LEGISLATIVE COUNCIL

Tuesday 4 June 2013

The PRESIDENT (Hon. J.M. Gazzola) took the chair at 14:17 and read prayers.

The PRESIDENT: We acknowledge that this land that we meet on today is the traditional lands for Kaurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kaurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

CO-OPERATIVES NATIONAL LAW (SOUTH AUSTRALIA) BILL

His Excellency the Governor assented to the bill.

MOTOR VEHICLE ACCIDENTS (LIFETIME SUPPORT SCHEME) BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (DIRECTORS' LIABILITY) BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (REAL ESTATE REFORM REVIEW AND OTHER MATTERS) BILL

His Excellency the Governor assented to the bill.

ANSWERS TO QUESTIONS

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

RESIDENTIAL ENERGY EFFICIENCY SCHEME

193 The Hon. J.M.A. LENSINK (23 March 2011) (First Session). Can the Minister for Energy advise—

1. How many assessments have been conducted under the Residential Energy Efficiency Scheme (REES) over the current and previous two financial years?

2. What is the minimum qualification for those carrying out audits under REES?

3. How is their work audited and quality assured?

4. Have all employees under this Scheme had police checks?

5. How many are South Australian residents?

6. How much is the gross fee for an assessor for each audit?

7. How do businesses tender for this work?

8. (a) How many companies or individuals carrying out these audits are based in South Australia; and

   (b) How many are not based in South Australia?

9. How many complaints have been received by—

   (a) AGL; and

   (b) the State Government?

10. What are the terms of reference of the review of REES?

11. How can an individual or an organisation make a public submission?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations): The Minister for Mineral Resources and Energy has advised of the following:

1. The assessments undertaken as part of the Residential Energy Efficiency Scheme (REES) are energy audits provided to low income households with calendar year targets of

3,000 audits in 2009 and 5,000 audits in both 2010 and 2011. In 2009 there were 3,675 audits, in 2010 there were 6,526 and in 2011 there were 3,326 audits conducted. Excess audits from previous years were used to reach the 2011 target.

2. The former Minister for Energy approved the Minimum Specification for an Energy Audit (the Specification) in October 2008. The Minister for Mineral Resources and Energy updated these in December 2011. This Specification sets out the competencies required by a person conducting REES audits and provide that:

For the purposes of demonstrating that a person has these competencies, it must be shown that:

(a) The person has received a Statement of Attainment for the following three units of the Certificate IV in Home Sustainability Assessment; CPPHSA4001A *Assess Household Energy Use*; and CPPHSA4005A *Minimise health, safety and security risks when assessing home sustainability*; and CPPHSA4007A *Promote the adoption of home sustainability practices by residents*; or

(b) The person has received a Statement of Attainment for the units CPPHSA4001A and CPPHSA4005A, described above, and these units were delivered in a way that has embedded the core principles of unit CPPHSA4007A to the satisfaction of the Department for Manufacturing, Innovation, Trade, Resources and Energy (DMITRE); or

(c) Prior to 1 January 2012:

i. The person has completed a relevant training course, program or qualification which develops these competencies—i.e. Energy Friends©, the Home Sustainability Assessment Course developed by Sustainability Victoria or other relevant training course as approved by the DMITRE or the former Department for Transport, Energy and Infrastructure; AND have applied these competencies in practice within residential premises; or

ii. The person had more than 12 months experience conducting in-home energy audits which are consistent with the specification and with written references from at least two persons/organisations substantiating the competencies of the person undertaking the audit; or

iii. The person was an accredited Green Loans Assessor for the purposes of the Commonwealth Government's Green Loans Program.

A full copy of the Specifications is available at the Essential Services Commission of South Australia (ESCOSA)'s website http://www.escosa.sa.gov.au/library/111205-REES-EnergyAuditSpecNov2011-MinisterForEnergy.pdf.

3. REES energy audits must comply with the requirements under the Minimum Specification for an Energy Audit (the Specification) including the nature of the audit, and the auditors' competencies, training and experience.

The Commission is responsible for auditing and ensuring compliance with these Specifications.

4. As of January 2012, the REES Code requires that energy retailers are satisfied that a person is fit and proper person to conduct an energy audit.

5. The government has no information about the residency status of REES energy auditors.

6. The government understands that in most, if not all cases, energy retailers do not charge eligible households a fee to provide a REES energy audit.

7. Businesses can discuss and negotiate with obliged energy retailers about opportunities to assist them in delivering REES energy audits.

8. The government has no information about whether businesses delivering REES audits are based outside of South Australia.

9. The REES Code requires obliged energy retailers to ensure that households participating in the REES have access to the retailers' complaint handling and dispute resolution procedures.

AGL has advised it has received 11 complaints from customers about energy audits in South Australia over 2009, 2010 and 2011.

The state government (DMITRE and Consumer and Business Services) have recorded five complaints about REES energy audits over 2009, 2010 and 2011.

10. The Electricity (General) Regulations 2012 and Gas Regulations 2012 provide that the Minister for Energy must cause a review of the REES before 31 December 2013.

An Issues Paper for the review was released on the DMITRE website on 8 October 2012. This can be viewed at: (http://www.dmitre.sa.gov.au/energy/rees_review).

11. Submissions responding to matters raised in the Issues Paper were invited by 12 November 2012. Submissions received in response to the Issues Paper have been published on DMITRE's web site: (http://www.dmitre.sa.gov.au/energy/rees_review).

This includes the analysis by ESCOSA in July 2012, which revealed that in the first stage of the REES, covering 2009, 2010 and 2011, over 165,000 households received energy efficiency activities or participated in a home energy audit. ESCOSA estimated that this resulted in over $107 million in net benefits, with a benefit: cost ratio of 4.7.

DEPARTMENTAL EXPENDITURE

229 The Hon. R.I. LUCAS (7 July 2011) (First Session). Can the Minister for Mineral Resources Development advise the actual level for 2010-11 of both capital and recurrent expenditure underspending (or overspending) for all departments and agencies (which were not classified in the general government sector) then reporting to the Minister?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations): The Minister for Mineral Resources has advised:

There were no programs within the Department of Primary Industries and Resources, relating to my ministerial responsibility, that were not classified in the general government sector.

CONSULTANTS AND CONTRACTORS

304 The Hon. R.I. LUCAS (7 July 2011) (First Session). For the year 2010-11—

1. Were any persons employed or otherwise engaged as a consultant or contractor, in any Department or agency reporting to the Minister for Mineral Resources Development, who had previously received a separation package from the State Government; and

2. If so—

(a) What number of persons were employed;

(b) What number were engaged as a consultant; and

(c) What number engaged as a contractor?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations): The Minister for Mineral Resources has advised:

1. There were no persons within the Department of Primary Industries and Resources, relating to my Ministerial responsibility, that were employed or otherwise engaged as a consultant or contractor who had previously received a separation package.

2. Not applicable.

PUBLIC SERVICE EMPLOYEES

92 The Hon. R.I. LUCAS (29 November 2012). For the period between 1 July 2011 and 30 June 2012, will the Minister for Transport and Infrastructure list—

1. Job title and total employment cost of each position with a total estimated cost of $100,000, or more, which has been abolished; and

2. Each new position with a total cost of $100,000, or more, which has been created?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations): The Minister for Transport and Infrastructure has advised:

This information can be found in the House of Assembly *Hansard*, Tuesday 9 April 2013, on pages 5011 and 5012.

DEPARTMENTAL EXPENDITURE

124 The Hon. R.I. LUCAS (29 November 2012). Can the Minister for Agriculture, Food and Fisheries advise—

What was the actual level for 2011-12 of both capital and recurrent expenditure underspending (or overspending) for all departments and agencies (which are. classified in the general government sector) then reporting to the minister?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations): I am advised:

The 2011-12 actual recurrent expenditure for the Department of Primary Industries and Regions SA (PIRSA) was $8.1 million lower than budget. This was primarily as a result of lower demand for Exceptional Circumstances drought relief grant payments, lower demand for partnered research activities, and the timing of expenditure of major regional grant programs.

The 2011-12 actual recurrent income was also $8.1 million lower than budget.

The 2011-12 actual capital expenditure for PIRSA was $1.4 million lower than budget. This was largely due to timing in the National Collaborative Research Infrastructure System (NCRIS) project.

PAPERS

The following papers were laid on the table:

By the Minister for Agriculture, Food and Fisheries (Hon. G.E. Gago)—

Regulations under the following Acts—
- Fisheries Management Act 2007—
  - Demerit Points—
    - Taking of Cephalopods
    - Use of Hauling Net
  - General—
    - Taking of Cephalopods—Expiation Fees
    - Use of Hauling Net—Expiation Fees
- Legal Practitioners Act 1981—Practising Certificate Fees
- Parliament (Joint Services) Act 1985—Retention Leave
- Public Sector Act 2009—Retention Leave
- Valuation of Land Act 1971—Fees and Allowances

Dangerous Area Declaration Authorisations issued for the period from 1 January 2013 to 31 March 2013—Section 83B of the Summary Offences Act 1953

Road Block Establishment Authorisations issued for the period from 1 January 2013 to 31 March 2013—Section 74B of the Summary Offences Act 1953

South Australian Country Fire Service Volunteer Charter

By the Minister for Forests (Hon. G.E. Gago)—

Regulations under the following Act—
- Forestry Act 1950—General

By the Minister for Sustainability, Environment and Conservation (Hon. I.K. Hunter)—

Regulations under the following Acts—
- Education Act 1972—Retention Leave
- Environment Protection Act 1993—Works Approvals and Licences Fees
- South Australian Public Health Act 2011—
  - General
  - Legionella

RAW MILK

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:22): I seek leave to make a ministerial statement.

Leave granted.

The Hon. G.E. GAGO: South Australia, along with every other Australian jurisdiction, prohibits the sale of raw cow's milk. On 14 May 2013, officers from Biosecurity SA and the general management of the Dairy Authority of South Australia visited a farm in Willunga following information that raw cow's milk was being distributed to the public. A dairy farm in South Australia has been operating a cow share scheme to, allegedly, circumvent the law that prohibits the sale of raw cow's milk to the public. I understand that since being visited by Biosecurity SA a public meeting has been held of shareholders which was attended by some members of the Legislative Council.

Everyone in our community is entitled to expect that the food they consume is safe and not harmful. Food Standards Australia and New Zealand (FSANZ), the national authority which sets standards applicable to all jurisdictions, has recently completed a four-year review of unpasteurised milk, taking into account the latest literature and scientific findings. They concluded that raw milk is too risky to allow distribution to the public. It has stated:

> ...even extremely good hygiene procedures won't ensure dangerous pathogens aren't present. Complications from bacteria that can contaminate these products can be extremely severe, such as haemolytic uraemic syndrome, or HUS, which can result in renal failure and death in otherwise healthy people.

Those most at risk are the vulnerable in our community—children and the elderly, pregnant women and the immune-compromised, such as those undergoing chemotherapy.

All dairy businesses in South Australia must be accredited to ensure that they meet minimum food safety standards and practise good hygiene. This legal requirement means that heat treating/pasteurisation is undertaken so that the risk of dangerous bacteria is reduced and hygiene standards are maintained. The system is under the supervision of the Dairy Authority of South Australia, which enforces these standards and works with the industry to improve practices in our state.

I am advised that the testing of milk taken for identification from the Willunga premises showed that the milk's bacteria content exceeded the national standard set by FSANZ (standard 1.6.1). I am advised that the cause of such bacteria levels could be contamination with faeces or other matter. I am further advised that, in some cases, no labelling at all has been found on the milk coming from these premises. This would mean that the produce carries no health warnings, such as the fact that unpasteurised milk can be unsafe for vulnerable people in the community, such as pregnant women, or use by dates.

The government supports value-adding to primary products, including dairy products, and has provided extensive support to groups such as artisan cheesemakers and specialist milk producers. It has supported new marketing opportunities, such as regional farmers markets; however, the government does not support enterprises which do not meet our regulations and national standards, which are in place to protect consumers' health. It is not only unfair to all of the other businesses in South Australia which strive each day to ensure that their products are of a high standard and are fit for human consumption; it is also unfair to those who could unknowingly consume this product unaware of the risks to their health.

The South Australian government will not gamble with the good reputation of our dairy industry, nor with the health of vulnerable individuals in our community. A food safety breach is a risk to the reputation and viability of the whole sector. The science demonstrates that even extremely good hygiene procedures will not ensure that dangerous pathogens are not present. Raw cow's milk is not permitted for sale because there is a safer alternative readily available, which is pasteurisation.

FISH AND MARINE ANIMAL DEATHS

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:28): I seek leave to make a ministerial statement.

Leave granted.

The Hon. G.E. GAGO: As I have previously advised members in this place, a multiagency government team of experts was established by the state government to analyse the fish and marine animal mortalities that occurred along many parts of the state's coastline in March and April of this year. After an extensive investigation, the government's multiagency team has released its final report, which confirmed that the fish and dolphin deaths were caused by a combination of high water temperatures, algal blooms and the dolphin morbillivirus.

I am advised that, as part of the investigation, numerous fish and water samples were collected and analysed. In addition, climatic, as well as oceanography data, which centred on sea surface temperature, wind strength, wind direction and possible sources of nutrients, was analysed. This data was sourced from the Australian Bureau of Meteorology, 'Buoyweather', NASA and water samples collected by the South Australian Research and Development Institute's aquatic sciences division.

The report indicated that water samples collected during the period of fish mortalities identified the presence of a spiny diatom (algae), which attaches to the gills of fish, leading to inflammation and eventual death. This algae is well known to be harmful to fish species, particularly small fish species, such as leatherjackets.

I understand that the report also confirmed that the majority of fish affected were small-bodied, bottom-dwelling species, with leatherjackets the most numerously reported, likely due to their substantial population. It is important to note that no single water quality or pollution point source was responsible for such a geographically-dispersed series of events. I am advised that the Environment Protection Authority assessed all available data from the desalination plant, including the salinity and dissolved oxygen measurements, and it has categorically ruled out any link between the desalination plant and the fish and dolphin mortalities.

In relation to the dolphin mortalities, the report found that in all cases morbillivirus was the underlying cause of the deaths of dolphins and in some cases it was the primary cause of death. The report noted that the first six Indo-Pacific bottlenose dolphins died from an outbreak of dolphin morbillivirus, with secondary infections such as fungal and parasite infestations due to compromised immune systems, probably also caused by the morbillivirus.

In concluding their report, the multiagency team noted that, while the deaths occurred at the same time, the actual cause of death was different for fish and dolphins. In investigating the fish and dolphin mortalities, the South Australian government's multiagency team partnered with world-leading authorities, including the Cawthron Institute in New Zealand (a world leader in algal toxicity), the University of Adelaide veterinary school, the South Australian Museum and the University of Tasmania.

I would like to place on record the government's thanks for their assistance in this very important work and their diligence. I would also like to thank the multiagency government team that comprised representatives from PIRSA, the Department of Environment, Water and Natural Resources, SA Water and the Environment Protection Authority for its hard work and dedication in getting to the bottom of this very fishy problem—I should say this fish and dolphin mortality event—in South Australia. The multiagency government report can be viewed online.

GAMBLING ADVERTISING

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:31): I table a copy of a ministerial statement on live odds by Premier Jay Weatherill.

QUESTION TIME

WIND FARMS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:35): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question regarding the protection of high value agricultural land.

Leave granted.

The Hon. D.W. RIDGWAY: As revealed by the minister in parliament, her department has not been involved in the assessment process for South Australian wind farms. The minister has

already told this place that the Department of Primary Industries does not routinely put in a formal submission on the impact of primary production on specific wind farm proposals, nor has the minister demanded those answers from her staff or her department.

However, the opposition has learnt that the Department of Primary Industries is already identifying primary production priority areas—areas that have natural characteristics like water, soil, and climate, and are highly suitable for farming. These PPPAs are being developed by PIRSA for the Department of Planning for incorporation in the next version of the South Australian Planning Policy Library. However, this vital work is not being given urgent priority on Yorke Peninsula where a wind-driven power station now awaiting approval will impact on about 800 square kilometres of prime cropping land. My questions to the minister are:

1. When was the process of identifying primary production priority areas begun?

2. When will the process finish?

3. Will the government wait to see if Yorke Peninsula is designated as a primary production priority area before approval is given for the 200-turbine wind-driven power station?

4. Have the District Council of Yorke Peninsula's chief executive officer, Andrew Cameron, or the head of Primary Producers SA, the Hon. Rob Kerin, been consulted on the formulation of these primary production priority areas?

5. Have you ever, that is, ever, met with the Heartland Farmers group on Yorke Peninsula regarding the highly productive farming land potentially impacted by the proposed wind farm?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:38): I thank the honourable member for his most important question. South Australia's primary industry lands are subject to increasing demands and more complex community expectations as well. Since 2012, PIRSA has been taking a more strategic approach in land use policy and planning to address these types of concerns. PIRSA is also collaborating with other agencies and stakeholders on mechanisms to provide clarity, predictability and confidence for primary producers in districts where mining and energy projects may develop.

I am aware of recent concerns about loss of productive land associated with urban encroachment and things like wind farms and mining, and questions about the implications of this for future food security. I am also aware of recent examples of land use conflict around issues to do with the right to farm and such like. These matters need to be addressed in a wider strategic context that includes things like climate change, water security, evolving NRM priorities and population growth. I am also mindful of the extent to which these matters are linked to regional development and the state/local government relations components of my portfolio, and to the strategic priority of premium food and wine from a clean environment.

It is clear that decision and policy making in this area has become a matter of considerable interest, not only to individual farm businesses but also to the local communities they serve as well as the general public at large, and I am very pleased to report that Primary Industries has been reviewing its role and focus in this particular area. PIRSA has shifted resources towards more active and strategically focused engagement in land use policy and planning, as it relates to primary industry.

I can also report that PIRSA and its interstate counterparts have resumed collaborative work on land use policy under the auspices of the ministerial standing committee on primary industries. In this context, PIRSA is participating in work that will address, amongst other things, land use policy measures for improving primary production.

Also on the national front, PIRSA is collaborating with the South Australian Department for Manufacturing, Innovation, Trade, Resources and Energy, under the auspices of the Standing Council on Energy and Resources, in the development of a multiple land use framework. A primary aim of this framework is to identify pathways for profitable and sustainable coexistence of the mining and farming sectors, in particular. Locally, PIRSA continues to liaise with the Department of Planning, Transport and Infrastructure on measures to advance the case of the land use policy by the primary industries sector.

There are a suite of measures that this government is involved in in trying to ensure that land is used in the most suitable way, and trying to balance not only our agricultural and food security needs but also things like mining and energy and other resources. Work is being done on Primary Production Priority Areas by PIRSA. In addition, the first industry potential report we rolled out was for the Murraylands area, and that was a comprehensive mapping, if you like, of the area—

The Hon. D.W. Ridgway: When?

The PRESIDENT: The minister will ignore the interjection.

The Hon. G.E. GAGO: That was a comprehensive mapping of what current land use is being undertaken, and it looked at a whole range of aspects relevant to future planning needs—such as water, power, roads, etc.—to make it easier for people wanting to invest in or plan for further primary production in that area. That plan was released about 12 months ago, I think; I was down there and released that. It may have been less than that, but it was roughly in that vicinity; it might have been six months (time always flies when you are busy).

Work is being done to conduct a similar mapping exercise throughout all the regions. It is a very intensive project that involves consultation not just with local councils but with other key stakeholders to pull together the relevant data for those maps. I have been advised that in terms of the Yorke Peninsula area, no time frame has been indicated for the mapping exercise for that particular area. However, as I said, it is the intention of this government to eventually roll out that exercise to all regions.

In relation to the particular Heartland group, I have not met with them but I have met with farmers from Yorke Peninsula who have raised directly with me their issues of concern. I believe I have also received correspondence—or it may have been copies of submissions but nevertheless I have received correspondence—outlining the sorts of issues and concerns that are involved in the considerations of the wind farm on Yorke Peninsula.

The PRESIDENT: A supplementary question from the Hon. Mr Ridgway.

