of the number of prisoners coming into it. We always seek, of course, in the context of that, to try to meet

our budget targets and work to them to the best of our ability. I am sure that this year will be no different to that.

CYCLING INFRASTRUCTURE

The Hon. P. CAICA (Colton) (14:57): My question is for the Minister for Transport and Infrastructure. How is the government providing support for cyclists in South Australia?

The SPEAKER: Minister. God help any member who interrupts. The Speaker is listening to this reply.

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:57): Thank you, Mr Speaker, and I thank the member for his question. The number of cyclists travelling to and from the Adelaide central business district on a typical weekday is now the highest on record. I am advised that in October 2005 a little over 4,800 cyclists were recorded making this journey, but this has since increased to over 10,000 people in October 2016. This year we would expect this number to grow again.

The South Australian government continues to support and invest in cycling infrastructure and educational material to encourage people to take active travel options and in particular increase the number of Adelaide's cyclists. The financial investment the government is making for cyclists is in addition to the legislative changes for the minimum passing distance and footpath cycling laws amended two years ago to enhance safety and convenience for cyclists. In addition to creating shared paths with our major infrastructure projects, the South Australian government is investing more than $20 million in cycling infrastructure, including in the CBD and on greenways and bike boulevards around metropolitan Adelaide.

The $12 million joint fund between the South Australian government and the Adelaide city council will provide a north-south and east-west bikeway through the Adelaide CBD. This is the largest single investment in cycling infrastructure in the City of Adelaide's history. With this investment the City of Adelaide has recently commenced the construction of the next stage of the very popular Frome Street bikeway, extending the separated lanes northwards and announcing the initial consultation for the proposed east-west bikeway on Flinders and Franklin streets.

Further to this investment, each year the State Bicycle Fund provides subsidy funding for councils to deliver cycling infrastructure projects across council areas across South Australia. The competitive fund this year provides $770,000 in funding support for nearly $3 million of cycling projects in the current financial year. The 2017-18 State Bicycle Fund provides funding contributions for 24 cycling infrastructure projects to be delivered by 11 councils across South Australia. Projects vary from the construction of shared use paths, cycle line marking and cycle route improvements in metro areas as well as regional areas.

With the metropolitan area, the 17 projects equate to a total value of $2,468,600 provided through $615,000 of state government support. The seven projects to occur in regional areas are to a total project value of $430,000 with government support of $170,000. In addition to these funding packages, new cycling infrastructure continues to be integrated within DPTI major projects across the state. Earlier this year, I opened a new 78-metre long shared use bridge for cyclists and pedestrians as part of the $160 million O-Bahn City Access Project. While the O-Bahn project will significantly improve travel times and reliability for buses, cars and all vehicles on our inner city ring route, the opportunity was also taken to improve safety and access for pedestrians and cyclists by separating them from road traffic.

Work is underway for cyclists further north with the improvement to access to the Mawson Interchange. The $2.4 million upgrade to the existing shared use path will connect the City of Salisbury's Green Trails to the interchange, and a key link in the Outer Harbor Greenway will be completed through works as part of the $896 million Torrens to Torrens project. This project contained the construction of a new shared cycling and pedestrian path. Encouragement to cycle—

The SPEAKER: Alas, the member's time has expired, but I gather that that path goes from Day Terrace at Croydon to Coglin Street, Brompton.

ELECTRICITY PRICES

Mr VAN HOLST PELLEKAAN (Stuart) (15:02): My question is for the Minister for Energy. Does the minister agree with economist Bruce Mountain, who says that South Australia has the most expensive electricity in the world?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (15:02): No, I do not. Bruce Mountain is wrong and he is wrong on a number of the assumptions he has made. He is using 2016 prices. He has done some very complicated exchange-rate transfer on this, and quite frankly it doesn't stack up. Indeed, when you compare South Australia's wholesale prices and the spot price since 1 July, you have seen a dramatic shift in pricing from South Australia being one of the highest in the country to that title now belonging to Victoria and other jurisdictions.

Mr Knoll: And we're second.

The Hon. A. KOUTSANTONIS: Well, which one is it? Either we have the highest power prices in the world—

Members interjecting:

The SPEAKER: The leader is—oh, dear me!

Mr MARSHALL: Should I take a minute?

The honourable member for Dunstan having withdrawn from the chamber:

The Hon. A. KOUTSANTONIS: I do not agree with Mr Bruce Mountain. I think Mr Mountain's assertions are wrong, and I do note that there aren't many people in the industry who concur with Mr Mountain's assertions.

ELECTRICITY PRICES

Mr VAN HOLST PELLEKAAN (Stuart) (15:03): Supplementary: does the minister agree with the head of GFG Alliance, Mr Sanjeev Gupta, who told the International Mining and Resources Conference in Melbourne yesterday that Australia has 'the highest cost energy environment in the world' and that South Australia has the most expensive electricity in the nation?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (15:04): I don't accept that Mr Gupta said that about South Australia, but I do note that the shadow minister just quoted Mr Gupta as having said that.

Members interjecting:

The Hon. A. KOUTSANTONIS: No, no. He's just changed the question now. He quotes to the parliament that Mr Gupta said at an event that Australia had the highest prices in the world and that South Australia had the highest prices in Australia, according to Mr Gupta, and he knows that wasn't true.

Mr VAN HOLST PELLEKAAN: Point of order: I ask the minister to apologise and withdraw.

The SPEAKER: For what words?

Mr VAN HOLST PELLEKAAN: For saying that I 'know that is not true' in parliament. He has just accused me of lying, sir. *Hansard* will bear me out and I will read it again.

The Hon. A. Koutsantonis interjecting:

Mr VAN HOLST PELLEKAAN: You apologise.

The SPEAKER: No, I am afraid those words are not equivalent, at least under Erskine May, to calling the member for Stuart a liar.

Mr VAN HOLST PELLEKAAN: May I reread the question sir?

The SPEAKER: No, you may not. Minister.

The Hon. A. KOUTSANTONIS: Thank you very much.

Mr Knoll interjecting:

The Hon. A. KOUTSANTONIS: I welcome the junior shadow minister asking me a question any time he likes. I think the shadow minister, just like the day when he made the leader correct himself live on television that the savings were not actually $300, that the do-nothing option gave the biggest saving—

Mr VAN HOLST PELLEKAAN: Point of order: standing order 98.

The SPEAKER: Debate.

Mr VAN HOLST PELLEKAAN: Debate and the answer having nothing to do with the substance of the question.

The SPEAKER: Well, there is that.

The Hon. A. KOUTSANTONIS: Mr Gupta also endorsed a 50 per cent renewable energy target.

The Hon. J.W. Weatherill: He didn't quote that one.

The Hon. A. KOUTSANTONIS: No, he didn't quote that. I will be looking forward to getting the quotes Mr Gupta made, comparing them with the question the shadow minister asked and we will see who is correct and who is wrong.

Members interjecting:

The SPEAKER: The member for Stuart and the Treasurer are both warned. The Speaker won't tolerate quarrels in the house.

The Hon. A. Koutsantonis: Unless he's involved.

The SPEAKER: Yes, exactly. Member for Stuart.

SOLARRESERVE AGREEMENT

Mr VAN HOLST PELLEKAAN (Stuart) (15:06): My question is again to the Minister for Energy. Can the minister explain how the $75 average and the $78 per megawatt hour cap for electricity to be delivered under the government's agreement with SolarReserve has been derived and whether this cap is subject to change over time?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (15:07): I am trying to understand the intent of the question.

Mr Knoll: A shiver has just gone down his spine.

The Hon. A. KOUTSANTONIS: Up—it goes up, not down. I think what the member is confusing is the difference between the market offer and what we have negotiated. I think what the member is not quite understanding is that the SolarReserve offer to the government was on the basis of supplying to us on a profile of our demand and what we require when we require it—that load profile—and, of course, then the cost of their capital to build the project and, of course, we agreed to a longer period of a PPA, from 10 years to 20 years, through the negotiation process in order to have the SolarReserve project built.

That is part of the contracts that we have. Of course, that is very different from what they offer the public and we did everything we could to leverage our purchasing power to give the public a much better retail offering in the market. I am happy to offer the shadow minister a briefing. I am not quite sure why he is so disappointed that SolarReserve have won the contract, or why he is so disappointed that a solar thermal plant has won the tender that is in Port Augusta.

I find it also fascinating that almost every question I have had in this place from the shadow minister has been about an old coal-fired generator he tried to save rather than supporting a brand-new solar thermal plant in Port Augusta. But he can explain to his constituents in Port Augusta why he was so committed to coal and not that committed to the solar thermal plant in Port Augusta. I think

the government got a very good deal out of the SolarReserve tender. Most importantly, they beat out thermal generation, which was a remarkable feat for the proponents of a solar thermal plant to defeat a thermal tender.

It is interesting to note that the important part about our load in comparison to the way the solar thermal plant will operate is that the solar thermal plant will have sufficient load to dispatch into the grid at times of high demand because our load peaks in the middle of the day. Because our load peaks in the middle of the day, that enables SolarReserve to manage their load to meet our needs and have sufficient supply to then dispatch into the grid at a much lower price. This will give, of course, the retail outcome that we have been looking for, which is competition. That is what has been fundamentally missing in South Australia since the botched privatisation of ETSA that members opposite have gifted South Australia for 200 years.

PARADISE INTERCHANGE

Mr TARZIA (Hartley) (15:10): My question is to the Minister for Transport. Can the minister inform the house on whether the additional parking spaces currently being leased by the government across Darley Road will continue to be leased for overflow parking from Paradise Interchange for the forseeable future?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (15:10): I thank the member for Hartley for his question. It is an important question because parking arrangements at the Paradise Interchange have been of concern to the community, and indeed of concern to the government, for some time. To provide a bit of context to this, such was the level of concern from the government that we took a particular policy to the last election to develop a new funding stream for public transport improvements. It was a small, imminently affordable levy on the price of parking in the CBD, which would have enabled us to spend millions of dollars upgrading the car parking facilities at Paradise Interchange. It would have been a terrific upgrade—

Mr Duluk interjecting:

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

The Hon. S.C. MULLIGHAN: It would have been a terrific upgrade for those communities that live on either section of Darley Road, in the vicinity of the Paradise Interchange. The situation that we are now forced to continue contending with, where often hundreds of cars are parking on the kerbside lanes of Darley Road, creates not just an inconvenience and a frustration for commuters catching O-Bahn services—which is of course a service that we continue to invest heavily in, and in which we want to encourage increases in patronage—but we want to make sure that the facilities we have at places like Paradise give the best opportunity to encourage patronage.

We took this policy to the election and, to the surprise of those opposite, we were able to form government again. so we went to implement our mandate from the people of South Australia—

Members interjecting:

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

The Hon. S.C. MULLIGHAN: We were able to implement our mandate from the people of South Australia, and set about doing what was necessary to deliver car parking upgrades at the Paradise Interchange. However, the member for Hartley—

Members interjecting:

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

The Hon. S.C. MULLIGHAN: —took a very deliberate and considered decision to vote against the interests of those in his electorate who use O-Bahn services at the Paradise Interchange, and he denied the constituents of Hartley improved car parking facilities at the Paradise Interchange. You couldn't argue that he wasn't warned—because he was warned. He was specifically warned by me as Minister for Transport, and the member for West Torrens as the Treasurer, of what would be the outcome of voting against that revenue measure in the budget that was presented before this

house in 2014. Yet he took the deliberate decision to vote against that budget measure, and he has denied his constituents improved car parking facilities in his electorate.

To think that he has the gall to come into this chamber and question this government, which had millions of dollars of funding on the table for improvements to car parking facilities at the Paradise Interchange, whether we can keep open an unsealed patch of dirt which he obviously regards as being good enough for his constituents—good enough for those people who choose to take public transport and decrease the burden on our main arterial roads—for him to come in here and ask us could we please continue this suboptimal outcome for his constituents—well, I'll take that on notice.

Grievance Debate

VICTIM SUPPORT SERVICE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:14): Today, I want to refer to the Victim Support Service, an organisation which has been used by aspirants to join the Labor Party and to come into parliament, I think unfortunately quite contrary to the interests of that organisation. The Victim Support Service has been operating since 1979. It is an organisation that provides support and services to victims of crime. It provides counselling and support services and the like and operates to provide good work under the stewardship of a board. Two Labor aspirants, Ms Jayne Stinson and Ms Jo Chapley, until recently had positions on their board, as the chair and a board member respectively. This is what has happened in the Victim Support Service.

The Hon. J.M. Rankine interjecting:

The SPEAKER: The member for Wright is warned.

Ms CHAPMAN: Members will recall that, in March this year, I asked the Attorney-General how many workers compensation cases were pending against the Victim Support Service's chief executive officer, how many were in the industrial court and what conversations did he have with Ms Stinson as the chair of the board. He did not answer that question. He said he would get that information, and guess what? As usual, we never get an answer back to the parliament.

I can tell the parliament how many there were. There were three—three cases of bullying and intimidation by female managers in that organisation who have successfully obtained compensation, been paid and had their cases resolved. Have we heard from Ms Stinson as chair of the board on this? No. Have we heard from Ms Chapley as a member of the board on this? No. What happened next was that a very kindly police officer assisted the VSS to require and demand that one of these successful applicants return a laptop to the Victim Support Service.

As it turned out, Ms Stinson said, 'I don't have anything to do with that. I am just the chair of the board. The acting CEO, who is attending to this, will give the answers.' Meanwhile, we have Mr Julian Roffe, who is the former CEO of this organisation, now taking legal proceedings against the VSS. This is against the board of which Ms Jayne Stinson has been the chair throughout this tawdry tale. He has made an application—

The SPEAKER: Member for Bragg, proceedings have been issued in this matter. It is before a court. The member for Bragg's speech appears to pre-empt the merits of the case, especially the use of the term 'tawdry'. The matter has not been adjudicated yet.

Ms CHAPMAN: I am not making a finding in relation to whether there was—

The SPEAKER: That is very good of you.

Ms CHAPMAN: —unlawful dismissal or not. That is entirely a matter for Mr Roffe to establish. What has been unacceptable is that we now find that Ms Chapley has decided that she does not have time to be on this board. In May this year, before the litigation that is being referred to (I am aptly reminded by the Speaker), she said, 'I'm too busy. I'm going to retire from this position. I haven't got time to sit on the Victim Support Service board,' this worthy organisation, this board that will give her the credentials on her CV when she lines up to be a candidate for the ALP.

'I haven't got time, but I have time to be on the festival trust board. Yes, I have time for that.' That is a paid position. 'I have time for that, and I'm going to continue to be on that and go to all the art shows and everything else and get paid. I have time for that, but I haven't got time to be on this

board.' Where is Ms Stinson? Members, have a look at the website. The chair of the board has disappeared completely. There is not even a chair of the board on the website anymore.

There was a meeting on Monday night, the annual general meeting of the VSS. Guess what? No new chair was appointed. Where is Ms Stinson, the chair of the board? There is no new chair. She has disappeared. She has been whitewashed off the VSS board—completely whitewashed. I do not have a problem with anybody at any time making a contribution to an organisation to assist in the social justice, welfare and services to provide for victims in this state—good on them. But when the going gets tough, you do not just walk away and say, 'It is all too hard. I want nothing to do with this. I want nothing to do with these managers who are claiming bullying and intimidation and CEOs who are claiming unlawful dismissal. I don't want anything to do with that.'

Right or wrong, they have taken on that position, and it is a disgrace that they should walk away from it. I only had to listen to the radio yesterday to hear candidates lining up to deal with a planning issue in the local area of Badcoe. I heard the local Liberal candidate come on and give his say—and other candidates. Where was Ms Stinson?

The SPEAKER: That would be Lachlan Clyne, wouldn't it?

Ms CHAPMAN: Yes.

The SPEAKER: Just let me help you with your memory there.

Ms CHAPMAN: And where was Ms Stinson? She is a journalist, for goodness sake. Why was she not there putting her position as to what the ALP will propose in relation to Badcoe on that important planning issue? She was nowhere to be seen.

Time expired.

INSTRUMENTAL MUSIC SERVICE

Ms BEDFORD (Florey) (15:20): Information on page 16 of *Your Child Their School Our Future* on the Public Education Action Plan, released in October this year, under the heading 'Building on our strong traditions of music education', states:

> Musically creative activities at school help children and young people to develop contemporary skills. We will support young people to contribute to music and be part of the growing creative industries in South Australia.
>
> We will develop a new music strategy for South Australia. This builds on the 19 music focus schools we recently created that have made learning to play a musical instrument a whole lot easier for more students.
>
> We will shape the music strategy in partnership with Adelaide University's Elder Conservatorium of Music and the Adelaide Symphony Orchestra.

It is good to see the work of the Instrumental Music Service (IMS) and its support of South Australian public school choirs and music camps acknowledged as a 'strong tradition' because that is exactly what the dedicated teachers of music in the Instrumental Music Service have established, despite everything, and maintained until now.

Recent changes to the way music programs are delivered in schools has caused great upheaval. In my time in this place, I have witnessed many moves on the Instrumental Music Service. Every few years we seem to see rallies and parents gather. Most of these challenges have been seen off, and the program has continued. Everyone who knows the value of music in producing well-rounded individuals wants music to be available to more students in more schools. The devil is of course in the detail, as instrumental music fosters individuals on particular instruments to enable the ensembles and orchestras of the future.

Music and the love of performance start very early and may take a while to evolve. That is why access to Instrumental Music Service programs has been so successful. In my own electorate, Modbury High School is a stand-out, and I have sponsored music prizes in each of the schools in my immediate area for many years. This award has been very successful, with some of the recipients going on to make music their careers, and I take this opportunity to thank and acknowledge the work of all the music teachers.

My own children were part of a great music program at The Heights school early in their school years but, as the teacher moved and was not replaced, instrumental music was no longer a

major focus for the school, where it is universally recognised that drama and the visual arts have been spectacular, until the return of music specialists, which has seen this school once again make a mark with the enormous pool of talented students available to them. Generations in Jazz, which I have always spoken about in this place, has been a major impetus and is now internationally recognised, with Mount Gambier being the centre of the South Australian and perhaps even the Australian jazz universe.

The composite orchestras that support the South Australian public schools' choirs concerts each year are another testament to the value of the Instrumental Music Service teachers. But things have definitely changed. I hear the collaboration with the Adelaide Symphony Orchestra and the Adelaide University's Elder Conservatorium, while wonderful and a natural extension, do not and cannot be the starting point for young musicians.

These institutions have no background in teaching students in or at primary level where students have not already reached the standard required. Surely, this means that music education will not be accessible to all, regardless of the experience or standard. The fear is that, in diluting the Instrumental Music Service program to the current extent, schools will only be able to offer meaningful music lessons by introducing private providers, as not all schools can provide all instruments without the support of an IMS-style program, meaning concentration on some instruments to the detriment of others.

The consultation necessary to get the best outcomes seems to have bypassed the people on the ground yet again. Are the new partnerships being subsidised by the Department for Education and Child Development? Is there new money, or is it coming from the existing budget lines? Lately, there seem to be huge amounts of money available for infrastructure—and that is a really good thing, although at the cost of the sale of the LTO (and all of that is still to be evaluated). Hopefully, music will be recognised as just as essential to the strong STEM and other academic endeavours in schools.

Music helps to round out people because different parts of the brain are engaged. Many major intellectuals acknowledge that music and/or sport have helped them, and so it remains that the arts play a vital role in helping each student reach their full potential. The Instrumental Music Service is an equitable program, deserving of its funding and greater support because it provides access to students at the very beginning of their musical lives.

I have seen the expertise of the Instrumental Music Service make schools that are not designated special interest music places to be places of excellence and produce students who then go on to places like Marryatville and Brighton, the Adelaide Symphony Orchestra and the Elder Conservatorium of Music. I hope that the Department for Education will listen to students, parents, teachers and those who understand the nurture needed to create great musicians when they evaluate the changes they made to the Instrumental Music Service in the past two years. One size does not fit all and, by having IMS in schools, you will cater for the many in an equitable way, without outsourcing another essential part of government services.

CHAFFEY ELECTORATE

Mr WHETSTONE (Chaffey) (15:25): I rise today to speak about a busy month in the Riverland as thousands of tourists have flocked to the region to enjoy its wonderful hospitality. As we all know, spring is in the air, and what spring brings to the Riverland is roses, flowers and, of course, the Renmark Rose Festival, which is very popular. In its 23rd year, the event ran over 10 days in the Riverland, finishing last Sunday.

There was a range of events and attractions showcasing the region's gardens and local produce. There were 22 open gardens and 50 businesses directly part of that festival, with more than 10,000 people in attendance and over 2,500 from interstate and overseas. I officially opened the rose festival at the Jarrett Memorial Gardens under the banner of the major sponsors: the South Australian Tourism Commission, Renmark Paringa Council, Renmark Hotel and, fittingly in its 23rd year, the event was sponsored by the Twenty Third Street Distillery.

Well done to the rose festival committee: chairperson, Michael Schuetze; secretary, Chris Petersen; Treasurer, Allan Maddocks; and committee members Lorna, Richard, Val, Sindy, Sandy, Danika and Linda. The winner of the rose festival ambassador was Brittany Evans, a lovely young

journalist at the ABC, who raised money at several events. Of course, there were four ambassadors, all of whom were great ambassadors for the rose festival. The floral arrangements at the Renmark Institute are always a worthy place to go and visit as well.

We also had the 15th Riverland Wine and Food Festival. It was fantastic to be part of the festival, where more than 2,000 people packed in to enjoy local hospitality, wine and food. Again, the committee behind the event did a great job to make it a fantastic event, and they were helped by the Berri District Youth Club and Destination Riverland. Some of our success stories in beverages and food were on offer, including Arrosto Coffee, Woolshed Brewery, Arnold Brothers, Caudo Vineyard, Banrock Station, Twenty Third Street Distillery, Dominic Wines, Jachmann Cider, Angove wines, Bassham Wines and Kingston Estate Wines. There was also Ricca Terra Farms, which has a great new brand of wine with great new varieties. We also had pop-up food stalls that gave us food and flavours from all over the world.

I attended the Relay for Life and supported that event this month. It has raised over $35,500 so far, with donations still being collected. More than 120 participants across 11 teams walked the 19 consecutive hours to raise money for the Cancer Council in South Australia. Barmera resident Grace Stidiford was the guest speaker and, following the event, she had to travel back to Adelaide for cancer treatment. She was a great ambassador.

I attended many other events in those weeks, including the 75th anniversary parade of the Australian Air Force Cadets, No. 603 Squadron at Berri with their banner launch. The Loxton Lutheran School held their Continental. Sadly, they endured a huge storm that went through, but they managed to carry on. The Riverland Community Ping-Pong-A-Thon raised money against child trafficking. There was also the Renmark High spring carnival and the opening of the Red Cross office in Berri. The Cobdogla Primary School centenary celebration was a fantastic event to show how well the community supports a very, very small school. I thank the Minister for Education for being a part of it. It really was a great celebration.

I also attended the GT Show and Shine, sponsored by Chris Sinko Ford, which is one of my favourite events of the year. I went to the unveiling of the honour roll at Karoonda to honour those who fought for our freedom. There was also the Waikerie and Districts Community Flower Show and the Riverland Farmers' Market. I also visited the Whistling Kite open day, and the Distillery Days came to town, which was a great event to bring people out to a festival. Of course, we cannot forget the national dahlia conference, which I opened, or the Riverland Orchid Festival. Well done to all those events.

The Riverside Estate lifestyle precinct opened the new common area, which really is a great destination for the over 55s to come up to the Riverland and be part of a community that has welcomed them with open arms. I congratulate the new owners of that precinct because it really will be a drawcard for people to come to the Riverland to enjoy the great weather, the great hospitality and the great lifestyle. It is just a great community.

Well done to the Riverland and the Mallee communities on a wonderful October, a month which certainly put a spring in our step. I would like to say that it just shows how the community comes together to make a region a wonderful place and a wonderful destination. It is going from strength to strength, and it is all supported by communities, and it is supported by what spring brings to the Riverland, and that is colour, flowers, hospitality, wine, food and fun.

The DEPUTY SPEAKER: Of course you know that I am a member of the Rose Society.

LIGHT ELECTORATE

The Hon. A. PICCOLO (Light) (15:30): As most members would know, during November, the Movember Foundation runs an awareness and funding campaign to promote men's health. On average, men have a lower life expectancy than women of six years. When it comes to health problems, men are slow to take action. The focus of the Movember Foundation includes prostate cancer, testicular cancer, mental health and suicide prevention.

Prostate cancer is the second most common cancer in men and kills 45 men worldwide every hour. Testicular cancer is the most common cancer in men under 40. One in 20 men diagnosed with testicular cancer unfortunately dies from the disease. Globally, a man dies from suicide every minute,

and three out of four people who suicide are men. The Movember Foundation aims to halve the number of men dying from prostate and testicular cancer and reduce male suicide rates by 25 per cent by 2030. My electorate office is supporting Movember. I have registered as a person who will raise funds, and as of tomorrow I will be growing—

An honourable member: Today.

The Hon. A. PICCOLO: No, today you have to be clean; tomorrow you do not shave. From tomorrow onwards, I will be growing my mo. I am not sure what shape it will take—

Mr Hughes: Oh, mo!

The Hon. A. PICCOLO: Oh, mo! I have also gained the support of some barber shops in Gawler: Brendan's Barber Shop and Gusto's Barber Shop are supporting the campaign. All funds raised will go to the Movember Foundation. In addition, all my letters will be signed the 'the Movember for Light' during November, and there will be a mo on my letterhead of all correspondence leaving the office during November, and all our products will carry the mo. Jokes aside, this is a very important—

Mr Whetstone: You need to cover that face.

The Hon. A. PICCOLO: Yes, at least I can cover mine. I am hoping to raise funds and also make sure that people understand the health needs of men and what we can do as a community.

Talking about community, last Friday I was very fortunate to be invited to an official community birthday party to honour the 90th birthday of Dr Bruce Eastick, a former member for Light. Dr Bruce Eastick and I served on council together when he was mayor, and I was deputy mayor when he was mayor. He celebrated his 90th birthday last Wednesday. A number of representatives from community organisations were invited to the event on Friday night to mark Dr Eastick's life in the community. There were people from the veterinary industry, from Roseworthy College and from local council and state parliament. There were people from a whole range of community organisations, too many to list in the few minutes I have left, in which Dr Bruce Eastick has been involved.

Dr Bruce Eastick's association with the area started in the very early days. He graduated with a first class honours degree in horticulture from Roseworthy College. He has maintained an association with the college ever since; in fact, he was granted the honour of Icon of Roseworthy College by the Roseworthy Old Collegians Association, and he was the first and only person to be granted that honour. In addition, he was a charter member of the Gawler Rotary Club. He also helped establish Gawler and District Aged Cottage Homes. Only last week, on his 90th birthday, having become president in 1969, did he actually retire from that position.

Dr Eastick has been involved with Meals on Wheels, the RSPCA and the Scout Movement. In 1963, he was elected as a councillor to the Gawler council. He was not happy about some of the council dealings in the area at the time, particularly about the way they were treating the Meals on Wheels group, and he was also trying to establish a community pool in the town. He served as a councillor for a while, and then from 1968 to 1972 he served as mayor of the town. In 1970, he was elected the member for Light, a position he held until 1993, when he was re-elected as mayor, a position he held until 2000.

INNOVATION IN SOUTH AUSTRALIA

Mr WINGARD (Mitchell) (15:35): I rise today to speak about some of the wonderful, talented people in our state, people who will take our state forward and grow jobs for South Australia into the future. This state Labor government sees research, development and innovation as a marketing edge, as the Attorney-General stated in this place last night. This South Australian Labor government talks innovation, research and development, but they do not deliver on it.

I met with some Adelaide University students yesterday at the ingenuity expo at the Convention Centre, and to see the great talent that we have in our state, bursting at the seams to try to get hold of an opportunity to take themselves and our state forward is just fantastic. We saw young people looking at virtual reality, 3D imagery, water energy capture, the solar car program they run at

the university, and it was absolutely outstanding. These great, young, brilliant minds offer so much for our state, but they are being let down by this state Labor government.

I believe it is our job to create a place for this opportunity and for all South Australians to flourish and to take these ideas and talents to the world. I have concerns that this government like to see themselves as marketers in the innovation space, but they are not focused on delivering actions. They will talk about it but they will not deliver. I have questioned the Minister for Innovation in this space and whilst, this government has promised an innovation strategy in South Australia, and in fact has set aside $800,000 in the budget, they have failed to deliver an innovation strategy in South Australia.

The June 2017 digital government readiness report by Intermedium anticipated that South Australia would make significant advances in the near future following the recent reorganisation and senior personnel changes at the newly christened Office for Customer, ICT and Digital Transformation, which was previously the office for digital government. There were high expectations because of the talk the government was putting out there.

However, the same report noted that actual progress in 2016-17 was lethargic, which led to Victoria and the commonwealth overtaking South Australia in terms of digital readiness. South Australia slipped from third spot on the ladder, where they had got to because of all the promise, but the failure to deliver had seen South Australia slip to fifth. Since the release of that report in June several other things have occurred.

We know that there has been yet another change in the structure of the Department of the Premier and Cabinet's whole of government ICT division with yet another reorganisation and structure change, leading to the ICT and Digital Government division. It is unclear whether this is just a change in name alone or whether significant changes will actually occur in relation to the strategic leadership and direction of the government's ICT and digital focus.

We also know that the senior personnel changes that Intermedium cited in their report to contribute to the advances of the government's digital readiness have actually turned out to be yet another disaster for this state Labor government, with the alleged false documentation of the appointment of the Chief Information Officer resulting in the termination of that position. So the person who they got in to be the CIO had to be dismissed because of these false documents.

We now see the development of yet another position within the ICT and Digital Government division. This time the government has renamed it the whole of government Chief Technology Officer, who will be responsible for leading, developing and implementing innovative technologies that underpin, drive and enhance customer and business-focused services for the public sector. The CTO provides whole of government strategic direction and operations for architecture, design, development, and integration of ICT systems and operations.

We know this is important. We know this is the way of the future. We know government should be taking the lead here, but it is so disappointing to see and hear this government talk up this space, talk up their position in innovation, talk up their position in computer technology, yet fail to deliver time and time again. This intermediate report proves that and shows that, and South Australians should be alarmed. This government wants to talk about innovation, they want to talk about this space, but they do not deliver.

What we need to be conscious of first and foremost is to get the government to come out with an innovation strategy. They have a two-page statement; they have not put their strategy together. That is first and foremost, and it must happen and happen immediately. What we want to focus on on our side are those people who are going to create jobs, the young people I talked about at the start. We know they are important, and we want to make sure that we have a whole-of-government approach to ICT. That is what we need.

Cybersecurity is a great opportunity for South Australia in the future, and we have been acting in that space. Data sharing across departments is also important and something we need to take very seriously, unlike the state Labor government. That is where the Liberal team will deliver.

Time expired.

BESNARD, RAELEEN AND GRAEME

Ms VLAHOS (Taylor) (15:40): I would like to speak about an event that I attended in my electorate the other weekend. It was a golden wedding celebration at the Virginia Institute, and it was for Raeleen and Graeme Besnard. Raeleen and Graeme are Virginia stalwarts. The town really could not survive without their community spirit. I first met Raeleen when I became the youngest member of the CWA in Virginia. Since that time, I have been involved with the CWA, and they have allowed me to graduate from making tea at the Wayville Showground with them through to various other activities as I have worked at my apprenticeship in their country cafe.

Raeleen and her family, particularly Graeme, have done so much for the community of Virginia, and they epitomise a generation of selfless community service, where service was given and nothing asked in return. I am not sure whether in Australian society we will see a generation that are so selfless in their community commitment as the Besnards have been.

It was a pleasure to be there that day and to be in the presence of many, many of their family and many, many of the community of Virginia and Mayor Docherty, who joined me as well. Their children Andrea and Greg were there, and they spoke about their parents' love. The night before, their wedding party came back together after 50 years and revisited the church in Virginia where they were married. They spent most of their lives living in that community and assisting it. Graeme is also a very selfless, hardworking community member, and he and I share a common interest, we were pleased to discover on the day, of being avid pistol and revolver enthusiasts. He is an excellent gunsmith.

The two of them together typify what Virginia represents to me, and it is why I am very pleased now to have my office based in the Virginia horticultural centre in the final months of my time as the member of the Taylor. To Graeme and Raeleen, very, very best wishes on celebrating this momentous time in your life. A golden wedding celebration is something that many people today will never see in their lifetime. Congratulations to them, and the people of Virginia and I are so pleased that you are part of our community, and you are much loved.

Bills

PASSENGER TRANSPORT (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (15:44): Obtained leave and introduced a bill for an act to amend the Passenger Transport Act 1994; and to make related amendments to the Motor Vehicles Act 1959. Read a first time.

Second Reading

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (15:44): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

This Bill will introduce a raft of new penalties for anyone providing unlicensed and unaccredited passenger transport services.

This Bill will ensure Transport Safety Compliance Officers have adequate powers to do their jobs in light of the new business models and technologies which are transforming the small passenger transport industry.

The Government introduced widespread reforms to the taxi and chauffeur vehicle industry in July last year in response to a comprehensive, independent review which followed extensive consultation with the public and industry. The reforms facilitated the introduction of new entrants and technologies to encourage innovation and choice for passengers, while ensuring the long-term sustainability of the industry.

New technologies such as smartphone booking apps have increased opportunities for unscrupulous drivers and operators to avoid the legislative environment designed to keep the public safe and maintain the level playing field essential to the long term resilience and stability of the industry.

I have previously publicly committed to introduce tougher penalties for drivers, operators, company executives and directors, who seek to circumvent the rigorous legal framework in place to protect our community. This Bill delivers on this commitment.

The Bill's primary focus is to ensure the drivers and cars providing passenger services remain safe. The increased penalties set out in the Bill are designed to deter and disrupt the activities of illegal and non-compliant drivers, vehicles and operators.

To achieve the necessary level of deterrence, accurately reflect the seriousness of the offences, restore the deterrence effect of existing fines that have remained static for several years and not kept up with inflation and to put beyond doubt the Government's commitment to maintaining and enforcing the existing rigorous accreditation standards, the penalty provisions across the *Passenger Transport Act 1994* will be increased.

For example, the current penalty for operating a passenger transport service without holding an appropriate accreditation for that service incurs a Division 3 fine, not exceeding $30,000. The proposed penalty for this offence is a fine of $35,000 for the first offence and a fine of $50,000 for subsequent offences.

In addition to increasing all penalties, the Bill also introduces demerit points and licence disqualifications. These significant sanctions have been introduced to address the increase in the number of unaccredited drivers working in the industry since the introduction of the new reforms. The demerit points and licence disqualifications will act as a deterrent and prevent drivers from reoffending.

These sanctions also reflect the seriousness of providing a passenger service without criminal, medical and vehicle safety checks and ensure that unaccredited drivers do not avoid the effect of penalties by having third parties pay fines or expiations on their behalf. The demerits and licence disqualifications will eventually prevent repeat or recalcitrant offenders (unaccredited drivers) from continuing to drive.

The Bill also introduces a corporate multiplier of five times the maximum penalty for an offence if committed by a corporation.

The South Australian Government is committed to protect the public from drivers who after acquiring accreditation commit offences which strongly indicate they no longer meet the fit and proper persons standard required and demanded of all persons who drive passenger transport vehicles. The Bill will enable the automatic temporary suspension of accreditation if the driver is charged with a serious offence which is to be defined as an offence punishable by imprisonment. To ensure the principles of natural justice have been applied and observed and the temporary suspension is appropriate in the circumstances the driver will have the right to appear before the Passenger Transport Standards Committee (PTSC) who will independently review the fairness of this administrative action.

The temporary automatic suspension will also apply where a driver's licence has been suspended, cancelled, expired or made subject to conditions. These provisions are designed to ensure that appropriate and immediate action is taken to remove the driver from driving a public passenger transport vehicle if they do not hold and appropriate and current drivers licence.

The ways in which we book and pay for passenger transport services have undergone a revolution and in recognition of these ever evolving methods the Bill introduces new evidentiary provisions that will enable a screen shot from an electronic booking device such as a smart phone, tablet or computer to be introduced as prima facie evidence of an offence.

This will remove the need for Transport Safety Compliance Officers to provide evidence from printed record which may not be readily obtainable. For unaccredited drivers, this will provide invaluable evidence that a passenger service has been provided.

The Government appreciates that breaches can be unintentionally made and prosecution of these offences is not always the quickest and most efficient way to remedy such contraventions. The Bill introduces a constructive alternative to prosecution through Enforceable Voluntary Undertakings which allow a co-operative approach to those situations where remedial or proactive action by the offender to address the breach of passenger transport law and prevent its recurrence is in the best interests of passenger transport safety. While the undertakings are voluntary, the making of an undertaking is creating a legal obligation and there are legal sanctions for failing to fulfil its requirements.

These reforms to the taxi and chauffeur vehicle industry which have been delivered by this government have enabled new participants to enter a previously restrictive market. Many of these organisations are not based in South Australia and future entrants may not be based in Australia.

Unfortunately this can lead to the erroneous assumption on the part of some participants, particularly those that use apps and cloud based technologies for booking, payment and record keeping systems, that this state's legislative requirements do not apply to them.

This Bill, through the insertion of an extra territorial provision, addresses this erroneous presumption and will put beyond doubt that the point to point legislative framework set out in the Passenger Transport Act and Regulations

applies to all providers of services regardless of whether they or their parent companies are based in another Australian jurisdiction or another continent and that this Government holds them now, and in the future, accountable for services they provide in this state.

The reforms introduced last year have significantly increased the number of point to point drivers on South Australian Roads. These drivers are likely to be on the road more often than a private car user and are therefore it is only fair that they to pay a CTP premium that reflects the increased level. The Bill amends the *Motor Vehicles Act 1959* to ensure drivers found driving under the incorrect Compulsory Third Party Insurance category are required to pay the correct premium. This measure is essential to protecting the integrity of the CTP system.

Mr Speaker, this government remains committed to the continuing reform of the small passenger transport industry to deliver the highest standards of customer service without watering down our stringent safety requirements, fostering innovation, promoting fair competition whilst building a resilient and sustainable businesses.

The reforms that will be delivered by this Bill, are designed to protect the public from unscrupulous drivers who have not ensured their vehicles meet minimum safety standards, who have not undertaken the required medical and criminal checks and who have not been assessed as possessing the appropriate skills we not only require but demand of those drive small passenger vehicle drivers for fare or reward.

The reforms will actively deter unaccredited persons from working in the industry. The members of our community who use small passenger transport services can be assured of this Government's ongoing commitment to their protection and respond to the challenges created by new business models and technologies.

This Bill will underpin the delivery of safer journeys, get unaccredited drivers and cars off the road, build public confidence in the industry and ensure no participants in the industry can gain an unfair competitive advantage by breaking the laws put in place to protect the public.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Passenger Transport Act 1994*

4—Amendment of section 3—Objects

This clause makes a consequential amendment to the objects provision.

5—Amendment of section 4—Interpretation

This clause inserts definitions of *driver's licence* and *screenshot* and also deletes the definition of centralised booking service and replaces it with a definition of transport booking service.

6—Insertion of section 6

This clause inserts a provision for extraterritorial operation of the measure.

7—Amendment of section 27—Accreditation of operators

This clause slightly increases the penalty for a first offence of operating a passenger transport service without the appropriate accreditation and introduces a higher penalty for a second or subsequent offence. The provision also makes it clear that certain people and companies are not entitled to accreditation (where there has been insolvency or winding-up).

8—Amendment of section 28—Accreditation of drivers

This clause splits the current offence for driving a public passenger vehicle without accreditation into 2 offences - a less serious offence for people who have let their accreditation lapse within the preceding 3 months and a more serious offence for other circumstances. The more serious offence is punishable by a maximum fine of $15,000 or an expiation fee of $500 and by a licence disqualification, whilst the other offence for people whose accreditation has lapsed is punishable by a maximum fine of $10,000 or an expiation fee of $500.

9—Insertion of section 28A

This clause inserts a new section providing for an automatic suspension of a driver's accreditation if the person is disqualified, under the law of any jurisdiction, from holding or obtaining a driver's licence, is charged with a serious offence (which is defined in the provision) or if the Registrar of Motor Vehicles directs the person to submit to an examination under section 79B of the *Motor Vehicles Act 1959*. Following the suspension, the Standards

Committee must hold an inquiry to determine whether proper cause exists for disciplinary action against the person (and the suspension remains in place until that issue is resolved or the person surrenders the accreditation).

10—Amendment of heading to Part 4 Division 3

This clause makes a consequential amendment to a heading.

11—Insertion of section 28B

This clause inserts a new provision defining a transport booking service.

12—Amendment of section 29—Accreditation of transport booking services

This clause slightly increases the penalty for a first offence of operating a transport booking service without the appropriate accreditation and introduces a higher penalty for a second or subsequent offence. The clause also makes a consequential amendment.

13—Insertion of section 35AA

This clause enacts new offences relating to accreditations. Firstly, there is to be an offence for a person who represents, by words or conduct, that the person undertakes an activity for which an accreditation is required when the person does not hold the relevant accreditation. The offence is punishable by a maximum fine of $35,000. Secondly there is to be an offence for a driver who accepts bookings from a person who operates a transport booking service without taking reasonable steps to ensure that person is accredited. This offence is punishable by a maximum fine of $10,000 and, in the case of a second or subsequent offence, a licence disqualification. Finally, a driver who accepts a booking from a person operating a transport booking service knowing or having reason to suspect that the person does not hold an accreditation is to be guilty of an offence punishable by a fine of $20,000 and a licence disqualification.

14—Amendment of section 52C—Overcharging for non-cash payment surcharge

This clause makes a consequential amendment.

15—Amendment of section 53—Authorised officers

This clause clarifies the power of an authorised officer to take screenshots or films, photographs or other records and to require a person to state the person's full name, usual place of residence and date of birth and to produce evidence of the person's identity.

16—Amendment of section 54—Inspections

This clause amends section 54(12) to allow a direction to be issued that a vehicle be presented for inspection and not be used as a public passenger vehicle until the inspection is carried out. The clause also extends liability under section 54(14) to the operator of the passenger transport service (as well as the driver of the vehicle and any person by whom the driver is employed to drive the vehicle) and slightly increases the maximum penalty as well as adding an expiation fee.

17—Insertion of sections 57A to 57E

This clause inserts provisions as follows:

57A—Offences by persons involved in management of corporations

This provision is being moved from the current Schedule 2 and generalised.

57B—Penalties for corporations

This provision is being moved from the current Schedule 2 and generalised.

57C—Continuing offences

This provision is being moved from the current Schedule 2 and generalised.

57D—Recovery of economic benefit

This provision allows for the making of an order that a person who has contravened the Act pay to the Minister an amount not exceeding the court's estimation of the amount of economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention. An amount paid to the Minister under the section must be applied for the benefit of the point to point transport service industry.

57E—Enforceable voluntary undertakings

The Minister may accept a written undertaking given by a person in connection with a matter relating to a contravention or alleged contravention of the Act and it is an offence, punishable by a maximum fine of $20,000 to contravene an undertaking. The Minister may also apply to the Magistrates Court for enforcement of the undertaking and the provision sets out various orders that may be made by the Court in such enforcement action. Failure to comply with such an order is punishable by a maximum fine of $35,000.

18—Amendment of section 61—Evidentiary provision

This clause provides evidentiary aids in relation to screenshot evidence.

19—Amendment of Schedule 2—Point to point transport service transaction levy

This clause defines a rank and hail taxi service and provides for payment of the levy in respect of such a service by the primary booking service (which will be determined in accordance with the regulations). The clause also makes consequential amendments.

20—Repeal of Schedule 4

This clause repeals the schedule of transitional provisions, which is now spent.

Schedule 1—Related amendments and transitional provisions

Part 1—Related amendments to *Motor Vehicles Act 1959*

1—Insertion of section 81DA

This clause is consequential to clauses 8 and 13 and inserts a new provision allowing a Registrar imposed licence disqualification where a person expiates an alleged offence against section 28(1a) or 35AA(2) (other than a first offence) of the *Passenger Transport Act 1994*.

2—Amendment of section 99A—Insurance premium to be paid on applications for registration

This clause creates a specific offence of failing to notify the insurer where, by reason of a motor vehicle being used for the provision of a passenger transport service, a greater premium becomes payable in respect of the motor vehicle. Both the insured person and any person who drives the motor vehicle for the provision of such a passenger transport service are guilty of the offence, punishable by a maximum penalty of $5,000 or an expiation fee of $500.

3—Amendment of section 124A—Recovery by insurer

This clause is related to the amendment above and allows for recovery by the insurer where an insured person incurs a relevant liability but has contravened the Act by committing an offence against new section 99A(7a).

Part 2—Transitional provision

4—Centralised booking services

This clause deals with the transition from centralised booking services to transport booking services.

Schedule 2—Further amendment of *Passenger Transport Act 1994*

This Schedule slightly increases penalties and converts them from Divisional penalties to monetary amounts.

Debate adjourned on motion of Mr Pederick.

STATUTES AMENDMENT (LEADING PRACTICE IN MINING) BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Mr VAN HOLST PELLEKAAN (Stuart) (15:45): When we ran out of time just before the lunch break, I was saying that the opposition is well aware of the concerns out there with regard to this bill. We are aware of the support for it, too, from certain quarters, but we are aware that there is still a great deal of concern about it. The point I was trying to make when time ran out—and I will restate it because it is very important—is that I am not saying that the opposition is going to take every single concern that comes to us and automatically support it. We will take every single concern that comes to us, thoroughly consider it and then make a decision on whether it is something we support or do not support. I had gone into the reasons why that would be appropriate in the bulk of my speech before we had to take a break.

The other thing I would like to put on the record is that during the lunch break I got some information from a government public servant who has been deeply involved in the delivery of this bill. It relates to my comments about exempt land versus restricted land. I was explaining that I can understand the government's position of wanting to change the word from 'exempt' to 'restricted' because it never really meant exempt. It actually did mean restricted and that is the reason for the change. I also explained that that change has caused people a great deal of concern because when it said exempt, they felt they were getting less than exempt and so, if it is changed to restricted, they fear that they will then get less than restricted down the track.

The person sent a message to me that said that landowner submissions asked for that name change and now there has been an alleged change of sentiment from them. I just want to put that on the record. That was information that was shared with me, relevant to comments I made. I do appreciate the fact that that person gave that information to me. What that really means is that there is still a great deal of uncertainty out there. What that really means is that the consultation process is still ongoing. If that is the case, whether a few landowners or many of them or most of them asked for the change and then whether few or many or most have now expressed concern in that change, it really does make very clear that that is another example where the consultation has not come to an appropriate landing yet.

The opposition will not impede passage of the bill through the house or seek to amend it here. We will not cause any delay in the debate, but we will take the opportunity to learn more in the committee stage of the debate. We will not oppose the bill in this house and we will use the time between the houses, the information gained here in committee, the outcomes of the public consultation sessions that the government is still running for another two weeks, the feedback from stakeholders and other information to determine whether we will support, oppose or seek to amend the bill in the upper house. The government has even filed amendments of its own since presenting the bill to parliament, which is a clear sign that their work on the bill is not complete and there may even be more amendments to come from the government.

I want the potential benefits of this bill to be made available to all stakeholders as soon as possible, but I also want to be sure that the bill is as good as possible for all stakeholders and, given that most amendments the opposition moves are rejected by the government in this house, we will finalise our position between the houses. The opposition will not oppose the passage of this bill in this debate in this house. We will allow a vote to go ahead at the completion of the debate, including the committee stage, and reserve our right to make changes, as I said, between the houses.

Mr HUGHES (Giles) (15:50): I rise today to support this particular bill and the review process that has underpinned the bill coming before the parliament. There is a lot more work to be done. There will be other bills before the parliament before this process has finished. I guess by the time it comes to the parliament it is a bit like an iceberg: the amendment bills are just the tip of the enormous amount of work that has been done out in the community with a whole range of groups. It has been a very comprehensive consultation process and, as the member for Stuart has indicated, that process has not come to an end as a raft of other issues still have to be explored and a conclusion in one form or another must be reached before coming to this house.

What the process does is bring South Australia's mineral legislation into step with modern community and environmental expectations by identifying amendments that will bring about more open and transparent community consultation processes, increase environmental protections and modernise application processes to promote investment and job creation in our regional communities.

The value of the minerals sector to South Australia, and the incredibly significant potential for growth that exists in that sector, has been stated, but is probably worth repeating. Last year, we saw $170 million spent on exploration in our state. The production surrounding the minerals sector came in at something like $5.2 billion. The royalties generated were $208 million for the state and for the people of South Australia and exports represented $3.8 billion of our state's overall export. Of course, one of the really important elements is the jobs that are generated, with over 10,000 direct jobs as a result of the mining industry in South Australia. That does not include the indirect jobs, so we are probably looking at 20,000 plus jobs.

The member for Stuart has talked about the agricultural industry and the tension that sometimes exists between mining and agriculture. As in a lot of things involving people of good faith, sound negotiation can often resolve all sorts of issues that we face. As members opposite well know, and as we on this side know as well, the agricultural industry has been incredibly important for the state. It is one of the foundational building blocks, if not the original foundational building block of our state, and it has gone on to make a massive contribution.

The $3.8 billion in exports that the mineral industry generated last year for South Australia is roughly matched by the $3.8 billion in exports by the agricultural sector. The wine industry, which to

me is an agricultural industry, a horticultural industry, is separated from that $3.8 billion, but it adds another $1.8 billion in its own right. I am not quite sure why we do that; maybe some other people can tell us. So that sector is a massive contributor to the wellbeing of our state.

I welcome the comprehensive community engagement in relation to this legislation. I am advised that the government has engaged over 70 organisations and 500 individuals in over 40 regional community and open-house meetings. It was good to see that of those meetings, only three of them occurred in the city. The rest were out in regional South Australia. When I look at my own electorate of Giles, the mining industry makes an enormous contribution. The mining industry and resource processing is by far the biggest contributor to the wellbeing of the seat of Giles, and it makes a massive contribution to the state.

That is not to say I do not have farming country. I obviously have extensive pastoral land in the electorate of Giles, and there is even some cropping land around Kimba and Quorn, but overwhelmingly it is mining and some of the value-adding that happens to that mining which makes the massive contribution. We just have to look at what is happening at the moment with the $600 million up at Olympic Dam and the short-term contractor jobs that is generating. There are in excess of 1,200 jobs up at Olympic Dam at the moment as part of the refurbishment of plants and the mine extension.

Ultimately, the southern mining operation is going to lead to a significant number of ongoing jobs—in all probability, in excess of 500, and I have heard of figures of potentially up to 1,000 additional jobs. That is a major turnaround for Olympic Dam. It was an exciting day when OZ Minerals gave the green light to Carrapateena, with over 1,000 jobs associated with that particular development—the largest undeveloped copper resource in the country. What is particularly interesting about that copper resource is that, just to the north of it, there are two other significant copper resources. I am informed that some of them might actually have higher grades than Carrapateena.

There is some additional activity by another company proposing a fairly extensive drilling campaign in that broad region because they believe there is another sleeping giant there—another potential Olympic Dam. When you go to the front bar of the Andamooka Hotel and you have a few beers and speak to some of the people heavily involved in the mining industry—I do not know whether this is speculative or whether it is because they have had a few drinks—they start to talk about South Australia in a way that is just incredibly positive, just in relation to copper alone. They believe that northern part of our state, and coming down from that, we might well be in one of the world's great copper provinces.

It is really fascinating to say this in this particular chamber, which was built on copper wealth in the century before last. We might actually be revisiting, on a far vaster scale, those sorts of opportunities. The really interesting thing about that is, with the electrification of so much in our lives, with vehicle fleets and a raft of other things happening with renewables, along with mobile and stationary batteries, the demand for copper is going to increase significantly. We do know that not many major deposits are being found, and when it comes to some of those really extensive copper deposits in Chile, the grades are going down.

If you look at somewhere like Olympic Dam, with the extension into the southern areas, the grades are going up. So just in relation to copper, South Australia is potentially going to be in a very exciting position. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Auditor-General's Report

AUDITOR-GENERAL'S REPORT

In committee.

(Continued from 31 October 2017.)

The Hon. J.W. WEATHERILL: By leave, I move:

That the timetable for consideration in committee of the Report of the Auditor-General 2016-17 be amended by interchanging the time scheduled for the examination of the 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 and Minister for the City of Adelaide with the Minister for Transport and Infrastructure and Minister for Housing and Urban Development.

Motion carried.

The CHAIR: We need to have the lines of the report we are addressing with the question, and it is necessary to stand to ask the question. The Premier has a range of advisers for his portfolios, Premier and Arts. Questions concerning the portfolio of the Premier are first.

Mr MARSHALL: I refer to Part A, pages 2 and 3, regarding the Auditor-General's comments about requests and approval for access to cabinet submission decision sets. The Auditor-General wrote to the government in June 2017 proposing an approach to gain timely access to cabinet decision sets that are necessary audit evidence, but did not receive confirmation that he would be provided with even this limited access to cabinet information until September, three months later. Can the Premier provide some comment to this committee as to why it took so long to reply to the Auditor-General's request?

The Hon. J.W. WEATHERILL: In August 2016, cabinet adopted a general policy that cabinet documents would not be released to investigative agencies. This was intended to protect the integrity of cabinet processes. The policy included the Auditor-General. No cabinet in the nation does this, and there had been a practice that had grown up where certain cabinet documents were supplied as a matter of convenience because they were a shorthand way of describing a whole bunch of documents that would otherwise be more time-consuming to access.

While it was convenient in that sense, it created a difficulty for cabinet government. The Auditor-General, when he was advised of the policy, obviously still needed on occasions to be able to verify that certain decisions had been taken; therefore, he needed access to the cabinet decision sets. He was content with that. However, the policy as it was written prevented the release of any cabinet documents, including decision sets, to the Auditor-General. The Auditor-General wrote to the Attorney-General in June to outline the difficulties caused by the policy.

The decision set provides evidence of cabinet's approval and the substance of these approvals. Without that information, he found it difficult to discharge his functions. In August 2017, we needed to approve an exception to the policy to allow the Chief Executive of the Department of the Premier and Cabinet to provide the Auditor-General with a record of cabinet decisions where this is necessary for the proper exercise of the Auditor-General's functions. The exception also allows the Auditor-General to refer in a public report to the fact of cabinet approving a matter, provided such reference is necessary for the Auditor-General's functions and does not disclose any other deliberations of cabinet.

Obviously, we want to be as helpful as possible to investigative agencies such as the Auditor-General, but we also need to preserve the integrity of cabinet. I think we had a long discussion about this during estimates, about the reasons for that, but they are self-evident and they are the same reasons that animate every cabinet around the nation, and that is that cabinet government is about collective decision-making, which is essentially not made in a public way.

The reason why that is important is so that the various perspectives and deliberations of cabinet can be made, including the differences of opinion, in a fashion which means that it is not disclosed to the public so that the decisions themselves can be represented as the decisions of the whole of the government. It would lead to the sort of chaos we are beginning to see emerging nationally if we were to have essentially every perspective aired as a consequence of every cabinet decision being made public or at least the deliberations being made public. There are sound public policy reasons for that.

It is important that cabinet members are able to speak without fear or favour in that environment and that they are able to bring their perspectives, both critical or supportive. If you were to reveal cabinet documents, you would also reveal the different perspectives, potentially, of different ministers that may emerge. Then you would have the extraordinary situation where, to actually fully understand a cabinet decision, you would be trawling through various ministers giving their evidence or perspective about cabinet decisions. It completely undermines the notion of collective solidarity,

which is at the heart of cabinet government, and it could very well lead to the sort of self-censorship, which is anathema to high-quality decision-making.

Mr MARSHALL: Just to clarify, Premier, you are now agreeing to provide the decision sets to the Auditor-General for his perusal, but the only part that can be reported is either the approval or not approving of a matter; is that correct?

The Hon. J.W. WEATHERILL: Yes, that is right because there are some elements of the Auditor-General's function that depend upon knowing whether cabinet approved or did not approve of a particular matter. So that is the relevant part.

Mr Marshall: He is given the full set?

The Hon. J.W. WEATHERILL: When we say 'cabinet decision set', it really records the decision that was taken by cabinet—if you like, the conclusion of cabinet deliberations.

Mr MARSHALL: Can the Premier provide some information to the house about how many cabinet decision sets the Auditor-General has received since this new arrangement was put in place?

The Hon. J.W. WEATHERILL: I will not take that on notice, but we would only provide the cabinet decision sets that were necessary for him to discharge his function. In many cases, it is not relevant to his function. Cabinet may not be the decision-maker in very much of the work he does; it may be an agency that is the decision-maker. To the extent that cabinet is the decision-maker, and to the extent that he is carrying out an audit where that becomes relevant, he will request them. I do not have the precise details of the number of requests he has made, but we will bring back an answer.

Mr MARSHALL: When you come back to the house with that answer, can you also indicate how many times those decision set requests have been denied?

The Hon. J.W. WEATHERILL: Well, I will bring back an answer, but the policy is now that they will be supplied upon request, so I would not imagine that there would be any denials. I will certainly ask that question and find the answer.

Mr MARSHALL: When did the Auditor-General make recommendations for amendments to the Public Finance and Audit Act to improve the flexibility of his reporting to parliament and the government's accountability?

The Hon. J.W. WEATHERILL: I understand that the recommendation is contained in this report. We now have the report, and that is under consideration.