WIND FARMS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:45): Given the minister says the Yorke Peninsula issues have an indefinite time frame, will the government wait and see whether Yorke Peninsula is designated a primary production priority area before the minister is happy for her cabinet colleagues to sign off on the 200-turbine wind station?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:45): I do not believe that that exercise is necessary to the completion of the planning assessment for this wind farm. People are well aware of the value of Yorke Peninsula in terms of its primary production. We do not need another report to tell us that; it has a long established history and it has high productivity. For the purposes of that particular exercise, I do not believe this report is necessary. These reports are largely designed to assist in the planning of investment in future primary production activities in the area.

SA WATER

The Hon. J.M.A. LENSINK (14:46): I seek leave to make an explanation before directing a question to the Minister for Water on the subject of SA Water's residential leaks policy.

Leave granted.

The Hon. J.M.A. LENSINK: Yesterday my office was contacted by a constituent at Dernancourt whose neighbour's property has had a leak. SA Water instructed them to get a plumber, which they duly did, and then discovered that, because it was a meter fault, it was a requirement that SA Water fix it. That was some 2½ weeks ago and the fault was corrected yesterday. The estimated loss of water is in the hundreds of kilolitres.

In comparison, on Eyre Peninsula, there have been reports of several customers who have contacted SA Water regarding leaks, one in particular whose usual usage is six to 10 kilolitres a quarter and who had been billed for 176 kilolitres. She said, 'We have no idea where the water is going. We called SA Water and they told us we must have a leak and to do the leakage test, which we did.' Subsequently, the test showed that there was no leak. Another constituent had a similar issue and stated, 'SA Water is really unhelpful, you try to tell them and explain and they don't want to know you.' My questions for the minister are:

1. Why is it okay for SA Water to wait several weeks to fix leaks when it charges customers exorbitant amounts for the same issue?

2. Does SA Water incur any penalty for leaks?

3. Does SA Water have a cultural problem in being unhelpful towards its residential customers?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:48): I thank the honourable member for her most important question. I am advised that SA Water receives quite a large number of high water usage inquiries from customers who feel that the amount of water use appearing on their account may not be correct. First of all, it should be noted that SA Water is not responsible for ensuring that a customer's private pipework is correctly maintained. SA Water's responsibility ends at the meter and private pipework is the responsibility of the owner.

However, SA Water provides assistance to residential customers through a leakage allowance where there is a leak on the property and a high water use allowance where water use is abnormal or unexplained. I understand that there is no legislative requirement for SA Water to provide such allowances, but they offer it in the interest of good customer relations—good customer relations that SA Water prides itself on and tries to improve on.

This is primarily as an encouragement to customers to maintain their private pipework in good condition and prevent unnecessary wastage of water. I understand that this policy provides SA Water customers with an allowance of 50 per cent of the deemed water wasted due to a concealed leak in a customer's private pipework provided certain conditions are met. Under this policy only one allowance in 10 years can be approved for properties continuing in the same ownership, and leakage allowances are also not to be granted to properties under a supply-by-measure agreement or properties served by temporary, remote or indirect water connections.

Leakage allowances are also not available to commercial properties. This is because water use prices applying to commercial properties are based on a single-tier structure rather than the three-tier structure applying to residential properties. It is also considered that commercial properties are able to seek taxation relief not available to residential customers. I am advised that exceptions to these guidelines may be made under extenuating circumstances, including where the customer is a concession holder, is in financial hardship, is elderly or has a disability resulting in the leak not being detected or where there are special circumstances preventing repairs to be undertaken within a prescribed period.

The payment of leakage allowances has a significant financial impact on SA Water and I am advised that both applications for leakage allowances and the financial cost of these allowances have significantly increased over the last few years. For instance, I am advised that in the 2012-13 financial year to date, SA Water has received 1,504 applications and has provided allowances of just over $1 million. The full year estimate cost is around $1.3 million, I am told.

I am advised that this year SA Water has rejected 544 leakage allowance claims that were assessed as not meeting the eligibility criteria. SA Water expects the number of leakage allowance applications to continue to increase, as it has experienced over the past few years. SA Water will continue to assess the financial impact of this allowance, and I am advised that a further review of the policy will be undertaken in the second half of the 2013-14 financial year.

Again, SA Water customers are responsible for maintaining their own pipework, but all concerned SA Water customers, if they have concerns about their water usage, should contact SA Water as a priority.

SA WATER

The Hon. J.M.A. LENSINK (14:51): How many high water usage queries does SA Water get every year and how many megalitres are lost through SA Water's pipe network per annum?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:52): I thank the honourable member for her very important supplementary question. As I do not have those figures at hand, I will have to take that question on notice and bring back a response for her.

ENVIRONMENTAL ASSESSMENTS

The Hon. S.G. WADE (14:52): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question relating to environmental assessments.

Leave granted.

The Hon. S.G. WADE: On 13 April 2012, the Council of Australian Governments committed to a green tape review seeking to reduce duplication and double handling of environmental assessment and approval processes, yet the commonwealth Senate is currently considering a government bill, the Environment Protection and Biodiversity Conservation Amendment Bill 2013, which proposes to put in place special environmental impact assessment processes for actions involving coal seam gas or large coalmining development.

The bill would remove the capacity of the commonwealth to enter into bilateral agreements with the state for environmental assessments in this area. My question to the minister is: does the South Australian government consider that the removal of even the possibility of bilateral agreements with the states for environmental assessment is appropriate in the interests of efficient environmental regulation and in the spirit of the COAG agreement?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:53): I thank the honourable member for his most important question. My understanding as part of that legislation was that, in fact, to avoid double handling and duplication, the legislation was aimed at allowing other state government assessment processes to be used in place of federal government processes, and vice versa. I think that is probably a very sensible proposition. As to the other matter, I will take that on notice and see what I can find out from the federal government for the honourable member.

JOY BALUCH BRIDGE

The Hon. CARMEL ZOLLO (14:54): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question regarding the Joy Baluch bridge.

Leave granted.

The Hon. CARMEL ZOLLO: A ceremony was held on Friday 17 May in Port Augusta naming the Spencer Gulf bridge crossing on Augusta Highway in honour of the late former mayor Joy Baluch AM. Can the minister advise us of the details for the bridge-opening ceremony?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:54): I thank the honourable member for her most important question and her ongoing interest in this area. As the chamber would be aware, Joy Baluch AM was mayor of Port Augusta until her passing on 14 May 2013 after a very long battle with cancer. To coincide with Joy's 80th birthday in 2012, it was decided by the Port Augusta council and the Department of Planning, Transport and Infrastructure, with the support of the Surveyor-General, that the previously unnamed bridge that crosses the gulf and links the two sides of Port Augusta be named after Joy to recognise her significant contribution to the Port Augusta community and her years of service in local government.

The bridge is a significant piece of infrastructure and carries National Highway 1 across the Spencer Gulf, and in so doing links Western Australia, the Northern Territory and the northern and western South Australia to south-east Australia. It has enormous national significance in connecting communities and building the nation, and truly reflects the spirit of the work Joy undertook in her community. Much like the bridge, Joy united her city, carried a great load and provided strong support for her community.

I was honoured to be asked to speak at the naming ceremony. Unfortunately, Joy passed away only a few days before we could publicly honour her at the ceremony. However, she was represented by her family and the Port Augusta council, along with an incredible turnout by the community, which I am advised numbered hundreds of the people she worked so hard to represent.

Joy was so highly regarded by the community that the night before the naming ceremony a portrait of Joy was painted onto the base of the bridge by local artists Angelique Boots and Craig

Ellis and, although the portrait was unauthorised, I understand the community and council like it so much that the council has decided to discuss with the Department of Planning, Transport and Infrastructure how to preserve and protect the portrait. It is a truly remarkable portrait, most impressive, an extremely wonderful piece, so I hope they are able to preserve it in some way.

I am sure there are few honourable members here today who did not have dealings with Joy over the years. I am sure that each honourable member would very much remember their interaction with Joy; even if it was not fondly, it would be remembered vividly. Joy was known for her determination and her tenacity and, regardless of the situation, she was never shy about speaking up and never held back when working towards getting the best for her community.

Joy was Australia's longest serving female mayor, and when she became a councillor in 1970 she was only the second woman to ever be elected to the council. At the time of her death Joy had been active in local government for over 30 years, and during that time had built a reputation as a fierce defender of the interests of her community.

A former president of the Local Government Association from 2007 to 2009, she also served on the LGA state executive for 15 years, 13 of those as vice president. She consistently fought for the Upper Spencer Gulf region and was known for her passionate approach to driving her community and its economic and regional development. The Upper Spencer Gulf region is a region that I very much enjoy visiting. I enjoy getting up there, as well as to the outback of South Australia, further north of that truly remarkable and very beautiful country. I very much enjoy visiting there.

Although Joy's ill health took a toll on her, right until her passing she was a formidable advocate for the region and was a member of several committees, including being the chairperson of the Upper Spencer Gulf Common Purpose Group and chairperson of the Provincial Cities Association. It was certainly a privilege to be able to partake in the Joy Baluch AM bridge naming ceremony on behalf of the South Australian government and a great privilege to be able to acknowledge her for a lifetime of service to her community. It was certainly a very moving day for those who were able to attend.

LEGAL PRACTITIONERS' DISCIPLINARY TRIBUNAL

The Hon. A. BRESSINGTON (14:59): I seek leave to make a brief explanation before asking the minister representing the Attorney-General a question about the Legal Practitioners' Disciplinary Tribunal.

Leave granted.

The Hon. A. BRESSINGTON: Alex Mericka has filed a claim against Premier Jay Weatherill in the Legal Practitioners' Disciplinary Tribunal, alleging that during the handling of his legal matter by the firm Lieschke & Weatherill, the now Premier brokered a deal with WorkCover which significantly affected his payout and amounted to unprofessional conduct. Mr Mericka became aware of the further information relating to Premier Weatherill's actions during the hearing of the matter before Judge Olsson at the WorkCover tribunal in 2011 and subsequently launched his action with the legal practitioners' conduct tribunal.

Under ordinary circumstances charges must be laid within five years, unless the Attorney-General approves an extension of time to bring proceedings. There is a strong argument that the limitation period should be calculated from the time that Mr Mericka became aware of the conduct, which was in 2011. Mr Mericka has written to the Attorney-General to request permission to proceed in this most important matter, but is a little sceptical given that he believes that Mr Rau and Mr Weatherill are close friends and that this will be a conflict of interest for Mr Rau to decide.

Articles about Mr Mericka have recently featured in *The Australian* and *The Advertiser* newspapers, noting the inherent conflict of interest the Attorney-General now has in deciding this matter. If the Attorney-General was to act with due diligence, I am certain that he would allow Mr Mericka to proceed with this matter; however, given his close proximity to Premier Weatherill, serious questions have been raised as to his ability and/or willingness to make this decision. My questions to the Attorney-General are:

1. What steps have been or will be taken to ensure that the decision to allow Mr Mericka to proceed or not will be made impartially and as soon as possible without any interference?

2. Will the Attorney-General undertake to assent to this matter proceeding before the tribunal or is Jay Weatherill a protected species?

3. If the Attorney-General decides against Mr Mericka, will he make known his reasons to the house?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:01): I thank the honourable member for her important questions and will refer them to the Attorney-General in another place and bring back a response.

FINNISS SPRINGS STATION

The Hon. K.J. MAHER (15:02): My question is to the Minister for Aboriginal Affairs and Reconciliation. Will the minister inform the house about the recent lease of Finniss Springs Station to the Arabana Aboriginal Corporation?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:02): I would like to thank the honourable member for his most important question and his very sincere and ongoing interest in these matters. I am pleased to advise that on 25 May I had the pleasure on behalf of the South Australian government to attend a signing ceremony and provide a 99-year lease over the former Finniss Springs Station to the Arabana Aboriginal Corporation.

This was the culmination of a long process, one that came out of the Federal Court's decision to acknowledge the Arabana people's native title claim on 22 May 2012. That Federal Court decision awarded the Arabana with native title rights over some 70,000 square kilometres of land or an area, I am told, that is about 1½ times that of Switzerland, not that I have been there. This land included Finniss Springs and a number of national parks and reserves. These include recently renamed Kati Thanda-Lake Eyre National Park, Wabma Kadarbu Mound Springs Conservation Park and Elliot Price Conservation Park. All beautiful and magnificent places, I am sure, that capture the varied landscapes and diverse wildlife present, but also the spiritual and cultural importance of these places to the Arabana peoples.

In recognising this, officers from my department recently drew up comanagement agreements and Indigenous land use agreements over these sites and places. They also prepared a lease in conjunction with crown law and the Arabana people over Finniss Springs.

As noted by the Federal Court, the Arabana people have had an ancient relationship with the land that was the former Finniss Springs Station. At the signing ceremony, I had the pleasure of hearing some of the stories the Arabana have about that place, its geography, wildlife and flora, and some of the more personal history. In particular I would like to thank Mr Aaron Stuart and Mr Syd Strangways for taking the time to help me understand the past of the Finniss Springs community. I would like to thank the elders, Millie Warren, Ken Buzzacott, Esther Kite and Martha Watts for the hospitality they gave to me at Finniss Springs. That moment and the stories that were shared with me are something I will remember for a very long time to come.

Perhaps of particular interest to members today was the story of the early pastoralist Mr Francis Dunbar Warren, a man of Scottish descent, I am told, who came to the lands of Finniss Springs and its surrounds in the 1860s. In fact, I am told that Mr Warren was the son and grandson of two former members of this place, the Hon. John Warren and the Hon. Thomas Hogarth.

Francis, soon after arriving at Finniss Springs, fell in love with a Arabana women named Nora Barelda, and they bore many children and, through their hard work, they turned Finniss Springs into a productive station. Nevertheless, Francis realised and understood the terror being wrought upon Aboriginal people around Australia at the time, and he therefore sought to make his land a refuge for his family and the Arabana people.

I am told that in the written histories of this time and place, they give an account of one occasion where police and welfare officials came to Finniss Springs to take Aboriginal children and children of mixed descent into state care. Francis, I am told, refused and forced the police and welfare officials off his land by gunpoint. They were different times, sir. Over the years, this early settler's actions allowed the Arabana to continue their spiritual relationship with the land at a time when other Aboriginal people were being dispossessed of their land.

Finniss Springs remained a pastoralist property until the 1980s. Since then, it has been managed by the Aboriginal Lands Trust on behalf of the Arabana. I acknowledge the Aboriginal

Lands Trust for the care and dedication they have shown in managing this land. I am pleased to advise that, from 25 May, Finniss Springs is now held by the Arabana Aboriginal Corporation on behalf of the Arabana people; the Arabana people will be directly responsible for its care and control. The granting of this lease to the Arabana will ensure that the quality of the natural environment is enhanced and that its cultural significance is both recognised and protected for future generations.

I am looking forward to working with the Arabana people over the coming years to further conserve and protect these lands, and I am looking forward to hearing of the successes of their custodianship.

FIREFIGHTERS

The Hon. T.A. FRANKS (15:07): I seek leave to make a brief explanation before asking the minister representing the Minister for Industrial Relations a question about the Monash University national Australasian firefighters study and presumptive legislation.

Leave granted.

The Hon. T.A. FRANKS: On 15 May, in this place, the Hon. Kyam Maher, on behalf of the government, put on the record the government's intention to wait for the results of the national Australasian firefighters study being conducted by Monash University before proceeding with presumptive legislation for volunteer firefighters. He said:

> With regard to this bill, the honourable member should be aware of the work being undertaken through Australian firefighters health study by Monash University. The study seeks to scientifically determine whether volunteer firefighters are at a higher risk of cancer than the general working public. The government will be providing support for this study, and strongly supports the work being done. The government expects this study will be completed in 2014, and we will consider the outcomes as a government in a diligent and thorough manner. Until we have the scientific evidence on this particular issue before us, the government cannot support the bill.

After that debate, I contacted the Monash Centre for Occupational and Environmental Health for their view on the government's decision. They wrote to me, and I quote the correspondence in full. It states:

> Thank you for your email about the National Australasian Firefighters' study.
>
> We are concerned that decisions about presumptive legislation are being delayed pending our study's findings.
>
> We believe that there is already good evidence from a very large number of previous human studies that work as a firefighter is associated with an increased risk of several types [of] cancer. The main focus of our study is to provide information for more effective prevention of cancer and other adverse health outcomes in firefighters.
>
> The Australian study is designed to expand upon the previous findings of increased cancer rates found in many human studies. The LeMasters study and 2007 review of human studies by the International Agency for Research on Cancer...part of the World Health Organisation, identified several cancers where there is clear epidemiological evidence that they are associated with work as a firefighter.
>
> Our study will also build upon these previous research findings by investigating causes of death other than cancer, such as from respiratory and cardiovascular diseases.
>
> We plan to use more refined exposure assessments focusing on the many known carcinogens in smoke to identify those exposures in firefighter subgroups, which have led to the well documented increases in cancer. This has been identified by LeMasters and others as the next important step in this area of firefighter health research. These results will help to inform agencies on how best to reduce these exposures and hence mitigate the known cancer risk in the future.
>
> We believe that there is already good evidence from a very large number of previous human studies that work as a firefighter is associated with an increased risk of several types of cancer.
>
> Given the large number of studies already undertaken in firefighters and the positive associations for increase in several types of cancer, the results of one or more future studies, including our study, are very unlikely to change the overall conclusions of increased cancer risk among firefighters, as the results of all studies need to be taken into account. Whilst it is true that there is little data on the cancer risks specifically for volunteer firefighters, a gap which our study hopes to address, it should be noted that in the course of firefighting, volunteer firefighters might be expected to have exposures similar to those of career firefighters.
>
> Our study is a prospective study which will present its first report next year, but may well take several years to deliver definitive findings about exposure to specific carcinogens. Our strong view is that decisions about compensation processes should be made on the basis of the available scientific evidence at the time. There will always be one more study on the horizon, and waiting for more research findings, especially in this situation where the results of many cancer studies in firefighters are already available, will lead to unacceptable delays, possibly extending into years.

The results of future studies can always be used to fine tune any legislation put in place now.

We hope this has helped to clarify the purpose of our study and we are very happy to discuss this further with you or any other Ministers or Government officers.

That is signed by Associate Professor Deborah Glass and Professor Malcolm Sim from the Monash Centre for Occupational and Environmental Health. My questions are:

1. What communications did the minister or his office or representatives make with the Monash Centre for Occupational and Environmental Health before reaching a government position to use the current survey as a stalling tactic on the inclusion of CFS volunteers in any presumptive legislation?

2. If there were no communications, then why not?

3. If there were communications, then what part of the words of this letter, 'We are concerned that decisions about presumptive legislation are being delayed pending our study's findings' does the government not understand?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:12): I thank the honourable member for her important questions and will refer them to the Minister for Industrial Relations from another place and bring back a response.

COMMUNITY HEALTH SERVICES

The Hon. R.I. LUCAS (15:12): I seek leave to make a brief explanation prior to directing a question to the minister representing the Minister for Health on the subject of the government's response to the McCann review of non-hospital based services.

Leave granted.

The Hon. R.I. LUCAS: In March of this year, the government released, through SA Health, its response to the McCann review of non-hospital based services. Members will be aware that there was widespread opposition from a number of groups to some of the recommendations in the McCann review. The government's response was released almost three months ago. A number of issues were raised in that government response outlining the decision. I am seeking from the minister an update three months later as to what progress, if any, has been made. My questions are as follows:

1. In relation to the government's decision for a single governance arrangement auspiced by the Women's and Children's Health Network by 1 July for the youth primary health services, is that timetable to be met and what will be the new name for the new service?

2. Similarly, in relation to the decision for a single governance arrangement to be managed by the Women's and Children's Health Network by 1 July for the women's health services, is that to be implemented by that date and has a new name been selected for that particular service?

3. In relation to the Community Foodies decision, the government's response was that it would continue, with the management to be transferred to an appropriate NGO. Can the government indicate what progress, if any, has been made three months later in relation to the transfer of management to an appropriate NGO?

4. In relation to the children's primary health services, the decision was that there would be no change in the immediate term to current service and funding arrangements and to undertake a comprehensive review in due course. Has the minister commenced that comprehensive review and is the funding still being protected?

5. In relation to the child protection services decision, the government said that a more detailed review would be undertaken in due course. Can the minister and the government indicate whether that more detailed review has commenced?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:14): I thank the honourable member for his most important question on the subject of the government's response to the McCann review of non-hospital based services. I undertake to take

the question to the Minister for Health and Ageing in the other place and seek a response on his behalf.

CLARE VALLEY GOURMET WEEKEND

The Hon. R.P. WORTLEY (15:15): I seek leave to ask the Minister for Agriculture, Food and Fisheries a question about premium food and wine.

Leave granted.

The Hon. R.P. WORTLEY: As we all know in this chamber, the minister has been an articulate, fearless and uncompromising advocate for our regional areas and the first-class products they produce. The Clare Valley, of course, offers wonderful premium food and wine.

Members interjecting:

The PRESIDENT: Order! I can't hear the Hon. Mr Wortley.

The Hon. R.P. WORTLEY: My question is to the minister—

The PRESIDENT: The Hon. Mr Wortley, I didn't hear your brief explanation when you sought leave.

The Hon. R.P. WORTLEY: I will have to repeat it. As we all know in this chamber—

Members interjecting:

The PRESIDENT: Order! I want to hear this.

The Hon. R.P. WORTLEY: —the minister has been an articulate, fearless and uncompromising advocate for our regional areas and the first-class products they produce. The Clare Valley, of course, offers wonderful premium food and wine. Can the minister tell the chamber about a recent event that showcased the produce available in the Clare Valley?

The Hon. D.W. Ridgway: Oh, this is a quiz question.

The Hon. J.S.L. Dawkins: She should ignore the opinion of it, Mr President.

The PRESIDENT: And she will ignore you, sir. Minister for Agriculture, Food and Fisheries.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:15): I thank the honourable member for his most important question and his articulate explanation of the question, Mr President.

The Hon. R.I. Lucas: Opinion is alright if it comes from a government member.

The PRESIDENT: And in your brief explanation. The Minister for Agriculture, Food and Fisheries.

Members interjecting:

The PRESIDENT: Order! The Minister for Agriculture, Food and Fisheries has the call.

The Hon. G.E. GAGO: Thank you, Mr President; thank you for your protection—your fearless protection.

The PRESIDENT: You don't need my protection, minister.

The Hon. G.E. GAGO: Thank you, Mr President. The Clare Valley is one of Australia's premium wine regions renowned for producing world-class wines, particularly riesling, although they also make very good shiraz as well, I have to say. With one out of every two bottles of Australian wine made in South Australia and almost 75 per cent of Australia's premium wine produced in South Australia—a remarkable statistic, isn't it: 75 per cent of Australia's premium wine is made in South Australia and Clare, of course, is a big contributor to these statistics, and that is with this government's fierce assistance to these matters. This year—

The Hon. D.W. Ridgway: That's in spite of your stupid government. The highest payroll tax, stamp duty, land tax, highest tax, most expensive place to do business—and it should be 75 per cent.

The PRESIDENT: The Hon. Mr Ridgway will have an opportunity to ask a supplementary if he has one, or just stop mumbling. Minister, get back to the answer.

The Hon. G.E. GAGO: This year South Australia's Clare Valley celebrated the end of vintage with its award winning wines and premium food at the annual Clare Valley Gourmet Weekend which was held on Saturday 18 and Sunday 19 May. I am advised that the Clare Valley Gourmet Weekend is in its 29th year and, significantly, was the first food and wine event of its kind in Australia. I was honoured to be involved in this world-class food and wine event. This year is part of the government's premium food and wine from our clean environment strategic priority. The Department of Primary Industries and Regions SA worked very closely with the gourmet weekend organisers to develop a public lecture series event that engaged with the wider community about this government's vision for South Australia to be renowned nationally and internationally as a producer of premium food and wine from our clean environment, clean air and clean soil.

The event took place on the first day of the gourmet weekend in the farmers market area at Ennis Park. The event was hosted by well-known South Australian wine identity Paul Henry, who shares my view on the importance of government's strategic priority of premium food and wine from a clean environment. As part of this event there was a panel discussion and opportunities for both the audience and others to pose questions and engage in the discussion. The topics ranged from what industry's views are on how we identify with the words 'premium' and 'clean' to how industry and government can work together to increase the understanding of this important priority to the Clare Valley through South Australia's new brand and the brand launched by the wine industry—Adelaide The Wine Capital of Australia.

Three Clare Valley locals, who all have a passion for the South Australian food and wine tourism sector, formed the panel discussion. They were: David Hay, a self-taught cook and part owner of Thorn Park 'by the vines', a beautiful homestay retreat in the Clare Valley; Kevin Mitchell, winemaker at Kilikanoon Wines, with a long tradition of grape growing; and Rosemary Dunn, director of Four Leaf Milling, a Dunn family operation that includes farming their 2,500 acre property which has, most impressively, been certified biodynamic since 1989 and which has been chemically clean for the past 80 years.

As part of the panel discussion the public was encouraged to give opinions and ask questions, and I was pleased to hear these passionate South Australians talk about the many benefits of our food and wine industries as well as their ideas about how we can take advantage of these benefits. Through branding and positioning ourselves in a way that differentiates South Australian food products, we can provide many opportunities for suppliers and producers, and this is a key focus of this government.

Following the panel discussion a mystery box cooking challenge took place, with two passionate South Australian chefs, Callum Hann and Sylvia Hart, cooking a dish using surprising ingredients from the Clare Valley farmers market. I was initially invited to assist in the cook-off but I declined, saying that unless it involved a kettle and a toaster it was completely out of my league, and left it to the experts. They did invite me to do a tasting at the end, which was most enjoyable.

I was very much encouraged to see so many members of the public at this event, which celebrated the best of South Australia's premium food and wine.

STRUAN HOUSE

The Hon. R.L. BROKENSHIRE (15:21): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about Struan House.

Leave granted.

The Hon. R.L. BROKENSHIRE: I made inquiries of the former minister, the Hon. Patrick Conlon, in January this year regarding the tenancy of Struan House. The Department of Planning, Transport and Infrastructure advised that it currently leased the house to the Department of Primary Industries and Regions South Australia, which subleases part of this to the local NRM board.

I am advised that in 2008 PIRSA agreed to a five-year-plus-five-year tenancy period commencing 1 March 2008, at a gross rental of $182,619 per annum. DPTI advises that PIRSA paid a reduced rental of $140,000 per annum for approximately three years; the original agreed rental was applied from 1 July 2011 and is current until 1 July 2013. I am further advised that after review of its service plans and operational requirements, PIRSA recently advised DPTI that it intends to relocate to office accommodation in Naracoorte. DPTI will then investigate alternative

tenant options and, if a tenant cannot be secured, a disposal strategy will be put in place. My questions are:

1. Can the minister confirm, based on local information, that PIRSA has now extended its lease? If that is the case, is the lease being extended at a commercial rate or a reduced rate?

2. If the department is not staying there, to where in the South-East is it relocating?

3. What are the government's plans for that particular historic home, which has had a lot of money spent on it, in the medium and long-term future?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:23): I thank the honourable member for his important question. Indeed, PIRSA has extended its lease. I am quickly trying to find out exactly what period it has extended to; however, we have extended it, and it may be three years or it may be five years. I will double-check that and hopefully be able to get an answer before I sit down.

The issue with Struan House—it is a very beautiful building—is that unfortunately the lease arrangements there had been fairly expensive. I understand that a number of tenants have moved out. It is owned by Transport, so it is a matter for them really to set rates and suchlike. We had indicated some concern about the level of rents that we were being charged and negotiated accordingly. Transport came back to us and we have then signed off on an extended lease, which is still not here. In relation to our future—

The Hon. R.I. Lucas: Question time is for ministers to answer, not their staff, Mr President.

The PRESIDENT: And you not to interject.

The Hon. G.E. GAGO: In relation to the future of Struan House—

The Hon. R.I. Lucas: We just sit around waiting for her to take a telephone call, do we?

The PRESIDENT: You do.

The Hon. G.E. GAGO: —as I said, it is a matter for Transport. It is owned by Transport. I know that over the years they have looked at various options. I think they were trying to get a wine industry group in there in terms of testing the waters to see whether there was any interest. I think they have from time to time over the years tried to explore other suitable arrangements for the building.

As I said, it is a truly magnificent building. It would be great to house some sort of tourism activity there; it seems a shame to have it used as offices. Nevertheless, we have extended our lease there and we are happy to do so. As I said, we will continue our services there in Struan House for the duration of that lease.

STORMWATER MANAGEMENT

The Hon. J.S. LEE (15:26): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question about the Stormwater Management Agreement.

Leave granted.

The Hon. J.S. LEE: The Stormwater Management Agreement between the state government and the Local Government Association of South Australia incorporates a funding commitment by the state government for a 30-year period from 2006. Within the Stormwater Management Authority Annual Report 2011-12, it is documented that the authority undertook a financial assessment on two large pending projects, being the Brownhill-Keswick stormwater project and the Port Road rejuvenation project. It was determined that if the projects proceed, it is unlikely there will be sufficient funds to fund any other capital projects of a flood prevention nature. My questions to the minister are:

1. Can the minister confirm whether she has had discussions with the LGA regarding future funding levels?

2. Can the minister confirm whether the state government has approached the federal government seeking funding for stormwater management and flood mitigation projects in South Australia?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:28): I thank the honourable member for her questions. Indeed, the Stormwater Management Agreement is a formal agreement between state and local government outlining roles and responsibilities for funding arrangements for stormwater management and flood mitigation and provides for the establishment of the Stormwater Management Authority. I am advised that the agreement was originally executed in 2006 and includes a 30-year funding commitment from the state government which includes the provision of $4 million indexed per year.

This question really should have been directed to the Minister for Water who is actually responsible for this but, anyway, I am happy to provide what information I can. I am actually not the minister responsible for this. Nevertheless, as usually occurs in this place, the opposition failed to work out the responsible minister but nevertheless, as I said, I am happy to provide what information I can.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: As I said, I am happy to provide whatever information I can, even though, as I said, it is the Minister for Water who is responsible for this. This agreement was originally executed, I am advised, in 2006 and includes a 30-year funding commitment, which includes a provision of $4 million indexed per year. For 2012-13, the state funding is just over $4.6 million.

The Department of Environment, Water and Natural Resources has, I have been advised, worked very closely with the Local Government Association to prepare a draft revised stormwater management agreement. The Local Government Association, I have been advised, has approved a final draft of that revised agreement, which is now under consideration by the state government, for which the minister for the Department of Environment, Water and Natural Resources is responsible. It is anticipated that the Stormwater Management Agreement will be finalised in 2013 and adopted by the state government and the Local Government Association.

I have been advised that the Brownhill and Keswick Creek catchment covers land within the City of Mitcham, the City of Burnside, the Corporation of the City of Unley, the Corporation of the City of Adelaide and the City of West Torrens. These councils have primarily responsibility for managing stormwater and drainage risk within the local council areas.

Following formal public consultation and further engineering feasibility in the upper reaches of Brownhill Creek, the councils agreed to deliver the 2012 Stormwater Management Plan made of two parts, I am advised: part A, which contains the agreed works that the councils will proceed to design in readiness for construction, and part B, which will contain the ongoing investigation to determine the most effective solution for the upper reaches of Brownhill Creek.

I am advised that as part of the approval process the Adelaide and Mount Lofty Ranges Natural Resources Management Board considered the plan and submitted its advice to the Stormwater Management Authority on whether the plan contains the appropriate provisions. The Stormwater Management Plan has estimated that $147.6 million would be required to construct infrastructure within the Brownhill and Keswick Creek catchment over the next 10 years.

I am also advised that the 2012 Stormwater Management Plan has been endorsed by the five councils and, on 26 February, the Stormwater Management Authority approved the plan. The state government welcomes this as a significant milestone in delivering a flood mitigation strategy to protect residents of the Brownhill and Keswick Creek catchment area.

Now that the plan has been endorsed by the authority, the state government will obviously need to work with councils to explore funding options, including assistance from the commonwealth government. The Stormwater Management Agreement between state and local governments includes a commitment for funding by the state government of $4 million per year for 30 years. As I said, it would be helpful if opposition members could work out to which minister to direct their questions. It is not rocket science.

ABORIGINAL AND TORRES STRAIT ISLANDER VETERANS

The Hon. CARMEL ZOLLO (15:32): Will the Minister for Aboriginal Affairs and Reconciliation advise how the government of South Australia has contributed to the recognition of the military service of Aboriginal and Torres Strait Islander veterans?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:33): I thank the honourable member for her most important question and her ongoing interest in these areas. As everyone in this chamber would agree, I think for far too long the commitment, sacrifice and contribution of our nation's Aboriginal and Torres Strait Islander veterans has gone unrecognised. Their commitment is certainly deserving of additional recognition and respect given that it came at a time when they faced discrimination and injustice across society. They were paid less and they even lacked the full constitutional rights as other service men and women, such as the right to be counted in the census.

Aboriginal men and women have served in every conflict Australia has been involved in, from the Boer War to the present day. Many have reported distinguished service but many were forced to remain silent about their cultural heritage. They fought alongside their non-Aboriginal comrades. They were taken as prisoners of war. Some were decorated for gallantry, while some were wounded or killed in action, and, sadly, some lie forever in foreign soil.

When the national service scheme was established in 1964 to 1972, the birthday ballot of 21-year-old men, it was made clear that Aboriginal people were not obliged to serve. They needed to do nothing more than advise of aboriginality and they could be excused. Yet such was their spirit of service and sacrifice that many still volunteered. In recognition of this special service, in 2007 a committee was formed in South Australia. Its task was to create an Aboriginal and Torres Strait Islander War Memorial right here in Adelaide.

The Aboriginal and Torres Strait Islander War Memorial Committee is made up of distinguished Aboriginal and non-Aboriginal South Australians. They set out to fundraise for the project, and from 2008 to 2010 the committee raised approximately $200,000—an outstanding effort. Nevertheless, further funds were required and a number of prominent and leading members of the South Australian community were invited to join the fundraising appeal committee. Over the last 18 months the committee received overwhelming support from the people of South Australia and has raised $763,000. Much of this amount was donated by South Australians from all walks of life.

The state government provided $143,000 of this amount, which was matched by the commonwealth. In total the fundraising committee has now raised over $1 million. I am pleased to advise that on Friday 31 May I attended a sod-turning ceremony at the Torrens Parade Ground to celebrate the commencement of the memorial's construction. It is intended that the memorial will be unveiled by the Governor-General on 10 November this year, the day before Remembrance Day. I encourage all members of this place to be part of this special event and to put it in their diaries now.

The memorial has been designed by artists Tony Rosella, Leanne Buckskin and Michelle Nikou, and has been sculpted by well-known South Australian Robert Hannaford. It is hoped that this impressive and culturally sensitive memorial will be delivered national status, but this cannot be applied for until the memorial is complete and has been unveiled. Both the memorial and the fundraising committees deserve very special congratulations for getting this project to this point.

The chair of the memorial committee, Ms Marj Tripp, who was the first Aboriginal woman to join the Royal Australian Navy, and deputy chair, Mr Frank Lampard, who also served, have both helped steer us towards this outstanding achievement. They received very strong support from people such as Mr Frank Clarke, Mr Gil Green, Mr Les Kropinyeri, Uncle Lewis O'Brien, Ms Janine Haynes, Mr Jock Statton, Mr Mick Mummery, Mr Bill Hignett, Mr Bill Denny, Ms Alison Martens, Mr Ian Smith, Ms Rosslyn Cox, Mr Mark Waters and Ms Jennifer Laythe r, with administrative support provided by the Aboriginal Affairs and Reconciliation Division, Department of the Premier and Cabinet.

A special thanks must also go to the Patron of the Memorial Committee, His Excellency Rear Admiral Kevin Scarce, Governor of South Australia, and Vice Patron, Dr Lowitja O'Donoghue. I also congratulate the fundraising appeal committee that stepped into the breach to help raise the funds necessary to help this dream become a reality, led by Sir Eric Neal and Mr Bill Denny. Other members include Mr Hugh MacLachlan, the Hon. Kevin Duggan, Mr Andrew Fletcher, Mr Perry

Gunner, Ms Jane Kittel, the Hon. Diana Laidlaw, Ms Felicity-ann Lewis, Mr John Moriarty, Mr Lew Owens, Mr John Roberts, Mr James Sarah, Mr Ray Scott, Mr Frank Seeley, Mr Peter Siebels and Mr Jock Statton.

On behalf of the government of South Australia I thank all volunteers for their commitment to this cause of recognition for our Aboriginal veterans; their efforts and their outcomes will be forever long lasting.

ANSWERS TO QUESTIONS

MOUNT BOLD RESERVOIR

In reply to the **Hon. A. BRESSINGTON** (16 October 2012).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation): I am advised:

1. The environmental flow trial will not reduce the security of metropolitan Adelaide's water supply. As part of the trial, SA Water is monitoring any potential impact the environmental flows might have on operation of the metropolitan Adelaide water supply and working with the other agencies to identify and remove these impacts.

The environmental flow trial is being conducted on the major rivers of the Western Mount Lofty Ranges and aims to test and refine the delivery of environmental water to ensure the best possible environmental outcomes are achieved with the flows available. The results will guide decision making so ongoing environmental flows can optimise benefits to aquatic health and water quality.

2. The availability of sufficient water resources to supply to the Adelaide metropolitan area was taken into account when SA Water agreed to support the Prescription of the Western Mount Lofty Water Resource including participation in the environmental flows trial.

3. The environmental flows trial began in mid 2006 but was ceased later in that year in response to the drought. The trial recommenced in December 2011 and will continue until sufficient detail is available to provide for environmental flow requirements with a high level of certainty taking into account the social and economic values of the water resource. The trial is sensitive to climatic influences and is adjusted accordingly.

4. SA Water manages reservoir levels in the Western Mount Lofty Ranges using an adaptive management framework. Pumping from the River Murray into storages is conducted as required under the framework to ensure sufficient water resources are available to meet demands and is managed within SA Water's existing River Murray water entitlement. The trial is however, adjusted according to climatic conditions to ensure it does not impact on water security and consumptive uses.

5. The environmental flows trial will in no way affect the CFS' reliance on water to fight fires as SA Water ensures that sufficient water supplies are available. Furthermore, a Memorandum of Understanding between the CFS and SA Water is in place to address water use during emergency fire fighting.

An NRM Plan has been prepared for the Adelaide and Mount Lofty Ranges region, to guide the management of our natural resources at the landscape scale. The CFS was consulted during the preparation of this plan.

In addition, DEWNR and SA Water are members of the State Bushfire Coordination Committee and local Bushfire Management Committees, led by the CFS.

SHACK LEASES

In reply to the **Hon. J.A. DARLEY** (13 November 2012).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation): I have received this advice:

The Department of Environment, Water and Natural Resources provides private valuers with a Valuation Brief for the purposes of determining rent. This Valuation Brief does not define

'unimproved land value' per se, rather it provides the following instructions for the basis of valuation.

Valuation Basis:

The Crown's interest is the land, excluding any work carried out by the lessee in relation to the land or any improvements on the land which do not belong to the Crown.

MARINE PARKS

In reply to the **Hon. J.A. DARLEY** (15 November 2012).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation): As the Minister for Sustainability, Environment and Conservation I am advised:

1. Yes.

2. I am advised that the former Minister for Sustainability, Environment and Conservation, the Hon. Paul Caica MP read the groups submission.

3. Yes, I am aware of the alternative proposal, as was the former Minister. The proposal was given serious consideration.

4. Extensive advice about marine parks zoning was sought and received over the past few years, including zoning around the Port Wakefield area. This included a key stakeholder forum in April 2012 where advice on zoning proposals was provided. This forum used the zoning advice provided by Marine Park Local Advisory Groups as their starting point for discussion. The forum identified the area at the top of the Gulf St Vincent as an area of significant conservation value requiring high level protection.