Mr MARSHALL: The recommendations are in the Auditor-General's Report? They were not received prior to the publication of this report?

The Hon. J.W. WEATHERILL: I will check that, but it seems on the face of the text that the recommendation is being made in the report. I am not aware of whether it was made prior to the release of the report, but the terms of the recommendation rather suggest that the first time the recommendation has been made is in the body of the report. I will check that and see whether it was made earlier.

Mr MARSHALL: If that is the case, can the Premier confirm that the government has not responded to this report as yet?

The Hon. J.W. WEATHERILL: No, we have not yet responded. We have only just received the report, so the matters that are contained within it are being responded to, and that is one of the matters that we will respond to.

Mr KNOLL: Is the Premier then confirming that the first time he received notice of the Auditor-General's request to have legislative change was when the Auditor-General's Report was tabled?

The Hon. J.W. WEATHERILL: No, I am not confirming that at all. I am just saying that the terms of the way in which it is expressed rather suggest that the first time the recommendation is made is in the body of this report, but whether it has been made at an earlier time I do not know that, or at least I cannot recall that, and we will take that question on notice.

Mr MARSHALL: Further on that reference on page 4, item 1.3, the Auditor-General is specifically talking about amendments that he is seeking that are critical to ensuring the Auditor-General has clear authority to report to the parliament at the earliest opportunity possible. We know from evidence provided to the estimates committee that we are still waiting on reports regarding the new Royal Adelaide Hospital, the Festival Plaza, One Community and the State Administration Centre sale. Can the Premier confirm to the committee that all the relevant documentation will be provided to the Auditor-General in a timely manner to ensure that those reports can be made available before the next election?

The Hon. J.W. WEATHERILL: Certainly, it is my expectation that all the relevant material should be provided in a timely fashion so that the Auditor-General can discharge his function and ensure that all the relevant reports are completed as soon as possible.

Mr MARSHALL: Can the Premier indicate whether there are any other hold-ups to the preparation of any of those reports? In particular, I refer to the Festival Plaza report, because during the estimates committee there was some discussion as to whether or not another investigation—in fact, an investigation from the ICAC—was stalling the finalisation of that report, which was due in October 2016.

The Hon. J.W. WEATHERILL: I do not think that was the burden of the evidence that was given before the estimates committee. I think the evidence that was given was that some clarification was being sought by the Auditor-General about the various boundary responsibilities between his function and the functions of other agencies. It took some time for him to clarify that matter, and that may have been the explanation for some of the delay. I am not aware of any other processes that would have the effect of delaying any of the matters that are the subject of your question.

Mr MARSHALL: Can the Premier perhaps offer any explanation as to why there is a delay with the finalisation of the Festival Plaza report due in October 2016 and whether he sought any explanation from the Auditor-General as to why there has been such a substantial delay?

The Hon. J.W. WEATHERILL: It is a matter for the Auditor-General. I am sure he is completing his work assiduously, making sure that he has all the relevant evidence and making sure that everybody has the opportunity to properly respond to his reports and his deliberations, and I am sure it will be available as soon as possible. We are very keen to see tabled it as soon as possible.

Mr MARSHALL: Has the Premier sought any explanation from the Auditor-General as to the delay, which is now more than 12 months?

The Hon. J.W. WEATHERILL: The Auditor-General carries out his functions diligently and I have no reason to believe that he is not discharging his functions properly in this case and that he is as keen to finalise this report as we are keen to receive it. I have no doubt at all that he is exercising all due diligence in the preparation of his report. There has been nothing brought to my attention that would suggest otherwise.

Mr MARSHALL: When the Premier says that nothing has been brought to his attention regarding this matter, is the Premier aware that there is or there is not an ICAC inquiry into the Festival Plaza?

The Hon. J.W. WEATHERILL: First you misrepresented my answer and then you asked me a question that I probably cannot even answer. The first point is that I did not use the phrase that you used in describing your question. I said that I believed there was nothing that had been brought to my attention to suggest that he was not conducting the matter with all due diligence and, just for the record, I am unaware of any investigation by any other body, other than the Auditor-General, concerning this matter.

Mr MARSHALL: Have you sought any indication from either the Independent Commissioner Against Corruption or the Auditor-General whether there is an ICAC inquiry into the Festival Plaza?

The Hon. J.W. WEATHERILL: No, I have not, and I think it would be inappropriate for me to do so. I certainly have not made those inquiries, and there has been nothing drawn to my attention to suggest that any other investigation is impeding the capacity of the Auditor-General to complete

his work. I hope that his work is completed soon. I hope it is brought to this parliament soon and that the matter can be thoroughly considered.

Mr MARSHALL: Would there be anything that precluded you, as the Premier—and this is of course a matter of public interest—in making that inquiry to either the Auditor-General or the Independent Commissioner Against Corruption?

The Hon. J.W. WEATHERILL: I am not going to make inquiries about matters that have not been drawn to my attention and—

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: Well, it is spurious. There is no basis to suggest that there is any other inquiry. I have no evidence to suggest there is. All we have is essentially the Leader of the Opposition seeking to cast aspersions on the government and its processes by raising the spectre of an ICAC investigation. If there were ever a justification or an explanation for why these matters should be dealt with without the full glare of publicity, it is the mysterious way in which the Leader of the Opposition seeks to sneak around the strictures of the ICAC legislation and imply that there might be such an investigation going on in relation to this matter.

We know precisely how these investigations are used and misused in other jurisdictions. It is precisely the reason we put the model before the parliament, which, I might say, those opposite voted for and supported, which suggests that those investigations should occur in private. Once they are concluded, those investigations are then made public and the matter can be evaluated, rather than these snide suggestions that something untoward is happening and we just hedge around because we know that we are not allowed to confirm or otherwise whether such a matter is being investigated.

The CHAIR: We do need to return to matters that are the substance of the Auditor-General's Report, if we can.

Mr MARSHALL: I refer to Part B, page 330. The Auditor-General's Report states that DPC's promotion and marketing expenses increased by 100 per cent between 2015-16 and 2016-17. Can the Premier provide an explanation for this massive 100 per cent increase? What is the total estimated cost of promotion and marketing activities to be incurred by the Department of the Premier Cabinet in the 2017-18? How much of that amount is due to be spent before the election on 17 March next year?

The Hon. J.W. WEATHERILL: There have been a number of significant communication exercises undertaken by the Department of the Premier Cabinet on behalf of the whole of government. Promoting, obviously, the South Australian economy nationally and internationally is a significant part of that, so some of it is an international marketing campaign. Promoting South Australia as the best place to do business across a range of growth sectors such as defence, energy, premium food and wine, tourism, health and biomedical is another part of that.

Obviously, a significant part is investment in promoting South Australia internationally, targeted to our key markets in China and France, reflecting our international engagement strategy. I think there was also a substantial component concerning the international engagement program concerning the arrival of China Southern. There was of course the Open State festival, another key promotional activity delivered by the department, promoting innovation, collaboration, ideas and enterprise.

It is also worth noting that the department has increased in size because of essentially bringing over, through the machinery of government changes, the energy and mining part of the department. So some of the increase in expenditure is associated with the larger department, so their communications budget comes over.

Mr MARSHALL: Will the Premier table to this committee an itemised breakdown of that $3.7 million increase for the 2016-17 financial year? Can he answer the previous question, which is: what is the total estimated cost for promotion and marketing activities for 2017-18? What proportion of that budget for the current financial year will be spent before the election on 17 March?

The Hon. J.W. WEATHERILL: The documents themselves provide that breakdown. They are contained on page 333 of the Auditor-General's Report. I do not think there is any expectation they will be expended anything other than in an orderly way throughout the period of the financial year. Some of them have already been expended because things like Open State have already occurred. Others will be rolled out throughout the course of that period.

Mr MARSHALL: What proportion of this year's budget will be spent before the election, for the third time?

The Hon. J.W. WEATHERILL: The 2017-18 budget, which is of course the subject of the most recent budget deliberations, I will have to take that on notice. This is an Auditor-General's examination of the previous financial year.

Mr MARSHALL: At page 331, the Auditor-General's Report reveals that the cost of consultants for the energy market and electricity generation projects was $2.7 million in the 2016-17 year. Will the Premier provide an itemised list of these consultancies and their specific costs?

The Hon. J.W. WEATHERILL: We will take that on notice. These consultancies were, of course, a very important basis for us to establish Our Energy Plan. One only needs to consider the significance of the six items that were put in place to understand the speed, the importance and the skills and capabilities that were needed to be brought in. The consultancies cover a range of areas, whether it is the 250 megawatt gas-fired power plant, the temporary generation associated with that, the Renewable Technology Fund, the evaluation of the battery storage or indeed the evaluation of the solar thermal plant, which was the ultimate winner of the procurement.

We needed engineers, energy market economists and a substantial amount of legal and accounting services to deliver the outcomes on the energy plans. We will bring back an answer to you on those matters.

Mr MARSHALL: While the Premier is doing that, does he have an indication of the estimated cost for consultants for this current financial year for the energy market and electricity generations projects?

The Hon. J.W. WEATHERILL: Once again, this is outside the scope of the Auditor-General's Report, which is the last financial year, but we will take that on notice and bring back an answer.

Mr MARSHALL: Referring to Part A, page 124, why did the cost incurred by the Department of the Premier and Cabinet in 2016-17 for contractors and temporary staff increase by more than 40 per cent to over $20 million in a single financial year?

The Hon. J.W. WEATHERILL: The fundamental drivers of this were the machinery of government that obviously brought over a new agency. You are talking about a larger agency, so that immediately takes the money reported in one column, essentially in mining and energy, and brings it over into another column, in terms of premier and cabinet. The energy plan itself was another substantial contributor. Because the energy plan required a very intense period of effort, essentially bringing in temporary independent contractors, that obviously led to a very substantial increase in expense and that is also built into that number.

Mr MARSHALL: Referring to Part B, page 368, TVSPs, why was there such a substantial increase in TVSPs from the 2016 year to the 2017 year in the Department of the Premier and Cabinet?

The Hon. J.W. WEATHERILL: Fundamentally, it is a machinery of government issue, so it is a larger pool of TVSPs. There are always TVSPs. You are basing it on the previous year. We have a larger cohort, so by parity of reasoning there is a larger group of TVSPs.

Mr MARSHALL: Referring to Part B, page 328, the Auditor-General's Report states that the transition of agencies from CHRIS5 to CHRIS21 was completed. What was the original budget for this project and what was the actual cost?

The Hon. J.W. WEATHERILL: On 3 February 2014, the cabinet approved the commencement of phase 2 of the CHRIS project, including funding of $11.4 million. This initial figure

excluded agency costs, which ultimately were estimated to be in the order of a further $10 million. So the total project cost, including the agency component, is now $21.9 million. From 2017-18, ongoing savings of $1 million per annum are factored into the budget forward estimates as a consequence.

Mr MARSHALL: I heard the Premier say that the total cost was $21.9 million. What was the original estimated cost?

The Hon. J.W. WEATHERILL: Well, there was not an original estimated cost, or something which is comparable, because the original cost did not include an agency component. So the total figure now is $21.9 million, and the initial figure did not include the agency costs, which were not initially determined at that time.

Mr MARSHALL: Are you suggesting that additional agencies were included in the final scope but not in the original scope?

The Hon. J.W. WEATHERILL: I am suggesting that there are two costs: one is the agency costs associated with transitioning to the new system, and then there is the cost of the project itself. It is the combined cost that represents $21.9 million.

Mr MARSHALL: Then can the Premier answer my original question: what was the original budget for the project, and what was the actual final budget?

The Hon. J.W. WEATHERILL: I have to bring back an answer because basically we do not have two numbers which are comparable at this stage. We will have to take that on notice.

Mr MARSHALL: Can the Premier give any indication to the house whether or not there was any change to the scope, whether any agencies originally envisaged in the scope were in fact not included in the final deliverable?

The Hon. J.W. WEATHERILL: I will take that question on notice, but I think the original project is actually larger, so it includes a larger number of agencies than was originally envisaged. I will bring back an answer to you on that matter.

Mr MARSHALL: Can the Premier then give any indication as to why there was a downgrading of the scope for that project?

The Hon. J.W. WEATHERILL: I do not think I suggested there was a downgrading of the scope. I think there was—

Mr Marshall: You said there were fewer agencies included in the final—

The Hon. J.W. WEATHERILL: No, 'new' agencies. There were new agencies, SAPOL and TAFE, so there were not fewer. If I said that, it was a slip of the tongue. I thought I had said new agencies.

Mr MARSHALL: Referring to Part B, page 329, regarding the transfer of mining and energy programs from DSD to DPC, why did the case management function of the Resources Infrastructure and Investment Task Force remain in DSD while the other function units were transferred across?

The Hon. J.W. WEATHERILL: I think the view was that its work was difficult to disentangle from the work that was otherwise being done by the more traditional Department of State Development functions, so it was not possible to disentangle it, if you like, from other investment attraction if it is taken across to the Premier and Cabinet.

Mr MARSHALL: I might be able to come back to DPC, but I have a quick question on the arts. I understand that there has been a $5 million contingency provided for the redevelopment of the Adelaide Festival Centre and plaza. Can the Premier say whether the contingency will be sufficient to cover all the likely costs there?

The Hon. J.W. WEATHERILL: I am advised that that was the original budget. There may be a small additional request for additional contingency which is associated with a larger period associated with the closure of the Festival Centre. That is not yet a government decision, but it is a request that has been made to consider a potential larger contingency, but not a substantial increase.

Mr MARSHALL: While we are on the arts, the Auditor-General's Report refers to additional unforeseen costs associated with the redevelopment of Her Majesty's Theatre. Can the Premier quantify these additional unforeseen costs and what they were for?

The Hon. J.W. WEATHERILL: I think that is a matter that was dealt with in the state budget. I will have to bring back the actual numbers, but it was associated with further work that was done to understand the nature and scope of the project—there has been a substantial additional sum of money that was voted in the budget to be applied to Her Majesty's Theatre—so all those details are contained in the state budget papers.

Mr MARSHALL: I refer to page 329. Can the Premier provide any explanation to the house as to why there has been such a massive increase in grants and subsidies from $7 million in 2016 to $42 million in 2017? Can he provide details of those increases?

The Hon. J.W. WEATHERILL: Once again, it is machinery of government. It is bringing in the mining and energy part of the agency. It is not a substantial increase: it is just bringing those items that were—

Mr Marshall: No net increase?

The Hon. J.W. WEATHERILL: I will have to take that question on notice. You said it is a massive increase. The lion's share of the increase is associated with shifting simply the items across from the Department of State Development.

The CHAIR: I thank the Premier and his advisers and ask the Minister for Transport and Infrastructure to move into place as quickly as possible with his advisers.

Mr PISONI: I refer to Volume B, page 321. Under the heading Revenues from (Payments to) SA Government, the report states that 'net revenues from the SA Government increased by $673 million' and refers to the reason for the increase, which was a transfer of $688 million from the Motor Accident Commission. Is the minister able to advise the committee whether that $668 million was made up of two components? Was it a capital injection from the proceeds of the consequences of the sale plus a dividend, or was it all dividend?

The Hon. S.C. MULLIGHAN: I am advised that it is all dividend and that it is paid straight into the Highways Fund account. Once expenditure authorities subsequently receive it, then it is available for expenditure on capital purposes.

Mr PISONI: That is up substantially from the figure of 449 from the previous year. Can you confirm that the 449 figure in brackets is for the previous year?

The Hon. S.C. MULLIGHAN: That is my understanding, yes.

Mr PISONI: There is a figure of $259 million from the Department of Treasury and Finance, representing the initial fee paid by private insurers to participate in the compulsory third-party insurance scheme. Can you confirm that that is a result of the outsourcing or what is commonly known as the privatisation of the MAC?

The Hon. S.C. MULLIGHAN: My understanding is, as it is described on that page, that it is part of the transaction or transactions that involved the arrangements around the Motor Accident Commission and the future private sector provision of the compulsory third-party insurance scheme, but if you are after any further details I would have to consult with the Department of Treasury and Finance because they managed that transaction. It comes up here merely because we are the recipient of those revenues. Other than the description there, we are a bit bereft of detail, but I can follow up for you.

Mr PISONI: Are you able to confirm whether that is the result of the sale?

The Hon. S.C. MULLIGHAN: From the description by the Auditor-General in his report, it appears that it is, but I think, given my lack of familiarity with the details of the transaction, I would be best served ensuring that I have the right information for the committee and bringing back an answer.

Mr PISONI: Can you advise if you have received any additional funding through that same process since the reporting period?

The Hon. S.C. MULLIGHAN: I would have to take that on notice. It is possible, given that the Auditor-General is examining transactions within the parentheses of the 2016-17 year. Whether any revenues, for example, have been received after 30 June, I would have to take that on notice.

Mr PISONI: Is there a budget or expectation of revenues to be received in that same manner?

The Hon. S.C. MULLIGHAN: I am sorry, member for Unley, I will have to check on that.

Mr PISONI: There is a reference here to payments to the government of $56 million returned of the surplus cash. Are you able to advise what generated the surplus? For example, was it a postponement of something or, was it a job or a series of capital projects that came under budget? Was it because of staff changes that were higher than expected, for example?

The Hon. S.C. MULLIGHAN: My understanding is that the money was paid back to the Consolidated Account under the cash alignment policy, which applies across the general government sector and, very generally speaking, requires unspent funds within agencies or within agency accounts to be returned at the conclusion of the financial year to the government's Consolidated Account.

I am advised that these funds in particular are for projects, which are ongoing projects, and so to the extent that those projects then need that funding back in order to complete the projects, or in order to meet the expenditure requirements in the subsequent financial year, there is a carryover process the department participates in where it requests of the Department of Treasury and Finance the carryover of those funds back to the department to make it available for expenditure on the projects.

At the end of each financial year, unspent funds go back to the Treasury department, but then those unspent funds can come back if they are for ongoing commitments like the delivery of a capital project that has not yet been completed.

Mr PISONI: Just to clarify, minister, the $56 million was not related to unexpected additional savings for staff, only for capital projects?

The Hon. S.C. MULLIGHAN: No, I cannot conclusively say it was only for capital projects. Given all the different expenditure lines within the agency, I am assuming that there is a whole range of unders and perhaps a whole range of overs that at the end of the financial year are consolidated into this figure and then able to be returned back. Perhaps what I could do to assist is try to find a list of what has comprised this $61 million and make it available to you.

Mr PISONI: Thank you, minister. If you could turn to page 322, there is a reference to DPTI liabilities and lease incentives of $50 million, down from $56 million last year. Are you able to advise the committee what those lease incentives were for?

The Hon. S.C. MULLIGHAN: Similar to the previous question, there is a slightly complex answer, and I will do my best to report it accurately. The Department of Planning, Transport and Infrastructure is responsible for across-government office accommodation management. Certainly in the last financial year, but more generally in recent times, there have been a number of new lease agreements that have been entered into by the department on behalf of either itself or other agencies.

In doing so, lease incentives, as they are described there, usually relate to either the discount that a landlord has given on the rent, which has been put by the landlord to DPTI to take out that office space, or it may be a contribution by the landlord to whatever fit-out costs or other related costs might be needed before the agency starts occupying that office accommodation. That $50 million relates to the value of those two types of lease incentives. The reason it comes up as a liability, I am advised, is that DPTI is a manager but is required to pass that on to the agency that is occupying that space.

While there is an asset that gets recorded through the transaction, there is also a value that needs to be put to the liability, and that $50 million represents the liability that the department has to those other agencies for whom it is organising office accommodation.

Mr PISONI: Would that include fit-outs paid for by landlords as an incentive to move into their particular building.

The Hon. S.C. MULLIGHAN: Yes, it could include that. Most commonly, I think we would experience it as being either a contribution by the landlord to fit-out costs or similar costs to enable an agency to occupy, or it might be the value of a rental discount which is provided over the course of the lease.

Mr PISONI: But not a fit-out done by a landlord?

The Hon. S.C. MULLIGHAN: I might have to seek some further information so that I can clarify my remarks. My understanding is, yes, it could be either the landlord who has the responsibility for doing the fit-out or it might be that the landlord recognises that the agency needs to do a fit-out and makes a financial contribution towards that fit-out, which is recognised in that figure. I think your question goes to who does the fit-out; is that correct?

Mr PISONI: Who pays for the fit-out?

The Hon. S.C. MULLIGHAN: My understanding is that this $50 million includes the landlord's contribution for the fit-out. Does that answer your question, or are you asking about who is actually paying the tradespeople to do the fit-out?

Mr PISONI: Basically, what I am trying to establish is whether the fit-out is the responsibility of the landlord, as part of the lease arrangements, or whether the fit-out is paid for by the landlord and done by the state government or your department.

The Hon. S.C. MULLIGHAN: My understanding is that it can be either. It depends on the arrangement that is struck for that particular premises and the landlord who owns that premises. If it would help, I can ask if we can perhaps populate some examples of office accommodation leases and who did what, who paid for it and what the value was.

Mr PISONI: Is it a requirement that those fit-outs funded by a landlord, if they are held as a liability within a department and they are more than $4 million, should be presented to the Public Works Committee?

The Hon. S.C. MULLIGHAN: I have to take that on notice, but my recollection is that some of these matters have been brought before the Public Works Committee. I will have to get some better particulars on it because we do not have that information with us.

Mr PISONI: I take you to page 323:

> The Statement of Financial Position separately discloses non-current assets held for sale of $13 million—

down from $140 million the previous year—

> The decrease in assets held for sale is due mainly to the reclassification of the State Administration Centre to the land, buildings and facilities asset classes. The financial report details that the assets no longer meet the requirements for classification as held for sale.

Are you able to confirm that, because of that accounting adjustment, the government no longer has plans to sell the State Administration Centre?

The Hon. S.C. MULLIGHAN: I do not think you can necessarily draw the conclusion that the State Administration Centre is no longer for sale. This merely represents the accounting treatment within the financial year. As to the status of the sale, whether it is on foot or not, I would have to come back to you. My recollection is that that has been managed by the Department of Treasury and Finance, but I am happy to seek some further information about that.

Mr PISONI: I am a little bit confused. You might be able to help me, minister. The way I read it is that the reclassification has meant that the rental income is no longer an asset you can sell as part of a sale; is that correct? Is that what has been taken out of the value? Is that why we are now talking about just land and buildings, rather than a tenanted arrangement for any investor?

The Hon. S.C. MULLIGHAN: I am not sure that it is necessarily that. It may be that, in the previous year, what was recognised was the assumed sale and a value was attributed to that, and now that that transaction has not been completed it is more appropriate by accounting standards just to account for that asset in the way it is accounted for here. That means that the value changes from

$140 million to $13 million. I am perhaps on the edge or even slightly beyond my full comprehension of that matter, so I am happy to seek further information or take further questions on it.

Mr PISONI: Perhaps you are able to clarify what has been taken out of the equation to reduce the value?

The Hon. S.C. MULLIGHAN: I have just been provided with some further particulars about that. My understanding is that the $13 million in the current year that the report refers to is for other assets and the $140 million is for assets that had included the State Administration Centre. When you said that you get the impression from your reading of the report that it is no longer for sale—I think you described a particular manner in which it might be put to sale—I can understand how you get it from that description, but to be sure of my answer I would have to seek some further information, particularly from the Department of Treasury and Finance.

Mr PISONI: So what you are saying is that the $140 million in the brackets is not the total value for that asset. There are other assets in that $140 million figure.

The Hon. S.C. MULLIGHAN: My understanding is that it is likely that there are other assets included in it, but can I just urge a note of caution to the chamber. We are contending with a combination of my relative unfamiliarity with the subject content of what we are discussing as well as what can usually be utterly confounding accounting standards and treatments, so I think I am best placed to give some further advice to the chamber once I get better information.

Mr PISONI: Minister, if I could take you to page 320, under the heading Income, rental income is $214 million, including $178 million for office accommodation and $27 million for residential accommodation. Are you able to provide a breakdown of how much of that $214 million of rental income is paid by government departments and statutory authorities, and how much is paid by the private sector?

The Hon. S.C. MULLIGHAN: We should be able to. It might take a bit of work to comprise it accurately, but we should be able to do that.

Mr PISONI: Can you give me some idea what the residential component of accommodation of $27 million refers to?

The Hon. S.C. MULLIGHAN: Sure. There is a South Australian Government Employee Residential Properties program or initiative, or SAGERP as it is called. It is basically an initiative where agencies that have public servants who are required to work in regions—and perhaps the best two examples are teachers and police officers—are provided with accommodation. I was going to say that it is free of rent, but I am not sure that it is free of rent. It is a heavily discounted rent or certainly discounted rent from what the prevailing market rent would be.

Similar to the office accommodation scenario that I mentioned earlier, this is another area of the department's management. The income from that is either just from the agencies that are providing that rental subsidy or it may be a combination of the rental subsidy that comes from the agencies and the employees. That is my understanding as to what it relates to.

Mr PISONI: Have any of those properties been sold in the last 12 months or transferred to Housing SA for management?

The Hon. S.C. MULLIGHAN: Certainly sold, I believe so. Whether they have been transferred to Housing SA for management, I am not sure. I would have to take that on notice.

Mr PISONI: At the bottom of page 323, compulsory third-party insurance and related fees collected with motor vehicle registrations amounted to $509 million, up from $482 million, which is about a 10 per cent increase. Are you able to advise whether that represents an increase in the number of vehicles registered, or whether that is simply an increase in the fees that have occurred between each of those years?

The Hon. S.C. MULLIGHAN: I cannot remember off the top of my head what the year-on-year price difference was for compulsory third-party insurance premiums. Albeit from an increasingly hazy memory, I do remember in a former life having a better understanding of this as the Treasurer made a decision on whether the premium would go up or down based on advice from the Third Party Premiums Committee.

That process is obviously changing with the appointment of the Compulsory Third Party Insurance Regulator, but I would be reasonably confident in saying that it is a combination of whatever the change of premium was, up or down, but certainly growth in fleet in South Australia. I remember responding to a media inquiry about the year-on-year growth of the fleet and it continues to grow to the point now where I think we have more vehicles than residents in South Australia.

Mr PISONI: There are 1.7 million vehicles?

The Hon. S.C. MULLIGHAN: Registered vehicles, so that includes trailers, caravans and so on.

Mr PISONI: Boats, I suppose, as well.

The Hon. S.C. MULLIGHAN: It probably would include boats, yes.

Mr PISONI: I have some questions on Part A, page 91, the awarding of the contract manager for the contract for the Festival Plaza. The Auditor found significant shortcomings in controls as these processes did not meet accepted standards of procurement and contract management practice behaviour. When were you made aware of that issue in the awarding of that contract?

The Hon. S.C. MULLIGHAN: I do not have a particular date in front of me. I was certainly aware that Mott MacDonald was going to be the appointee to do this particular work because I think the department felt, given their experience in the precinct and with the Adelaide Oval project and the complexity of dealing with differing stakeholders, sometimes with competing objectives, that they were well positioned to do this work.

I am advised that the Auditor-General has made a series of findings about documentation and contract management from an administrative process, but in terms of a justification basis, the advice I have from the department is that, notwithstanding some of the administrative-related criticisms made by the Auditor-General, they believe it to be an appropriate appointment.

Mr PISONI: Has this situation occurred previously? Have you been made aware of the shortcomings that were exposed by the Auditor-General in this process occurring in other projects?

The Hon. S.C. MULLIGHAN: In response to the question about whether there have previously been shortcomings in procurement practices, I certainly recall, on becoming transport minister, reviewing a lot of the recent documentation that was either provided to me by the department or, for example, examining the six-monthly reports that the Auditor-General undertakes into the Adelaide Oval and the Adelaide Oval redevelopment, that the Auditor-General had identified shortcomings in procurement practices relating to the Adelaide Oval redevelopment itself. The Auditor-General has laid that bare in a series of reports, I think, in 2013 and 2014. So there have been instances where there have been shortcomings in procurement; I do not think I can deny that.

Mr PISONI: On page 94, the Auditor-General says that work commenced before the full contract value was approved. Can you explain why that happened?

The Hon. S.C. MULLIGHAN: I am advised that Mott MacDonald was initially engaged to conduct some work, but the scope of its entire engagement increased in stages. In fact, I think on page 94 the Auditor-General's Report alludes to the different stages or tranches of work that were undertaken by Mott MacDonald. In the first instance, I think part 1, which occurred in December 2015, was followed by subsequent parts 2 and 3, which occurred from April 2016.

I assume that, while conducting the services to which they had been appointed under part 1, further services or work had been identified by the department which they desired Mott MacDonald to undertake. What seems to have occurred is that the scope of those additional works was already being commenced before the appropriate approvals were given for those subsequent stages of work.

Mr PISONI: Did you have any role in those approvals, minister?

The Hon. S.C. MULLIGHAN: I would have to check. On page 94, the Minister for Transport and Infrastructure approved the full contract sum of $2.952 million on 20 April 2016, so the answer is yes.

Mr PISONI: Before you approved it, were you aware of Mott MacDonald's engagement by the Walker Corporation?

The Hon. S.C. MULLIGHAN: I would have to check what advice I was provided with at the time of making that approval.

Mr PISONI: Are you able to advise whether there has been any private sector money spent on the Festival Plaza project as of date?

The Hon. S.C. MULLIGHAN: As of today?

Mr PISONI: As of the work beginning.

The Hon. S.C. MULLIGHAN: The advice I am given is that the discussion in the Auditor-General's Report is constrained to the engagement of Mott MacDonald for the project-related services on Festival Plaza. I gather from your question that you are talking more generally about expenditure of the project more broadly. I would have to check that and the quantum, if any, involved.

I certainly know that the stages of work to date have been around the northern promenade, the works externally and internally within the Festival Plaza and some of the grade separation works on Festival Drive. However, the allocation of those funds I would have to be clear on because, of course, part of the arrangement for Festival Plaza was a $40 million contribution, I recollect—I will double-check that, but I am pretty confident that it is a $40 million contribution—by the developer into what is loosely described as public realm works.

Whether the scope of works that has occurred to date or even occurred within the financial year that the Auditor-General is reporting, or whether those works are yet to commence, because the car park demolition and reconstruction has to occur first before the expenditure happens, I will take that on notice and bring back an answer to the member.

The CHAIR: The time for examination has expired. I am sorry, we are running late, so we need to try to keep to 30 minutes, if we can. We thank the minister and his advisers and the member for Unley and ask the Minister for Communities and Social Inclusion and all the other things to come in with her advisers. If you can tell us what page you are on, we will find that while everyone is moving around.

Mr SPEIRS: Around about page 77.

The CHAIR: In which book?

Mr SPEIRS: Book B.

The CHAIR: The Agency Audit Reports, Part B, page 7, refer to which bit, member for Bright? No formal review?

Mr SPEIRS: What do you mean by which bit? My tranche of questions is on pages 77 to 87.

The CHAIR: But we are on page 77 to start?

Mr SPEIRS: Yes.

The CHAIR: It is a bit like estimates: we have to know the page and we do need you to stand for your questions and answers.

Mr SPEIRS: I am more than happy to do that. As I said, all references for the first lot of questions are from Part B of the agency reports and fall into pages 77 to 87. By way of background, I want to look firstly at the role of the Department for Communities and Social Inclusion in relation to the provision of concessions to South Australians. Previous Auditor-General reports have identified that there have been problems with the department's concessions program through a lack of verification of eligibility of concessions, and that has led to the Auditor-General highlighting that from 2009 to 2015 the department did not validate data for energy or for water. The problems included data quality, missing details, potential duplicate clients and more than one form of concession type being provided.

New issues, which are then reported in the 2016-17 report, which we are on today, show that concession payments are obviously a large part of the department's budget—$152.8 million. We

can identify from the report that there are 37 FTEs allocated to managing the concessions program. Given that this is such a large component of your department's budget, there is a relatively small number of FTEs associated with its administration. Are you able to explain if this is likely to increase in the future and if there are plans to develop this workforce, given the problems that have been experienced with the provision of concessions?

The Hon. Z.L. BETTISON: Thank you member for Bright. Concessions are an incredibly important way that we support vulnerable South Australians, whether it be energy, water or sewerage or our cost of living concessions. Of course, then we go on to our GlassesSA and our PARS scheme as well.

I am advised that we currently have 113 full-time equivalents. We have 28 phone lines—very active phone lines. While we enable people to apply online, and we have consolidated that form, if I am correct, we find that people like to call us and like to talk to us about their application or the additional information they would provide. I was down there probably two weeks ago—best on ground for their morning tea. It is a very active group. Some have been there for many years and there are quite a few new people coming in at the ASO1 and ASO2 levels.

One of the key things that we like to do with those FTEs is provide them with quite significant training, so that when they ask a question of our staff they can answer a question about energy concession, about water concession and about the Cost of Living Concession and so that when they make that inquiry about one concession we are able to respond to them across the board. If they are eligible, we can check that and make sure that they are getting their full complement.

If you own your own home, correct me if I am wrong, I think it is up to $877 a year for concessions for South Australians. We think this goes towards some way to supporting those people who are doing it on a restricted income, the vast majority of whom are receiving a Centrelink payment. We support them with those concessions.

Mr SPEIRS: You mentioned an FTE count. Could you repeat that?

The Hon. Z.L. BETTISON: As I am advised, it is 113 FTEs.

Mr SPEIRS: Is that a figure that has been increased in recent years or in the past year?

The Hon. Z.L. BETTISON: As I am advised the FTE that you used was 37. They are our ongoing staff, the remainder of whom are on contracts.

Mr SPEIRS: So, as you say, you have your 37 ongoing staff; the additional 70 or so you have in the system, do they come and go at certain times of the year? Are there particular times of the year when you have, I suppose, an increased workload that results from that?

The Hon. Z.L. BETTISON: As you have made mention of in your opening statement, member for Bright, we have had considerable focus on reconciliation and validations, which the Auditor-General had a supplementary report on last year and has paid attention to, looking at how we have remediated this situation. So we had some additional staff come on then.

Of course, I was very proud to roll out the Cost of Living Concession in 2015. You may recall we were quite disturbed when our national partnership on certain concessions was ripped up, and that concession went through for people paying their council rates. We thought that they needed to continue to have that support, but we extended that concession to include tenants as well, the first time that tenants were able to access that. The Cost of Living Concession came on; that and the ESL mean that between June and October is a particularly busy time in the concessions unit, so having that flexible workforce enables us to increase the numbers at those times.

Mr SPEIRS: I want to look at page 79, the heading 'Cost savings from updated energy concession reconciliation processes'. The second paragraph under that heading is a statement from the Auditor-General's Report, which says:

We were advised that between December 2015 and August 2017 DCSI saved at least $6.2 million on reimbursement claims from energy retailers. This represents the difference between the amount that energy retailers were claiming for reimbursement and the amount actually paid by DCSI. This is because DCSI applied greater scrutiny to the reconciliation data and identified invalid or incomplete records.

As the minister said, you have had a focus on this validation in recent years to try to improve the process that has clearly, according to the report, resulted in savings to the department because those validations have identified issues which needed to be followed up. Do you believe that there is an opportunity to save even more money if more effort and focus were put on more thorough validation going forward?

The Hon. Z.L. BETTISON: Can I just confirm that you are talking about page 79?

Mr SPEIRS: Yes, page 79, under 'Cost savings from updated energy concession reconciliation processes', and I quoted from that paragraph.

The Hon. Z.L. BETTISON: Obviously this has required considerable discussions with our retailers, of which 28 provide energy here in South Australia. I think we have reached a plateau with that money, so we would not be expecting to have any more savings, but of course it is about a rigorous application. When we are talking to these retailers, it is to say that you cannot apply a concession until it has been approved by ConcessionsSA. What we found before was that they would knock on someone's door and say, 'Have I got a deal for you!' and that person would say, 'But I'm a concession holder,' and they will say, 'No worries; we'll apply the concession.' What we found was that they often applied the concession without checking.

So we have cleaned that up, and it must have 100 per cent verification before we will pay out that concession. We pay that concession to the retailer; we do not pay it to the householder because the retailer takes it off that household bill.

Mr SPEIRS: So you have reached a situation where you have been able to—as you say, and it is probably good language—clean up the system to result in those $6.2 million in savings. Clearly, they had accumulated over time. Do you believe that you now have the mechanisms in place and the validation side of things to a level where that level of problems will not accumulate again to result in a similar figure needing to be revalidated in the coming year?

The Hon. Z.L. BETTISON: I thank you for your interest in this area. As you might imagine, I shared a great interest in cleaning this up when it was raised by the Auditor-General. We now have 22 full-time equivalents who look at reconciliation and validation. We have very strong relationships with the 28 energy retailers and we are very clear about the expectations around when concessions will be approved and when they can apply to the bill. Yes, it has been an area of focus. Also our e-confirmation service, a monthly Centrelink response, has assisted us with that efficient reconciliation and validations.

Mr SPEIRS: Minister, with 28 providers, obviously some will be larger than others. Have you picked up any situation where providers do not have the sophistication or the maturity or the capacity to do this well? Are there particular providers you have considered not working with?

The Hon. Z.L. BETTISON: I think you can think of this as a partnership. The Department for Communities and Social Inclusion wants to support vulnerable South Australians and one of the ways we do that is with our energy concession. This year, the energy concession was indexed. We increased it after the last election but we are going to index it every year. This is something we think is very important but we have a partnership with retailers, so we work with them quite closely.

Some of them are rather large retailers. Some of them have been very active in the market for decades. Others are new arrivals into our South Australian market. People are very clear: I have made it clear as minister, as have our directors of the concessions, that this is how it is going to be if you are going to provide concessions, if you are going to operate in this environment, this is the standard we will adhere to now and in the future.

Mr SPEIRS: Minister, as you alluded to, there are newer providers, and providers would enter the energy retail space on a reasonably frequent basis. Is there a process in place whereby a provider is assessed to deem them eligible to receive those concessions?

The Hon. Z.L. BETTISON: Can you just repeat the last part of that question?

Mr SPEIRS: Is there a process in place to assess the quality or the sophistication of an energy provider to make sure that they are the sort of organisation or business that should be working with the government?

The Hon. Z.L. BETTISON: While the first part of that question is probably best answered by the Minister for Energy, my understanding is that any energy providers would have to be registered I believe with ESCOSA. They would be registered to be a provider in the South Australian market. Obviously we would have quite stringent controls over what they would have to be able to do, but what we have, from a Communities and Social Inclusion viewpoint, is a deed of agreement with these individual retailers and we set out quite clearly what our expectations are.

Mr SPEIRS: With those deeds of agreement, have there been any examples where an energy retailer has failed to meet the requirements of the deed?

The Hon. Z.L. BETTISON: I am advised that that has not been the situation. Of course, we have a partnership here and we continue to talk with them. You know that we have focused on this in probably the last three years, so we have been very clear on our shared relationship and how we do that, but the deed of agreement is quite clear. It is obviously a document that is quite clear about the arrangement.

Mr SPEIRS: I would like to move back from page 79 to page 78. I quote from the second sentence of the first paragraph of that page, where the Auditor-General discusses the situation when it comes to validation:

> Due to the system changes and additional staffing that would be required, full reconciliation is not something that DCSI can currently undertake. DCSI did, however, advise that the positive impact on the CARTS data achieved by implementing the energy concession reconciliation process will also provide positive outcomes for water and sewerage concession records.

Minister, the statement by the Auditor-General there says that DCSI does not believe that it can currently undertake full reconciliation. Do you believe that is something that the department will be able to do in the future or is it something you are planning or aspiring towards?

The Hon. Z.L. BETTISON: Obviously, as you know, we have spent significant time focusing on energy and that is on our CART system. When an anomaly comes to us that it is not a 100 per cent match in energy, we also check water and sewerage. We do a line by line reconciliation and check that validation. While those 22 FTEs have been focusing on energy, when that householder comes to us (the person who receives concessions) we check all the other concessions that they are receiving and make sure that that data is accurate.

We only have one partner for our water concession, which is SA Water. We have a very strong relationship with them. We work quite strongly about making sure that data is accurate. To do 100 per cent would require a significant increase in full-time equivalents. I believe we have come some way to cleaning up that data. We continue, as mentioned in here, to pick out 25 at a time to do an audit process and we will continue to do that work.

Mr SPEIRS: I suppose these questions are somewhat related to earlier questions that I had. If that work were carried out in the future, do you think further savings could be attained, or do you stick by your earlier statement that you believe you have reached a plateau with that and achieved the savings that are possible?

The Hon. Z.L. BETTISON: Thank you for your interest in water, and of course that extends to our concession that we give in sewerage. We have just had a considerable focus on CWMS, our Community Wastewater Management System, which we now pay direct to the household, and we know that that is 100 per cent verified. It would be remiss of me to say whether there would be additional savings in water. We would have to look at that line by line.

I think what you see is our ability to focus on energy and then look at individual households and make sure that that is accurate. I will just go back and say that, with this monthly verification that we have with Centrelink, we get very solid, clean data. Obviously, any time there is a change within that, that triggers us to look at that household and that concession holder and what they do.

Mr SPEIRS: In the same vein, if we go back one page to page 77, under the heading 'Limited validation of water and sewerage concession payments for pensioners prior to payment', that was the area of the report we were in already. The Auditor-General states:

A file of all concession amounts provided to pensioners is given to DCSI after each billing period, and a sample of 25 water concession recipients is reviewed by DCSI to ensure amounts were calculated correctly and paid to eligible pensioners, based on information recorded in CARTS.

The Auditor-General has recommended that you validate all water and sewerage concessions. In fact, the sample size of 25 is very small when you look at the table on page 88, which says that there are 129,000 recipients of the water concession and 182,000 recipients of the sewerage concessions. To do only 25 seems like a very small number indeed. Are there any plans for your department to increase that in line with the Auditor-General's recommendation?

The Hon. Z.L. BETTISON: Thank you, member for Bright. I recognise the Auditor-General's remarks. I guess one of the things is that water is quite different from energy. In energy, as we have talked about, there are 28 different providers. We do see some churn and people move between the providers. As I said before, we have had some issues where there has been a knock on the door and the provider says, 'I've got a great deal for you. I will give you that concession,' without actually checking with us. So that has been an issue.

There is a lot more stability with water. As you have pointed out, 129,000 households receive the concession, but SA Water is the only provider, as I am advised. When it is drawn to our attention that there is an issue with the Centrelink validation, that is our trigger for looking at that. I recognise his remarks and I will take them on board, but at this stage we will continue to do it as we do it.

Mr SPEIRS: Thank you, minister. Sorry for jumping around a bit, but I want to move back to page 78, which we have discussed before, where we have the heading 'DCSI and energy retailers operating outside of the established energy concession scheme'. The Auditor-General states:

[Your department] advised that it believes it adheres to the intent of the scheme however it does not follow specific process arrangements under the scheme as it considers them impractical…

The Auditor-General also says:

Operating outside of the established scheme may expose the State to contractual risks. We recommended that DCSI update the scheme to reflect current energy concession payment processes.

[Your department] responded that it agrees that the scheme should be updated after the upcoming external review of concession processes is completed.

Given that you are working outside the scheme, do you agree with the Auditor-General that that exposes the state to unnecessary contractual risks?

The Hon. Z.L. BETTISON: I welcome the Auditor-General's remarks in this area. As I said before, we have a partnership with these providers and we do a considerable amount of work. When we look at the South Australian Government Customer Concession Scheme for Energy, the Auditor-General has made commentary that it should be updated. Work has begun on that update so that the scheme better reflects the current processes implemented by all parties.

We have a regular exchange of letters and related data. The retailers and the department are operating under an agreed methodology that is consistent with the intent of the scheme. That is, the department determines who is eligible and advises retailers. Retailers only apply concessions to eligible customers and can only be reimbursed for eligible customers

While he has made these remarks—and I certainly take heed of his concerns—we have had several reports on this issue and focused extensively on concessions to improve our reconciliation and validation, but at all times when we provide concessions, we want to have that balance. I want to have that balance of being accurate and at the same time supporting those vulnerable South Australians to receive that discount they are entitled to.

Through the great work of my department—and it has been a significant focus—I believe that we have reached that balance, but I take his remarks. As you have pointed out, it is our intention after the review that will happen this financial year to move forward in regard to that and be very clear about each of the parties' responsibilities. I am satisfied at this point that our relationship and our agreed methodology are consistent with the intent of the scheme.

Mr SPEIRS: Have you sought Crown law advice on this matter regarding the potential breach that may be caused by operating outside the scheme? If so, did that advice match what has been recorded in the Auditor-General's Report?

The Hon. Z.L. BETTISON: I will not be making a comment on that.

Mr SPEIRS: I will move on and go back to page 77 to the discussion of the two IT systems used, CARTS and COLIN. The Auditor-General has raised concerns about the long-term viability of the CART system. I note that in the past there have been efforts to transition from this system, but that has not yet occurred. Are you able to provide an update on where your department is with regard to the transition out of the CART system?

The Hon. Z.L. BETTISON: I thought you would never ask. COLIN is something we are very proud of. It is being delivered in three stages and comprises three main elements. This is the cost of living information system. It has an eligibility determination and a payment administration system. It will also have a web-based customer applications part and, thirdly, a data mart for flexible analysis and reporting. We have a holistic acquisition plan approved by the department and agreed to in October 2015, with an updated version approved in March 2017. Each component of COLIN is being procured separately in line with this acquisition plan.

We have had some interesting experiences with the information system. We know that technology has changed in leaps and bounds. As the minister for this area, I am very focused on making sure that we have each of the phases working as they are expected and as they should before we move to the next stage. COLIN is being designed to allow for the creation and maintenance of customer records with a focus on the audit process.

Obviously, we want to determine the eligibility of customers and calculate payments based on eligibility. What is really important within this is our connection to other databases available at external agencies such as Location SA; Land Services group; the Department of Human Services, which delivers Centrelink payments; and of course our own financial data mart as well. We are also working on COLIN to have decision automation software by a vendor who is an expert in insurance and health industries.

Phase 1 is complete, version 1 of the COLIN decision and rules processing engine for the first-year payments, the data mart and a set of core reporting for first-year payments. Phase 2 is the COLC administration, and it is almost complete. This delivers the central decision and rules engine, looking at the processing and handling of COLC payments. In fact, this financial year, the 2017-18 Cost of Living Concession payments were done through COLIN. It worked fantastically.

We also now have online customer applications, and we are doing that planning and research for phase 3. The service went live to the public and 30 June 2017, and the online application is for all household utility concessions, including COLC, energy, water and sewerage. We want to make sure that the cleansing activities are underway to make sure that customer details are correct for going onto COLIN. When that is working 100 per cent, we will then extend to providers, such as GlassesSA and the Personal Alert Systems Rebate Scheme, and eventually we will progress to all of our concessions being in this new technology.

The CHAIR: You said cost of living information system, which isn't COLIN. Is it 'network'?

The Hon. Z.L. BETTISON: Yes. Madam Chair, you are correct.

Progress reported; committee to sit again.

Bills

STATUTES AMENDMENT (LEADING PRACTICE IN MINING) BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Mr KNOLL: Madam Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Mr HUGHES (Giles) (17:38): I will briefly recap on where I was before the adjournment, and I think I was waxing lyrical about the contribution of the mining industry in our state. I finished by referring to what is going on at Olympic Dam and the great news about Carrapateena. I was going to get on to my great community of Whyalla, a community that knows from long experience the importance of mining in South Australia.

My area has had mining going back about 116 years now with the development of Iron Knob at the turn of the century before last. Of course, the development of that particular iron ore deposit, the richest iron ore deposit in the world at the time, led not only to the creation of what was initially the Hummock Hill settlement and then Whyalla but it was literally the birthplace of the Australian iron and steel industry. It had a major impact over in the Eastern States at Port Kembla, Wollongong, and up at Newcastle.

During the Second World War, we saw the development of iron making in Whyalla itself with the blast furnace. In 1965, we saw the commissioning of the integrated steelworks, which have served this nation very well ever since, producing much of the rail product and much of the structural product that go into the construction industry. I come from and in fact live in this community, and my family came to that community as a result of the presence of iron ore 50 kilometres or so to the west of Whyalla and all that has meant.

As the member for Giles, when it comes to the sorts of conflicts that happen between mining and agriculture, they are very limited in my part of the world. They are very limited because we usually have vast pastoral properties that have been able to accommodate the localised impacts of mining, so we do not have the intensity of agriculture that grows the farther south you go. The member for Stuart had a lot to say, much of which I agree with. He talked about how it can be very difficult for farming communities and farming families who are facing the prospect of the development of what are potentially large deposits cheek by jowl with where they might live, with their property or over on their neighbour's property.

What often happens is that the explorers come in and they start to have a look around, and that sets in train a whole set of experiences that are not necessarily positive ones for the families immediately involved. Some of those families might have been living in that area or living on that land for generations. When the prospecting or the exploration starts, and if the eventual outcome is that there is something mineable there in commercial quantities, it can take a very extended period of time, and that generates an enormous amount of uncertainty.

Another element is that it is often a David and Goliath type of approach. You have companies that are often cashed up and they are able to access resources and lawyers. They have a whole range of people working for them and a farming family or a farming business does not have access to those sorts of resources. It is good to see that one of the issues flagged in the bill is a bit of additional legal support earlier on in the process. I think it is really important that we get those early steps right.

At the end of the day, I think we pull back from the detail of the individual circumstances and we ask our questions as politicians: what is the cost benefit? What is the net benefit to the state? Often mining projects deliver very significant benefits to the state, which is not to detract from the experiences that people who are on the ground and very close are going through. We have to recognise that there can be, for those people, very significant negative externalities, to use that fancy economic term.

My view is that, if the state is to benefit and if mining companies are to benefit, the people affected should also benefit. They are the ones who in a sense have given up a lot more than the rest of us. The rest of us get that generalised benefit, some people get some very specific and very high benefits, but the farming families that might be impacted often have to wear the negative consequences in a whole range of ways. It can be emotional, or it can be physical consequences on the land that they farm. I believe that companies, and we as a state, need to recognise that. If there is to be a significant state benefit, we need to in some way adequately—and I would argue more than adequately—compensate people for the issues that they have gone through.

I have come through some of these struggles in a different way, growing up in an industrial community, living very close to a pellet plant that for many years spewed out very fine particulates

that had a material impact on the surrounding community. For many years, BHP denied there was any impact; it was just bizarre. They were getting legal advice: 'We accept no liability.' I went through a whole process and was involved with a range of people and, in good faith, once BHP had gone, we worked through the issues with OneSteel, as it was, and Arrium.

We got to a point where the activist group was disbanded. They got what they wanted and the company got what it wanted. Compromises were made in good faith through negotiations, and there was a willingness to recognise that the company was causing significant damage and needed to provide some redress for that historical damage and, partly, the ongoing damage, which is now far less. That required the company to undergo a change of attitude. When I come to some of these issues here, it is about recognising that there is an overall benefit to the state from mining but also recognising that we must attempt, as far as we can, to do the right thing by the people who are impacted.

The member for Stuart mentioned the involvement of a whole range of people in this very extensive consultation process. I think it involved over 1,700 landowners and environmental groups—a whole range of people. Once again, when people are involved in this sort of thing, the companies have their experts and everybody else they employ to do this, but, as the member for Stuart said, when people are involved in this sort of thing, it is often either a labour of love or a labour of frustration on their part because it is their own time and their own energy and they are not being paid for this, and it is often at the expense of the work that they do.

I know that one of the really important elements is what happens in the early stages, before anything physically happens, and having a framework that will enable us to get that right. Once again, the member for Stuart said that there will be people on both sides right out on the fringes, but in my experience, most people are decent and they want to do the right thing and are willing to compromise. What I might disagree with is that occasionally people out in the fringes are right. The people out on the fringes can be right, and we always have to be aware of that.

I can point to any number of examples: the people who protested and stood their ground at the Franklin River were right; the people who protested about the potential exploration of oil on the Great Barrier Reef, they were right; Fraser Island. There is a whole raft of examples where people who were willing to engage in civil disobedience and other methods were entirely right. As a state, let's hope we get this right and end up with a decent bit of legislation.

Mr GRIFFITHS (Goyder) (17:49): It is an honour to have the opportunity to speak on this legislation. I will flag from the very start that I appreciate the excellent amount of work done by the member for Stuart as the shadow minister and his very efficient summary of what the legislation does and indeed his summary of the issues as they come from both sides of the mining equation. I will flag very early on, though, that I do not support the legislation. It is my intention to oppose it. I will set out the reasons why that is the case.

I respect the fact that the shadow minister has flagged that the Liberal Party does not oppose it, but does reserve its right for amendments and its opportunity to make its final decision, depending on how those amendments proceed in the Legislative Council. However, I want to put on the record that, when it comes to the votes that will occur in the House of Assembly, I intend to say no.

It has not necessarily taken me a long time to come to this position, but it has been an ongoing issue. While we are talking about legislation that was first flagged 14 months ago, for me the debate about mining has been a local one for the last nine years, involving a significant mining proposal for copper and gold, and originally iron ore, and potentially other products, but now it is copper and gold on Yorke Peninsula, based around the south-west of the Ardrossan area, and impacting upon coastal communities and significantly upon the farming activities that take place there. Many of those farming activities involve five generations of occupation of the land and caretaking of the land and the effort that has gone into preserving it for the future generations who will farm it.

I am not a politician by nature. I am probably a bureaucrat by nature, and for me the detail is important. I have read this legislation; I have gone through the 154 pages. There are many areas in this legislation where I understand and support the reason for it. I believe it has come through discussions and negotiations that are not always unanimously agreed to. For me, the key issue is

around changing 'exempt' to 'restricted' and the concern about that and the concerns that have been continuously put to me, not just about mining in total but about when it first became evident as part of the 82 recommendations and the feedback that was sought on that.

The very strong representation from the YP Land Owners' Group and individuals who are part of that or who are supported by that group has been to reject outright the majority of the recommendations and, by association, seriously question or reject the legislative amendments. I do not reject all of them, but because I have a particular issue with 'exempt' versus 'restricted' that is the reason why I will be voting no and will do so at the second and third readings.

I want mining to be well regulated. When the minister stood up here—and previous ministers have spoken about this—he talked about the fact that South Australia is held up as an example, not just for our nation but around the world, for the way in which regulations are upheld and for the controls that are put in place. I can argue that, in granting approval to Rex Minerals for mining to take place on Yorke Peninsula and the conditions attached to that is an example of where, by government assessment of the application, by community involvement in the application and by highlighting the issues of concern which have impacted upon the range of conditions attached to it, a situation has been created where a mine, if it is to proceed, will be one of the examples of what mining in a developed community is—and that is what I classify Yorke Peninsula as compared to many other mining activities in South Australia—and the conditions to try to deal with that.

I have attended all of the Hillside Mine Community Voice community engagement events that have been held in the last three months, where different components of the plan for environmental protection and rehabilitation have been discussed. As I understand it, they have been finalised to a certain stage but the PEPR itself—an acronym for the plan for environment protection and rehabilitation—has not been lodged, and a further extension has been sought to lodge that. I believe it has to be submitted by 26 February 2018.

There has been a mixture in the numbers of people who attend. Many who attend are the same person or couple because they are intrinsically involved in that mine. What I say about the legislation looks more at the concern of what the impact is for the Goyder electorate and that community. You can see the uncertainty in these people's eyes and in their emotions. I do not even try to contemplate the level of challenges they have faced in the nine years of Rex Minerals proposed mine.

I fully respect the fact that the legislation and the laws of South Australia provide the opportunity for the mine to be proposed. Rex Minerals has spent $170 million or thereabouts in proving the scope of the resource that exists and in the work that has been undertaken so far to get it to this stage. That is all shareholders' money, that is, people who believed they would get a return on their investment in the mining venture on that site.

The farming community has been insistent over the years, and I completely respect why, and for the majority of the time that I have had the great honour of being the member for Goyder they have been concerned about it. While discussions or negotiations have occurred about the land that is required specifically for the mine—and it was either purchased earlier on or rights to purchase were put in place, as I understand it—the impact upon the adjoining property owners, be they close or a little bit farther away, is significant.

I respect why those people do not want it. They do not want anything to occur close to them they feel impacts upon the way they run their business. They are concerned about the marketability of Yorke Peninsula, not just as a tourism area or a place to live but in terms of its products also. That is why they have a very strong opinion about it. They have been insistent, and they have spoken to me and indeed other members about this. They put their case continuously because they believe in what they do and they want to try to protect what they do.

The law provides an opportunity for mining to be proposed. The law has assessed it; the law has attached conditions to it; and the law allows for the PEPR to be finalised. But there again I think a frustration exists because it was in August 2014 that Rex Minerals were approved. They were given a certain amount of time for a PEPR to be developed and submitted. I believe that has been extended twice and now the third time. During that time, yes, the company has worked on it, and I respect that. Yes, the company has supported the initial community consultation group that was appointed. Yes,

the company supported the Hillside Mine Community Voice, the last version of which has been in operation for about two years and which an independent chair, Mr Phil Tyler, who is a former member of this place, was appointed to operate, to chair the group.

They have been involved in community negotiations about the conditions attached that will be included in the PEPR about how to meet the conditions of approval, but we still get to the case that, by virtue of this legislation— and we have been told by the member for Stuart earlier today that the suggestion of the change from 'exempt' to 'restricted' came about from the consultation that occurred early on about the review into the legislation.

Mr van Holst Pellekaan interjecting:

Mr GRIFFITHS: The government has advised the member for Stuart about that, and during the questioning on the clauses I will try to find out where that came from, because the community that has put me in this place the last three times has questioned where it came from because they do not believe anyone from their area has expressed that.