In determining the final zoning in the Upper Gulf St Vincent Marine Park, careful consideration was given to the concerns voiced by local communities as part of the recent public consultation process. In addition, as also required under the *Marine Parks Act 2007*, the views of a range of individuals and bodies, including the environment and conservation sector, local government, the commercial and recreational fishing sectors, tourism and general business was sought. All of the advice received was carefully considered to determine final zoning.

MARINE PARKS

In reply to the **Hon. A. BRESSINGTON** (5 February 2013).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation): I have received this advice:

The sanctuary and restricted access zones within South Australia's marine parks network comprise about six per cent of State waters, totalling approximately 3,623 square kilometres.

GLENELG TO ADELAIDE PIPELINE

In reply to the **Hon. J.A. DARLEY** (6 February 2013).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation): I have received this advice:

1. Four Councils initially took up the offer to purchase recycled water.

2. Four Councils currently still purchase recycled water.

3. No Councils have discontinued the purchase of recycled water.

4. The price charged for recycled water is by agreement between the customers and SA Water and is commercial in confidence.

GLENELG TO ADELAIDE PIPELINE

In reply to the **Hon. J.A. DARLEY** (19 February 2013).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation): I have received this advice:

1. The following is a list of clients who took up the initial offer to purchase recycled water:

- Adelaide City Council
- South Australian Cricket Association
- City of West Torrens
- University of Adelaide
- St Peter's College
- City of Unley
- City of Burnside
- Prince Alfred College
- Christian Brothers College
- Pembroke College
- Black Friars Priory School
- Government House
- Adelaide High School
- Wilderness College
- West Terrace Cemetery
- Keswick Army Barracks
- SA Obedience Dog Club
- Adelaide Comets Soccer Club
- Adelaide Convention Centre
- Adelaide Lutheran Sports & Recreation Association
- South Terrace Croquet Club
- St Mark's College
- Tram Coast to Coast Project—DTEI (median strip irrigation)
- SAPOL Building (Commercial & General P/L)
- Old Ignatians Football Club
- SA Water Building (Catholic Church Endowment Society)
- Botanic Park (DEWNR)
- SA Health Medical Research Institute (SAHMRI) building
- Adelaide Festival Centre
- New Royal Adelaide Hospital

2. The following is a list of clients who are purchasing recycled water:

- Adelaide City Council
- South Australian Cricket Association
- City of West Torrens
- University of Adelaide
- St Peter's College
- City of Unley

- City of Burnside
- Prince Alfred College
- Christian Brothers College
- Pembroke College
- Black Friars Priory School
- Government House
- Adelaide High School
- Wilderness College
- West Terrace Cemetery
- Keswick Army Barracks
- SA Obedience Dog Club
- Adelaide Comets Soccer Club
- Adelaide Convention Centre
- Adelaide Lutheran Sports & Recreation Association
- South Terrace Croquet Club
- St Mark's College
- Tram Coast to Coast Project—DTEI (median strip irrigation)
- SAPOL Building (Commercial & General P/L)
- Old Ignatians Football Club
- SA Water Building (Catholic Church Endowment Society)
- New Royal Adelaide Hospital

3. There are no clients who took up the original offer and have discontinued taking recycled water. However there are three clients who took up the original offer but have not yet commenced taking recycled water. The table below lists those customers and provides reasons why they have not yet taken any recycled water:

Client	Reason Recycled Water Not Yet Taken
Botanic Park (DEWNR)	Recycled water is used as a back up to River Torrens supply only. There hasn't been a need to draw recycled water due to favourable weather conditions
SAHMRI building	Construction of building is yet to be completed
Adelaide Festival Centre	Installation of on-property plumbing to take recycled water has not yet been completed

4. The price charged for recycled water for all clients is by agreement between the customers and SA Water and is commercial in confidence.

ALLENBY GARDENS/FLINDERS PARK GROUNDWATER PROHIBITION AREA

In reply to the **Hon. J.M.A. LENSINK** (21 February 2013).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation): I have received this advice:

The Environment Protection Authority (EPA) has relied on groundwater assessment data from 2004 to 2008, August 2010 and November 2011 to support the need for a prohibition area.

The EPA is satisfied that site contamination affects or threatens groundwater and action is necessary to prevent actual or potential harm to human health.

COASTAL WATER QUALITY

In reply to the **Hon. J.M.A. LENSINK** (9 April 2013).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation): I have received this advice:

SA Water has 30 customers supplied with recycled water from the Glenelg Wastewater Treatment Plant by the Glenelg/Adelaide pipeline.

The Glenelg/Adelaide recycled water scheme located at the Glenelg wastewater treatment plant has the capacity to reuse up to 5.5 gigalitres of treated wastewater water per annum.

Recycled water from the Glenelg/Adelaide recycled water scheme is supplied to customers either via the class 'A' tank at the Glenelg wastewater treatment plant or via the Glenelg/Adelaide pipeline.

In 2011-12 the Glenelg/Adelaide recycled water scheme supplied 1.5 gigalitres of recycled water to customers including 896 megalitres through the new Glenelg/Adelaide pipeline. The Glenelg/Adelaide recycled water scheme was designed and constructed to meet future, long term demand.

In the near future the Glenelg/Adelaide recycled water scheme will supply recycled water to the new Royal Adelaide Hospital, Bowden Village and Adelaide Oval for dual reticulation use (e.g. toilet use) accounting for approximately 200 ML of additional reuse.

SUPPLY BILL 2013

Adjourned debate on second reading.

(Continued from 16 May 2013.)

The Hon. J.S.L. DAWKINS (15:38): I rise today to support the second reading of the bill, which provides, I understand, some $3.205 billion to ensure the payment of public servants and the continuation of state government services from 1 July until the Appropriation Bill for 2013-14 passes both houses. As we know, the Supply Bill gives parliamentary authority to the government of the day to continue delivering services via public expenditure. The government is entitled to continue delivering these services in accordance with general approved priorities, that is, the priorities of the last 12 months, until the Appropriation Bill is passed.

Before moving on to make some comments on some particular areas, I note that the use of that money is for the work of public servants to service the constituents and residents of South Australia. Initially, I want to go to an area that is a great passion of mine, namely, suicide prevention. Throughout the work I do in the community of South Australia, including some recent forums that I have conducted, there is great evidence of a far increased community awareness and concern about the impact of suicide in our community.

While I acknowledge the vital role of mental health professionals—many of whom are employed by the state government—there is strong community support for a range of measures to assist in the overall effort in our society to combat suicide. These include:

- resources for not-for-profit organisations with a proven history in self-harm and suicide prevention and other concerned community groups to apply for grant funding to deliver tailored awareness and risk assessment training. This will ensure rural and metropolitan community members improve their ability to identify the warning signs associated with individuals who are at risk of self-harm and suicide.
- cooperation with tertiary and higher education facilities to seek inclusion of self-harm and suicide prevention training for medical and other primary healthcare students. This is something I have seen in action in Tasmania, which has been quite a leader in the area of community suicide prevention training and intervention.
- the tasking of a dedicated self-harm and suicide prevention team within the South Australian Department of Health to improve communication and coordination across government so as to ensure a prioritised, focused and consistent whole of government approach.

- support for the efforts of the National Committee for Standardised Reporting of Suicides. This committee brings together a wide range of stakeholders to ensure such reporting is conducted in a reliable, accurate and timely manner.

Simple measures such as these are domestically and internationally supported. The Australian Senate's Community Affairs References Committee inquiry, The Hidden Toll: Suicide in Australia, recommended the need to provide suicide prevention training to front-line workers in emergency, welfare and associated sectors. The committee also recommended that additional gatekeeper suicide awareness and risk assessment training be directed to people living in regional, rural and remote areas.

The World Health Organisation advocates for an innovative, comprehensive multisectoral approach, including intervention from outside the health sector. An increased focus on education, early intervention, communication and reporting in a targeted and proactive approach would have a positive impact for South Australian communities and allow us to start reducing the incidence of self-harm and loss of life through suicide.

There is no doubt that those measures are ones that are keenly sought by many in the South Australian community and many of those people also see that such an approach would have a positive impact on the increasing number of families who have become bereaved through suicide. Until you go and work in this area, you do not realise the enormity of the issue and I have spoken in this house before about seeing evidence of families who have been through suicide on more than one occasion. When you witness a woman who has had a father and a brother complete suicide and another woman who has had two sons complete suicide, it does hit home to you and so there is more we can do there.

There are some terrific public servants out there working in the mental health and suicide prevention field, and what I, and many others, want them to realise is that the large number of volunteers—people who are concerned about their community—are only there to assist, and the more we engage and arm those people, the greater the assistance that can be given to the professional services as they battle with such an enormous issue, and I would hope government takes this on board.

On that theme, it is probably an appropriate time to mention the concern I had recently when I learnt of the closure of what was known as Shop Front, in Salisbury. This was a service for young people at risk, largely battling mental health and drug and alcohol issues. I understand that this jointly-funded service, along with the City of Salisbury, has had to close because the state government can no longer find the money to continue that service. I understand that some substitute will be conducted elsewhere in the northern suburbs, but it will have a much narrower scope than that service previously provided, and I think that is a great shame for the young people of that part of Adelaide.

In my concluding remarks, I would like to move to some issues that reflect concerns from members of my own community around the Gawler area and from within the Riverland. The issues close to home, I suppose, are largely in the transport area, and specifically go to areas that concern people. People who travel on the Gawler rail line, who go up and down every day on that line, some less frequently, are completely perplexed by the lonely poles placed along that line, which were put there to have put on them electrification for that line—and there is no promise of that happening in the forward estimates. It is a ridiculous state of affairs that the government went to the expense of putting those poles there and it cannot fund the wires to go on them, and it is not likely to happen in the near future. It is quite a ridiculous set of circumstances.

There are other people in that area who like to access public transport and who were attracted, before the last election, to the promises made by the current member for Light about a bus network for Gawler, something a lot of people have looked for for a long time. It was carefully worded, and it never actually said that that bus network would be connected to the metropolitan bus network, but that is what a lot of people imagined it would be. What we have is a series of circuitous networks running around the town of Gawler—large, very old buses going around streets that are unsuitable for those large buses—but, more to the point, those buses are very empty. Very rarely do you see more than one or two people on them, and very often they are completely empty.

The local member for Light promised a review of that situation earlier this year, some many months after the member for Bragg in another place and I promised the same thing by an incoming Liberal government. I have yet to see what has resulted from that review, which was undertaken, I think, probably in January or February this year. Certainly, it is a major concern for the residents of

the locality in which I live to see these buses, all hours of the day and night, going around with no-one on them.

There are two other matters that people in my area are concerned about which involve state government expenditure. One is the long delays in the roadworks at the intersection of Main North Road and Tiver Road. This is a $14 million project. It is one that seems to have been delayed and delayed. One would hope that it is not delayed like the recently opened Willaston roundabout, which was first promised by this government on 31 July 2002 at a cost of $110,000 and was completed last year at a cost of well over $2 million. One would hope that the Tiver Road intersection does not take that long.

I would like to conclude my remarks by expressing the concern of many people who live in the Riverland and, I think, many from a broader area of the state, in relation to the rising number of fruit fly outbreaks that we have had in Adelaide this year. This is a matter that I have raised in this place for many years, with questions and in speeches such as this. The government has a focus on the roadblocks that we have, in particular at Yamba and Ceduna, and we have seen some issues at different times when there has been some suggestion that there might be cutbacks in those areas.

The current government has not done that and I commend it for not doing so. However, I think we must be far more vigilant in the way that we examine the travelling public as they go between Adelaide and the Riverland with the potential to take this very dangerous fruit fly into the Riverland. I think the enormity of the damage that could be done to our horticultural industry in the Riverland is something that is beyond the comprehension of most South Australians, and that is a great shame.

I have argued for a long time that, as well as the existing permanent roadblocks and the occasional long weekend roadblocks on the Sturt Highway, we need to have more of a random nature of roadblock on a number of other major roads between Adelaide and the Riverland. I know that when the current government was first elected, I raised these matters with the Hon. Paul Holloway as the minister for agriculture. At that stage, negotiations had been done by the previous government to work with industry, and industry agreed upon some support for extra roadblocks, particularly the one that was operated at Blanchetown for some time, but this has not continued. The government seeks more money from industry to support such roadblocks and such inspection.

The other thing I think we have seen in this place and about which the minister has brought back answers to us is the very small number of the people who have been detected as having fruit in their vehicles who have actually had any penalty. This is a situation that alarms me, and it alarms many other people who recognise the value of our horticultural industry to South Australia and the value to that industry of its reputation overseas. I think it is the only completely fruit fly free region in this country, and that is of great value to us in our export industry. With that, I once again indicate my support for the bill as it does provide that $3.205 billion that enables the work of public servants in their service to South Australians to continue until the Appropriation Bill passes both houses. I support the bill.

Debate adjourned on motion of Hon. J.S. Lee.

MARINE SAFETY (DOMESTIC COMMERCIAL VESSEL) NATIONAL LAW (APPLICATION) BILL

Adjourned debate on second reading.

(Continued from 16 May 2013.)

The Hon. R.P. WORTLEY (15:55): I rise to address the Marine Safety (Domestic Commercial Vessel) National Law (Application) Bill. This bill represents our state's endorsement of a national maritime regulator and our support for a marine safety regime that is specific, covers all states and the Northern Territory, and captures all domestic commercial vessels by way of a single legislative instrument. We all know that coastal shipping is an integral part of South Australia's history. It is difficult in these days of rapid air, rail and road transport, not to mention the increasing use of pipelines to transport liquid and gaseous materials such as oil and gas, to understand how vitally important intrastate and interstate commercial shipping was to the far-flung centres of the new colonies.

In the early days, survival, growth and prosperity for the colonies was almost entirely dependent on sea transport and on the sea lanes that circumnavigated the country and connected its communities to each other and the world. Shipping was king in the 19th century in Australia

when interstate trade was dominated by small coastal steamers. But federation, two world wars, the Depression that divided them, and the advent of increased competition from newer, faster modes of transport in trade and commerce, not to mention foreign shipping, impacted the industry along with industrial reform and policy changes over the decades of the new century.

By the 1950s and 1960s, the traditional markets for mixed cargo coastal shipping had declined, and these days it is clear that the principal cargoes of our coastal shipping fleet are goods and materials that cannot feasibly be transported in other ways. According to Mary Gantner in the Royal Australian Navy's *Papers in Australian Maritime Affairs*:

> Based on developments in logistics and the growth of the population, economy and international trade, the future rate of increase (in our freight transport task) is expected to be significant. The vast majority of this increase will affect the road sector...whilst the sea transport segment should remain relatively stable in tonne per kilometre terms.
>
> Despite this, coastal shipping will remain an integral part of the domestic transport network...due to the type of cargo carried, the fundamental importance of this cargo to the economy, and the continuing inability of road and rail to effectively service the transport area currently covered by the coastal shipping industry.

So while coastal shipping is no longer the dominant transport mode, it still has a major role to play, particularly in the area of long-haul bulk commodities. There are about 2,000 domestic commercial vessels in South Australia and more than 28,000 such vessels in the country as a whole. The most recent figures in *Lloyd's List Australia* tell us that a total of 1.08 billion tonnes of cargo transited our wharves nationally in 2010-11, with coastal shipping accounting for about 20 per cent of the freight task.

In view of these statistics, it can be accurately said that the bill I am addressing today represents some of the most significant maritime reforms in our state and national history, because for many years now, the current jurisdiction-based system had led to variations in standards and competencies across the country. And that is not all. It has also represented efficiency and cost burdens on interstate commercial vessel operators which, given that the seas and oceans have no state or territory boundaries, make little sense. So in 2009 an agreement was reached on a national approach to the safety regulation of domestic commercial vessels by the Council of Australian Governments. The marine safety national law would replace what are currently eight commonwealth, state and territory regulators with the sole regulator I mentioned earlier, the Australian Maritime Safety Authority, referred to as AMSA.

AMSA will take responsibility for domestic commercial vessels plying our coasts as well as those larger vessels taking our goods and materials to overseas markets. Furthermore, it will replace some 50 separate legislative instruments across both state and territory jurisdictions with a single clear and consistent law for our commercial vessel owners and associated personnel. In fact, the national law will apply to all vessels engaged in commercial, government and research activities. However, there are some exclusions: it is not intended to capture recreational, foreign or defence vessels, vessels operated by primary and secondary schools, or vessels regulated under the federal Navigation Act 2012.

It is well known that safety in the transport industry has long been a major preoccupation of mine. The single national system for the regulation of marine safety that I have discussed today means that standards will be consistent—and will be applied consistently—right around the nation. So, those who are involved with commercial shipping for their business income or employment, or as a means of transporting goods and materials, will be able to feel absolutely confident that each vessel, regardless of its whereabouts in our waters, will be subject to consistent, transparent, nationally agreed standards of safety.

Similarly, vessels designed in, say, South Australia and built, perhaps, in New South Wales will not need to be recertified by other states or territories so as to be able to operate in their waters. National freight and related companies that operate vessels in more than one jurisdiction will be able to more efficiently manage their fleets and crews without the added burden of changing requirements with regard to regulation and administration. Workforce mobility will be enhanced, as seafarers move from vessel to vessel and jurisdiction to jurisdiction, providing better career opportunities.

These reforms represent another example of what can be achieved through cooperation between the commonwealth, states and territories and the relevant stakeholders who, in this particular case, are, unsurprisingly, supportive of the national law, a national law that will benefit not only those who own, operate, are employed on, or travel in commercial vessels but also our economy. However, let us not forget that seafaring remains a dangerous occupation with still

unacceptably high levels of fatalities and injuries, especially in smaller vessels. Fundamentally, it is worker safety that underlines the reforms I have discussed today. That is their most important purpose. On that note, it is my pleasure to commend the bill to the council.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (16:02): I thank those members who have contributed to the second reading of this bill. I thank them for their support, and I look forward to dealing with the bill expeditiously through the committee stage.

Bill read a second time.

In committee.

Clauses 1 to 20 passed.

Schedule 1 passed.

Schedule 2.

The Hon. G.E. GAGO: I move amendments Nos 1 to 3:

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Line 5 [Schedule 2 clause 15, inserted section 47A(4)(a)]—After 'operation' insert:

on the River Murray system (within the meaning of the *River Murray Act 2003*) between the border of South Australia and a line joining the upstream sides of the landings used by the ferry at Wellington

Line 24 [Schedule 2 clause 15, inserted section 47A(4)(b)]—After 'operation' insert:

in waters specified by the CE for the purposes of this paragraph

After line 29 [Schedule 2 clause 15, inserted section 47A]—Insert:

(4a) For the purposes of subsection (4)(b), the CE may specify waters—

(a) by reference to particular waters, or waters of a specified class; or

(b) by reference to the waters in which a particular hire and drive small vessel, or a hire and drive vessel of a specified class, may be operated.

I will speak to all three amendments, if that is helpful. It has been identified that an in-house amendment is needed to clause 15 of schedule 2 of the bill. The clause concerns section 47A of the Harbors and Navigation Act 1993 which combines current provisions within the Harbors and Navigation Act and Regulations concerning hire and drive operations.

Section 47A was added just prior to this bill being settled, following last-minute advice from AMSA in early March 2013 that the national law subordinate legislation would be amended so that it did not regulate qualifications required for hirers of hire and drive vessels. AMSA advised that the states and territories would have to continue to regulate this. This obviously required urgent changes to the bill. On further review it has been identified that section 47A contains some unintended gaps that change existing policy positions.

The proposed amendment will clarify the following: that the requirement to only hold a car driver's licence to operate a houseboat is limited to the River Murray. This will continue the current policy position. In the sheltered waters of the River Murray, where the riverbank is always close at hand, the lower safety risk means that it is not considered necessary for the hirer of a houseboat to have a boat operator licence or commercial crewing qualification.

Without this amendment, a houseboat operated off the coast of South Australia could be operated just with a driver's licence. This is obviously not the intention and it would be most inappropriate because of the higher risk of operating in unsheltered waters, where the houseboat could be subject to adverse weather and high seas and be quite far from shore.

The amendment will also clarify that hire and drive small vessels (that is, jet skis and motorised dinghies less than five metres) can be operated by a person over 16 years old without a boat operator's licence only in waters specified by the CEO (who is the regulator under the Harbors and Navigation Act). This will preserve the current position.