They see that as absolute key. I noted the change from 'exempt' to 'restricted'. 'Restricted' is actually a term that covers what the 1971 legislation put in place about exempted, and with amendments since then, the practicalities of mining expansion have created a different acknowledgement of what the word is meant to mean. Is that, therefore, why the change has occurred? There will be questions asked about that in the committee.

I respect the feedback from the member for Giles and how he related to the people who are surrounded by or live close by it and the impact upon them. I am not trying to stretch the truth imaginatively here, but in the last eight years I have had a conversation daily with people. I was also asked by the Yorke Peninsula Land Owners' Group to chair a public meeting at Ardrossan, where there were 400 people. So you go between the emotions of a one-on-one conversation and the emotions of a 400-people-in-attendance conversation where I am asked, 'Do you support it or not?'

I am a bureaucrat by nature. For me, it has been about process. I have been criticised for that, I have to tell you. I have copped quite a bit in my area. At one stage, I was accused of being a shareholder in Rex Minerals. I have always thought that my role as a member of parliament is to support the future of the economy of the area. I have respected that there is a strong concern that lives close by and probably within 30 minutes.

The DEPUTY SPEAKER: This might be a good spot to take a breath.

Sitting suspended from 17.59 to 19:30.

Parliamentary Procedure

SPEAKER'S RULING

The SPEAKER (19:30): During question time, the member for Stuart asked the Treasurer a question by way of a supplementary, and *Hansard* renders it this way:

> Supplementary: does the minister agree with the head of GFG Alliance, Mr Sanjeev Gupta, who told the International Mining and Resources Conference in Melbourne yesterday that Australia has 'the highest cost energy environment in the world' and that South Australia has the most expensive electricity in the nation?

The ordinary plain meaning of that is that the final words 'and that South Australia has the most expensive electricity in the nation' is indirect speech—that is to say, the member for Stuart has finished the direct quote of Sanjeev Gupta but then he is effectively quoting by way of summary what Mr Sanjeev Gupta went on to say. I have spoken to the member for Stuart during the dinner adjournment and he says, no, he does not mean that.

He means that in regard to the words 'and that South Australia has the most expensive electricity in the nation', he is not attributing those words to Sanjeev Gupta. They are the member for Stuart's words, so although it may seem odd, the member for Stuart's question was: does the Treasurer agree with him, the member for Stuart, in the second leg? Could the member for Stuart just confirm that that is the correct construction of the question?

Mr VAN HOLST PELLEKAAN: Yes, Speaker. Thank you for bringing this issue back to us. The way you have described it is right. I looked at the draft *Hansard*. It accorded with the question I

wrote and it accorded with what I believe I said. My intention in that was: does the Treasurer (or in this instance the Minister for Energy) accept what Mr Gupta said—and I was very careful to audibly open and close the quotes when I spoke, and Hansard picked that up—and also that South Australia has the highest electricity prices in the nation. Whether he chose those to be my words or just a fact in general or a theory that I was asking him to consider, yes: does he agree with A, clearly in quotes, and does he agree with B, clearly outside quotes?

The SPEAKER: The only problem is that an alternative interpretation of that is that it is indirect speech and the member for Stuart is summarising what Mr Sanjeev Gupta said, but in this instance the member for Stuart says he is not attributing that to Mr Sanjeev Gupta.

Mr VAN HOLST PELLEKAAN: Correct, sir, and when you asked me in the hallway that was my direct answer straightaway because that was my intention. If I may, I think that the Treasurer did not hear that in the quote I said 'Australia' and in the second part I said 'South Australia'. I think he thought that I said 'South Australia' twice and that is what threw him off track.

The SPEAKER: That may be so.

Bills

STATUTES AMENDMENT (LEADING PRACTICE IN MINING) BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Mr GRIFFITHS (Goyder) (19:34): I want to move on a little bit now, but only to more current times. On 2 February, there was a meeting convened at Maitland on Yorke Peninsula by Grain Producers SA which the Department of the Premier and Cabinet staff attended (and I appreciate that fact also), and it was about the mining legislation review. It was certainly a good number of people who attended. Staff from DPC who were there that day would reflect upon the fact that there was considerable emotion. It is one of the many that I have been a part of in the last couple of years, there is no doubt about that. But, as part of that, I asked when legislation would be available for review. I put the question: would legislation in a draft form be available for scrutiny by not just members of parliament but, indeed, by industry or people who are impacted by the impact of mining for a chance to review it?

I asked that deliberately because I was hopeful that would be the case. It would have meant that legislation would have to be tabled before the winter break. Unfortunately, that was not the case. The minister gave notice of it and tabled it some two weeks ago on this day, but now we are up for debate about it already. I feel great frustration, and I reflect upon some words that were actually part of a joint statement in a document produced by the Department of the Premier and Cabinet, entitled 'Fast facts: the way forward', talking about feedback on the review. It is a joint statement from Primary Producers SA, Grain Producers SA, Livestock SA, the Environmental Defenders Office, Conservation Council, and the Wilderness Society of South Australia. I will only read a portion of it, which states:

> Our respective organisations have appreciated the opportunity to be involved in this review. We cautiously welcome what would appear to be positive Recommendations for amendments to the Act…subject to having the opportunity to analyse the contents as set out in the draft Bill.

That itself is a dilemma. Legislation was only available for review by any person, beyond some members of parliament who were given an embargoed copy, I think six days before it was presented to the house, two weeks ago. The consultation, as the member for Stuart has alluded to, about the drop-in centres is continuing. In fact, the last meeting is at Port Augusta, I believe, on 15 November.

It is that inability of considered review to take place that has put the Liberal Party in the position where it intends to debate the legislation as it is in full and to consider amendments between houses and to propose those in the Legislative Council and reserve its final position depending upon the success or otherwise of those amendments. However, it has put me in the position where the consideration of the feedback provided to me by the community over some period of time, and indeed the concerns I have in regard to the change from exempt to restricted access and land, as we talk about, to declare that I will vote no on that on the legislation at the second and third reading.

It was put to me at the drop-in centre meeting at Maitland last Friday that I should be for agriculture. I am, but my response to that is that I am for communities because it is an inclusiveness to me. Communities are made up of all aspects: ages, land uses and activities that take place. I am for trying to find the absolutely best result. I do reflect upon the fact that there are considerable aspects of this legislation that are actually improvements. I understand that, but it is for the reason I have outlined about the land issue that I am intending to vote no.

I put before the house a suggestion that I was not aware of from a policy that exists within government, as I understand it, primarily within the Department of Primary Industries and Regions, which is for a thing called 'primary production priority areas' to be declared. As I understand it, the policy exists for some 19 to exist across South Australia, but as yet I do not believe they are in place. When the sustainable agriculture select committee that I was a member of was presented with this information probably five years ago now, I was immediately attracted to that because it provides some level of guidance of areas that are intended to be preserved for their activities.

This has been used in the past and talked about for a variety of things such as where wind farms should go and where boat ramps should be and where facilities and services should exist. I see that primary production priority areas as actually being a very key initiative which has been a policy but never undertaken or put in place, which has caused part of this problem. I do put on the table that the government, as part of legislation that has already passed this house some time ago about character preservation areas for the Barossa and McLaren Vale areas, has put restrictions in place on land uses to occur.

In the planning, development and infrastructure legislation that was debated in this chamber for hours on end, the environmental food protection areas were established by the Minister for Planning. They are designed to ensure that no residential development takes place within those identified areas, which are quite substantial—they surround Adelaide and head north, east and south. This is a similar case, where regional communities want to see some surety attached to the land use.

At the drop-in meeting with DPC in Maitland last Friday, the following question was put: what takes precedence? Do development plans that exist on the style of land uses that are allowed by virtue of community input, local government review and the Minister for Planning have the final say on it? My understanding is they do not allow for mining to occur. In this area, it is general farming or industries that are associated with general farming. One could argue that this is very much to the complete opposite of a mining proposal.

That is where I think those primary production and priority areas are a key opportunity to do things a bit better. I call upon the government—and I have also called upon the opposition, as part of its own policy work—to ensure that effort is being made on that. My understanding is that the legislation we are reviewing is partially a review of the 1971 legislation. When the review of the mining legislation was proposed to me, I assumed that it would be a conclusive rewrite, as with other substantial acts such as the Local Government Act 1999 and the Planning, Development and Infrastructure Act 2016.

Instead, at a briefing provided by the minister's staff which I think was on 22 September, we were told that it was being broken up into separate components and that—and these are my words, not theirs—the areas where there is a high level of agreement in place is the legislation that is going to be proposed, and the one that we are debating now. Indeed, I reviewed the document provided by the government on the 82 recommendations, and the feedback that arose from that. My comment to the staff at that briefing was, 'This is all about love and peace, but when does the war start?'

I did not use that term flippantly, but I used it as a reflection of the feedback I had received from people who were just so angry about what they see is an attack upon the multigenerational activity that their families have undertaken through farming. We have reached a situation whereby this proposed legislation, as I understand it, will probably have two further tranches of legislation, depending on if the bureaucracy that exists, no matter what the next government may be. We are then going to get to the situation where there is a complete rewrite of the 1971 legislation.

I understand that it is required, because I think the 1971 legislation replaced 1931, so we do this roughly every four decades or so. My natural position on legislative change is to be supportive of improvements. I flag that there are aspects that I do support, but it is the key ones that prevent me

from doing so. I am frustrated about the current legislation and the way it is administered with PEPRs (the plan for environment protection and rehabilitation) where it is basically impossible to refuse it. You have to keep reviewing it and have it amended by those who propose to undertake mining until it is in a form that can be supportive.

I am grateful for the DPC staff who have advised me that that is not the case in the proposed legislation, so that is a good move. I do support the increased level of financial compensation available to property owners who seek legal advice. It is increasing from $500 to $2,500. There are other aspects that worried me. I note an email from a staff member provided to me from DPC earlier this week, which states:

> I advise that the proposed amendments to the bill would avoid any project with a footprint and profile of the Hillside Mine going forward, unless [the owners who are directly adjoining it] agree to waivers, etc. This is just one of the significant better protections under the current bill.

It is currently a requirement, as part of the PEPR and as required by the mining extraction permits, for adjoining owners who are impacted by the blast zone to sign exemptions. It is my understanding that is not going to be the case and they will never do so, so it seems to me that protections are still there but it is all subject to negotiation. It comes back to the theory of others: what is the highest fair use of the land?

The mining legislation has been of great personal concern to me. I have family members who are impacted by this because of the very close proximity of the land they farm to the mine site. I am desperate to try to ensure a positive outcome, but the word I come back to, and the summary of my comments, is 'balance'. Balance needs to exist—balance that preserves the right for communities to do what they feel is important for them, but also for opportunities to be pursued for diversification.

Mr GOLDSWORTHY (Kavel) (19:44): I am pleased to make some comments in relation to the legislation before the house.

The SPEAKER: Whose electorate is home to the Kanmantoo mine.

Mr GOLDSWORTHY: Indeed it is, and I will be making some remarks in relation to that mine in my contribution. As I said, I want to make some remarks in relation to the Statutes Amendment (Leading Practice in Mining) Bill that is before the house. I have listened to contributions made by the shadow minister, the member for Giles and the member for Goyder because I am interested in mining. As the Speaker has pointed out, there is a fully operational mine at Kanmantoo in my electorate, which I want to make some remarks about. There is also a proposed mining operation at an area called Bird in Hand, which is a couple of kilometres east of the township of Woodside, again located in the electorate of Kavel.

As I said, I listened to the speech made by the shadow minister, the member for Stuart, and I understand some of the key and what you could call controversial amendments within the bill. There are a number of them. I do not think I necessarily need to traverse each and every one of them, but I note—and I will talk about this a bit more later on—that, as has been highlighted, the public consultation process in relation to this bill is still running. It does not conclude until 14 November, as I understand it. I am somewhat puzzled that the bill is before the house to be debated and voted on before the public consultation has concluded. I will talk a little bit more about that later on.

The current mining operation at Kanmantoo, the Hillgrove Kanmantoo Copper Mine, has been operating as a fully functional mine for quite a number of years. There was a long process leading up to the commencement of that mining operation in relation to the community consultation process. I became involved pretty much at the very start of that community consultation process. They named it the Kanmantoo-Callington Community Consultative Committee. Colloquially, we call it the KCCCC. It still meets reasonably regularly, but in the early days, before the mining application, the PEPR and so on were approved, it met regularly.

As I said, I was involved in that process pretty much from the inception of those meetings. It was a long, drawn-out process. Many concerns and issues were raised. The mining company, Hillgrove, obviously had to address and allay those concerns as well as they could and go through that whole process, a long, drawn-out process. The mining application was approved, the PEPR was approved, and Hillgrove, the mining company, commenced operation in what had been an existing

mine site. It is an open-cut mine. An abandoned pit had been there I think from the 1970s. They had mined it up until the seventies and then disbanded. I think the bottom fell out of the copper prices at the time, and they basically walked away and left a lot of the old infrastructure there.

To give a bit of history on the site, it was bought later by a company called Neutrog, which is a garden fertiliser manufacturer. The company bought a lot of the infrastructure on the outskirts of the old mine site and turned it into what has become a very successful business. They not only have their plant there at Kanmantoo but they have operations in South Africa and I think in China, if my memory serves me correctly, but that is digressing slightly from the Hillgrove copper mine.

As I said, it is a fully operational mine. It is open cut. They blast, they have big excavating machinery that pulls out the material, they load it into trucks, they cart it out of the pit on the haul roads into the processing plant. They actually produce a copper concentrate that is then trucked from the site, I presume to Port Adelaide, and exported. That operation has been going for quite a number of years. I understand that the mine is still some time away from ceasing its mining operations, but the community consultation committee is starting to look at what might take place in terms of remediation and what have you when the mine does cease operations when it finishes its mining activity.

As I said before, there were a lot of issues for the mining company to traverse to come to a resolution, which went to some level to satisfy the community. It is on the eastern side of the Mount Lofty Ranges but in close proximity to the Kanmantoo township. Initially, there were issues in relation to blasting. Some of the blasting was not carried out in accordance with the regulations, practices and procedures, so that had to be worked through.

There has been an ongoing issue with dust. To the credit of the mining company, they have done a considerable amount of work to try to mitigate the dust that emits from the mine site. They have dust monitoring equipment, but I will say that the dust that flies around the district is not just from the mine because there are open grazing paddocks, cropping paddocks and primary production activity, and obviously dust originates from there as well. Dust has been an ongoing issue that we have had to deal with over the period of the mining activity. From time to time, also noise and lightning spill out of the mining area and what have you.

Those issues were not insignificant and they continue not to be insignificant, but I think the KCCCC has operated quite well in relation to community engagement and the way it has sought to address those issues. The mining company, to its credit, has been very accessible and informative, providing a lot of information at those community consultative meetings, so I think it has tracked along probably as best as it could have.

If anybody has studied the redistribution maps, that part of Kavel to the east has actually been cut out of the electorate of Kavel and is going into the electorate of Hammond.

The SPEAKER: Indeed.

Mr GOLDSWORTHY: So the member for Hammond, on his re-election next year, will assume the responsibility for that part of the district—a very good part of the district. Kanmantoo and Callington are great smaller communities within the electorate.

The SPEAKER: Harrogate.

Mr GOLDSWORTHY: Harrogate is a bit farther to the north, Speaker.

The SPEAKER: But it is moving electorates.

Mr GOLDSWORTHY: Indeed. I do not want to digress too much, encouraged by the Speaker. I know he is an Argus of knowledge when it comes to electoral maps, electoral districts and the like.

The SPEAKER: I know; we have been having street corner meetings there.

Mr GOLDSWORTHY: I know, I have heard about it—and there was only one person who came along!

Mr Williams: There's only one Labor voter in Kavel.

The SPEAKER: There were two at Harrogate, both sheep farmers.

Mr GOLDSWORTHY: My intelligence network spreads far and wide, and I have had feedback about the Speaker and the member for Wright hosting some Labor Party meetings in the eastern part of the electorate, and only one person went to a couple of those meetings. He was pretty lucky because he had the total attention of the Speaker and the member for Wright. I was not necessarily going to raise that but—

Members interjecting:

The SPEAKER: The member for Hammond, Matt O'Brien.

Mr GOLDSWORTHY: —the Speaker took me there. Callington and Kanmantoo are great communities within the district. Callington has just enjoyed its 16th annual show last Sunday and, as the local member, it has been an honour to attend every one of those 16 shows at Callington. The member for Hammond was there, and he had his stand set up. The weather was a bit against the whole set-up—it was stormy, it was windy and we were covered in a fair bit of dust—but the member for Hammond had icy poles, and he was giving them out to all the kiddies who would come along and to anyone who wanted a cool icy pole.

Mr Griffiths: Eight hundred.

Mr GOLDSWORTHY: Eight hundred, says the member for Goyder, so that was a bit of a hit with the people attending the Callington Show. It was a credit to the president and the organising committee of the show—all outstanding volunteers—that it is such a success.

In relation to the Bird-in-Hand project, that is a proposal to mine gold. It is a different mining activity, as it is proposed to be an underground mine. Gold was mined there back in the late 19th century, in the 1880s, and there are several old disused shafts in that area. A company called Terramin Australia has the tenement, and they are developing a mining proposal for that operation.

Again, a community consultative committee has been established, the Woodside Community Consultative Committee (the WCCC). Although not in its infancy, the composition of that committee has only recently been established and is now getting on to dealing in a more in-depth manner with those issues that the community and local landowners are concerned with, and I think the shadow minister spoke briefly in relation to that in his contribution.

I would like to thank the shadow minister because he came along to the very first meeting that was held at the Woodside Bowling Club to support me, as the local member, as did Dan Cregan, the endorsed Liberal candidate for Kavel. Mr Cregan and I have been regular attendees at the WCCC meetings pretty much from their inception.

There are real concerns within the local community about the proposed mine at Bird-in-Hand, and they relate to dust, noise, transport issues, impact on the local amenity and—what is really, in my view, the most crucial issue—any potential impact on the underground aquifer because there are a significant number of agricultural, viticultural and horticultural businesses that rely on that aquifer. My understanding is that there is potential for the underground mining activity to have a potential impact on that aquifer.

Through the course of community consultative committee meetings, the mining company has given overviews of how they propose to deal with that. They have done a lot of work. I will give credit where credit is due: they have done a lot of work on that and engaged the services of a company that specialises in hydrology. They have done some extensive modelling in relation to the potential impact mining may have on the underground aquifer system there. It is theory, and we all know that theory can differ considerably from that which we experience in practice.

There are some concerns, and I have to say that I understand and share the concerns of the local community. Again, Mr Dan Cregan, the endorsed Liberal candidate for Kavel, has been regularly attending the community meetings, and he has also been quite active in discussing these concerns with the local community. I encourage anybody within that local community, and in a broader context as well, to provide feedback. It is my understanding that the minerals and energy group within the Department of the Premier and Cabinet will soon commence an independent

community feedback process, which will be advertised by the government. When that is advertised, I certainly encourage everyone to provide their feedback in relation to this proposed mining activity.

The mining company, Terramin Australia, has not lodged an application as yet. We are certainly in in the pre-lodgement period of an application. The local community is raising a considerable number of concerns. High-value industry is neighbouring either side of the proposed mine site. There is a big facility owned by Accolade Wines—the Petaluma winery. On the other side of the proposed mine site is the Bird in Hand winery and function centre and facilities. There are some high-value viticulture, tourism and related activities on the neighbouring properties of the proposed mine site. There are other premium commercial activities as well within reasonable proximity.

It is not any sort of mystery or secret that there is some contention and concern about the proposal to commence mining activities. As I said, it is an underground mine, but there certainly will be activity on the surface. There will be stockpiling of rock, there will be the carting of the ore from the site, so there will be activity on the surface, not just underground. As I said, there are issues with noise, transport, trucks and dust.

In relation to this legislation, submissions have been made by the Inverbrackie Creek Catchment Group. That is one of the local organisations that is extremely concerned about the proposed mine at Bird-in-Hand.

Unfortunately, time has got away from me and I will not be able to read any of the submissions into the record. In conclusion, as I said earlier in my contribution, the public consultation process has not concluded and it will not conclude until 14 November. In view of that, I am giving consideration to not supporting the bill.

Mr BELL (Mount Gambier) (20:05): I rise this evening to make a brief contribution to the Statutes Amendment (Leading Practice in Mining) Bill. It could quite easily be called the minor adjustment in mining bill or the tinkering with the existing mining bill. I remind members in this house that when you look at the floor of this parliament in this house, we have wheat, barley and grapes as symbols of what this state was built on.

One of the issues that I have with the bill is I do not think it goes anywhere near far enough to protect the rights of farmers. When you look at some of the purchasing power and some of the equity that some of these mining companies have versus farmer Jones, who is third generation or has been handed down the family farm, you see a power imbalance that I was hoping the bill would address.

With exploration licences covering 80 per cent of prime agricultural land on the Yorke and Eyre peninsulas, and a similar amount in the South-East, the area I represent, you see how this review of the Mining Act has raised tension between farmers and mining once again. I do not believe that it is strengthening the rights of farmers to the level that I would like to see nor is it making clear their rights under the act.

I will give some credit where it is due. Obviously, there is an increase from $500 to $2,500 for landowner advice and assistance. As I understand, that is for exempt land matters. I think that figure needs to be increased to $5,000. Anyone who has actually sat down with a serious lawyer for any period of time will understand that money has a different concept from those individuals than it does from you and me. Again, if we were serious about leading practice, we would make sure that farmers were feeling like there was some legal support there that was meaningful and not tokenistic or minor.

As I see it, we have a major problem that nobody wants to talk about, that is that the Department of State Development is both the promoter and the regulator of mining. This could be sorted out very quickly with a mining ombudsman, an ombudsman who can impartially look at every application, look at every concern and, from an independent viewpoint, make a decision that could be binding, a decision that in some circumstances the farmer is not going to like. No matter what compensation, no matter what level of bending or adjusting a mining company may be prepared to go to, it will never be far enough for that farmer. Having an independent arbitrator make a ruling gives me some comfort that there is no bias or perceived bias. Again, the problem is that the Department

of State Development (DSD) is both the promoter and the regulator of mining. If we were serious about leading practice we would have a serious look at that.

In terms of primary production, again I point to the floor and what this state was built on. We do not see mining operations woven into the carpet. I am not opposed mining. I am not saying that we should ban mining in South Australia. However, I think there are improvements that could be made to the act to make sure that there was an independent arbitrator of contentious decisions and decisions that create anxiety and stress amongst communities.

I think I will look at Grain Producers SA's Wade Dabinett, who I know pretty well, and quote a little bit from him. He says that the:

> ...exploration process was not only a huge disturbance to farmers' businesses but also their health and emotional well-being.

Some people who live in the leafy suburbs or parts of the CBD have no idea what that sentence means, but when you are out on a farm, talking to a third-generation farmer who has mining activities potentially around them—they do not know, because it does not occur in a short period of time—that does impact on their business, it impacts on their health and it impacts on their emotional wellbeing. I will finish off the quote from Mr Dabinett:

> They say in the discussion paper that it could take a 1000 exploration efforts or operations before you get one mine, so that's a massive amount of disturbance to people who are trying to run an existing business...
>
> There needs to be greater consideration to the land owners about what that disturbance of exploration is actually causing, not just physical and financial distress on businesses but emotional as well.

That is where we do not think the balance has been anywhere near right between landowners and mining, and I concur 100 per cent with those comments.

If we look at the South-East, which is an area I know a little bit better than Yorke Peninsula, which I visit quite regularly—in fact, every Christmas, because it is a beautiful place in the state—the uncertainty around fracking in the South-East has caused massive community unrest and discussion, I suppose, in that area.

A policy that I put forward at a different time and with a party was a 10-year ban on fracking in the South-East. It is a policy that I stand by because until you have social licence or community consent, even though it is difficult to measure, you are asking for trouble going into areas with an attitude of, 'We've got all the rights, and pretty much we can do what we like.'

I know the lobbying power of the mining companies. If I compare that with the lobbying abilities of the farming community, I can tell you which one wins out 1,000:1. I have experienced that firsthand over a number of years now on my stance on no fracking in the South-East of South Australia. Just to add to that, we had a parliamentary inquiry on fracking in the South-East which specifically said, 'Until you gain a social licence, those activities should not be occurring down there.'

In conclusion, I will finish by saying that this is not leading practice in mining legislation; it is minor amendments to an existing bill, but it does not go anywhere near far enough. If we were serious about this, we would actually be talking about a mining ombudsman. We would not be kowtowing to lobby groups, who I know are deadset against that type of intervention. Why? Because it would provide a fair adjudicator on many of these decisions, which are contentious.

Yet I say to them that it is actually probably the one thing we could implement that would progress mining activities in this state because they will not get bogged down with individuals who, quite rightly, are going to protect their patch and who, no matter what compensation is offered, no matter what level of service is instigated, are never going to budge—and I understand that 100 per cent. But we are not talking about that, and that does sadden me to some degree.

It is unlikely that I will be supporting the bill. I do not think it goes anywhere near far enough and I do find it absolutely incredible that next week in my diary I have a consultation in the South-East looking at this bill, yet here we are debating the second reading and, if the government wanted to, they could push it right the way through tonight, so I am wondering what this is all about. Why is there a rush all of a sudden? Why do I have consultation in the South-East next week, yet I am here

with the cart, which seems well before the horse in this situation? With those comments, I will conclude.

Mr WILLIAMS (MacKillop) (20:15): I will start by informing the house that I am the holder of an extractive mineral lease (EML), a tenement holder. I do not believe I have any conflict in addressing the matter currently before the house.

Mr van Holst Pellekaan: You are a farmer as well.

Mr WILLIAMS: I am indeed a farmer as well, and I will address in my contribution a number of the issues that I think are paramount in this discussion, including the tension that exists between miners and the farming community. I will start by taking up from where the member for Mount Gambier has just left off. The government is still consulting on this bill, yet here we are debating it, and I dare say this bill will go through this house before those consultations are held throughout the state.

To me, that shows very clearly the sort of government we have operating in this state at this time. That, indeed, is why the people of South Australia have been trying to get rid of this government for an extended period. At least in the last two elections, the people of South Australia by a majority vote have tried to get rid of this government because this government has become so damn arrogant.

I certainly concur with the member for Mount Gambier and several of my other colleagues who have raised this point: why are we here debating this while the government is still consulting? Why are we here debating this when the government is so ill-prepared that it is proposing to bring forward a plethora of amendments, which we in the opposition have not even had an opportunity to see at this point?

I pointed out that I am a tenement holder of an extractive minerals licence, which is a gravel quarry. I am a landholder, so I do have an interest in the relationship between mining and particularly freehold title. I have served on the opposition benches as the shadow minister for mineral resources for a significant number of years, dating back to about 2004, and I have been the lead opposition spokesperson on numerous occasions when this particular act has been amended, so I think I speak with some knowledge of what is going on.

There are a number of things in the bill before us that disturb me—one in particular. I know that in the last major amendment to the Mining Act 1971 that went through this parliament, we shifted the jurisdiction from the Warden's Court to the ERD Court. That was done specifically because Mark Parnell from the Greens in the other place convinced me that the Warden's Court was biased. The evidence he presented to me at the time and the discussions we had at the time led to no other conclusion: the Warden's Court was there to promote the mining sector. As a consequence, the parliament moved amendments to shift the jurisdiction out of the Warden's Court and into the ERD Court.

I see now that the government is seeking to shift that back to the Warden's Court. I suspect that has been done at the behest of the mining sector, who believe that they have lost some power, certainly before the court that is adjudicating on disputes. I suspect that Mark Parnell in the other place will have plenty to say about this issue. Whilst I remain here, which will not be a long time, I at least retain the corporate knowledge that I had over the years that led me to bring the Liberal Party's support to the position that Mark Parnell put to the other place some years ago. I think the government has failed to explain why they want to revert to that previous position.

One of the complaints that I have had on I hate to think how many occasions we have debated legislation is the argument about what goes in the act and what goes in the regulations. As a parliament, we give head powers in the act and then the executive government—and I would like to think it was the executive government, but to my mind it is not the executive government, it is the bureaucracy—develops the regulations and all the power resides within the regulations. I do not think this parliament takes anywhere near enough notice and applies anywhere near enough scrutiny to those regulations.

Indeed, I have argued on many, many occasions that we should be much more circumspect in granting head powers that open up the ability to make a vast array of regulations to which we apply minimal scrutiny. At the end of the day, the administration of this act in the years going forward will

be more about what powers are enshrined within the regulations than the powers that we grant in the legislation. No more important is that point than it is in this particular piece of legislation. Yet again, I think an incredibly slack government with an incredibly slack executive has been rolled by an incredibly powerful bureaucracy.

Each one of us needs to understand our role. We are here not only to govern for the people of South Australian but to protect the interests of the people of South Australia. If members of the house share the experience that I have in my electorate office, most of the work that comes through my electorate office is from constituents who have a complaint about the heavy-handedness of the bureaucracy. Most of them are banging their head against the brick wall of government authority. It is not the executive government because this government has usurped those powers—it has walked away from them. It is lazy and it is slack.