The consequence of not making this amendment is that a hirer of a hire and drive small vessel, as young as 16 years old, would be able to operate the small vessel in any waters,

including all the way around the coast of South Australia without a licence. This would obviously be highly unsafe and undesirable. They are quite straightforward amendments and I hope that members will support them.

The Hon. D.W. RIDGWAY: The opposition will support the amendments.

Amendments carried; schedule as amended passed.

Title passed.

Bill reported with amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (16:10): I move:

That this bill be now read a third time.

Bill read a third time and passed.

TAFE SA (PRESCRIBED EMPLOYEES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 May 2013.)

The Hon. J.A. DARLEY (16:11): I rise briefly to speak on the TAFE SA (Prescribed Employees) Amendment Bill 2013. The relatively short history behind this bill has been explained well by the Hon. Jing Lee, and I thank her for her support on this issue. In short, this bill is intended to replace the Statutes Amendment and Repeal (TAFE SA Consequential Provisions) Bill which was passed with amendment by this chamber in July last year. As a result of the amendments, which were very minor in nature, the bill became the subject of five deadlock conferences before finally being set aside.

The amendments to the previous consequential bill replaced the exclusive right that has been given to the Australian Education Union in relation to the appointment process for employee representatives, with one that applies to all teachers across the board. As the Hon. Jing Lee pointed out in her contribution, the amendments did not preclude union members from being involved in the relevant processes: they simply opened those processes up to all teachers, whether they were union members or not.

Until this point the government has simply refused to entertain what the opposition and I proposed with respect to our amendments. Instead it has opted to overcome the issue by introducing this new bill. I am somewhat at a loss to understand the government's attitude with respect to this matter. On the one hand we have an all-inclusive bill which has the broad support of stakeholder groups and, on the other, we have the government digging in its heels and not only insisting that the first bill be abandoned, thereby limiting appointment processes to union members only, but blatantly refusing to deal with, and even trying to evade, the will of the Legislative Council.

The member for Unley in the other place has been advised that standing orders do allow the government to reintroduce the amended bill that it chose to set aside. As such, I would strongly urge honourable members to oppose this bill on the basis that we have already supported legislation to facilitate TAFE's transition to statutory corporation status. The government can reintroduce the previously supported bill knowing that it will pass both houses without any concerns whatsoever.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:13): I would like to thank honourable members for their comments and their contribution to this debate. TAFE SA has a reputation for quality and is highly regarded in the community and regions around South Australia. It is a major presence in this state, turning around 80,000 students a year, delivering training and education over 50 sites across the state and employing around 3,500 staff.

The state government recognises and respects the importance of TAFE SA to the South Australian economy and the role it will play in meeting our skills challenge. As the state's largest training provider and the state's largest provider of publicly funded training, TAFE SA will play a critical role in skilling our future workforce. That is why we established TAFE SA as a statutory corporation on 1 November 2012 under the TAFE SA Act.

The establishment of TAFE SA as a statutory corporation is a key component of Skills for All because it modernises governance arrangements. This will enable TAFE SA to operate in a more commercial and competitive environment while continuing to meet industry training and community service needs and contributing to the social and economic development of regional communities.

TAFE SA is undergoing transformation to compete effectively under Skills for All and to embed a more commercial and financially sustainable culture across the organisation. Meeting the needs of industry and building an organisation that is client focused and responsive to market changes will be a key challenge for the board. The board members together have the expertise, abilities and experience for the effective performance of TAFE SA's functions and the proper discharge of its business and management obligations.

All staff responsible for service delivery within TAFE SA, including staff employed under the Technical and Further Education Act 1975, were transferred to TAFE SA, retaining their employment terms and conditions on 1 November 2012. Staff responsible for the delivery of corporate services have remained under the employing authority, the Department of Further Education, Employment, Science and Technology. Currently a review is taking place and some corporate service functions were transferred to TAFE SA on 1 July 2013. This bill finalises the legislative process for staff employed by TAFE SA following its establishment as a statutory corporation.

The bill seeks to transfer the employment terms, conditions and rights to a schedule in the TAFE SA Act 2012 and repeals the Technical and Further Education Act 1975. This bill is important as a schedule will provide clarity and certainty, particularly in regard to the employer disciplinary rights and the employee appeal rights. The employee and employer rights provide a fair and complete set of arrangements for TAFE SA to discipline and suspend staff, whilst providing appropriate review and appeal provisions for disciplinary decisions that affect TAFE SA educational staff.

Without the transfer of these rights to the schedule, TAFE SA has to rely on common law and the Fair Work Act 1994, where the disciplinary rights are not as explicit and appeals are referred to the industrial commission rather than the body that deals specifically with educational matters. The grounds for which TAFE SA as the employer has to discipline and suspend educational staff are specific and consistent. They have been in place over the last 35 years and they give more power to the employer to take disciplinary action, for example, to suspend an employee without pay, compared with those outlined in the Fair Work Act 1994.

Complementary to the strengthened employers' rights are the employees' rights to access the Teachers Appeal Board for appeals of employer decisions. The Teachers Appeal Board is established to deal specifically with educational issues and the complexities associated with delivering training and educational services to students.

TAFE SA educational staff have had access to the Teachers Appeal Board since 1975. This has provided reassurance to staff that, if required, there is a formal mechanism for appeal of important decisions, such as termination, retrenchment, transfer or retirement. To deny staff access to this board is to limit their right to the longstanding, independent appeal arrangements that have been in place over 30 years, arrangements that many TAFE SA educational staff would be familiar with and would be reassured by.

The previous bill, the Statutes Amendment and Repeal (TAFE SA Consequential Provisions) Bill was held up due to amendments that impact on the Education Act and overall have limited bearing on TAFE SA and TAFE SA staff. The amendments previously supported in this place make significant changes to the Education Act, when the bill was intended to deal with consequential amendments only. The amendments have a far greater impact on officers in the broader education system rather than on TAFE SA. The amendments remove reference to the Australian Education Union from the Education Act, and in doing so impact on the constitution of a number of boards and committees established under the Education Act, including the review panel for reclassification of school teachers at section 29, the Teachers Appeal Board at section 45, the committee to recommend promotional-level appointments at section 53, and review committee for the closure or amalgamation of government schools at section 14C.

Only the Teachers Appeal Board has any relevance to TAFE SA and TAFE SA staff. It is inappropriate to make substantial changes to these committees without proper consultation processes with teachers and the education system. All the costs and resources required in each

step of the election process are currently taken on by the AEU as an organisation representing the interests of education staff, both in TAFE SA and in schools.

To make the amendments to the Teachers Appeal Board would be at great cost to the Department of Education and Child Development and to TAFE SA, as they will need to run their own election processes or outsource to another body such as the Electoral Commission, which provides these services on a fee-for-service basis. This will create not only new processes to replace ones that currently work well but also unnecessary duplication across government. I am advised that there are approximately 1,600 education staff and around 20,000 school teachers located across the state who will need access to an election process.

There is no evidence to suggest that the current process is not working well and there is a need to replace it with a different process without having any consultation and involvement with staff. This bill replaces the Statutes Amendment and Repeal (TAFE SA Consequential Provisions) Bill and achieves the same outcome without opening up the Education Act. It enables us to finalise the legislative process for TAFE SA. With the passing of this bill, the employment rights, terms and conditions will be clearly articulated in the schedule of the TAFE SA Act 2012. The disciplinary grounds and appeal provisions will be consistent and appropriate for TAFE SA educational staff and explicit.

Once passed, if it is the will of the council, this legislation provides TAFE SA with a fair, but rigorous disciplinary and appeal arrangement balanced between employer and employee needs. Coupled with the new governance reforms that are in place, the passing of this legislation provides TAFE SA with the imprimatur it needs to transform itself and excel within the competitive VET market. I commend the bill to the house.

The council divided on the second reading:

AYES (9)

Finnigan, B.V.	Franks, T.A.	Gago, G.E.
Hunter, I.K. (teller)	Maher, K.J.	Parnell, M.
Vincent, K.L.	Wortley, R.P.	Zollo, C.

NOES (10)

Bressington, A.	Brokenshire, R.L.	Darley, J.A.
Dawkins, J.S.L.	Hood, D.G.E.	Lee, J.S. (teller)
Lensink, J.M.A.	Lucas, R.I.	Ridgway, D.W.
Wade, S.G.		

PAIRS (2)

Kandelaars, G.A.	Stephens, T.J.

Majority of 1 for the noes.

Second reading thus negatived.

BURIAL AND CREMATION BILL

Consideration in committee of the House of Assembly's message.

The Hon. G.E. GAGO: I move:

That the Legislative Council do not insist on its amendment No. 7 and agree to the alternative amendment made by the House of Assembly.

The Hon. S.G. WADE: In responding to the motion moved by the—

The ACTING CHAIR (Hon. J.S.L. Dawkins): Order! There is too much noise in the chamber. The Hon. Mr Wade has the call.

The Hon. S.G. WADE: Thank you, Mr Acting Chairman. In responding to the government motion, I would like to quote from a letter written to me on 23 May by the Attorney. He indicated that, in the context of this amendment, the government is happy to consult with members of this

place and the other place in relation to the development of a formula in the regulations. I note and welcome the Attorney-General's commitment to consult on the draft regulations.

In relation to the regulations, CCASA (Cemeteries & Crematoria Association of South Australia) wrote to the government on 12 November 2012 in relation to the regulations and specifically suggested the redrafting of associated regulations. Does the government intend to redraft associated regulations, as proposed by CCASA?

The Hon. G.E. GAGO: During the process of drafting this bill, the government also invited industry representatives to provide comments on possible regulations under the legislation. In a letter to the Attorney-General's Department on 12 November 2012, the Cemeteries & Crematoria Association made a number of recommendations for regulations under the bill, including recommending that much of the current regulations under the Cremation Act and the Local Government Act 1934 be mirrored and expanded upon in the new regulations.

The Attorney-General's Department is currently in the process of developing these draft regulations, and the Cemeteries & Crematoria Association of South Australia recommendations are being considered as part of the process. It is certainly the government's intention to mirror the current regulations where appropriate and to develop new regulations, as required by the new legislation.

The Hon. S.G. WADE: I indicate that the opposition supports the alternative amendment by the government and thanks the government for evolving the bill.

Motion carried.

WORK HEALTH AND SAFETY (SELF-INCRIMINATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 May 2013.)

The Hon. R.I. LUCAS (16:33): I rise unexpectedly to speak to the second reading, having made the mistake of following the government's priorities as outlined on the schedule given to us today.

An honourable member interjecting:

The Hon. R.I. LUCAS: Exactly. You would think I would not take much notice of the schedule. Given that no-one else is listed to speak, I may well seek leave to conclude my remarks tomorrow.

I rise to put on the record the Liberal Party's position in relation to the work health and safety bill. Thankfully, given the lengthy and extended debate on the main bill during last year, this is a relatively short, relatively specific piece of legislation, which seeks to make a specific change to the self-incrimination provision, section 172 of the new act.

What I would say at the outset is that whilst the government said that it had consulted widely on the original bill, this is further indication of the warning that I issued at the time, that there would be over the coming years—and I must admit I did not expect it to be within the space of six weeks—a number of issues and problems with the government's drafting of the legislation. I remind members of that warning I gave, and I suspect it will be a number of years down the track in relation to some of the provisions as various courts and tribunals are required to present or to make judgements about what the legislation intended and what it actually achieves. I suspect that future governments will be forced as a result of some of those judgements to seek to clarify a number of the aspects of the legislation.

With that comment, I note again that, as we are now halfway through 2013, there is very little progress on the national scene in terms of achieving what this government said it was achieving with this bill, that is, supposedly achieving harmonised legislation throughout Australia. Contrary to the claims made by the then minister in the government, it is now well and truly after the Western Australian state election and they have showed no signs of introducing the harmonised legislation. The Victorian government is getting ever closer to another election and is still showing no sign of introducing the harmonised legislative package and, of course, the government in South Australia has actually amended its own legislation, even though it had indicated originally that it could not make amendments to the legislation because it was going to introduce the harmonised package that had been agreed to at the national level.

This particular issue is the result of an amendment which was going to have three parents—I think the Hon. Mr Darley, minister Wortley and myself. There were three amendments drafted on exactly the same legal advice provided by parliamentary counsel—exactly the same form of words—so, in the early stages of this debate, it was a bit cute for the government to indicate that this was an amendment moved by the Liberal Party. That is technically correct but the minister and the Hon. Mr Darley had exactly the same legislative amendment as well and, eventually, this particular amendment was agreed to, I think, by all members in this particular chamber.

I think what the member for Davenport has outlined must be of concern to all members of this chamber as we look at our review process. The member for Davenport revealed that when former minister Wortley and the government moved their amendment, they did not seek crown law advice on the amendment. To me, it just seems extraordinary, on an issue as critical as this, that a minister would move an amendment and not seek crown law advice at all. I am not sure how that process actually occurs. Under the processes and procedures of the former government, any amendment to a bill would actually have to go through a cabinet process and, through that cabinet process, one would imagine there is a requirement for crown law to have been consulted. Certainly, that would have been the case and crown law would have given its view, either directly or generally through its minister, in relation to a particular amendment.

So, I am interested to know from the minister in this chamber, because there did not appear to be any response to that in the House of Assembly, what the government's response to that particular point is, that is, is it correct that crown law advice was not sought? If that is the case, how on earth can that happen with the cabinet processes of this particular government? I would certainly hope that is not the case; I would certainly hope that all amendments to government legislation, particularly one that will be moved by the government minister himself, would have received crown law advice prior to it being moved.

I guess that begs the question: what advice, if any, did the minister and the government seek in relation to the amendment they were going to move? Within a space of five or six weeks SafeWork SA, supposedly, says that the impact of this particular amendment will possibly be cataclysmic for the potential implementation of safety breaches; so it is not as if we have waited a long period of time. It might potentially be an issue that the Hon. Mr Darley and I, in another forum, in a parliamentary committee, might be able to explore with SafeWork SA, when looking at its effectiveness and efficiency as an organisation.

What advice was it providing to the minister and the government in relation to the amendment? If it took it only five weeks after the operational date of the legislation this year to raise all these problems, why was not it, as an agency, raising these issues in the process of negotiation? Alternatively, will SafeWork SA say to us, 'Well, we did advise the minister that there were problems but he chose to ignore that advice,' and that he proceeded irrespective of the advice that SafeWork SA gave? Either way, the government and the former minister are not painted in a very good light, if that is the way they actually manage the legislative and governance process.

There are some strongly held views in the legal community about both the original provisions in section 172, the initial drafted amendment from the government, and now finally this drafted amendment by the government. Whilst the Law Society has put a particular point of view and the government now has its legal view, I have to say that a highly respected lawyer with considerable experience in the industrial jurisdiction, who was one of the key stakeholders at that time, advising a number of significant industry groups in South Australia, strongly disagrees with the legal interpretation of the Law Society and the government on the drafting amendment.

This particular experienced lawyer, in emails to me and to the member for Davenport, has indicated that their opinion is supported by senior counsel. The senior counsel is named in the email to me, but I will not place their name on the record because, to be frank, I have not seen the senior counsel's advice. However, I have enough respect for this lawyer to accept that if the lawyer indicates that that is the senior counsel's view then I am prepared to accept that that particular senior counsel shares the view of this lawyer, experienced in this jurisdiction.

However, for every lawyer on one side of the argument I am sure there is a lawyer on the other side of the argument. The government will be able to point to the view of the Law Society, in part—and I will highlight another aspect of their opinion in a moment—and I guess the government will now be able to say that crown law's advice in relation to this is that this resolves the issue to

the satisfaction of the government, some of the industry groups and SafeWork SA in relation to the appropriate operation of section 172.

As the member for Davenport indicated in the House of Assembly, we are left in a difficult position. He did indicate in the end, given the strongly divergent views of the legal fraternity and the strongly divergent views of the industrial associations and industry groups on this particular issue, that the Liberal Party will not oppose the legislative amendment. In essence, we have said to the government, 'Well, this is your latest attempt at getting this right. Let's see how it operates.'

If elected in March 2014, I know we would certainly want to look at what has transpired between now and March 2014 in relation to interpretation of this new provision if it is enacted and, indeed I am sure, many of the other provisions of this legislation which, as we have warned, we believe will cause significant problems in terms of industry operation in South Australia.

In relation to the Law Society's advice, which I understand the government and some others are placing great weight on, I noted in his contribution that the member for Davenport in the House of Assembly quoted at length from the Law Society's position. Let me quote also that view from the Law Society in their letter:

4. The Bill initially proposed to delete the word 'A person' and replace it with 'A natural person' so as to limit the privilege against self-incrimination to natural persons only. Following consultation, the Government proposes to amend s172 as follows:

'An individual is excused from answering a question or providing information or a document under this Part on the ground that the answer to the question, or the information or a document, may tend to incriminate that individual or expose that individual to a penalty.'

5. The Society understands that the revised wording is favoured by local businesses and employer organisations in preference to the initial proposed wording, however it is not immediately apparent why.

6. In our view the phrase 'natural person' is clear and unambiguous. The same we suggest, cannot be said of the term 'individual'.

7. There is a risk that 'individual' may be interpreted by some to mean all legal entities, including body corporates. In saying this, we acknowledge that the term 'individual' in Commonwealth legislation means a natural person: s2B Acts Interpretations Act 1901 (Cth). However, it is worth noting that 'individual' is there defined to mean 'natural person'. There is no clearer statement of the definitive nature of the phrase 'natural person' than for it to be used to define another term.

8. Our concern is that the term 'individual' may lead to body corporates asserting that they are covered by s172 on the basis that the term encompasses body corporates. In our view, there is no room for such interpretation if 'natural person' is used.

9. Accordingly the Society submits that the proposed amendment to s172 of the Act tabled in the House of Assembly on 6 February 2013 is preferred because it is clear and unambiguous.

It is interesting to look at the Attorney-General's view on it. He indicated that his personal view was, in essence, that he agreed with the Law Society that the term 'natural person' should be used rather than 'individual', but he then went on to explain that the government position, as a result of the other legal views and the lobbying or the views expressed by industry groups, was that they would accept the term 'individual'.

I am assuming—and I ask the question of the minister—that SafeWork SA has ultimately provided advice that they believe that they are prepared to accept the term 'individual' in the current drafting of the bill that we have before us. It would be extraordinary if they did not. The Law Society's position then, as I said, casts doubt on the current bill that we have before us. In essence, what the Law Society is saying is that, 'In our considered view, the problem that you claim you are seeking to correct isn't going to be corrected or might not be corrected by the bill that you have before the house.'

Certainly I am not a lawyer; I am certainly not an industrial lawyer. Ultimately it will be an issue for the courts and/or tribunals to adjudicate on this particular issue: whether the Law Society view is correct, whether the government and crown law advice is correct, whether the Attorney-General's view is correct or whether the industrial lawyer that has been providing advice to us over the duration of this bill is correct, or some version of any of those particular groups.

As the member for Davenport outlined, it really does leave the Liberal Party in a difficult position. We fought the battle in relation to the total bill and lost that battle. This is, in essence, one small but specific problem area in the bill. We have fought and lost the battle on the total legislation, which we still think will do great harm to the state's economy and the industrial relations environment. However, as I said, that battle has been lost, at least for the moment.

The issue now remains in relation to this particular provision (section 172) and, as the member for Davenport outlined in the House of Assembly, our inclination is to say, 'The government says that this is going to fix the problem. We'll at least'—to use a colloquial expression—'suck it and see.' We will sit back and observe and see whether or not the government's view is correct or, as I said, whether or not any of the number of other legal views on this particular provision are correct.

I indicate that there is one other specific area that, given the early onset of this debate this afternoon, I had not quite concluded my thinking on. I would seek to make some comments on that specific issue at a later stage—I assume sometime tomorrow or Thursday—so I seek leave to conclude my remarks.

Leave granted; debate adjourned.

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 May 2013.)

The Hon. A. BRESSINGTON (16:52): I rise to speak to the Legal Practitioners (Miscellaneous) Amendment Bill. The impetus behind this bill is not new and has been discussed at length previously. I would like to make some comments on this particular bill but do not intend to speak to all the issues that were raised the last time we debated the legal profession bill in this chamber.

There remains no doubt for me that reformation of current legal practices needs to occur and that this bill goes some way to achieving those necessary changes. There certainly are provisions within this bill which signal positive change for the legal profession, or at least for those who are consumers of legal services, including conduct provisions which allow mentoring of practitioners who are infirmed or struggling with the obligations of their legal practice and the inclusion of a definition of 'unsatisfactory professional conduct' and 'professional misconduct' from which new changes to disciplinary measures flow.

From what I have heard, the profession has welcomed these necessary and prudent changes, which is mirrored in other jurisdictions. There is some comfort for us as a parliament to look to the success of other states which have implemented similar systems. However, I know of some constituents who remain unconvinced that these modifications will bring any measurable change. The results of these changes, whether good or bad, remain to be seen.

The guarantee fund, which will soon become the fidelity fund, received a great deal of attention during the last debate. I do not wish to revisit all that was said during that time, but there are two main changes with the fidelity fund as I see it. Firstly, there is some reprieve as to when proceedings must be brought by clients with a claim against the fund. Currently, a person is required to attempt all possible avenues to recover their money, regardless of the potential success of the matter. From my briefings, that means that no matter how trivial or unlikely the success of the claim would be, the claimant would be compelled to pursue litigation before a claim against the guarantee fund would be granted.

This clause is clearly burdensome, with the potential to cause even greater hardship and stress upon those who have already been victimised by the system. Under the proposed bill a claimant is not required to pursue matters in circumstances where an ordinarily prudent self-funded litigant would not. I believe that is a sensible change in theory. However, we shall see whether the change brings any real benefit.

The second change that has been made to the guarantee fund is that hardship clauses have been included, that is, payment in advance will be granted in instances where a claim is likely to be paid and payment is warranted to alleviate hardship. This is something that is met with industry support. My office has heard several stories of financial loss, including foreclosures of properties, resulting from the freezing of funds by the Law Society during the Magarey Farlam defalcation. Whilst there would need to be a certain level of due diligence with an investigation conducted prior to any payment from the fidelity fund, there is a much greater potential for such losses to be avoided.

Obviously this is not a fail-safe approach, but it is certainly a better system than we currently have in operation. Ideally, there would be further consultation and consideration given to the way in which to best operate this fund. My office received several briefings where the concept

of the fidelity fund being a fund of first resort was discussed. I note that the member for Heysen in the other place gave an impassioned speech about the value and need of a fund of first resort. Certainly there can be many arguments for a fund of first resort, arguments to which I am sympathetic. On the advice I have received, it may not even be possible for subrogation to occur if a first resort fund was implemented. It would therefore be almost impossible for any amount paid out to be recovered from those committing the crime.

With regard to the Magarey Farlam victims, I have been reliably informed that, regardless of whether a fund of first resort or a fund of last resort was in place, due to the nature of the accounting practices conducted by the fraudster, judicial scrutiny was necessary and unavoidable. That is, even if the fidelity fund was a fund of first resort during the time of Magarey Farlam, those involved who had been stolen from and who had not would have undergone legal action. This is because the accountant frequently engaged in acts whereby he skimmed amounts from a client's ledger to top up another ledger as and when necessary to avoid questions being asked. Therefore, whilst a ledger may have recorded an accurate amount of money at the time of inspection, only forensic review would have shown where the money had been shuffled in and out of the account previously.

I have been further assured that the widening of the definition of 'trust accounts' allows certain moneys to be caught, which previously were not. For example, one of the main reasons the Magarey Farlam fraud went unnoticed for such a long period of time was because the money had been transferred out of the secure trust fund and put into a company for the purpose of investment. Accordingly, this fell outside the definition of 'trust money' and was therefore not part of the audit process. A widening of the definition of 'trust money' now allows for audits to extend to money controlled by the firm, and therefore fraudulent actions have a greater chance of being identified sooner.

As I have said, I recognise that there is most certainly some merit in the argument that the fidelity fund be a fund of first resort; however, there is also merit in the fact that it may not legally be possible within our current framework. I am sympathetic to the situation. However, I am also aware that there is a lack of political will to restructure the system beyond what is being currently proposed. I am confident that these proposed changes are better than what is currently in operation, and I am conscious, however, of the fact that more changes are necessary. It will be interesting to see what comes out of the continuing saga that is the national legal reform.

Another area which concerns me is an area on which I spoke in 2007. During debate I raised the issue as to when a natural person can be considered to be practising law. Whilst it is important that people do not hold themselves out to be a legal professional or engage in behaviours which are restricted to qualified and certified legal practitioners, I still remain concerned about the potential for an advocate who assists someone in a tribunal, or the like, being held to be engaging in legal practice. In 2007 I said:

> During the government briefing provided to my research officer it was clearly stated that, for example, where a person may assist or even represent a family member in a case before, say, the Residential Tenancies Tribunal, the Administrative Appeals Tribunal or similar forums where a legal practitioner is not required, the advocate—in the words of the person who provided the briefing—will not be immune from possibly facing a charge of giving legal advice.

I understand that a person in a tribunal may at times engage in what could be classified as legal advice even though they are not qualified to do so. This could be from a simple action such as giving an opinion or interpretation of the law as they know it. There appears to be a safeguard in place so that this provision will only apply where the person is engaging in legal practice for a fee or reward. I am satisfied that a charge against a person is necessary in instances where someone intentionally and either negligently or recklessly acts outside of their qualifications and/or certifications providing legal services for a fee or reward. However, as I said in my previous speech:

> ...what of a person who is assisting another in the Family Law Court and the person assisting is making telephone calls, photocopying documents and travelling to court hearings and being reimbursed for those costs. Will that constitute a fee for service?

Given the nature of the provisions within the act, legal practice could be read to mean actual preparation of legal documents or representation. One would hope that any payment of costs in this example would be treated as disbursements or a recompense for outlay and would be considered separate from legal practice, thereby not attracting a charge.

However, arguably, legal practice and solicitor fees do include these said services, so it is not entirely clear as to what is or is not going to be covered by this provision. I do hope the charges are only laid as and when necessary and that it is not arbitrarily applied to those people who give an opinion which could constitute legal advice and recover their outgoing costs.

Will the government give an assurance this provision is only intended to capture those who are engaging in legal practice for fee or reward, but does not include such practices as a layperson may provide to assist and support the person immediately involved in the tribunal, such as making telephone calls, photocopying or otherwise?

There are other issues which have been raised in my office pertaining to the costs disclosure, trust accounting and introduction of incorporated legal practices (also known as ILPs). Effectively the concern relates to compliance costs and the time associated with compliance. These factors favour the medium to large enterprises, whilst are much less favourable to the smaller legal practice.

On one hand, I have been advised that the compliance requirements are similar to what is already found in the solicitors' rules and have simply been transferred into this bill. To date there has been no significant issue of hardship for practitioners in meeting the standards; however compliance, coupled with the introduction of ILPs, has been hailed by others as the costly impractical which will lead to the obliteration of small practices and sole practitioners.

It is concerning that decisions we make in this place continue to hamper the ability of smaller businesses, be it legal or otherwise, to continually grow and financially develop. As the opposition stated in the media only last week, some 264 businesses became insolvent in the March quarter. We certainly do not want this trend to continue further.

I would like to place several questions on the record for the minister and ask that I have a response prior to moving to the committee stage of the bill.

1. What extent does the minister anticipate that these compliance changes and introduction of ILPs will have on continuing practice should these changes be passed, and what evidence is the minister relying on to support this position?

2. How have similar changes affected legal practitioners in other jurisdictions?

3. What feedback, if any, has the government received from small businesses and sole practitioners in relation to these changes?

The appointment of the commissioner and members of the tribunal (specifically the introduction of laypersons) as a consumer voice has certainly been given significant discussion time by those briefing me.

I am aware that the Law Society does not support the introduction of the consumer voice for reasons that they have made clear. I have also been informed that, should South Australia not implement this change, we would be out of line with all the other states. Some argue that having a consumer voice would increase transparency and accountability within a fraternity which has self-regulated for way too long. Others argue that the introduction of the layperson is mere tokenism and may not be effective. A further argument has been that the whole tribunal should be laypeople so that we do not have a situation of Caesar judging Caesar. It is not hard to see merit in any of these arguments.

Whilst there have been some changes to the bill that indicate a positive move forward, there are certainly areas which should be considered further, and I look forward to these discussions on this bill during the committee stage.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

NATIONAL TAX REFORM (STATE PROVISIONS) (ADMINISTRATIVE PENALTIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 May 2013.)

The Hon. R.I. LUCAS (17:07): I rise on behalf of Liberal members to support the second reading of the National Tax Reform (State Provisions) (Administrative Penalties) Amendment Bill. As the debate, which was mercifully short in the House of Assembly, indicated, this is a specific and technical bill, agreed to by all and sundry, opposed by nobody, and I do not intend to delay the

proceedings of the Legislative Council in any way other than to say that, as demonstrated by the member for Davenport in the House of Assembly, we support the legislation.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (17:08): I thank the opposition for their contribution to the second reading debate, and I thank them for their support for this fairly straightforward administrative bill. I look forward to the bill being dealt with expeditiously through the committee stage.

Bill read a second time.

Bill taken through committee without amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (17:10): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (GAMBLING REFORM) BILL

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

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (17:11): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill seeks to amend the *Casino Act 1997*, *Gaming Machines Act 1992*, *State Lotteries Act 1966*, *Authorised Betting Operations Act 2000*, *Independent Gambling Authority Act 1995* and the *Problem Gambling Family Protection Orders Act 2004*.

The South Australian Government is committed to maintaining the integrity of gaming operations and reducing the harm from problem gambling.

Over time, the Government has introduced a range of measures aimed at strengthening responsible gambling environments, and eliminating regulations that are no longer required.

This Bill takes a holistic and consistent approach to responsible gambling environments across the casino, clubs and hotels. It seeks to integrate advances in technology with customer care and service that are the hallmark of the hospitality industry.

South Australia is a leader in this area. In 2006 the Government established the Responsible Gambling Working Party to provide advice on how pre-commitment could be implemented in South Australia.

The Working Party was responsible for the evaluation of the most significant real-world trials of pre-commitment in Australia. This work has guided the South Australian Government in addressing proposals for national gambling reform and the approach taken in this Bill.

I would like to take this opportunity to thank the members of the Working Party for the work undertaken to develop an understanding of pre-commitment. With its fifth report on how pre-commitment should be implemented, the job of the Working Party is now complete.

Now that the Commonwealth's proposals for gambling reform have settled, the South Australian Government is working with the industry, union and community sectors to deliver practical benefits to the South Australian community.

A Gaming Regulation Reference Group was established in February with representatives from government, community and industry organisations that have a front-line responsibility for customer care in the gaming sector.

This Reference Group is working collaboratively on implementing reforms to the gaming sector and has had significant input into the development of this Bill. I would like to thank the Reference Group for it is efforts in providing many constructive comments that have improved this Bill.

This Bill contains a number of improvements to existing gaming regulation and reductions in red tape including:

- eliminating the need for gaming machine sale and disposal approvals;

- introducing consistent code of practice conditions across all sectors of the gambling industry, including wagering and lotteries;
- extending expiation fees to all licence conditions;
- extending the rights and responsibilities of licensees to landlords in possession of a gaming venue; and
- changing the tax collection arrangements for casino taxation so that they can be administered by the Commissioner of State Taxation.

The Government intends to commence these measures from 1 July 2013.

Furthermore, the Bill will:

- streamline and simplify recognised training requirements with a greater focus on responsible gambling;
- simplify and standardise barring arrangements across all sectors of the gambling industry, including wagering and lotteries;
- simplify signage requirements to provide for more effective responsible and problem gambling messaging; and
- introduce online employee notifications.

The Government intends to commence these measures from 1 July 2014.

Recognised training requirements with two levels of training, basic and advanced, will be focussed on responsible gambling. They will also equip staff with an understanding of pre-commitment and automated risk monitoring systems to assist them to identify and address potential problem gambling behaviour.

A simplified, uniform regulatory approach to welfare barring arrangements across all forms of gambling will be introduced, based on the findings of the Independent Gambling Authority's 2009 inquiry into barring. The customer will become the focus of the barring system rather than the gambling provider.

The implementation of signage requirements progressively over time has resulted in a level of signage in venues that causes replication, clutter, and reduced message impact.

Signage requirements will be improved to achieve an optimal level of signage that increases the impact of regulatory, responsible gambling and gambling help service messages, while reducing the overall number of signs in venues.

The Office for Problem Gambling, working with the members of the Gaming Regulation Reference Group, will be responsible for developing more effective in-venue signage.

In an effort to reduce red tape for hotel and club venues, the staff approvals process will be replaced with an online notification system. The venue would be required to notify the Commissioner of the appointment of gaming employees and gaming managers.

The current approvals process requires all gaming employees and gaming managers to be subject to a formal approval by the Liquor and Gambling Commissioner, imposing a cost and time burden on employees. Integrity of gaming will continue to be addressed through the central monitoring system operated by the Independent Gaming Corporation and a risk based compliance and enforcement program conducted by the Liquor and Gambling Commissioner.

The Liquor and Gambling Commissioner will be provided with new powers to prohibit the appointment of specified individuals as gaming employees and gaming managers by licensees. The Commissioner, in exercising these powers, will not be limited to waiting for an application to be made, but can act on any information to make an order in a preventative way. This will be supported by administrative systems that notify licensees, before appointment, whether the candidate is subject to a prohibition order.

A number of other measures to reduce the costs and red tape associated with the development and testing of games and platforms are set out in the Bill and will commence from 1 July 2014. This includes allowing gaming machines and games approved interstate to be operated by licensees in South Australia, provided they meet requirements set out in the Bill and regulations. These measures are aimed at maintaining a modern gaming product which will facilitate the introduction of responsible gambling measures contained in the Bill that Government considers to be more effective.

This Bill will introduce the strongest responsible gambling measures in Australia, based on experience and research.

The Government intends that from 1 January 2014, gaming venues will be given a choice about the nature of the gaming services they offer.

They can choose to be a venue with a greater focus on gaming and implement advanced systems aimed at reducing the harm from problem gambling, or a venue where gaming is incidental to food and beverage service.

In the Bill, these venues are referred to as major or minor gaming venues respectively.

From 1 January 2016, the Government intends that all hotel and club venues will be required to make a decision and notify the Liquor and Gaming Commissioner whether they intend to operate as either a major or minor venue.

Major venues must be a party to a responsible gambling agreement and install both pre-commitment and automated risk monitoring systems.

Recently, at the national level, the Federal Parliament passed the *National Gambling Reform Act 2012* to implement a nationally regulated pre-commitment scheme from 31 December 2018.

This Government believes waiting until December 2018 to introduce pre-commitment is too long—action is required sooner.

Automated risk monitoring systems will build on the work undertaken in South Australia for development of systems that underlie pre-commitment and for the development of training for the identification and addressing of problem gambling behaviour.

These systems will monitor gaming machine use and identify to trained gaming employees and gaming managers potential problem gambling behaviour. Gaming employees and managers can use this information as a trigger to observe and, if required, address the situation.

The Government intends that these systems must be implemented in major venues by 1 January 2017—well ahead of the national pre-commitment scheme.

There is considerable incentive for venues to choose to become major venues and to implement these systems earlier.

The Bill proposes that major venues will be allowed to increase the maximum number of gaming machines they can operate from 40 to 60 machines, subject to approval by the Liquor and Gambling Commissioner.

If venues wish to take advantage of this from 1 January 2014, they must have implemented both pre-commitment and automated risk monitoring systems.

The Government acknowledges that the club sector may have less capacity to take advantage of the possibility to increase the maximum number of gaming machines a major venue may operate. To address this, the Government will work with Clubs SA and Club One to draft regulations that allow Club One to offer combined gaming machine entitlement and gaming machine packages to club venues on a revenue sharing basis.

Given the improved responsible gambling environment the implementation of these systems will bring to major venues, they will also be permitted to retain and implement a range of other optional features to reduce costs and differentiate their product offering.

From 1 January 2016, only major venues, which have implemented both pre-commitment and automated risk monitoring systems, will be able to retain loyalty systems and current opening hour arrangements.

From 1 January 2017, only major venues will be allowed to operate more than 20 gaming machines.

From 1 January 2020, only major venues, which have implemented both pre-commitment and automated risk monitoring systems, will be able to retain automated coin machines.

The Bill requires that major gaming venues must install better gaming machines that comply with the modern standards and which will be capable of, being remotely controlled, receiving and displaying messages on the gaming machine screen and be limited to a $5 maximum bet. The Government intends that major venues must have installed better gaming machines by 1 January 2017.

The Bill also permits major gaming venues to offer account based cashless gaming. The Government proposes to commence these arrangements from 1 January 2017 —at the same time major venues are required to have installed better gaming machines.

Account based cashless gaming can provide significant benefits to venues in terms of the cost, time and risk management associated with cash handling.

Customers who register for account based cashless gaming will have access to the full benefits of pre-commitment and automated risk monitoring. It is expected this will further increase the effectiveness of automated consumer protection measures.

The Casino will be required to introduce a similar range of new responsible gambling measures—the strongest responsible gambling measures applied to any casino in Australia.

The implementation dates for these measures at the Casino are still a matter for consideration by SkyCity and the Government.

The Bill proposes to make amendments to the *Casino Act 1997* to enable the Casino to offer, from 1 July 2013 subject to conditions to be set out in the Approved Licensing Agreement, an internationally competitive premium gaming product, comparable to interstate and overseas competitors.

From 1 July 2013 the Government also proposes to establish, for the first time, a state-wide cap on gaming machine entitlements that covers all gaming sector venues. The Government is committed to reducing the number of gaming machines operating in South Australia.

The Adelaide Casino will be required to purchase additional gaming machine entitlements it requires through the Approved Trading System.

The Government acknowledges, however, that SkyCity may require certainty as to the regulatory framework and operating capacity to underpin its investment in an expanded Adelaide Casino. This Bill assists the Government to reach agreement with SkyCity that provides that certainty.

The Bill provides that if agreed targets for the Adelaide Casino obtaining gaming machine entitlements are not achieved then the Government can provide these entitlements directly to the Adelaide Casino. The Bill imposes strict conditions. Gaming machine entitlements obtained this way are not transferable outside of the Adelaide Casino and can only be used in premium gaming areas.

The statutory target for the number of gaming machines operating in South Australia would not change as a result of entitlements provided directly by the Government to facilitate certainty for future investments at the Adelaide Casino. These additional gaming machine entitlements will be offset by additional forfeiture through the Approved Trading System over time.

The inclusion of the Casino in the Approved Trading System, combined with the other proposed changes to the structure of gaming venues, is expected to increase the demand for entitlements and accelerate the overall reduction in the state-wide gaming machine entitlements cap.

The Government acknowledges that not all venues will be in a financial position to implement the responsible gambling measures required of the Adelaide Casino and major venues, and some venues may wish to reduce their capacity and investment in gaming.

The Bill proposes to change the regulatory environment for these remaining gaming venues. These venues are referred to in the Bill as minor gaming venues.

Minor venues are characterised as venues that achieve responsible gambling outcomes by the removal of a range of automated systems along with an increased focus on staff and customer interaction.

The Bill proposes that minor venues would be prohibited from offering loyalty systems and the minimum closing hours will be extended to require that gaming areas be closed at least between 2:00am and 10:00am every day. The Government will require these arrangements to commence from 1 January 2016.

For venues that offer gaming incidentally to the service of food and beverages, it is not expected that a 40 gaming machine capacity will be required.

The Bill requires that minor gaming venues must not operate more than 20 gaming machines. The Government proposes that this will apply from 1 January 2017.

In recognition that minor gaming venues are a low cost option, these venues will be allowed to retain older style gaming machines beyond the point at which major gaming venues will be required to install or update to the next generation of gaming machines.

Gaming machines with a maximum bet greater than $10 may be retained by minor venues, provided that when a gaming machine (new to that venue) is installed, it must be capable of limiting the maximum bet to $5. This will apply to any gaming machines purchased by minor venues from the day this measure is assented to by the Governor.