I implore members to look very seriously at this issue, particularly going forward. We as parliamentarians need to understand our role and understand that we are here for the benefit of the people we represent, not to make life easy for the bureaucracy but to do the right thing by our constituents. I do not believe this bill goes anywhere near achieving that outcome. The tension in the Mining Act has increased significantly in recent times because the mining industry has moved from the far outback, certainly of South Australia, to have a much higher level of activity within what we refer to as the settled areas. The mining sector has bumped into the farming community in a way that historically it never has.

I have argued, certainly for all the time I was shadow minister for mineral resources, that the state should and needs to reserve its right to the value of the state's mineral resources. In fact, I did some research a few years ago. In the early days of the state, there was some confusion, and at one point it was accepted that the ownership of the mineral wealth of the state was not unlike that of the United States of America, where the freehold titleholder to the land owned the mineral wealth beneath the land.

That was clarified I think sometime in the 1880s by an act of this parliament that provided that the value of the mineral wealth beneath the land's surface belonged to the Crown, and that has been the case ever since. I have always supported the reality that the Crown should retain the right to access that mineral wealth, as and when it can, for the benefit of all South Australians. However, we see a huge amount of inconvenience visited upon freehold land title owners, none more so than the member of Goyder, who has experienced this, as I heard in some of his contribution before the dinner break.

We have had a proponent (Rex Minerals in the Hillside project, which is in the member for Goyder's electorate) which has been ongoing for a considerable number of years—probably eight or 10 years. I must say that my understanding of that project is that I have always questioned the value of that ore body versus the cost of extracting it, and certainly the cost if you were wishing to rehabilitate that landscape.

A person I have talked to regularly over many years has considerable experience in the mining sector and in the regulatory field of the mining sector, and he told me quite recently that, in his opinion, if an ore body could not demonstrate that it had the ability to cover the cost of the extraction, provide some profit and then cover the cost of rehabilitation, it should not be condoned. I would argue that the Hillside project falls into that category and always has. I have never been convinced that it was an ore body that could fulfil the requirements that should be imposed on mining tenement applicants—that is, that the body had enough wealth to pay for the extraction, to provide some profitability, and to cover the cost of rehabilitation.

How, as legislators, do we address that situation? As the member for Mount Gambier said, not through tinkering with the existing act. Not through the sorts of things that have been presented to us here. In my opinion, we need to give a lot more power to the freehold landholder to ask very serious questions and to get answers.

In the early days of becoming shadow minister for mineral resources back in the early 2000s, I had cause to meet with a number of farmers in the Mallee when the Mindarie sands mine was getting underway and then in operation. It very quickly became apparent to me that those farmers were not misled, but they were certainly ill-informed and were forced into decisions basically through

their ignorance. I think if we are going to seriously try to address the problem of the interface between the mining sector and the sector which contains freehold land titleholders, we need to seriously even the balance.

I would argue that if a mining company wishes to establish a tenement on a piece of land which is under freehold title, one of its obligations should be to provide for the cost of the landholder to get all the information and the high level of advice that they need. To date, that has not been the case. Certainly, in the case of those farmers out at Mindarie in the Mallee, that was not the case. Indeed, I think a number of them ended up in a situation in which they should not have been because of the failure of this parliament and the act to protect them. This bill does nothing—it does absolutely nothing—to address that particular situation. I lament that it does not.

I have been through the bill briefly. I have marked a number of issues, and most of them come to this particular point. I see in the Fast Facts document that was provided by the government that they have a tick next to this: 'Creating a new independent landowner advisory service to assist landowners.' If that is going to assist landowners, it has to be high level, it has to be well informed and it has to give sound advice. It has been my experience that that has not been the case.

I think it was the member for Mount Gambier who said that of a thousand explorations only one will turn into a mine. This is part of the problem. The freehold landholder is sitting there unaware of that with this sword hanging over their head, as are those on Yorke Peninsula and out at Wudinna in the member for Flinders' electorate, which I visited many years ago to talk to people. I remember saying to them that the chances are that a mine will never be established here and, if it is, it probably will not be in their or my lifetime. That did not assuage their fears, and I can understand that.

The sort of proposition that farmers put to me was, 'We have a plan. We want to do some new fencing, we want to build some roadways, we want to put in water pipes, we want to build some sheds and we want to do improvements to our property. How do we make a decision to expend that money on infrastructure on the property to improve the productivity of our property when we have this sword hanging over our heads?'

If a farmer is approached and a mining company seeks to go onto that land to undertake preliminary investigation and preliminary exploration, there is nothing in this bill that gives the farmer the confidence to go on with their daily business in the knowledge that—and this is the big question mark—in 10, 15 or 20 years' time all they have done in the meantime to improve their property will be adequately compensated for. They are left in limbo, and they are too frightened to go out and make those investments.

That is the sort of thing that I think this parliament should be addressing. We should be making it very clear to the freehold titleholders what their rights are. I am not suggesting that we should deny the Crown's right to extract the mineral wealth of the state. What I am suggesting is that we need to assure the landowners, the farmers, the occupiers, that their interests will also be protected in the meantime. I say that in the knowledge that the vast majority of exploration permits will not lead to an active mine, but that does not say that those exploration permits do not cause incredible upset and incredible disruption for the landholders.

I will very briefly touch on another particular matter that I picked up this afternoon when I was going through my notes—authorised officers and the powers of authorised officers, another of my favourite topics. This bill will remove the right of an individual to refuse to answer questions on the ground that it might incriminate themselves. I have argued this point many times in this place: why would we give authorised officers and the legislation greater powers under environmental law or water law or mining law than we would give to our sworn police officers who are operating under the criminal law?

I have made this point plenty of times, too: it is high time that all the powers in all the legislation and all the statutes of the state should be brought into line so that there is no mismatch and so that we do not have this creep effect where, in every new piece of legislation brought to the parliament, we incrementally creep forward and then play catch-up with all the other pieces of legislation and, by stealth, deny the fundamental freedoms that the people of this state have enjoyed for so long. I notice that my time has expired; unfortunately, there is plenty more I would have liked to say on this matter.

The DEPUTY SPEAKER: Perhaps another day.

Mr PEDERICK (Hammond) (20:35): I rise to speak to the Statutes Amendment (Leading Practice in Mining) Bill. I speak on the basis of being born and bred on a farm and also having been actively involved in the mining industry and still actively involved as an MP in the mining industry. Going back to the history of mining in South Australia, four years after South Australia was settled, in September 1840 to be exact, two Cornishmen, which is where the Pedericks came from, located a strain—I do not think it was us: we pulled up in Plympton and set up a farm and a boot shop, and I put that on the record.

Mr van Holst Pellekaan: You don't look like a Cornish miner.

Mr PEDERICK: —yes, we got a bit bigger as time went on—of silver lead ore at Glen Osmond. I believe that the Glen Osmond silver mine was one of the first mines in South Australia. This mine has an interesting modern history. Charlie Hill-Smith, of the Yalumba Hill-Smiths, owned a house, which I assume was part of the mine works, because there was a big room that had mezzanine floors at one end of the house. They had some notorious parties in there over time. Kylie Minogue was actually there at one party; I was not there for that, but be that as it may.

At the end of this room was a door that led straight into the shafts of the Glen Osmond silver mine. You could go down there and see the crib rooms and the little train tracks that they had for the carts. It was amazing. I do not think there is that access anymore. The ore from that mine at Glen Osmond was manually broken, bagged and transported to smelters in England as the first mineral export from Australia.

It must also be noted that the northern Burra mine became the largest mine in Australia for the 10 years of its life, supplying 5 per cent of the world's copper for 15 years, producing a total of 50,000 tonnes of copper metal. In 1846, gold was being produced in South Australia from the Victoria mine in the Mount Lofty Ranges, and the Victoria mine assisted in the discovery of several other gold depositories, predominantly throughout the Mount Lofty Ranges. Further to the Victoria mine, the South Australian government offered £1,000 for the discovery of a payable goldfield. This scheme consequently led to the discovery of Jupiter Creek in 1852.

Interestingly, the discoveries and developments of mining provinces were by farm workers as more remote areas were established—well, more remote for those days. The developments and discoveries of towns, including Kapunda, Burra and Moonta, saved this state from bankruptcy. The first Australian mining laws were enacted in 1851 but, prior to this, mineral and petroleum ownership was attributable to those who were granted title to the land in which the mineral was located. I wonder, if landholders had title to the minerals under the land or had some level of royalties, whether we would have a different outcome with the mining of minerals but, as it is, it is vested in the Crown. This principle excluded what were considered to be royal mines, known for those precious metals of gold and silver.

In 1855, colonial parliaments legislated for the ownership of minerals to be allocated to the Crown in future grants of freehold title. This legislative change developed into the Crown owning nearly all minerals throughout Australia in the right of that state. Copper was first discovered in 1859, near Kadina, which subsequently created a mining boom. Even though the mine closed in 1923, it is still accessible to the public to view the ruins of the Moonta Mines. Mining certainly has a strong history within Australia, and South Australia.

There has been ongoing discussion about coal and the high power prices we have in this state. Coal was first discovered at Leigh Creek in 1888; however, it was not mined commercially until 1943. Olympic Dam is now the fourth-largest copper deposit, and the largest known single deposit of uranium in the world. Olympic Dam has given work to many people, and I will declare a slight interest here as my wife, Sally, is an environmental scientist, and she did a lot of the mound springs analysis work. At times she would stay at Marree, but she would also stay close to Olympic Dam as well to look at the impact on the mound springs when they did the first expansion many years ago.

When I think about Olympic Dam, I think about the opportunities it gave to many lads from farming families. In fact, for a while, it was called North Kimber because of the number of opportunities it gave to people from farming families from the West Coast. Obviously, they were coming from other places, but that was a common saying.

Gypsum was mined at Inneston in what is now known as Innes National Park, and I note that Cooke Plains gypsum has been going for a long time as well. Norm Paterson, a proud Liberal and proud supporter of mine, has started a very successful business, Paterson Bulk Transport. Apart from the trucking company, they are still mining gypsum and will be mining gypsum for a long time at Cooke Plains and into the future.

Dolomite is still being mined today at Ardrossan, and that is transported all over the world. There have been several new graphite discoveries on Eyre Peninsula, along with Angas Zinc Mine being discovered in 1991 on the outskirts of Strathalbyn, a town with a silver and copper mining heritage dating back to 1848. I will talk a bit more about Strathalbyn shortly.

Additional mines that have a more recent history in South Australia include the Challenger gold mine, Prominent Hill and Carrapateena, which is just coming online. At the time that Prominent Hill had its opening, I was the mining shadow and very pleased to be up there at the time. Hillside is being looked at; Hillgrove at Kanmantoo is also fully operational; and, in 2009, Iluka commenced activities west of Ceduna, being the largest, highest assemblage zircon development globally for several decades, capable of producing up to 300,000 tonnes of zircon per year.

We have had a rich mining history, but we have also had a rich farming history in this state. As I indicated earlier, my family came out here in 1840, and we settled at Plympton. It was paddocks back then. We had a farm and a boot shop before we moved out to Gawler River and Angle Vale. I note there has been some discussion about the Mindarie mine, where Murray Zircon were involved in getting that going. As a candidate, in 2005, I was heavily involved in discussions leading in to that mine starting up. It was interesting. As I have mentioned in this place before, I went to the Karoonda sheep fair, and a couple of blokes came in from Mindarie and said, 'Right, outside, we need to talk to you.' They were Mindarie farmers.

Rightly, they were concerned about the outcome of what they were going to get at the Mindarie mine in terms of access and what is being called exempt land. It never really was exempt because you could negotiate that land regarding access, which was 400 metres around a homestead, for instance. In this bill, if it gets through, it will be called restricted land, which in my view gives a more accurate description of what really happens because exempt land, in my mind, never really suited the story.

Over time, I got involved in the community consultative committee at Mindarie. We worked through a few issues, and there were some issues over time, but you have to work through these things. I must admit that I provided employment for over 100 people at any one time. An issue brought to my attention was about some of the rehabilitation work. I raised it with the Hon. Paul Holloway, who was the mining minister at the time. I said, 'You've got to come out here and look at this.' To his credit, he came out and had a look. The long story short is that, when the Chinese investment came in with $40 million to restart that mine because it had shut down due to a lack of capital investment, part of their role was to address the rehabilitation issue. They had to do that first.

Talking about the Hon. Paul Holloway, who used to sit in the other place, I want to place something on the record, and I have done so here before. The week before the 2006 election, when I was not a member of parliament but basically just a punter, a candidate waiting to be elected, he invited me to the turning of the first sod for the Mindarie mine. It was an interesting move from across the political divide. I had a lasting working relationship with Paul Holloway for as long as he was the mining minister. I wrote him a letter when he retired and he sent me back a note. I just wanted to make that point.

Strathalbyn has the Terramin mine, which is based about one kilometre out of town. That has been interesting. It has had its challenges over time, but it also worked. It provided many jobs, and it was churning around $70 million a year, putting a lot of money into the local community around Strathalbyn and into companies that operated not only there but also in Murray Bridge. During the time of the River Murray drought, between 2006 and 2010, it was great fillip to local communities, when a lot of other industries were shutting down, whether it was irrigation on farming and they did not want supplies or that sort of thing. That is not to say there were no issues to deal with. I am still on that consultative committee, as I have been since 2006. We worked through issues about how to deal with the amount of water coming into the mine. In the end, they got enough reverse osmosis

plants up, and that water was delivered to a local vineyard, a local farmer, to get the water out of the pit.

It is interesting that people have different perceptions of mining operations. Eighteen months after physical mining stopped at that site, someone rang my office and said, 'They are blasting under my house.' I said to them, 'They're not blasting under your house because they never did and they are certainly not doing so now.' I managed to sort through issues around lowering lights at night to have less impact and managing noise issues. They were doing lots of work putting plants on batters and banks and making things quite presentable.

I have seen the environmental work that goes through on what mining proponents either have to put up or what they have to do while they are operating a site. A lot of work goes on and there is a lot of work to get approvals. Certainly, in my own physical experience working in the mining field I worked in the Cooper Basin from 1982 to 1984. Initially I was building leases for oil rigs with scrapers, graders and bulldozers, but then for the next year, from March 1983, I worked for a company called Gearhart Australia, which was subsequently taken over by Halliburton. We did well testing and wireline work. I was a junior hand at 20 years old. We also did fracture stimulation. It was the first job where I have fallen asleep standing up. I had been up for 24 hours.

I had a handful of explosive charges and I woke up leaning against a truck, and I thought, 'That's a bit interesting.' I think occupational, health and safety has changed a bit; now they rotate the crews a bit more. It was an interesting time. I have seen when an engineer shoots off site, and when he shot water and not gas that was the end of his job. He disabled an oil and gas well in one fell stroke because he did not get the depth right. That was some of my experience. Whether it was working inside cased wells or through tubing perforation, I did a lot of that work in Queensland in the Cooper Basin.

I know that there is a lot of talk that mining might take over the country. We do not want mining to take over all the agricultural land—absolutely not—but both industries are vital for this state. From what I understand, the mining footprint in South Australia is less than that of hotel car parks. There has been far more land subsumed by urban development than by mining. I know that there is talk about acquisition and generational farmers, and absolutely I can feel their pain.

My father died a couple of years ago. He was nearly 95 and he knew Salisbury and Elizabeth when they were bare paddocks. They have been urbanised. The best value land is probably directly under our feet, right here in Parliament House, the best value land in the state, but we cannot grow crop on it. I understand that, but there are opportunities out there. I note some of the arguments that come back from Grain Producers SA that they do not want to see mining on agricultural-producing land.

What I do know about grain farmers, being one myself, is the simple fact that grain farmers want competition, and part of that competition, if it does happen, is the Iron Road development on the West Coast, on Eyre Peninsula, where there is potentially the opportunity for a mine. Obviously they are waiting for investment approvals and a whole range of compliance issues. The only way that we are going to get competition in the grains industry in this state is if there is the opportunity to share a wharf with a miner. I just put that on the record.

But do not get me wrong: my family has farmed in this state since 1840. I may be the last one. We need to make it work, but we also need regional development. We need jobs in the regions because as the regions deteriorate—and they do with population—services disappear, whether it is education or health, but we need to do it right, so we need better compliance and we need to make sure it is right. We will ask a lot of questions during the committee stage of the bill to see how far this goes. I have some reservations, and I know that some of my colleagues are saying that it does not go far enough. Perhaps it does not, but what I have seen in the bill is an improvement on what we have had.

I reflect on compulsory acquisition. I know that it is not relative to mining, but my family has been involved in compulsory acquisition three times. In 1939, at Angle Vale, when the weapons dumps were put in that was on Pederick country. Eleven years later, in 1950, as part of Edinburgh Air Base my grandfather did a few more acres in. My father moved down to Coomandook in 1961. He probably thought that world peace had finally happened but, no, within 10 or 12 years there was

a move to move the Dukes Highway. I am just thankful that they did not put it where they were going to do the bypass around Coomandook and put a main highway between our shearing shed and our homestead, which would have made the farm virtually unusable.

But they did move it; they did move the Dukes Highway. They took 7½ acres of land, and at the time they paid $1,000 an acre, which was 2½ times the value of that land, and they put in new fences, but we had no choice in that. I am just putting that as a comparison: you do not basically have a choice with compulsory acquisition, but you have to negotiate an outcome. I was not privy to, and never heard the full story about, what happened in 1939 or 1950, but I am quite aware of what happened in the seventies.

What I am saying is that we have to get it right. We have to give farmers more negotiation rights. We have to give them those access rights. We also cannot turn our back on the minerals industry in this state because both mining and agriculture have been the base industries, below everything else, that helped start this state, and they will continue to drive this state forward. But we have the opportunity through this legislation to get that right. We will have a big discussion through the committee stage.

Mr TRELOAR (Flinders) (20:55): I rise this evening to speak to and make a contribution on the Statutes Amendment (Leading Practice in Mining) Bill 2017. It is the second time I have been involved as a member of parliament in amending the Mining Act. The first time was in 2011, as the member for MacKillop mentioned in his contribution. If my memory serves me correctly, he was the shadow minister for minerals at that time and certainly did a great job, and I believe we did a good job then, strengthening particularly the environmental aspects of the mining bill.

Time, however, moves on: six years have passed, and it is certainly time to address this again. It is very timely. I do not think it has turned out to be all that we hoped it might have. As you would have discovered during this debate, Deputy Speaker, even though we are debating the leading practice in mining bill, it is about much, much more than that. For many on this side of the chamber, at least, we have been dealing with constituents, particularly farmers and landowners, who believe, rightly so, that it is not just about mining; it is also about agriculture as well.

I must declare at this point that I am a landowner—I am an active farmer still, although from afar, I guess—but I also have an exploration tenement over two sections of my property, section 20 and section 4500 of Mortlock.

On Wednesday 18 October 2017, the government introduced the Statutes Amendment (Leading Practice in Mining) Bill 2017. It amends approximately 180 separate sections of the Mining Act 1971, the Opal Mining Act 1995 and the Mines and Works Inspection Act 1920, so three acts in total. The bill is the result of the government's leading practice review of South Australia's mining laws, which commenced in September 2016, so more than a year ago. It is extraordinary, to my mind, to think that after 13 months we are looking to get this bill through the parliament—through both houses of the parliament—in the final weeks of this calendar year and, ultimately, in the final weeks before the coming March election.

There were 82 recommendations that came from this process, and a majority—74 of the recommendations—are included in this bill. Some of the key and controversial amendments in the bill—and I call them controversial because, of course, they will be the ones we will be questioning particularly during the committee phase—include new and amended definitions in section 6. The bill aims to establish new meanings and redefine the existing meanings under the Mining Act to better reflect the type of mining and exploration operations undertaken. This includes, but is not limited to, advance exploration operations, ancillary operations, low impact operations and a private mine.

There is restricted land, under section 9: the legislation is amending the term 'exempt land', under section 9 of the Mining Act, to 'restricted land'. If there is one piece of terminology that needs to be addressed, or at least a better understanding given, it is this because, understandably, many landowners among those faced with exploration or even a mine proposal on their land have been led to believe that the term 'exempt land' meant something completely different to what it ultimately turned out to mean.

The 400-metre restriction of mining operations from a building or structure has been replaced with a prescribed distance depending on the nature of the operations—for example, 200 metres for low-impact operations, 400 metres for advanced exploration operations and 600 metres for high-impact operations around residences or 600 metres if no distance is prescribed. The distances have increased compared with those in the existing legislation. Land is 'restricted' if the value of a building or structure situated within 150 metres of operations is valued at $2,500 or more or an amount prescribed by regulation, whichever is greater.

This is an increase from the existing value of $200 or more. It is a significant increase, which probably does not go anywhere near to fulfilling the true cost. There will be an increase in the financial assistance for legal advice from $500 to $2,500 for landowners on restricted land. Once again, this would barely touch the sides, I think, if one were serious about engaging good sound legal advice. I stand to be corrected, but there would be residents of both Yorke Peninsula and Eyre Peninsula who have spent many tens of thousands of dollars on legal advice and legal dealings in relation to exploration and mining activities.

Notice of entry is covered in section 58A, which increases the notice period for entry from 21 days to 28 days—another week—for the holder of an exploration licence or a mineral claim. Notices must be served to the landowners and the Mining Registrar and must outline the nature of the operations intended to be undertaken in a specific way, I would hope. In relation to the Mining Registrar, section 15AA establishes a comprehensive mining register, expanding the documentation published and available to landowners and community.

Section 30A extends the exploration licence renewal period from five years to six years. After 12 years, the exploration licence area will be reduced by 50 per cent and after 18 years, it will expire, to ensure that other companies do not indefinitely hold licences. Eighteen years seems a long time. There is a plan to amalgamate mineral tenements under section 56P, which will provide new power to the minister to allow for the amalgamation of two or more mineral tenements to support joint ventures.

Subdivision of exploration licences is provided for in section 30AA. The ministerial powers in granting mineral leases will also be changed and there are new investigatory powers for government to provide the department with additional powers to investigate mining operations. I am particularly pleased to see that because, although some people genuinely believe that the existing act is not too bad or is okay, often the complaints I get from constituents are about the way it is administered and also alleged breaches by companies going about their business.

Mining is something I have been dealing with even before I became a member of parliament as the member for Flinders in 2010, way back in 2008 when I began campaigning. In fact, my first memory is of a company called Centrex which proposed to mine iron ore near Murdinga on central Eyre Peninsula. They had actually purchased a farming property at Murdinga and their proposal was to load the iron ore onto the existing train line at the Murdinga siding, freight it by train to Port Lincoln, put it on the wharf and onto a ship to go overseas.

Centrex were successful in purchasing the farming property, and one of the very first constituent visits I had was from the owners of that property. I knew them and I know them even better now, but they came in particularly to talk to me about the difficult process they had been through. Ultimately, they agreed on a price. They felt that they were forced into that situation. They exited the property that had actually been with that family since settlement, more than 100 years previously. It was a very distressing time for these people. It was added to by the fact that they relocated to a place called Yallunda Flat and, lo and behold, within a couple of years, there was yet another mining exploration company that apparently had discovered iron ore in the vicinity and they were under the same threat all over again.

My point in all this is that I attended public meetings; in fact, I remember going to a town hall meeting in Port Lincoln and it was wall to wall with people. They were mostly residents of Port Lincoln, I might add, who were concerned about iron ore being freighted through their town, the delightful coastal town of Port Lincoln, and being put on the ship and taken overseas, and having to deal with the extra noise, extra freight movements, dust and all those things that people worry about.

It was not too long and Centrex disappeared completely from Eyre Peninsula, although they did have a brief foray, under the guise of Iron Road, into further exploration in the Koppio Hills with yet another proposal to develop a port at Port Spencer and ship iron ore out through a slurry, and all these grand proposals, which really did not amount to anything and caused a lot of people a lot of grief along the way.

I have a theory that much exploration—I will not say all of it—is undertaken in the hope that something worthwhile will be found, but not necessarily the expectation that something worthwhile will be found. The result is that a tenement is allocated, some funds are raised, announcements ensue, a couple of utes drive around for a few months, a hole or two are dug, more announcements are made, capital is raised, wages are paid, and most particularly and most importantly, director salaries are paid. That seems to be very much the cycle of mine exploration. Just occasionally, one will go a lot further, and I will talk in a moment about the Iron Road proposal on central Eyre Peninsula.

As others have said, mines already exist on Eyre Peninsula. Certainly, the Middleback region and Iron Duke are very close, even though it is in the electorate of Giles. The member for Giles has spoken today about the importance of mining to his electorate and to the major town of Whyalla, and I acknowledge that. I have a constituent who lives in Flinders, and this person will be known to the member for Giles. This fellow is a wheat farmer and he has real concerns and issues about what he believes is the impact of fugitive dust from the Iron Duke mine and the impact that is having on his farming operations and his wheat yields. It is an argument that could stack up. Fugitive dust could well impact on the photosynthesis capacity of the wheat plant. As the landowner and the grain grower, the onus is on him to prove that that is detrimental to his farming operation.

I think the member for Hammond mentioned Iluka. It is way out west. It is north-west of Ceduna, but it has really high-quality mineral sands that are exported out of Thevenard. There is a gypsum mine just south of Penong within cropping country. It is adjacent to the coast so it is near some wheat farms. This has a mine life of some hundreds of years. It is being shipped out of Thevenard and is supplying pretty much the east coast building industry and also New Zealand.

There are numerous lime pits, gypsum pits, and obviously rubble pits that council use. DK Quarries mine the hardest rock in South Australia on the outskirts of Port Lincoln. So mining goes on and it has continued for a long time. There is interest in graphite and further interest in iron ore within the agricultural zone of Eyre Peninsula, and that is where the crux is. It is mostly magnetite.

I think a lot of the interest and a lot of the excitement is brought about by the fact that Eyre Peninsula is contained within what is known as the Gawler Craton. My understanding is that some of the oldest rocks on the planet are in these cratons, and the Gawler Craton is here in South Australia and I assume that Olympic Dam is also within the Gawler Craton. The downside, of course, is that although there is much interest in the minerals, my understanding is that they are very deep and, as a result, can become cost prohibitive to mining companies.

Iron Road is the mine proposal at Warramboo. In fact, it is known that iron ore has existed at Warramboo for more than 50 years. I have a friend who is now over 70 and originally hails from Minnipa. He can remember going to dances at Wudinna in the 1960s and everybody was talking about the iron ore mine that was going to be at Warramboo. What happened, of course, was that the deposit was identified but never proved up, and various explorers came and went.

Six or so years ago, a company by the name of Iron Road negotiated entry into a number of properties, and I guess the farmers assumed that it would be the same as every other explorer: they would come and hang around for a while, drive around on the ute, leave a couple of gates open and eventually disappear. But this particular company proved up an enormous deposit of magnetite, and as it has turned out, Iron Road have been granted approvals to progress their mine proposal. Those approvals were given in the last few weeks. There is a PEPR still to come, which will cater for the environmental impact, and there is still the need to raise significant finance. I say 'significant' because this is a $4.5 billion project.

There is no infrastructure to support it at this point in time, and Iron Road are not just talking about the mine site. They are talking about acquiring half a dozen properties, processing the ore (the magnetite) on-site and putting it on a train—the line is yet to be built—and shipped out of a port

(which is also yet to be built) at Cape Hardy. So it is a $4.5 billion project and they are still looking to raise those finances. There are no guarantees that this will go ahead. My public comments after the approvals were given were that, should it go ahead, it is likely to bring much-needed investment into Eyre Peninsula, into things like infrastructure, transport, electricity and water.

All of this is of little consequence to those who own the land, operate farming businesses and simply want to go about their business with some security, a sense of purpose and long-term viability. Despite the necessary and required interactions between the exploration company (which sometimes goes on to become a mining company) and the landowner, the discussions are usually strained. In my view, they leave an overwhelming feeling of uncertainty—uncertainty, to a certain degree, to the mining company, but more particularly to the landowner.

I have not seen anything in the proposed bill that goes to dealing with this uncertainty. I think it is a really critical part of the interaction and the progress of this bill because this uncertainty leaves too many questions around how this interaction occurs. I have always approached life with a view to finding a way through, and I have approached these issues—negotiations at Warranboo; I have sat on the CCC committee and another one at Tumby Bay. I went to countless meetings where we talked through many of these issues, often never finding an answer.

My philosophy is to find a way through, but I cannot yet see that here. I want to see it in this bill, I really do, but I cannot see that it is essentially about anything other than mining. I will ask some questions during the committee stage and I might just flag them now. There is one in particular that I have attempted to have answered in various forums, and I have written a number of letters to different departments and both the public and private sector. My question is: how do banks view agricultural or farming properties that have a mining proposal lying over the top of them?