Finally, the Bill proposes that minor venues will be prohibited from operating automated coin machines. The Government will require these to be removed from minor venues from 1 January 2020.

The Bill proposes that a landlord will not be able to have lease conditions that require the licensee to operate as either a minor or major venue. This will protect the ability of a licensee to freely choose whether they would prefer a greater focus on gaming, or that gaming is incidental to food and beverage service.

A landlord's investment will be protected. Licensees who operate as a minor gaming venue will not be required to sell their surplus entitlements (that is, they will be able to retain gaming machine entitlements above the 20 machine operating limit for minor venues).

The Gaming Regulation Reference Group will guide the implementation of these reforms over the next seven years. Key work will involve changes to regulations, codes of practice and the prescription of recognition criteria. The regulations will address key transitional issues and will be developed on a collaborative basis with the reference group.

A key measure to be included in the regulations is an exemption for club venues from the social effects inquiry process where a club and its associated sporting or community facilities are being re-located within the same locality. Clubs SA has identified a number of scenarios where it is difficult to justify the resources associated with conducting a social effects inquiry.

The measures contained in this Bill represent the most significant reforms to the gaming sector in South Australia since the introduction of gaming machines in clubs and hotels in 1994.

These reforms will improve regulation for businesses, and standardise and refine existing regulatory requirements.

More importantly, these reforms will create a better responsible gaming environment for staff, through better training and support, and for customers, by strengthening and enhancing the tools available for them to make better decisions.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides for the commencement of the Act and excludes the operation of section 7(5) of the *Acts Interpretation Act 1915*, allowing the Act or parts of the Act to commence more than 2 years after assent.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Authorised Betting Operations Act 2000*

4—Amendment of section 3—Interpretation

This clause inserts a new definition of criminal intelligence into the Act.

5—Amendment of section 6A—Codes of practice etc

This clause makes amendment to the provisions relating to codes of practice to ensure that the provisions are (so far as possible) uniform with the codes of practice provisions in the *Casino Act 1997*, the *Gaming Machines Act 1992* and the *State Lotteries Act 1966*. Subclause (2) provides requirements for signs and warning notices regarding problem gambling, provisions relating to the duty to make barring orders and the duty to identify problem gamblers. Subclause (4) provides that the Authority must give notice to representatives of licensees and authorised interstate betting operators before prescribing, varying or revoking a notice prescribed under the section. Subclause (7) allows the codes of practice under the Act to be incorporated with codes of practice prescribed by the Authority under other Acts.

6—Insertion of section 6B

This clause inserts a new section as follows:

6B—Criminal intelligence

The proposed section provides for the non-disclosure and maintenance of confidentiality of information classified as criminal intelligence. The section further provides that the Authority or the Commissioner is not required to provide grounds or reasons for a decision made on the basis of criminal intelligence.

7—Amendment of section 20—Approval of designated persons

This clause makes the provision regarding approval of designated persons uniform with that under the *Casino Act 1997*, in requiring the Authority to forward to the Commissioner of Police a copy of any application for approval of a designated person, and for the Commissioner of Police to make available to the Authority information about criminal convictions and other information to which the Commissioner of Police has access relevant to whether the application should be granted.

8—Repeal of section 50

This clause repeals section 50 of the Act as the measure proposes for barring in respect of all gambling providers to be in the *Independent Gambling Authority Act 1995*.

9—Amendment of section 87—Confidentiality of information provided by Commissioner of Police

This amendment is consequential on amendments regarding criminal intelligence in the measure.

10—Amendment of section 90—Annual report

The amendment changes the annual reporting date for the Commissioner from 30 September to 31 August in each year, and for the Authority from 31 October to 30 September, in order to implement uniform reporting dates for the Commissioner and the Authority across all the Acts they administer.

11—Transitional provision

This transitional provision allows all barring orders in force under section 50 of the Act to continue after the repeal of section 50 and the commencement of the proposed barring provisions under the *Independent Gambling Authority Act 1995*.

Part 3—Amendment of *Casino Act 1997*

12—Amendment of section 3—Interpretation

This clause inserts various definitions of terms used in the measure and makes other consequential amendments to definitions.

13—Amendment of section 6—Casino premises

This clause amends section 6 to make clear that subsection (2) only applies to a grant of a casino licence at premises at a different site, meaning that no part of the premises is situated on the previous site.

14—Amendment of section 8—Authority conferred by licence

This amendment clarifies that section 8(1)(b) applies to the casino premises. Casino premises is defined as the premises defined in the casino licence, or by the Governor in accordance with section 6(3) of the Act.

15—Insertion of section 8A

This clause inserts a new section as follows:

8A—Gaming machine entitlements

The casino is authorised to operate only a number of gaming machines equal to the number of gaming machine entitlements held in respect of the gaming areas by the licensee under the *Gaming Machines Act 1992*.

16—Amendment of section 9—Term and renewal of licence

The amendment clarifies that the assurance of the exclusiveness of the casino licensee's right to operate a casino for a set period under section 16(6) is not subject to approval by the Authority.

17—Amendment of section 10—Conditions of licence

This amendment is consequential on the insertion of proposed section 16(1a).

18—Amendment of section 11—Transfer of licence

The amendment to section 11 provides that any gaming machine entitlements held by the licensee before the transfer of the licence are transferred to the transferee.

19—Amendment of section 14—Other transactions under which outsiders may acquire control or influence

This amendment excludes proposed Part 2 Division 6A from the application of section 14.

20—Insertion of Part 2 Division 6A

This clause inserts a new Division as follows:

Division 6A—Approval of designated persons

14B—Approval of designated persons

The new section provides for the approval by the Authority of a designated person, being a director or executive officer of the licensee, or a person of a class designated by the Authority. The section further provides:

- that an application must be in a form and be supported by information required by the Authority;
- the circumstances in which the licensee must notify the Authority if a person ceases to be a designated person or if there is a change of circumstances after the application is made but before it is determined, (with penalties applying for a failure of the licensee to notify the Authority);
- criteria for assessing the suitability of a person to become a designated person;
- that the Authority must give the Commissioner of Police a copy of any application for approval of a designated person, and the Commissioner of Police must make available to the Authority information about criminal convictions, and other information to which the Commissioner of Police has access, relevant to whether the application should be granted.

21—Amendment of section 16—Approved licensing agreement

The clause provides that the approved licensing agreement may exempt or modify the licensee's obligation to comply with requirements or conditions in the Act, or a code or requirement prescribed by the Authority, in relation to premium customers or premium gaming areas. Premium customer means a customer of the casino who falls within a class defined in the approved licensing agreement as premium customers to whom the licensee will afford special privileges (including access to gambling in premium gaming areas). Premium gaming area means a gaming area, or part of a gaming area, that is defined by the Commissioner by notice in the Gazette (in accordance with any requirements in the approved licensing agreement) as an area set aside for premium customers and that is only accessible to other customers in accordance with the approved licensing agreement.

22—Amendment of section 17—Casino duty agreement

The clause amends section 17 by inserting provisions allowing the Treasurer to delegate his or her powers and functions under the casino duty agreement.

23—Amendment of section 21—Suitability of applicant for grant, renewal or transfer of casino licence

The clause amends section 21(5)(a) to update the reference to the proposed definition of casino premises.

24—Amendment of section 27—Opening hours

The clause amends section 27(2) to make it a condition of the casino licence that only the gaming areas of the casino are not to be open for business on Good Friday or Christmas Day.

25—Amendment of section 28—Classification of offices and positions

Subclause (1) deletes reference in the definition of *sensitive position* to the position of director, secretary, officer or other person who exercises or is in a position to exercise control or substantial influence over the licensee in the conduct of its affairs. These positions are now covered by the proposed definition of *designated person* as inserted by clause 20 of the measure. The amendment in subclause (2) is consequential on the insertion of the proposed definition of casino premises.

26—Amendment of section 29—Obligations of licensee

This clause inserts a new paragraph (ac) which provides that section 29 does not apply in respect of a designated person under proposed section 14B.

27—Insertion of section 33A

This clause inserts a new section as follows:

33A—Recognition of staff training courses

This section provides that the Authority may recognise courses of training to be undertaken by staff members of the casino as basic or advanced training. Subsection (2) provides that the Authority may prescribe criteria for the recognition of courses of training, including the subjects to be covered in such training. The section further provides for the process by which the Authority may vary or revoke a recognition or prescription notice, the application of sections 10, 10AA and 10A of the *Subordinate Legislation Act 1978* to a prescription notice, and the requirement for the Authority to review such a prescription notice every 5 years, including public consultation and consultation with the casino licensee. The section also allows for a provider of a course recognised under the section to apply to the Minister for a review of a decision of the Authority to refuse or withdraw a recognition of a course.

28—Amendment of section 34—Identity cards

This amendment is consequential on the proposed definition of casino premises.

29—Amendment of section 35—Staff not to gamble

This amendment is consequential on the proposed definition of casino premises.

30—Repeal of sections 37A and 37B

This clause deletes sections 37A and 37B. These matters are now contained as part of new section 40A in clause 33 of the measure.

31—Amendment of section 39—Operations involving movement of money etc

These amendments are consequential on the proposed definition of casino premises.

32—Amendment of section 40—Approval of installation etc of equipment

This amendment is consequential to proposed section 40A (and in particular to the fact that approvals under that section operate for a limited time).

33—Insertion of sections 40A and 40B

This clause inserts new sections as follows:

40A—Approval of automated table game equipment, gaming machines and games

Proposed section 40A provides for the Commissioner to approve automated table game equipment, gaming machines or games. Subsection (8) provides for games, gaming machines and automated table game equipment to be approved for a certain time. Subsection (9) provides that the Commissioner may, on application, renew approvals for time periods specified in the subsection.

40B—Recognition of certain systems operated in connection with gaming machines and automated table game equipment

The proposed section allows the Authority, by notice in the Gazette to recognise account based cashless gaming systems and automated risk monitoring systems to be operated in connection with gaming machines and automated table game equipment. The Authority may also prescribe criteria for such systems—proposed subsection (2) sets out the matters that must be addressed by the Authority in relation to criteria for both systems. The section further provides for:

- the variation or revocation of prescribed criteria or the withdrawal of a recognition of a system;
- consultation to be undertaken by the Authority before prescribing a notice under the section;
- the review of prescribed criteria every 5 years and for the Authority to seek and consider written submissions from the licensee and the public in conducting the review;
- the application of sections 10, 10AA and 10A of the *Subordinate Legislation Act 1978* to prescribed criteria;

- a notice published under this section to be incorporated with any other notices that may be published by the Authority under any other Act;
- the provider of a system recognised by the Authority to apply to the Minister for a review of a decision of the Authority to refuse or withdraw a system recognition.

34—Amendment of section 41—Interference with approved systems, equipment etc

Proposed subsection (1) makes it an offence for a person to interfere in any way with the proper operation of a system, equipment, machine or game approved or recognised under this Division with the intent of gaining any benefit or advantage. Proposed subsection (2) makes it an offence for a person to manufacture, sell, supply or possess a device designed, adapted or intended to be used for the purpose of interfering with the proper operation of a system, equipment, machine or game approved or recognised under this Division. Proposed subsection (3) makes in an offence for a person to use a computer, calculator or other device for the purpose of projecting the outcome of an authorised game being played in a gaming area. The maximum penalty for an offence against subsections (1), (2) and (3) is $50,000 or imprisonment for 4 years. Subclause (2) amends the penalty for an offence under subsection (4) to $5,000 or imprisonment for 3 months.

35—Insertion of Part 4 Division 4AA

This clause inserts a new Division as follows:

Division 4AA—Disposal of games and gaming machines

41AA—Sale or supply of equipment, games, gaming machines and components

The proposed section makes provision for the sale and supply of games and gaming machines which are in part consequential on the provisions in the *Gaming Machines Act 1992* permitting the casino to participate in the approved trading system. It is a condition of the casino licence that the licensee must not sell or supply a game, gaming machine or prescribed gaming machine component to a person other than the holder of a gaming machine dealer's licence, other than where the sale or supply occurs on the transfer of the casino licence.

36—Substitution of Part 4 Division 4A

This clause inserts a new Division as follows:

Division 4A—Codes of practice

41A—Codes of practice may be prescribed by Authority

The proposed section provides that the Authority may, by notice in the Gazette prescribe advertising and responsible gambling codes of practice. The responsible gambling code of practice may:

- require the licensee to provide information to patrons regarding responsible gambling and the services to address problems associated with gambling by signs, warning notices or the use of audio, visual or electronic means;
- make provision relating to the making of barring orders;
- require the licensee to have a program for intervention in problem gambling;
- make provision relating to the provision and operation of customer loyalty programs;
- make provision relating to staff training;
- include other matters designed to reduce the incidence of problem gambling.

The provisions of the codes may be of general, limited or varied application according to the classes of person, equipment or operations, or the circumstances or any other specified factor to which the provision is expressed to apply. The section provides for the revocation or variation of the codes, and the consultation that must occur before any such revocation or variation. The Authority must review the codes of practice at least every 5 years and seek and consider written submissions from the licensee and the public when conducting a review. Sections 10, 10AA and 10A of the *Subordinate Legislation Act 1978* apply to the codes. The codes may be incorporated with other codes of practice prescribed by the Authority under other Acts.

41B—Compliance with codes of practice

This section makes it a condition of the casino licence to comply with the provisions of the advertising and responsible gambling codes of practice.

37—Amendment of heading to Part 4 Division 5

This amendment is consequential.

38—Amendment of section 42—Gambling on credit prohibited

This amendment is consequential on the proposed definition of casino premises.

39—Substitution of sections 42A and 42B

This section deletes existing sections 42A and 42B and substitutes the following:

42A—Prohibition of ATMs

This section makes it a condition of the casino licence not to provide an automatic teller machine in a gaming area.

42B—Provisions relating to gaming machines and automated table games

This proposed section sets out several conditions on the casino licence which include:

- that the licensee must not provide any gaming machine or automated table game equipment that may be operated in connection with a cashless gaming system or automated risk monitoring system other than a system recognised by the Authority under proposed section 40B(1)(a) or 40B(1)(b) as the case requires;
- that the licensee must not provide any gaming machine or automated table game equipment that may be operated otherwise than in connection with an approved pre-commitment system. An approved pre-commitment system is defined in the measure as a system to be approved under, or in accordance with the regulations. This condition expires on 31 December 2018 or a later date as prescribed by the regulations;
- that the licensee must not provide any gaming machine or automated table game equipment that is not capable of displaying on-screen messages;
- prohibiting the use of note acceptors on gaming machines or automated table game equipment;
- prohibiting the use of a device on a gaming machine or automated table game equipment which allows the playing of a number of successive games by an automatic process;
- gaming machines not to allow a maximum bet of more than $5.

42C—Prohibition of gambling outside of gaming areas

Proposed subsection (1) makes it a condition of the licence not to permit gambling in the casino premises other than in a gaming area, except as provided by the approved licensing agreement. Proposed subsection (2) provides that if the approved licensing agreement permits gambling in areas other than a gaming area, that it is a condition of the licence that the licensee will take all reasonably practicable measures to ensure that no child is able to engage in gambling.

40—Amendment of section 43—Exclusion of children

These amendments are consequential on the proposed definitions of casino premises and gaming area, and provide that children are to be excluded from gaming areas. The clause also inserts a new subsection (7a) which provides that the regulations may prescribe circumstances in which section 43 or provisions of section 43 do not apply.

41—Substitution of heading to Part 4 Division 7

This amendment changes the reference in the heading from 'power of exclusion' to 'barring powers'.

42—Amendment of section 44—Licensee's power to bar

The amendments in subclause (1) replace the term 'excluded' with 'barred' in the section. The amendments in subclauses (2), (5) and (6) reflect that there is now a distinction between 'gaming areas' and 'casino premises', allowing the licensee to bar a person from gaming areas only. The amendment in subclause (3) limits the grounds on which a barring order may be issued by excluding welfare barring, which is now to be undertaken pursuant to proposed Part 4 of the *Independent Gambling Authority Act 1995*. Subclause (4) amends section 44(4) to limit the term of the order to up to 3 months, and removes the option for a different period to apply with the agreement of the barred person.

43—Amendment of section 45—Commissioner's power to bar

The amendments in subclause (1) replace the term 'excluded' with 'barred' in the section. The amendments in subclauses (2) and (5) update the references to the proposed definition of gaming areas consistently with the proposed amendment to section 44. The amendments in subclause (3) and (4) delete provisions which are now to be undertaken pursuant to proposed Part 4 of the *Independent Gambling Authority Act 1995*.

44—Amendment of section 45A—Commissioner of Police's power to bar

The amendments in subclause (1) replace the term 'excluded' with 'barred' in the section. The amendments in subclauses (2), (3) and (4) update the references to the proposed definition of gaming area consistently with the proposed amendment to section 44.

45—Amendment of section 46—Summary exclusion in case of intoxication etc

This amendment is consequential on the proposed definition of casino premises.

46—Amendment of section 49—Licensee to supply copy of audited accounts

The amendments to this section provide that a copy of the audited accounts of the casino are to be provided to the Treasurer as well as to the Authority.

47—Amendment of section 50—Duty of auditor

The amendment inserts a new section 50(3) to provide an exception to the requirement that the Authority keep information obtained under section 50 confidential, to allow the Authority to divulge information to the Minister, the Treasurer or the Commissioner, on written request, and as otherwise authorised by law.

48—Amendment of section 52—Evasion and underpayment of casino duty

The amendment in subclause (2) clarifies that the Treasurer may make an estimate of duty where there has been an underpayment of duty, and removes the provision for such an assessment to be made within 4 years after the liability for duty arose. The other amendments in the clause are of a minor technical nature.

49—Insertion of section 52AA

This clause inserts a new section as follows:

52AA—Investigatory powers relating to casino duty

The proposed section makes it a condition of the casino licence for the licensee to provide information on the written request of the Treasurer about any matter relevant to the payment of casino duty or the casino duty agreement. It also provides that an authorised officer under the *Taxation Administration Act 1996* may, for a purpose related to the payment of casino duty or the casino duty agreement, do any of the following:

- enter and remain on premises;
- require any person on the premises to answer questions or otherwise furnish information;
- require production of any instrument or record in the person's custody or control;
- require the owner or occupier of the premises to provide the authorised officer with such assistance and facilities as is or are reasonably necessary to enable the authorised officer to exercise powers;
- seize and remove any instrument or record on behalf of the Treasurer.

50—Amendment of section 55—Powers of inspection

The amendment in subclause (1) is consequential on the proposed definition of casino premises. The amendment in subclause (2) provides that a staff member must facilitate an examination at the request of an authorised officer of accounts, records or other documents relating to the operation of the casino. The amendment in subclause (3) inserts a new subsection (2a) which provides that an authorised officer may retain such accounts, records or documents for as long as is reasonably necessary for the purposes of copying or taking extracts from any of them.

51—Amendment of section 65—Review of decisions

This amendment is consequential on the proposed definition of casino premises and gaming areas.

52—Insertion of section 68A

This clause inserts a new section as follows:

68A—Minister may issue certain directions to Authority

The proposed section allows the Minister to issue a direction to the Authority if a requirement imposed by the Authority on the licensee has the effect of requiring a pre-commitment system in connection with a gaming machine or automated table game equipment. This is to prevent the Authority from implementing a pre-commitment system (by the issue of a direction, under a code of practice or otherwise) other than that approved under or in accordance with the regulations.

53—Amendment of section 70—Prohibition of gambling by Commissioner and authorised officers

This amendment is consequential on the proposed definition of casino premises.

54—Amendment of section 71—Annual report

Subclauses (1) and (2) amend the annual reporting date for the Commissioner from 30 September to 31 August in each year, and for the Authority from 31 October to 30 September, in order to implement uniform reporting dates for the Commissioner and the Authority across all the Acts they administer. Subclause (3) amends section 71(3) to require the annual report to include any directions issued by the Minister under proposed section 68A.