I ask this question because, for example, an owner of a property may wish to buy another property. He can foresee the day where he needs to move out of where he is and wants to continue farming, or he wants to expand the existing property, or buy a new piece of machinery. Obviously, businesses go to banks to do that.

How do the banks view the property he is sitting on in relation to its value? How do they view it in relation to the mortgage he might carry? Do they value it more highly than surrounding farmland? Do they give it a lower value than surrounding farmland? My information is that it has been very difficult to negotiate with banks around business arrangements and mortgages when these mining proposals sit over the top of farming properties. That is a really important question that needs answering.

I only have a few seconds left but, like the member for Hammond, I will recognise ultimately the importance that mining has had in South Australia's history. Copper essentially saved this state from bankruptcy. Like many others in this state, I have a Cornish surname. My great-great-grandfather drove a bullock dray from the Burra mine to Port Wakefield, had seven sons and they all went farming. The irony, of course, is that all us South Australian farmers with Cornish and Welsh surnames probably originally came here to go mining. Some of these issues are tremendously difficult to reconcile, and I think the challenge with this bill is to attempt to do that.

The Hon. Z.L. BETTISON: Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (21:17): I would like to thank all the members for their contributions.

The DEPUTY SPEAKER: If we are going to be here all night, it would be good if we could move things along.

The Hon. A. KOUTSANTONIS: Yes, I agree. I would like to thank the shadow minister for his contribution, and I thank members for their contributions. I think it is important to note that this is a very controversial and often emotive issue. I accept that it is very difficult for members who represent regional communities to grapple with how best to deal with the extractive issues. Fundamentally, it is a lot easier for members of parliament who represent metropolitan communities

than it is for regional members, so I want to thank the shadow minister and I want to thank members opposite and the member for Giles. I know how difficult it can be and how emotive this issue can be.

It is important to note that consultation on the bill is still open. We said this from the very beginning. The government is not attempting to offer a fait accompli to members or to the community. We are interested in their feedback. We are interested in making this work. We are interested in making sure that we get a very good outcome for regional communities.

Ultimately, I think on this issue we are all on a unity ticket. We are all attempting to get good outcomes for the people of South Australia, to get the full benefit of our mineral wealth and to do it in a sensitive way that understands and, indeed, pays particular respect to the communities that are most impacted by the extractive industry and the mining industry. Obviously, we will go into committee. I thank members for their contributions and look forward to the speedy passage of the bill.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. A. KOUTSANTONIS: I move:

Amendment No 1 [Treasurer–1]—

Page 11, line 11 [clause 4(18)]—Delete 'after the definition of *prescribed notice of entry* insert' and substitute:

delete the definition of *prescribed notice of entry* and substitute

Amendment No 2 [Treasurer–1]—

Page 11, line 34 [clause 4(25), definition of *tenement holder*, (a)]—Delete paragraph (a) and substitute:

(a) the registered holder of a mineral tenement; or

I want to correct the record. I said that consultation on the bill is still open; it is not still open. It was my error and I apologise to the house for any confusion. What I meant to say is that there is regular consultation on new bills, and issues and policies will continue to be updated. I apologise if I have in any way given people the wrong impression.

Amendments carried.

Mr VAN HOLST PELLEKAAN: Minister, I am looking towards the top of clause 4 where it talks about ancillary operations that can occur. Do these operations need to be directly undertaken by the tenement holder or a subcontractor to the tenement holder, or can a completely different business organisation come and set up maybe catering, accommodation or something like that on the site?

The Hon. A. KOUTSANTONIS: Yes, of course they can; that is the advice I have received. Ancillary services can be provided by contractors. Obviously, we want competitive services offered to the industry.

Mr VAN HOLST PELLEKAAN: Who has the authority about how far it could go in terms of what business is allowed to be there or not? Does the tenement holder have any authority over that or is it essentially just the same as if it was in any town anywhere else: as long as you are law abiding, you are allowed to get established.

The Hon. A. KOUTSANTONIS: My advice is that they still have to be approved. They still have to apply for their tenement operation, so yes. I suppose the answer to that is that activity still needs to be approved and licensed.

Mr VAN HOLST PELLEKAAN: Approved by the government or approved by the tenement holder?

The Hon. A. KOUTSANTONIS: By the government, I am advised.

Mr GRIFFITHS: My question is an extension of that same area, but it refers to a determination of the minister or by regulations. We have all mentioned the fact that draft regulations are not available, but are there any examples that you are able to quote already of the types of issues that will be included in the regulation that may relate to that area for ancillary operations as being not included?

The Hon. A. KOUTSANTONIS: I am advised that we can do that by regulation, so by regulation we can preclude operations.

Mr GRIFFITHS: I understand, minister, and I agree with that. I know the draft is not available—

The Hon. A. KOUTSANTONIS: Let me get some advice. Anyone receiving a tenement licence must be approved for mine operations. The exclusions are things such as transport, or other ancillary services that are not related to mine services. We are trying to restrict it to mine services so that we do not have too much of an expansive bureaucracy involved here.

Mr GRIFFITHS: The reason for the question, minister, is that I take the committee stage to be a very strong guidance for you and your staff when it comes to regulations being drafted. The intention is to seek clarification where regulations are mentioned, just to try to get an idea of what we are actually talking about.

The Hon. A. KOUTSANTONIS: Obviously, we will consult with industry and stakeholders, and I would be very interested in the views of the member for Goyder.

The CHAIR: Any further questions on amended clause 4?

Mr GRIFFITHS: I have questions about several areas in the definitions. I note that 'Crown lands' has been deleted from the definitions. I am interested to know why that has occurred?

The Hon. A. KOUTSANTONIS: I am advised it is superfluous and not used in the current act.

Mr GRIFFITHS: It is in different areas of each definition.

The CHAIR: Okay, but we are going to be here all night if you ask more than three questions on each clause.

Mr GRIFFITHS: I understand. Similarly, minister, 'director', which is the next definition provided there, is a new one that has been inserted. In my case, there is a presumption that people understand what 'director' means without it necessarily being defined. Where did this suggestion come from?

The Hon. A. KOUTSANTONIS: These are directors of companies. I am advised that we are bringing in very strict environmental regulations that are applied directly to directors of these companies, and that is what the definition means.

Mr VAN HOLST PELLEKAAN: Minister, are there any circumstances where the responsibilities of a tenement holder could be passed over to an agent or a subcontractor, or something like that? Are the responsibilities that actually sit with a tenement holder able to be delegated in any case at all?

The Hon. A. KOUTSANTONIS: Yes, they can, but in practice they are both equally liable for any activity that might be in breach of their tenement conditions. It reflects current practice. What we are attempting to avoid—and I will get clarification on this in a moment—is the tenement holder contracting someone to do some mining-related activity and have no liability. What the act is clearing up is the ability for everyone to be equally liable. I imagine this is a way of tidying that up and making sure that everyone is responsible for the proper management of tenements.

Mr VAN HOLST PELLEKAAN: Is that delegation at the option of the tenement holder, or is ministerial or departmental approval required for the delegation?

The Hon. A. KOUTSANTONIS: I am advised it is redeeming sections within the act, which put the onus on the tenement holder to make sure that any contractual work being done is in accordance with the tenement conditions.

Mr van Holst Pellekaan interjecting:

The Hon. A. KOUTSANTONIS: No, the onus remains with the tenement holder, and they are the ones who are ultimately liable.

Mr GRIFFITHS: For clarification, there is an area about 'exploring' and then adding 'exploration operations'; I understand that. There is a description of 'exploring' or 'exploration operations'. I understand the reason for that inclusion, but new subclause (d) provides:

undertaking any other activity brought within the ambit of this definition by a determination of the Minister or by the regulations…

Given that directly above this it talks about 'prospecting for minerals', 'exploring for minerals' or 'establishing the extent of a mineral deposit', what else would you do that might be brought within the ambit of the regulations?

The Hon. A. KOUTSANTONIS: I think it is just to clear up exactly what 'exploring' is so there could be no question about what the activity should be, so there is no chance of anyone slipping through the cracks. We want to cover as many definitions as possible. I hope that covers what you are attempting to look for; if not, I am sure you will clear it up in your next question.

The CHAIR: There might not be a next question; he has already had five.

Mr GRIFFITHS: And I am grateful for the generosity of the Chair.

The CHAIR: It will not be lasting.

Mr GRIFFITHS: I understand that. As I say, given that it talks about prospecting, it talks about exploring and it talks about establishing the extent of a mineral deposit, my question is specifically about what you can do beyond that that gives consideration to be included as part of regulations in the future. That is what the wording of new subclause (d) allows the minister to declare via regulation. I am intrigued by what you can do beyond those three areas already mentioned.

The Hon. A. Koutsantonis interjecting:

Mr GRIFFITHS: It talks about 'prospecting for minerals' or 'exploring for minerals' or 'establishing the extent of a mineral deposit', and then it creates this new subclause (d), which allows you to add to that.

The Hon. A. KOUTSANTONIS: I would have thought that this is the type of clause that the member for Goyder and the conservative side would possibly enjoy. It keeps the lawyers out of the definitions, rather than leaving it up to lawyers to define. This is just taking out any ambiguity about what 'exploration' is, but I take your point. What we are attempting to do is the very thing that you are inquiring about—taking out the ambiguity.

Mr GRIFFITHS: Over the page—

The CHAIR: Which page are you looking at?

Mr GRIFFITHS: On page 11, where subclause (21) refers to:

Section 6(1), definition of radioactive mineral—delete the definition.

I know later on there is the deletion of areas in relation to radioactive materials also. Why is that definition being removed?

The Hon. A. KOUTSANTONIS: It is a remnant of the old three mines policy, and it is now redundant. It is now no longer necessary within the act. Hopefully, we never return to that policy ever again.

Mr GRIFFITHS: I note there is a new definition for senior warden. Why is there an intention to create a senior warden of the Warden's Court when I presume that has not been in place already?

The Hon. A. KOUTSANTONIS: I am advised that it previously was not under statute and now it is under statute and that is why the amendment has been made.

Clause as amended passed.

Clause 5.

Mr GRIFFITHS: Clause 5 is an amendment to section 7(2) and it starts off with a new subsection (2), which states, 'These regulations may provide.' I am interested why they do not say 'shall'. Why is the word 'may' used? There is an ambiguity that is attached there by the word 'may' instead of 'shall'.

The Hon. A. KOUTSANTONIS: I am advised that it is a drafting style issue. If the member thinks it should be 'shall' I am not particularly fussed. I think 'may' gives more discretion, but it probably does not, given my experience of the way these things are interpreted. There is no conspiracy here; it is just a drafting style.

Mr GRIFFITHS: I thank the minister for his response. My next question relates to new subsection (2a) which is directly below and the wording of this one really intrigues me: 'The regulations may,' and I am now comfortable with the minister's explanation, 'provide that a specified provision of this Act does not apply'. How can a regulation say that a requirement of the act does not apply? Can you give some examples of where that is actually the case? I would have thought that the act would have had the primary responsibility.

The Hon. A. KOUTSANTONIS: These are drafting issues. There is not a secret clause in here that gives me a secret key just to use a regulation to take away the will of the parliament. The parliament is supreme. Its clauses cannot be removed by regulation. These are drafting questions by parliamentary counsel. Parliament is the master of its own destiny.

We cannot pass a bill saying that all other bills can be overridden by some other act. At least, that is what I think. That is the way I have always understood it. I think these are drafting issues. The answer is the same as the answer about 'may' or 'shall'. This is the way that parliamentary counsel go through acts. When they are drafting amendments and cleaning up acts, they add these clauses in to clean up the function of the act so that they operate as they are intended.

Again, for the member, this is also to end any conflict between other acts, such as the Local Government Act, which you would be well aware of—things like borrow pits, for example, so there is no conflict between any of the acts.

Clause passed.

Clauses 6 and 7 passed.

Clause 8.

Mr VAN HOLST PELLEKAAN: Minister, would you please explain how you determined to set the new distances that are set up in clause 8?

The Hon. A. KOUTSANTONIS: I think it is important to note that this activity does have impacts on communities. It does have an impact on people. This is a cost to industry that industry initially were not very comfortable with, but the government's view, and I think the parliament's view generally, is that we should be consulting more people about potential impacts. What this is designed to do is to make sure that more people are consulted, that more people are involved in the consultation process, not fewer. This provision is relatively important to make sure that the industry and the act and the parliament recognise the impact this industry can have on people's amenity and that they are consulted. That is why we have done it.

Mr VAN HOLST PELLEKAAN: Minister, that is why they are there, and I agree with you, but the question was: how did you determine the figures? For example, 600 metres, 400 metres—how were those numbers determined? Was that a recommendation that came from people with homes in proximity? Where do the numbers come from?

The Hon. A. KOUTSANTONIS: Again, it is based on a number of things: first, it is based on cost. Every hundred metres you go out there is an added cost to proponents in relation to consultation. Of course then it has to be about reasonableness. We think we have found the right balance. It is never going to be perfect; let us be completely frank about this. We could keep going for miles and miles, but we have attempted to achieve the right balance. Is it perfect? No, it is not perfect, but every hundred metres you move out is an added cost, so we have tried to balance between cost and appropriate consultation, and I think we have got the balance right.

However, it is not perfect. I make that concession to the parliament immediately. Every time you add a couple of metres or 50 metres or 100 metres, it adds further cost. But that is not to say that people who are in that extra zone do not deserve to be consulted. Yes, they do, but we have to work out a boundary. We have increased it from 400 to 600, and I think that is appropriate.

Mr VAN HOLST PELLEKAAN: A bit further down, at about line 30, minister, the bill talks about deleting the word 'person' and substituting the word 'landowner'. What about pastoral lessees? Is that captured in the definition of landowner, or is that excluded from the definition?

The Hon. A. KOUTSANTONIS: I am advised that, yes, it captures pastoral leases.

Mr GRIFFITHS: Over the page, minister, towards the bottom of page 14, the legislation talks about prescribed distance, so can we move forward to that bit. That is where, in relation to low impact exploration operations, it becomes 200 metres. I listened intently the minister's last answer, when he said that every time you go out it costs more money, and I took that to mean out further. In this case are we not actually coming in closer? I know there is a great concern amongst community members who talk to me about any level of exploration taking place closer than what was the case before.

The Hon. A. KOUTSANTONIS: Again, it is a balance. We are not talking about drill holes; we are talking about early exploration. Again, it is trying to get the balance right—very little disturbance, very little impact. We have to get the balance right. These are explorers who do not have many resources so, again, we to try to get that balance.

This is the difficult part about this area, which is why I know the difficulty that regional members face over metropolitan members—it is the impacts. We have to get the balance right between allowing access and appropriate consultation, and managing costs and bureaucracy and red tape. So, yes, I accept your point, but this is a different type of impact, which is lower impact, and we are attempting to try to get the balance right. Is it perfect? No, it is not perfect. Let's be clear about this. Is it 50 metres, 100 metres, 600 metres or somewhere that is 601 metres?

I will give you an analogy in the modern day. Regarding Adelaide Airport curfew insulation, I know people who live across the road from people who have received government insulation and people who have not. We are talking about a matter of metres and the noise impact is almost identical, but a line is drawn somewhere. I am not saying it is fair. It is arbitrary, but we try to get the balance right. This is the difficulty about prescribing distances and the difficulty about the way you make this legislation.

I think I know the member for Goyder well enough to know how considerate he is about the tools that we have here. Often we like to use scalpels, but we do not often have scalpels. In the real world, I have to make a balance between the very legitimate issue of the cost of consultation versus the impact of the actual activity. If we overdo it, we will be criticised, rightly, about being overburdensome on red tape and bureaucracy. If we are too lenient, we will be criticised, rightly, by landowners and impacted residents about not giving them enough protections and consultation about activity that is occurring near them that will impact them. We try to find the balance.

I do not think for a minute that any jurisdiction anywhere in the world has got this absolutely right. We are trying to find a balance, so it is not perfect. You have got me. I am serious, you have got me. What is the appropriate number? How long is a piece of string? It is different for everyone. We are trying to get the balance right. I know exactly what you are saying and I take the point. I know how your constituents feel. I can only imagine what it is like, but I have to find the balance.

Clause passed.

Sitting extended beyond 22:00 on motion of Hon. A. Koutsantonis.

Clause 9.

Mr VAN HOLST PELLEKAAN: Around about line 5, it states:

> (i) in the case of a notice given to the owner of land under subsection (1)—the tenement holder has made a reasonable attempt to reach agreement...

Who is the assessor? Who judges a reasonable attempt by the tenement holder?

The Hon. A. KOUTSANTONIS: This is where we have set a higher burden and a higher hurdle for the mining companies, rather than the landowners. Landowners are directed to a court, whereas mining companies must take reasonable steps to consult, so we are having a higher burden here on the mining companies. They must demonstrate that they have made reasonable attempts and not just pretended that they have made reasonable attempts. They actually must make reasonable attempts to consult.

Mr VAN HOLST PELLEKAAN: Who judges that? Who assesses that?

The Hon. A. KOUTSANTONIS: I am advised that it is a matter of law through submissions.

Mr VAN HOLST PELLEKAAN: A little bit farther down on the same page, subsection (8a) provides:

If an application is made for a production tenement or a miscellaneous purposes licence and the relevant consultation period in relation to the application has ended, an owner of land—

and it says a couple of things, but what I am really interested in is—

may apply to the appropriate court…

I know this links to what you said a minute ago: why is it the landowner who has to go to the court to try to unlock the dispute? Why is it the landowner's responsibility when it is actually the potential tenement holder who wants the action to take place?

The Hon. A. KOUTSANTONIS: Because landowners never had that right previously. This is giving them a new right where they can go to the court and say, 'We want a determination,' and force the hand of the mining company. This is something that landowners have been arguing for. I think, if the opposition consider this carefully, this is actually a big win for landowners. Previously, they did not have this right. They were completely waiting for the mining company to progress the processes and they were just sitting there being a recipient waiting for these processes to occur.

Now landowners, for the first time, if this legislation is successful, have the right to go immediately to the court and seek a determination and force their hand. So this is actually a win as opposed to a burden. This is the sort of thing that, if you are a landowner who wished to argue exempt land, would want. It is not attempting to weaken it: it is attempting to strengthen it because again, through long, hard, bitter trials, the government have recognised that landowners may have not had the same rights as mining companies and we are trying to even the balance.

Indeed, what we have done is given landowners pre-emptive rights. This is a new right that landowners did not previously have. I would have thought that the opposition would be celebrating this—and you still may.

Mr VAN HOLST PELLEKAAN: Minister, I am not judging or celebrating or denigrating; I am just asking for clarification. Is it possible that that, given that right—and rights can be responsibilities as well—could encourage the potential tenement holder not to pursue reasonable attempts and just say to the landholder, 'If you are dissatisfied, you go to the court. You sort it out,' and make it the landholder's responsibility to actually really be far more active in trying to resolve the dispute than the tenement holder's responsibility?

The Hon. A. KOUTSANTONIS: Firstly, if the mining companies do not make a reasonable attempts, given the way the legislation is drafted, courts will view them very dimly because they have a legal requirement to act reasonably. Secondly, what farmers can now do is go very quickly to the court and say, 'The impact is too large. Don't let the companies on at all,' and they can do it pre-emptively and quickly. This is exactly what regional MPs would want.

Mr GRIFFITHS: I would like to jump up a little bit to clause 9AA(4). There are some amendments to the wording in that, but there is a word that was already in the current legislation where it talks about a cooling-off period. There is not a definition of what 'cooling-off' actually means and I presume there is a legal interpretation of that, but just for the record could you put what the cooling off period is please?

The Hon. A. KOUTSANTONIS: I am advised:

…The cooling off period, in relation to an agreement with a tenement holder to waive the benefit of a restriction, means the period commencing when the agreement is made and concluding at the end of the fifth clear business day after the day on which the agreement is made.

Mr GRIFFITHS: I thank the minister for his detailed answer. My next question relates to section 9AA(5). Indeed, I am looking through the current legislation because it is for the deletion of that subclause, which relates to a 'notice rescinding an agreement may be given'. I am just wondering why that has been removed.

The Hon. A. KOUTSANTONIS: I am advised that there are—sorry, my wife just texted me and said the kids are watching on TV.

Members interjecting:

The Hon. A. KOUTSANTONIS: Yes, true. I am advised that this measure allows conformity throughout the bill in terms of the way notifications are made. We are going to consult on the regulations to make sure that we have the ability to make regulations, so the notification process can be variable.

Mr GRIFFITHS: The clause that has been removed talks about 'a notice rescinding an agreement may be given' and then the various methods that are under it.

The Hon. A. KOUTSANTONIS: Say that again.

Mr GRIFFITHS: It is about rescinding the agreement that is in place and how notice is actually provided. I would have thought it is therefore implied, by removal of that clause from the existing legislation, that that opportunity does not exist and instead it is a legal action that has to be taken by a property owner if they wish to rescind an agreement.

The Hon. A. KOUTSANTONIS: If people wish to rescind the process, what we want to do is have the regulation-making power so we can go out and consult with people about how best to facilitate what the process looks like and the time period. This is not a perfect answer to a very complicated issue, but the advice I have is that this clause allows us to get an understanding of how the act will work. We can go out and talk to people, have learnings from it and be able to adjust if it is imperfect. The clause allows us not to make the perfect the enemy of the good so that we have the ability to actually attempt to try to modify the process if it needs modifying after consultation.

Mr GRIFFITHS: Through talking to each other?

The Hon. A. KOUTSANTONIS: Yes.

Mr GRIFFITHS: Minister, I like the words conveyed, but I am not sure if they are relevant to my question. The current legislation provides an opportunity for a notice to rescind an agreement to be lodged, but this legislation puts in place a deletion of that ability to do so. Is that ability still available and is it available through a clause later on that we have not got to yet? That is the easier question to answer, I think.

The Hon. A. KOUTSANTONIS: Landowners will have the power to rescind an agreement. This is about the notice that they have to give. We have to go out and consult with people about getting the regulatory power to do that. The time frames required for that process will be done through consultation.

Mr GRIFFITHS: Again, minister, I am asked to have blind faith and the regulations will take care of it.

The Hon. A. KOUTSANTONIS: The parliament has the right to refuse regulations so, yes, you will be part of the process. Yes, the parliament will be consulted. Yes, landowners will be consulted, as will the mining industry and the shadow minister.

Mr Odenwalder: The Legislative Review Committee.

The Hon. A. KOUTSANTONIS: The Legislative Review Committee, indeed. The all-powerful Legislative Review Committee will be consulted.

Mr GRIFFITHS: I understand that, but I am not here next year.

The Hon. A. KOUTSANTONIS: And that is a shame.

Mr GRIFFITHS: I am pleased that you have given me some explanations about how the replacement option is to be put in place. I suppose I am intrigued as to why the need for the replacement option actually has to be considered. You must have had some representations from some people during the consultation about the ability to rescind the agreement. I am a bit confused. I was hoping there was a simple answer to it, but it appears there is not.

The Hon. A. KOUTSANTONIS: This is a complete rewrite of the processes in the act, trying to balance up the power divide that has been in place since probably 1971.

The Hon. P. Caica: Before you were born.

The Hon. A. KOUTSANTONIS: No, the same year that I was born.

The Hon. P. Caica: Yes, before Steven was born.

The Hon. A. KOUTSANTONIS: Are you younger than me? Gee, you cannot tell. I am joking—not really. I think what we are attempting to do as we put in this new power is to make sure we can consult on it and get it right.

Mr VAN HOLST PELLEKAAN: Section 9AA(14) provides that a tenement holder is liable to indemnify an owner of land for the reasonable costs of obtaining legal assistance relating to the operation of this section up to $2,500. How did you determine that $2,500? I know it is an increase, but how did you settle on $2,500? I think most landholders in that situation would say that that is not nearly enough.

The Hon. A. KOUTSANTONIS: It is a five-time increase from $500, which from my advice is about an hour's worth of advice depending on the quality of the lawyer, and $2,500 is about a day's worth of advice. I think that is about right. Again, it is the balance between making the perfect the enemy of the good. Beautifully, we can now up this in the regulations. We can increase it if we think down the track that it is not sufficient. Let's face it, I am of the very strong belief that if someone wishes to derive an economic benefit from your land, even though you may not own the assets they wish to derive an economic benefit from, like mineral rights, you have the right to legal representation.

This is a legal clause that has been forced upon you through no fault of your own. You have not committed any offences, you are not defending yourself— it is just that your land happens to coincide with mineral rights owned by the Crown—so you should be given some resource to get some independent legal advice about how to act and what to do next. It makes perfect sense. Could it have been more than $2,500? Do we give a week's worth of legal advice? We went for a day. We think a day is sufficient as a very good start.

Clause passed.

Clauses 10 to 15 passed.

Clause 16.

Mr VAN HOLST PELLEKAAN: I am looking at the part that talks about breaking into vehicles, if necessary, for entry and inspection. You will remember the discussions we had about the electricity and gas act. Why is it necessary in this situation to actually break into a private vehicle to undertake an inspection?

The Hon. A. KOUTSANTONIS: It is consistent with the environmental regulation, making sure that they have the appropriate powers to enforce the appropriate environmental regulations. If people are hiding things, the regulator should have the right to be able to prove it. Again, the clause in the other debate we were talking about earlier was about people who may have returned to the site of a fire to remove evidence of their shoddy work the next day and hidden faulty wiring in their vans.

We wanted the Office of the Technical Regulator to have the power to compel those people to open their vans and search their vans to retrieve evidence so that people could claim insurance on their homes, and for people be prosecuted, and protect householders who have access to land to make sure that there was not work being done that was inappropriate near powerlines. That was rejected by the parliament, I understand, in the upper house.

This is just about giving the environmental regulators the ability to do their job. If some proponent tenement holder was keeping things hidden in their vehicles that would show an act of exceeding their licence conditions, they could inspect it. It makes complete sense.

Mr VAN HOLST PELLEKAAN: Minister, it also states that a warrant is necessary to do these types of inspections in a home. How do you determine a 'home', and let me work through that because it might sound a bit silly to start with. When you have people who are working away from home two weeks on and two weeks off, sometimes a month on and a month off, the definition of 'home' can get a bit skewed. For example, I have a unit in Adelaide where I stay for 10 to 15 nights a month. It is not my home, but I am sure it would be considered a residence.

With regard to the need to get a warrant to enter and inspect a home without the owner's permission, would it apply to a camp accommodation setting, for example, or would it apply to a mine manager's house, which might not be that manager's official home but it might be where he or she lives a lot of the time?

The Hon. A. KOUTSANTONIS: First and foremost, these amendments align with the current powers of authorised officers in modern environmental legislation, including acts of this parliament, the EPA Act 1993 and the Fisheries Management Act 2007, so these powers are not new. A warrant from a magistrate, warden or justice would be required for this to occur, unless the inspection relates to a non-residential building or structure. How do you define a home? Well, that is for a prosecutor to decide, not for a parliament.

A prosecutor will decide what a residential home is and whether they need a warrant or otherwise, and if they conduct an illegal search it is at their risk. That evidence is inadmissible. These are the burdens we put on prosecutors, and it is the same burden they have in other parts of the act. I am comfortable with it, and we have just taken the standard definition from the EPA Act and the Fisheries Management Act.

Mr VAN HOLST PELLEKAAN: It would be a burden on the prosecutor after the fact.

The Hon. A. Koutsantonis: That's right.

Mr VAN HOLST PELLEKAAN: But it would be a burden on the inspector before the fact. The inspector has to determine whether that inspector has the right to enter this abode. Minister, what is your understanding of whether an inspector would have the right to enter a mine worker's or an explorer's accommodation on site, which is not the official home, but it is where the person might be living for several weeks at a time? Do you think that the inspector, with your understanding of the act, has the right to enter that temporary residence or not?

The Hon. A. KOUTSANTONIS: I cannot give you a legal opinion, and the parliament is very clear about that: ministers do not give legal opinions. That is a matter for the authorised officers to determine, given what we are given. It will be a case-by-case basis. We have drafted it in a way so that common sense will apply. There are standing operations under the other acts to have a well-crafted corporate history of how they operate—a legal history, precedent, and I expect they will be followed. An inspector who illegally inspects the wrong type of property without a warrant, without getting advice, is being derelict. They are the protections in place.

If you are going to go into someone's home, you get a warrant; if it is not their home, you get advice about whether or not it is a non-residential property. You get advice and act accordingly, in the same way that you would act under the EPA Act or the Fisheries Management Act. The parliament is not going to take away that discretion from prosecutors. Magistrates will decide and investigators will decide whether or not they need to get a warrant or otherwise, but if they get it wrong it is on them, and that is how it should be.

Mr GRIFFITHS: In the same area, minister, this issue was raised at the drop-in meeting at Maitland last week. I hope it was a misinterpretation by a member of the community who raised the question, because they made the comment that, the way they interpreted it, it was an ability for a farmer's property to be accessed when needed.

The Hon. A. KOUTSANTONIS: In Nangawarry?

Mr GRIFFITHS: That was not the issue highlighted. I presume, from the answer provided to the shadow minister by you, minister, that it relates to those who operate mining activities there, or part of the tenement holder, and there is no action that could be at risk against the farmer, the property owner, who is the permanent resident there.

The Hon. A. KOUTSANTONIS: The act is pretty clear. It provides:

5(a) the premises are used by a tenement holder—

a tenement holder—

for, or in connection with, authorised operations…

Mr GRIFFITHS: I am sorry to take up the parliament's time, but I just want clarification from you on that because I know there are people who will ask me about it, so I appreciate your assistance.

Mr VAN HOLST PELLEKAAN: The member for Goyder is clear about the tenement holder, but what the member for Goyder was asking is whether the property or the residence has to be on the tenement or not. I think that is what he is really asking about.

The Hon. A. KOUTSANTONIS: It depends on whether the premises are used by the tenement holder. If the tenement holder has a property that is not near the tenement, and it is a commercial property or a residential property, depending on whether they need a warrant or otherwise, it can be searched if it is relating to the term of activity.

Mr van Holst Pellekaan interjecting:

The Hon. A. KOUTSANTONIS: Of course; if it is in connection with the activity of the tenement. We are not giving inspectors the ability to kick doors open and just walk into farm homes, saying, 'What's for breakfast?'

Clause passed.

Clauses 17 and 18 passed.

Clause 19.

Mr VAN HOLST PELLEKAAN: In terms of things being seized, it is pretty clear what can and cannot be done. If a property is left for a certain period of time, it is then allowed to be removed, and the proceeds go to the Crown, and then the previous owner gets reimbursed, less costs. Is this something that must happen, or is it possible to come to an agreement between the owner of the property and the tenement holder so that that property could stay without this coming into effect?

The Hon. A. KOUTSANTONIS: This is in relation to tenement activity. I think what you are asking is: is there farm equipment that farmers need to work that might be seized? There would be no reason to seize that. We are talking about offences by mining operators. If a mining operator has committed an offence and it is seized, it is seized because the officers may need it as evidence. They can choose not to, and make an agreement, but they have that discretion, and they may take the risk. This provision of the act gives them the same powers as the Environment Protection Act and it aligns with the Fisheries Management Act. These are powers that are well defined and well in scope already by this parliament.

Mr VAN HOLST PELLEKAAN: With regard to compensation, it states that, if the property is damaged in some way, there would be compensation paid to the owner of the property. That is pretty straightforward if it is a vehicle or something that has a clear market value. What about drill core samples or something like that, when, in all good intent, inspectors think there is something going on that should not be going on, so that property is seized and that property is misplaced, mislaid or damaged and not returned in the condition that it was in and potentially could be worth nothing, or potentially could be extraordinarily valuable? How would that be dealt with?

The Hon. A. KOUTSANTONIS: Drill cores have value. That value is easily determined and they will be compensated.

Mr VAN HOLST PELLEKAAN: How is the value of a drill core sample that may not have been assessed yet easily determined?

The Hon. A. KOUTSANTONIS: I hate to quote Darryl Kerrigan. The Kerrigans are very keen on assigning value to property that they thought far exceeded market conditions. If someone attempted to sell them something or buy something from them that was not at market value they would say, 'Tell them they're dreaming.' The court will determine what the market value is of a core sample. It is easily determined.

Clause passed.

Clauses 20 and 21 passed.

Clause 22.

Mr VAN HOLST PELLEKAAN: At about line 15:

(1) A caveat under subsection (1) may—

(a) forbid the registration of any transfer, mortgage or voluntary surrender affecting a specified interest in the mineral tenement…

What about voluntary surrender if it is not explored or it has not been used in any way? This is talking about something that has a value. What if it has not actually been explored or mined? How does that work?

The Hon. A. KOUTSANTONIS: Can you expand on your question so that we can get an understanding of what it is that you are attempting to ask?

Mr VAN HOLST PELLEKAAN: Under Caveats, it states:

(1) A person…who has, or who is claiming, an interest in a mineral tenement may apply to the Mining Registrar to have a caveat registered under this Division…

(3) A caveat…may—

(a) forbid the registration of any transfer, mortgage or voluntary surrender affecting a specified interest in the mineral tenement…

What if that specified interest is unclear? What if it has not yet been explored and it is not really clear what the value is? How does that caveat apply?

The Hon. A. KOUTSANTONIS: People are not going to put a caveat on an asset that is not worth anything because of the risks they take later. The system has inherent safeguards in place. It is a commercial risk. If you place a large caveat on a property and it does not turn out, it would be a very serious risk for the people placing the caveat.

Clause passed.

Clauses 23 to 36 passed.

Clause 37.

The Hon. A. KOUTSANTONIS: I move:

Amendment No 3 [Treasurer–1]—

Page 47, after line 29 [clause 37, inserted section 28(1), definition of *open ground*]—Insert:

(da) that has been the subject of an exploration licence and is to be considered as open ground by virtue of a determination of the Minister; or

Amendment No 4 [Treasurer–1]—

Page 47, after line 40 [clause 37, inserted section 28(1), definition of *relinquished ground*, (a)]—Insert:

, other than where the Minister has determined that the land should be considered as open ground, or should be the subject of a mineral tenement granted to a particular person; or

Amendments carried; clause as amended passed.

Clause 38.

The Hon. A. KOUTSANTONIS: I move:

Amendment No 5 [Treasurer–1]—

Page 51, lines 24 to 27 [clause 38(4) and (5)]—Delete subclauses (4) and (5) and substitute:

(4) Section 30(8)—delete subsection (8)

Amendment carried; clause as amended passed.

Clause 39.

Mr VAN HOLST PELLEKAAN: This is just clarifying expenditure and the need to set an expenditure obligation. Is it always a monetary obligation, or is it a result obligation? Is it $100 or could it be 10 drill holes? Is it a physical amount of work or must it be money?

The Hon. A. KOUTSANTONIS: We want them to spend money. If they do not spend money, we want them to move on and turn the land over.

Mr VAN HOLST PELLEKAAN: I am looking at proposed section 30AAA(12) in clause 39:

If an amalgamation of expenditure commitments is allowed under subsection (10), the exploration licences to which the amalgamations relate will be altered by reducing their licence areas by an amount or amounts determined by the Minister after consultation...

If they are merged, why is the acreage reduced?

The Hon. A. KOUTSANTONIS: I think it is an ingenious way of making sure we get as much expenditure as we possibly can and at the same time not allow explorers to lock up land. So, yes, if you are combining all your tenements together and spending all your allotted expenditure on one tenement, it will shrink.

Mr VAN HOLST PELLEKAAN: Just for clarification, the amalgamation of the expenditure means essentially the focus of the expenditure. So if you said you would spend a certain amount of money on tenement A and a certain amount of money on tenement B, it is actually spending all of that money on one of those tenements; is that right? And that is the logic for the reduction in acreage?

The Hon. A. KOUTSANTONIS: This is driving good commercial outcomes. It is trying to incentivise people to spend the money where they think the best targets are, and it also frees up land to make sure that we keep on getting someone else to have a go if they are not interested.

Clause passed.

Clause 40 passed.

Clause 41.

Mr VAN HOLST PELLEKAAN: I refer to substituted section 30A(7)(b):

If application is made for renewal of the licence for a period beginning from the 12th anniversary—

so this is the six years; it has gone from five to six—

...the area of the licence must be reduced by 50%...

How do you determine which 50 per cent of the initial area?

The Hon. A. KOUTSANTONIS: It is done in consultation with the tenement holder. They have to start rationalising and thinking about where they think their targets are. Mind you, they have had 12 years to explore this land. We are just attempting again to keep turnover churning. People cannot just sit on property indefinitely.

Mr VAN HOLST PELLEKAAN: Just to be clear, you get your first six years and you can renew for another six years. If you want a third six years, the act forces you to reduce your effort because clearly you have not put enough in to achieve anything before now. You have to reduce and it would be done by negotiation. You might get 10 per cent of what you had. You might get 90 per cent, but it would be by negotiation with the department and the government.

The Hon. A. KOUTSANTONIS: Fifty per cent is fixed, but they know best. They know which they are most interested in.

Mr VAN HOLST PELLEKAAN: So they get to choose which 50 per cent they keep?

The Hon. A. KOUTSANTONIS: Let's be clear. Explorers know their acreage better than the department and we are going to ask them to rationalise. Which is the 50 per cent that they are interested in most? They choose and we will work with them and consult with them.

Clause passed.

Clause 42.

Mr VAN HOLST PELLEKAAN: 'Excise of land for public purposes,' are there any excisions planned at the moment by the government? Are there any parts of the state that are expected to be excised if this went through?

The Hon. A. KOUTSANTONIS: No.

Clause passed.

Clauses 43 to 45 passed.

Clause 46.

Mr VAN HOLST PELLEKAAN: Right down at the bottom of page 58, it states:

> (3) A mining lease must not be granted in respect of land within a subsurface stratum except on the authority of a resolution passed by both Houses of Parliament.

What sort of circumstances would that be?

The Hon. A. KOUTSANTONIS: Obviously, this is to keep the integrity of underground mines. We want to make sure that people are not creating situations where there would be degradation or any risk. It has been in place with the opal act for a long time. Both houses of parliament must be consulted and it remains.

Mr GRIFFITHS: I noted this one also. I know that there was a special provision for mining to take place in Arkaroola. The terminology was that it had to be of national significance and there was special legislation for it. Is that the sort of thing that is considered by this?

The Hon. A. KOUTSANTONIS: Arkaroola has its own act of parliament, its prohibition, and it is excised from the Mining Act thanks to the Liberal Party and the Greens.

Mr VAN HOLST PELLEKAAN: At the top of page 60 under the broader heading of 'Application for mining lease', it says:

> (c) must be accompanied by a mining proposal—

which makes sense, and further states—

> (iv) setting out the results of the consultation undertaken in connection with the proposed operations in accordance with the regulations…

You are aware of concern about the regulations—and I have deliberately not raised this every single time that regulations come up—but this really is one of the most crucial issues with regard to the mining proposal and the results of the consultation undertaken in connection with that proposal in accordance with the regulations. If this bill passes, I think we really need to know what sort of regulations would be in place that would affect the consultation on the actual proposal. It really is a core to the whole thing.

The Hon. A. KOUTSANTONIS: We want to tighten up and have more transparency in these amendments than under the previous act. We will be out consulting on the regulations next year. The whole purpose of the act is to give greater transparency, greater consultation, more involvement and more say. I think it is pretty self-evident, and I do not mean that in a disparaging way. I just think what we are attempting to do is give people more of an opportunity to have a say on how these things operate and this is what we are going to be consulting on next year with the regulations.

Clause passed.

Clause 47.

Mr VAN HOLST PELLEKAAN: I refer to 'Term and renewal of mining lease', right at the bottom of page 60. It deletes 'not exceeding 21 years' but it does not appear to actually insert any other renewal period—not a maximum and not a minimum—so how then would that be established?

The Hon. A. KOUTSANTONIS: We had this absurd position previously where we could only issue a 21-year lease regardless of the mine life. How do you capitalise the operations? How do you get security for investors? How do you raise capital? What we do now is we assess the mine life and issue a lease that matches the mine life of the operations. It gives greater certainty and flexibility and commercial certainty to proponents.

Mr GRIFFITHS: Can I just seek clarification because I know I have read somewhere else—and I think it was referred to in the drop-in meeting at Maitland—about 99 years being the case now. If 21 is removed, is 99 put into it, or is it the expected mine life?

The Hon. A. KOUTSANTONIS: One of the big issues is being able to raise capital, and the ability to raise capital is of course linked to tenure on land and tenure to mine the resource. If you are going to raise capital, or raise an issue paper, and you have a resource that you claim is 60, 70 or 80 years' worth of mining operations and the most the government of the day can give you is a 21-year lease, it limits your ability to raise capital. It makes it tougher.

Of course, we would all say, 'Of course we are going to renew it.' No-one is going to tell Olympic Dam or anyone else that after 21 years they have to leave, which is why companies seek indentures, which is why people seek the certainty. What we are attempting to do is to give mine and mine life every opportunity to raise the sufficient capital they need to give the commercial markets the certainty they need to invest in South Australia, and this is a great way of doing that. I think it is a very good reform.

Mr GRIFFITHS: Minister, I raise the question on that, particularly in relation to Yorke Peninsula mining, because of the exploration tenements that exist around the Rex Minerals site. I raise this question about the length of approvals because I need some clarification for the record. While there is an anticipated mine life attached to the Hillside mine, and that is in the range of 15 years, the community needs some clarification that if the mine were to seek an expansion, that is a whole new application, is it not? That is just it. Then it is assessed on that, which might make it a different period of time and it takes into account the rehabilitation of the site also as part of the operations.

I need some surety, if you are granting a longer period than 21 years potentially, depending on the level of the resource available, that it does not mean an automatic approval for deposits that might be found around an existing mine site to extend its size and therefore give it a longer life by virtue of mining a larger area.

The Hon. A. KOUTSANTONIS: It depends again on the size of the potential deposit. It is assessed. Someone cannot just turn up and say, 'We believe the mine life is now 110 years; extend our licence,' without any substantial proof. Obviously, we need to understand how it operates. At the same time, we can only have bonds in place for 21 years as well, so we can do the same. It works both ways.

For Rex, I think this is a very good outcome for the people of Yorke Peninsula in terms of understanding how this works because the rehabilitation bonds and the other bonds that are put in place also would match it. I think it works well but, ultimately, depending on the size of the deposit, we will assess it. These things are not just tick and flick because there is a commercial interest for the state as well and we do not want to incentivise people to increase the tenure and not mine. We obviously have to assess. They have to explore and prove up the deposit. We have to know exactly what activity will be there, so I am not that concerned about this amendment.

Clause passed.

Clause 48 passed.

Clause 49.

Mr VAN HOLST PELLEKAAN: Looking at page 64, if the minister decides to grant a renewal of a retention lease, the renewal will be for a term determined by the minister. This is a

renewal of a retention lease. There are other terms, obviously, for expiration of a mining lease, as you have just explained, but there is no term in here for the renewal of a retention lease that I saw.

The Hon. A. KOUTSANTONIS: I am advised that it is five years, in proposed section 46(1).

Mr VAN HOLST PELLEKAAN: Thanks, minister.

The Hon. A. KOUTSANTONIS: I am here to help.

Mr VAN HOLST PELLEKAAN: I refer to the middle of page 64, Nature of miscellaneous purposes licence. There is a bit of a description about a miscellaneous purposes licence and then it states that the purposes will be determined by the minister. What are the types of purposes that are contemplated for a miscellaneous purposes licence?

The Hon. A. KOUTSANTONIS: The type of activity under the miscellaneous definition would be things like crushers, road access—ancillary services that go along with mining.

Clause passed.

Clause 50.

Mr VAN HOLST PELLEKAAN: How does a special mining enterprise fit with an indenture act, as we have typically been using? It does seem that there would be quite a bit of crossover. It does seem to be quite similar. When would the government use a special mining enterprise provision and when would the government contemplate an indenture act?

The Hon. A. KOUTSANTONIS: We are upgrading it because it has not been used as often as we would have liked. We think this is a great application for people who have multiple tenements and want to coordinate activity across those tenements. Middleback Ranges is a very good example. With the way it was drafted previously, I am advised that only one person had taken up its use. We want to make it fit for purpose and ready for the 21st century so that people can take full advantage of it.

Mr VAN HOLST PELLEKAAN: And there would still be indenture acts for other very significant types of projects, as we have now?

The Hon. A. KOUTSANTONIS: This is not an indenture.

Mr VAN HOLST PELLEKAAN: No, I understand that.

The Hon. A. KOUTSANTONIS: An indenture is a completely separate act.

Mr VAN HOLST PELLEKAAN: That is fine.

Clause passed.

Clauses 51 and 52 passed.

Clause 53.

Mr VAN HOLST PELLEKAAN: Towards the bottom of page 72, subsection (2) provides:

> (2) If an application to which this section applies relates to an area within or adjacent to a specially protected area, the Minister must, before making a decision…

When it says 'within or adjacent', does that mean immediately adjacent, or is there scope for a buffer zone, for example? I am thinking about a wind farm application that is on the books at the moment. The developer has bought a sliver of land between where he wants to develop the wind farm and the next neighbour so that the next neighbour is not adjacent, so the next neighbour cannot object. Does it have to be technically adjacent land or is there some other proximity involved?

The Hon. A. KOUTSANTONIS: It is a case-by-case scenario and it is up to interpretation. Interpretations are done independently.

Mr VAN HOLST PELLEKAAN: Looking at the bottom of page 74 and the top of page 75, alteration of terms and conditions of a mining lease, retention lease or miscellaneous purposes licence, subsection (2) provides:

> (2) Without limiting any other provision, the Minister may at any time add, vary or revoke a term or condition of a mineral tenement to which this section applies if the Minister considers that the addition, variation or revocation is necessary…

It is pretty straightforward. I might have missed it, but I do not see anything in here about a requirement for community consultation when that happens.

The Hon. A. KOUTSANTONIS: It is just a greater burden for greater environmental controls and greater environmental standards, but it is the same power as under the other act just tightened up and given greater responsibility to have more environmental controls. I am not quite sure why that would trigger consultation. Perhaps you could explain what your thinking is.

Mr VAN HOLST PELLEKAAN: Yes, I am happy to, minister. I can understand that if it was about tighter environmental controls you would assume the landholder would be comfortable with that, but it does talk about alteration of terms and conditions of mining leases and retention leases. It clearly states:

> Without limiting any other provision, the Minister may at any time add, vary or revoke a term or condition of a mineral tenement…

That is not limited to environmental aspects. It could be a wide range of things that the minister could choose to change in regard to the terms of a mineral tenement. Further down, it states:

> The Minister must take reasonable steps to consult with the holder of the relevant mineral tenement…

but it does not say anywhere that the minister must consult with the landholder.

The Hon. A. KOUTSANTONIS: Because we are not putting extra burdens on the landowner: we are putting some burdens on the tenement holder. We are asking them to do more. The government has its independent regulators and environmental experts advising them. This gives them the ability to go to the tenement holder and ask them to do greater environmental protection, and we can consult with them because they are the ones who will be impacted with the costs of doing the extra work. The landowner will not be impacted by extra costs, so I am not quite sure why you would go to the landowner.

Mr VAN HOLST PELLEKAAN: I can understand fully what you are saying, but this includes 'may…revoke a term or condition of a mineral tenement'. It is not only about lifting standards and giving extra protection; it states very clearly that the minister may revoke a term or condition, and that term or condition may be very important to the landholder.

The Hon. A. KOUTSANTONIS: We need to be able to respond very, very quickly and be very, very agile. If a pit wall collapses, we need to move quickly and have the situation remedied fast, so we need to change conditions very quickly to have that fixed. This is all about putting in requirements to strengthen the environmental provisions, rather than weaken them; sometimes that means revoking old ones and imposing new ones. It is giving maximum flexibility for us to put as much responsibility as we see fit on tenement holders, not to weaken them but to strengthen them.

Mr VAN HOLST PELLEKAAN: Minister, can you just confirm, to be sure that I have not missed it, that there is no obligation to consult with the landholder in this section of the bill?

The Hon. A. Koutsantonis: Sorry, say that again?

Mr VAN HOLST PELLEKAAN: In case I have missed it, because I am not a lawyer, can you just confirm that in this section there is no obligation for the minister to consult with the landholder when strengthening, weakening or changing for any of the reasons that you have mentioned any of these terms and conditions?

The Hon. A. KOUTSANTONIS: No, no obligation.

Mr GRIFFITHS: I am just inquiring about the adjoining landholder. There are many concerns put by people who live in surrounding properties intended to be mined. For those people, there is a need for some level of comfort to exist that, if the intention to exercise this clause is used, there is an opportunity for them to be made aware of it before it is enacted.

The Hon. A. KOUTSANTONIS: If we require strengthening of environmental conditions, we impose them: we just go ahead and do it. The damage by not doing it can be quite dramatic, so we just go ahead and do it.

The CHAIR: Can I have an indication of where your next question might be.

Mr VAN HOLST PELLEKAAN: It is the same one, Chair.

The CHAIR: You are still on clause 53?

Mr VAN HOLST PELLEKAAN: I am; it is a very long clause. I jumped ahead so many pages for you, which is actually what really counts, is it not, just to try to get through. I am looking at the bottom of page 81. The clause provides:

> (4) The Minister must not take action under this section unless or until the Minister has—
>
> (a) taken reasonable steps to notify the tenement holder of the proposed course of action…
>
> (b) provided the tenement holder with an opportunity to make written submissions…
>
> (5) The Minister may, after complying with subsection (4), by instrument registered on the mining register, cancel or suspend a mineral tenement.

This makes sense. That is straightforward, minister, and I understand that, but it is more about the advice to the tenement holder only. Is there no need to provide any opportunity to make a correction? What it really says here is that the minister can do these things—and it talks about how the tenement holder is notified and that the tenement holder will be provided with an opportunity to make a written submission—but it does not say anywhere here that the tenement holder will be given or could be given the opportunity to remedy whatever the fault is.

The Hon. A. KOUTSANTONIS: The state almost always retains the absolute right and discretion to cancel tenements—we must. Of course, we have procedural fairness in place, but the state must retain that right. It has been in place since 1971; we cannot lose that.

Mr VAN HOLST PELLEKAAN: The fact that it is not expressly in the act, though, means that the minister, if the minister thought it was appropriate, could give the tenement holder the opportunity to remedy rather than be limited to the things that are in the act.

The Hon. A. KOUTSANTONIS: Yes, you are right.

Clause passed.

Clauses 54 and 55 passed.

Clause 56.

Mr VAN HOLST PELLEKAAN: I refer to the bottom of page 86. Section 58A—Notice requirements—provides:

> (1) A person who is—
>
> (a) intending to prospect for minerals under section 20; or
>
> (b) the holder of an exploration licence or a mineral claim,
>
> must, at least 28 days before first entering land to carry out authorised operations, serve on the owner of the land notice of intention to enter the land in accordance with this section.

How would an inspector or a police officer or somebody determine the difference between a breach of this part of the bill or the act, if it gets through, versus regular trespass? In a practical sense, if somebody breaches this, they do not do the right thing, and they say, 'I wasn't prospecting. I wasn't doing this. You caught me, and I was just bushwalking,' or something, how does that work in a practical sense?

The Hon. A. KOUTSANTONIS: Trespassing is trespassing. If they have not served their notice, they have trespassed. It is pretty simple.

Mr VAN HOLST PELLEKAAN: So which fine would apply?

The Hon. A. KOUTSANTONIS: That would be a matter for the DPP or whoever prosecutes them about which penalty would apply. It is for the court, not for us. There are investigators and there are penalties that apply in the act, and they would choose the appropriate one.

Clause passed.

Clauses 57 to 59 passed.

Clause 60.

Mr VAN HOLST PELLEKAAN: In relation to the mining rehabilitation funds, minister, you may or may not be aware, but I certainly made it clear in my second reading contribution that SACOME has advised me that they are broadly comfortable with this and that they are supportive of where the government has landed on this. Specifically with regard to SACOME or a broader industry view, are they supportive of the structure in this mining rehabilitation fund?

The Hon. A. KOUTSANTONIS: Moving towards this model, we have a central mining rehabilitation fund and when you penalise mining operations for any form of behaviour that might be neglect, we can put it into this fund. This fund will obviously grow. If there is any need to draw down on the fund to rehabilitate lands, this would be the appropriate way to do it. We have led the intergovernmental discussions on this. I think this is going to become world's best practice.

The mining industry is very supportive of this. Obviously they are very concerned about the reputational risk of new mines from old mines that have not rehabilitated land appropriately. These measures are overwhelmingly welcomed by responsible mining associations and mining companies because ultimately it ensures social licence going forward.

Clause passed.

Clause 61 to 70 passed.

Clause 71.

The Hon. A. KOUTSANTONIS: I move:

Amendment No 6 [Treasurer–1]—

Page 94, lines 9 and 10 [clause 71(1)]—Delete subclause (1)

Amendment carried; clause as amended passed.

Clauses 72 to 120 passed.

Clause 121.

Mr VAN HOLST PELLEKAAN: Why is it that it is a condition of every precious stones prospecting permit that the holder of the permit must not reside (I will not read it all) on the Aboriginal lands other than at Mintabie?

The Hon. A. KOUTSANTONIS: The advice I have is that we do not want people residing in and around the stone fields unless they are residents of the APY lands. This is something that is very important to the traditional owners. I think the amendment speaks for itself really.

Mr VAN HOLST PELLEKAAN: Minister, you say it is self-evident, but why could an Aboriginal person who lives on the lands not be the holder of a precious stones prospecting permit?

The Hon. A. KOUTSANTONIS: An Indigenous claimant would have a different right under the APY lands act to reside on the APY lands—under a different act. We are talking about people who have only tenement rights as opposed to rights under a different act.

Mr VAN HOLST PELLEKAAN: So are you saying that an Indigenous person from the lands is allowed to prospect for precious stones without a permit?

The Hon. A. KOUTSANTONIS: No, they would be able to reside there but they cannot prospect.

Mr VAN HOLST PELLEKAAN: Does that mean that there is no prospecting on the lands?

The Hon. A. KOUTSANTONIS: You misunderstand. Prospectors who do not have rights under the APY lands act to reside in the stone fields, so someone like you or I—

Mr VAN HOLST PELLEKAAN: From somewhere else—

The Hon. A. KOUTSANTONIS: —from somewhere else, must reside in Mintabie. We do not want them residing in the stone fields. If you have a different entitlement under a different act to be in the stone fields and a tenement, then you can do both, but unless you have the appropriate tenement rights and rights under the APY act you cannot reside on the stone fields. This is something from the act that has been brought in. It was already there; it has just moved.

Clause passed.

Clauses 122 to 164 passed.

Clause 165.

The CHAIR: The minister's amendment No. 7 on schedule (1) has the effect of deleting the clause, so you are not making an amendment; you just vote against clause 165.

Clause negatived.

Remaining clauses (166 to 181), schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (23:03): I move:

That this bill be now read a third time.

I thank members for their contributions. I would like to thank Mr Woodyatt and his team for the exceptional work that they have done to get the bill to this point. I wish this bill speedy passage in another place.

An honourable member interjecting:

The Hon. A. KOUTSANTONIS: Yes, exactly—hope eternal. This is a good piece of legislation.

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: I would have thought that, rather than interjecting, the leader, if he had something to say, would have come during the debate and made those remarks.

Members interjecting:

The DEPUTY SPEAKER: Order! The Treasurer is speaking!

The Hon. A. KOUTSANTONIS: Thank you, ma'am. Thank you very much to the shadow minister for his contribution and to the member for Goyder for his contribution. I know he is someone who has been at the front line of the impact of mining and farming interests. It is very difficult and it can get very emotive, and it is very difficult for members of parliament.

I want to thank the member for Flinders for his contribution. It is also very difficult for Eyre Peninsula communities to be dealing with these types of issues. I am very cognisant of the impacts it has on members. It can be very stressful on families.

I want to reassure members, politics aside, that this piece of legislation will stand the parliament in good stead. This legislation will hold the parliament in high regard for mining companies and landowners. I think we have the balance right. It is not easy to get the balance right. The difficulty about these issues is ultimately where we confront some very difficult ideological emotive issues.

Fundamentally, what people get concerned about is the loss of amenity and at their core is someone else receiving an economic benefit from what they perceive is on their land, and that is difficult for a lot of people to understand and conceptualise, that collectively, as a community, we all

own those mineral rights. We want to make sure that those mineral rights are exploited for the benefit of all South Australians. That is easy for us to say here in North Terrace in this parliament, but it is very difficult when you have to wake up every morning knowing that you are confronted with the activity of a mine that is very close to your home or a traditional farm which has been in the family for generations. The government understands that.

We have to make sure that we can turn mining back into what it was originally, which was something that was embraced by communities and welcomed by communities. The opportunities were there and were taken advantage of by communities, and the communities did not feel as if they were powerless to stop or have a say about how mining operations worked. We have tried to get that balance right here, but I conceded from the very beginning that it is not perfect. No legislation is perfect, but I think the work Mr Woodyatt and Kirsty Braybon and their team and the department have done has been exceptional, and I commend the bill to the house. I wish it a speedy passage in the other place.

I thank the member for Goyder for what might be his final contribution on a very significant piece of legislation. He has always been very thoughtful and very considerate in his approach and he will be a loss to the parliament.

Bill read a third time and passed.

FAMILY RELATIONSHIPS (SURROGACY) AMENDMENT BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (REGULATED TREES) AMENDMENT BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

NUCLEAR WASTE STORAGE FACILITY (PROHIBITION) (PUBLIC MONEY) AMENDMENT BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

At 23:09 the house adjourned until Thursday 2 November 2017 at 10:30.