55—Amendment of section 72—Regulations

The clause amends section 72 to permit the regulations to be of general, limited or varied application according to the classes of person, equipment or operations, the circumstances or any other specified factor to which the provision is expressed to apply. The regulations may also provide that specified provisions of the Act will not apply, or may modify provisions of the Act in relation to the licensee or the casino premises for transitional purposes.

56—Repeal of Schedule

This clause repeals the Schedule to the Act which is now obsolete.

57—Transitional provision—designated persons

The clause provides that a person who falls within the definition of *designated person* at the commencement of proposed section 14B, is taken to have been approved as a designated person by the Authority in accordance with that section.

58—Transitional provision—barring orders

This clause provides for the continuation of barring orders made under repealed or amended provisions.

59—Transitional provision—approval of automated table games, gaming machines and games

The clause provides that any automated table game equipment, gaming machine or game already installed, or that may be used in the casino premises in accordance with the Act and the conditions of the licence, is taken to have been approved on the commencement of proposed section 40A.

Part 4—Amendment of *Gaming Machines Act 1992*

60—Amendment of section 3—Interpretation

The clause amends, deletes and inserts new definitions for a number of terms used in the measure, including:

- a new definition of *gaming machine*, which reflects the definition used in the Commonwealth *National Gambling Reform Act 2012*;
- an amended definition of *licensed person* or *licensee* or *holder of a licence* to include the holder of a temporary licence, a person authorised under the Act to carry on the business of a licensee, and a trust, if a licence is held by a trustee;
- a definition of *monitoring system* being the approved computer system referred to in section 14(1)(d) of the Act;
- definitions of *gaming employee* and *gaming manager*, being a person appointed as such by the holder of a gaming machine licence, or in the case of a gaming manager, also the holder of a gaming machine licence;
- definition of *major gaming venue* and *minor gaming venue*. Licensed premises in respect of a gaming machine licence are a major gaming venue if the licensee has notified the Commissioner that the premises are to be a major gaming venue for the purposes of this Act (either by specifying it in the application for the licence or by notifying the Commissioner under proposed section 76B), has not subsequently revoked that notification, and is a party to a responsible gambling agreement. Any venue which is not a major gaming venue in accordance with the definition is a minor gaming venue for the purpose of the Act.

61—Amendment of section 4—Application of Act

The clause amends section 4 which currently provides that the Act does not apply to gaming machines operated in the casino. The amendment allows the Act to apply to the casino when specifically provided.

62—Amendment of section 10A—Certain matters prescribed by Authority

Subclause (1) provides that the Authority may, by notice in the Gazette prescribe criteria for the recognition of courses of training for staff (basic training and advanced training) and for the recognition of an account based cashless gaming system and an automated risk monitoring systems recognised under proposed section 10B(1)(c).

Subclauses (2) to (5) amend the provisions relating to the content of the responsible gambling codes of practice as follows:

- subclause (2) provides that the code may require the holder of a gaming machine licence to provide information to patrons regarding responsible gambling and the services to address problems associated with gambling by signs, warning notices or the use of audio, visual or electronic means. This replaces the requirements currently in section 57 of the Act;
- subclauses (3) and (4) are consequential on other amendments in the measure;
- subclause (5) provides that the codes may require gaming machine licensees to comply with requirements regarding the training of gaming managers and gaming employees specified in the measure, as well as make provision relating to customer loyalty programs.

Proposed subsection (3a) provides that the provisions of the prescribed notices may be of general, limited or varied application according to the classes of person, gaming machine or gaming operation, or the circumstances or any other specified factor to which the provision is expressed to apply. The amendment in subclause (8) provides that sections 10, 10AA and 10A of the *Subordinate Legislation Act 1978* apply to the prescribed notices. Proposed subsection (10) provides that the prescribed notices may be incorporated with other notices prescribed by the Authority under other Acts.

63—Amendment of section 10B—Recognitions

The amendment provides that the Authority may recognise, by notice in the Gazette, the following matters in addition to those already provided in section 10B:

- courses of training required to be undertaken by a gaming manager or gaming employee as basic or advanced training;
- systems to be operated in connection with approved gaming machines, or classes of approved gaming machines being an account based cashless gaming system and an automated risk monitoring system.

All recognitions under section 10B are to continue in force for a period of 5 years, or a period specified by the Authority in the notice of recognition, or until the notice is withdrawn by the Authority.

64—Amendment of section 12—Criminal intelligence

This amendment is consequential on proposed Part 4AA, which replaces approved gaming machine managers and employees, who were approved by the Commissioner, with gaming managers and employees who are appointed by the holder of a gaming machine licence. The amendment allows the criminal intelligence provisions to apply to a person prohibited by the Commissioner from carrying out the duties of a gaming manager or gaming employee.

65—Amendment of section 14—Licence classes

These amendments are consequential.

66—Amendment of section 15—Eligibility criteria

This amendment is consequential on the insertion of proposed section 17B(4)(ab).

67—Amendment of section 16—Number of gaming machines to be operated under licence

The clause amends section 16 to allow the Commissioner to approve not more than 60 gaming machines for operation under a gaming machine licence.

68—Amendment of section 17B—Social effect certificate

The proposed new subparagraph provides that in assessing the social effect of the grant of a gaming machine licence, the Commissioner must have regard to the scale of the proposed gaming operations relative to other operations to be conducted at, or in connection with, the premises. The proposed subparagraph would replace the requirement under section 15(5)(a)(v) for an applicant for a gaming machine licence to satisfy the Commissioner that size of the proposed gaming operations on the premises would not be such that they would predominate over the undertaking ordinarily carried out on the premises.

69—Amendment of section 18—Form of application

The clause amends the criteria for an application for a gaming machine licence to require an applicant to notify the Commissioner if the premises are to be a major gaming venue for the purposes of this Act.

70—Amendment of section 27—Conditions

The clause amends section 27(7)(b)(ii)(A) regarding the opening hours able to be fixed by the Commissioner, and is consequential on the different requirements for major and minor gaming venues.

71—Amendment of section 27AA—Variation of licence

This clause inserts a new subsection (7) to require an applicant for a variation of a gaming machine licence to satisfy the Commissioner of any relevant matters contained in section 15(5) of the Act.

72—Insertion of sections 27AAB and 27AAC

This clause inserts new sections as follows:

27AAB—Gaming machine entitlements in respect of casino

This proposed section requires the Commissioner to assign the holder of the casino licence 995 gaming machine entitlements in respect of the gaming areas (within the meaning of the *Casino Act 1997*).

27AAC—Application of Division to casino

Proposed subsection (1) provides that Division 3A applies in relation to the casino. Proposed subsection (2) provides that the approved licensing agreement under the *Casino Act 1997* may make provision in relation to participation by the holder of the casino licence in the approved trading system and, in particular:

- may specify targets relating to the obtaining of gaming machine entitlements (other than the entitlements assigned under proposed section 27AAB) by the holder of the casino licence;
- may impose requirements on the holder of the casino licence in relation to meeting such targets;
- may provide that if the casino satisfies the requirements but does not meet a target by a specified day, the Commissioner must, on payment of an amount determined in a manner agreed, in writing, by parties to the agreement, assign the holder of the casino licence a specified number of gaming machine entitlements. However, any such entitlements are not transferable under section 27B of the Act and must only relate to a premium gaming area within the meaning of the *Casino Act 1997*.

73—Amendment of section 27A—Gaming machine entitlements

These amendments are consequential on the casino's participation in the approved trading system.

74—Amendment of section 27B—Transferability of gaming machine entitlements

These amendments allow the holder of a temporary licence or a person who is an authorised person under Part 3 Division 4A to carry on the business of a licensee, to trade gaming machine entitlements in the approved trading system.

75—Amendment of section 27C—Premises to which gaming machine entitlements relate

These amendments delete an obsolete provision, and are otherwise consequential on the casino's participation in the approved trading system.

76—Amendment of section 35—Cessation of gaming machine monitor licence

This amendment is consequential on the proposed definition of monitoring system.

77—Repeal of section 37

This clause repeals section 37 which enabled the Commissioner to approve gaming machine managers and gaming machine employees. Gaming managers and gaming employees are to be appointed by a licensee and notified to the Commissioner as a condition of the gaming machine licence (see proposed paragraph (ma) of Schedule 1 in this measure).

78—Amendment of section 39—Approval of form of supply contract

These amendments are consequential.

79—Amendment of section 40—Approval of gaming machines and games

Proposed subsection (2) provides the circumstances under which the Commissioner must not approve a gaming machine. Proposed subsection (3) provides that the Commissioner may determine that a gaming machine complies with a requirement under proposed subsection (2) if the machine, when used with other equipment, complies with the requirement (and, in such a case, the machine and the other equipment will together constitute the approved gaming machine for the purposes of the Act). Proposed subsection (4) provides the circumstances under which the Commissioner must not approve a game. Proposed subsection (5) provides for gaming machines and games to be approved for a certain time. Proposed subsection (6) provides that the Commissioner may, on application, renew approvals for a time specified in the subsection.

80—Amendment of section 42—Discretion to grant or refuse approval

The amendments in subclauses (1) and (2) are consequential on amendments regarding gaming managers and gaming employees no longer being approved by the Commissioner. The clause inserts proposed subsections (7) and (8) which allows the Commissioner to grant the approval of a game or gaming machine which can be lawfully played in another jurisdiction and is prescribed by the regulations. In the case of a gaming machine, the Commissioner must also be satisfied that the machine is compatible with the monitoring system.

81—Insertion of Part 4AA

This clause inserts a new Part 4AA as follows:

Part 4AA—Prohibition notices—gaming managers and gaming employees

44AA—Commissioner may give prohibition notice

The proposed section allows the Commissioner to prohibit a person from carrying out the duties of a gaming manager or gaming employee either permanently or for a specified period by notice in writing. The notice must be given to the person, and may be given to the licensee for whom the person works, and to any other licensee for whom the person may work. The prohibition has effect from the day on which the notice is given to the person, or such later date as may be specified in the notice.

82—Amendment of section 44A—Prohibition of links between dealers and other licensees

These amendments are consequential on the casino's participation in the approved trading system.

83—Amendment of heading to Part 5 Division 1

This amendment is consequential.

84—Amendment of section 45—Offence of being unlicensed

These amendments are consequential.

85—Substitution of sections 46 and 47

The clause deletes current sections 46 and 47 and substitutes the following:

46—Offence of breach of licence conditions

Proposed section 46 provides 4 categories of offences and 4 categories of expiable offences for a contravention of a licence condition by the holder of a gaming machine licence. The maximum penalties are as follows:

- for a category A offence—$20,000;
- for a category B offence—$10,000;
- for a category C offence—$5,000;
- for a category D offence—$2,500.

The expiation fees are as follows:

- for a category A expiable offence—$1,200;
- for a category B expiable offence—$315;
- for a category C expiable offence—$210;
- for a category D expiable offence—$160.

A contravention of or failure to comply with, a gaming machine licence condition specified in Schedule 1 (other than a condition imposed under paragraph (o) of that Schedule) is taken to be a category A offence only. A contravention of, or failure to comply with, any other gaming machine licence condition will be taken to be a category A offence and a category A expiable offence unless the Commissioner specifies that it is to be an offence or expiable offence of some other category at the time of imposing the condition.

47—Offence of breach of mandatory provisions of codes

The proposed section updates the amount of penalties and expiation fees for a contravention of, or failure to comply with a mandatory provision of the advertising code of practice or the responsible gambling code of practice to match those for contravention of, or failure to comply with a licence condition set out in proposed section 46.

86—Amendment of section 47A—Offence of selling or supplying games, gaming machines or components without approved contract or with inducement

These amendments are consequential.

87—Amendment of section 48—Offences relating to management or positions of authority

The clause inserts a new offence requiring a licensee to ensure that a gaming manager is present on the licensed premises at all times when gaming operations are conducted on the premises, with a maximum penalty of $10,000.

88—Amendment of section 49—Offences related to carrying out duties in gaming areas

The clause makes consequential amendments, and prescribes the following new offences in addition to the offence already prescribed under section 49:

- proposed subsection (2) makes it an offence for a person to carry out prescribed duties in connection with the gaming operations conducted on licensed premises in contravention of a prohibition notice issued by the Commissioner under section 44AA(2), with a maximum penalty of $35,000 or imprisonment for 2 years.
- proposed subsection (3) makes it an offence for a licensee to cause or permit a person to carry out prescribed duties in contravention of a prohibition notice issued by the Commissioner under section 44AA(2), with a maximum penalty of $35,000 or imprisonment for 2 years;
- proposed subsection (4) makes it an offence for a person who is an employee of the holder of a gaming machine dealer's licence to carry out prescribed duties in connection with the gaming operations conducted on licensed premises, with a maximum penalty of $35,000 or imprisonment for 2 years;
- proposed subsection (5) makes it an offence for a licensee to knowingly cause or permit a person who is an employee of the holder of a gaming machine dealer's licence to carry out prescribed duties in connection with the gaming operations conducted on licensed premises, with a maximum penalty of $35,000 or imprisonment for 2 years.

89—Amendment of section 50—Offence related to personal performance of work on games and gaming machines

This amendment is consequential.

90—Amendment of section 50A—Gaming managers and employees must carry identification

These amendments are consequential.

91—Amendment of section 51—Person who may not operate gaming machines

These amendments are consequential.

92—Insertion of section 51AA

This clause inserts a new section as follows:

51AA—Minor gaming venue not to operate more than 20 gaming machines

The proposed section provides that holder of a gaming machine licence in respect of a minor gaming venue must not operate more than 20 gaming machines pursuant to the licence (regardless of the number of gaming machine entitlements held in respect of the licensed premises). The maximum penalty for the offence is $35,000.

93—Amendment of section 51A—Cash facilities not to be provided within gaming areas

The clause deletes obsolete provisions.

94—Substitution of section 51B

This clause deletes existing section 51B and substitutes the following:

51B—Cash facilities limitations

Subsection (2) provides that the holder of a gaming machine licence must not provide, or allow another person to provide, cash facilities on the licensed premises that would allow a person to obtain cash otherwise than in accordance with the limitations able to be prescribed by the regulations under subsection (1), with a maximum penalty of $35,000.

95—Amendment of section 52—Prohibition of lending or extension of credit

This amendment is consequential.

96—Substitution of section 53A

This clause deletes current section 53A and inserts the following:

53A—Prohibition of certain gaming machines

Proposed section 53A creates a number of new gaming machine licensee offences, all with a maximum penalty of $35,000 including:

- an offence to provide a gaming machine that may be operated in connection with a cashless gaming system other than that recognised by the Authority under section 10B(1)(c)(i);
- an offence for a major gaming venue to provide a gaming machine that may be operated otherwise than in connection with an automated risk monitoring system approved by the Authority under proposed section 10B(1)(c)(ii);
- an offence for a major gaming venue to provide any gaming machine that may be operated otherwise than in connection with an approved pre-commitment system. An approved pre-commitment system is a system to be operated in connection with approved gaming machines or classes of approved gaming machines, that is approved under, or in accordance with processes prescribed by the regulations for the purposes of this definition (subject to any conditions prescribed by the regulations). This offence provision expires on 31 December 2018 or on a later date prescribed by the Governor by regulation;
- an offence for a major venue to provide any gaming machine that is not capable of displaying on-screen messages;
- an offence for a major gaming venue to provide any gaming machine on the licensed premises that allows a maximum bet of more than $5;
- an offence to provide any gaming machine on the licensed premises that returns winnings to players at a rate that is not less than 87.5% of the total amount of all bets made on the machine;
- an offence for a minor venue to provide a gaming machine that may be operated without the insertion of a coin or token or by the electronic transfer of credits or tokens to the device, or that allows a maximum bet of more than $5 (unless, in relation to a machine allowing a maximum bet of more than $5, the machine was being lawfully provided by the licensee immediately before the prescribed day);
- the offences of prohibiting the provision of a gaming machine that is fitted with a device or mechanism designed to allow the playing of successive games by an automatic process, and of providing a gaming machine on the licensed premises that may be operated by the insertion of a banknote, are retained as part of this proposed section.

97—Insertion of sections 53AB and 53AC

This clause inserts the following sections:

53AB—Prohibition of coin machines in minor gaming venues

The proposed section creates a new offence for the holder of a gaming machine licence in respect of a minor gaming venue to provide any coin machine on licensed premises, with a maximum penalty of $35,000.

53AC—Prohibition of customer loyalty programs in minor gaming venues

The proposed section creates a new offence for the holder of a gaming machine licence in respect of a minor gaming venue to cause, suffer or permit a customer loyalty program to be offered or

operated at the licensed premises, with a maximum penalty of $35,000. A customer loyalty program is defined as a marketing or promotional scheme under which a person may become entitled to a benefit as a result of continued gaming machine play.

98—Repeal of section 54

This amendment is consequential on signage requirements proposed to be included in the responsible gambling code of practice.

99—Amendment of section 56—Minors not permitted in gaming areas

These amendments are consequential.

100—Repeal of section 57

The repeal of section 57 is consequential on signage requirements proposed to be included in the responsible gambling code of practice.

101—Repeal of Part 5 Division 4

This amendment is consequential on the barring provisions in proposed Part 4 of the *Independent Gambling Authority Act 1995*.

102—Amendment of section 62—Interference with machines or games

This amendment is consequential.

103—Amendment of section 63—Interference devices

This amendment is consequential.

104—Amendment of section 64—Sealing of gaming machines

This amendment is consequential.

105—Amendment of section 66—Machines not to be operated in certain circumstances

These amendments are consequential.

106—Amendment of section 68—Certain profit sharing etc is prohibited

This amendment is consequential.

107—Amendment of section 71—Powers of authorised officers

The amendment in subclause (1) inserts a new requirement to allow a period of not less than 7 days for a licensee to comply with a requirement to produce documents or other material relating to staff training. The other amendments are consequential on changes in the measure.

108—Amendment of section 72A—Gaming tax

This amendment removes the requirement for gaming tax to be paid in equal monthly instalments. The proposed amendment will allow for the payment of tax at a time or times determined by the Treasurer.

109—Substitution of section 74

This section deletes existing section 74 and substitutes the following:

74—Annual reports

Proposed subsections (1) and (3) amend the annual reporting date for the Commissioner from 30 September to 31 August in each year, and for the Authority from 31 October to 30 September, in order to implement uniform reporting dates for the Commissioner and the Authority across all the Acts they jointly administer. The report of the Authority should include any directions issued by the Minister under proposed section 74A. The proposed section reinstates those provisions in existing section 74 regarding the report of the Commissioner and the requirement for the Minister to cause a copy of the report to be laid before each House of Parliament.

74A—Minister may issue certain directions to Authority

The proposed section allows the Minister to issue a direction to the Authority if a requirement imposed by the Authority on the licensee has the effect of requiring a pre-commitment system (by the issue of a direction, under a code of practice or otherwise) other than that approved under or in accordance with the regulations..

110—Amendment of section 76—Power to refuse to pay winnings

This amendment is consequential.

111—Insertion of section 76B

This clause inserts a new section as follows:

76B—Major gaming venue notifications

The proposed section provides that the holder of a gaming machine licence may at any time, by notice in writing given to the Commissioner, specify that the licensed premises are to be a major gaming venue for the purposes of this Act, or revoke a major gaming notification.

112—Amendment of section 77—Certain agreements and arrangements are unlawful

Subclause (1) amends section 77 by inserting a new subsection (2) to clarify that a gaming machine, game or prescribed gaming machine component may be moved from 1 licensed premises to another (subject to the Act and the conditions of the gaming machine licences relating to those premises) if each of the gaming machine licences is held by the same licensee. The new provision also clarifies that the existing subsection (1) does not apply in relation to a supply to, or acquisition by, the transferee on a transfer of a gaming machine licence in accordance with Part 3 Division 4. The insertion of proposed subsection (4) provides that any provision of a lease relating to licensed premises that purports to require the lessee to operate as a major or minor gaming venue for the purposes of this Act (however the requirement is expressed) is void and of no effect. The provision would not, however, affect lease requirements relating to gaming machine entitlements only (providing they do not impose operational requirements).

113—Amendment of section 79—Bribery

This amendment is consequential.

114—Amendment of section 82—Service

The amendments allow for service of notices or documents by the Authority or the Commissioner in a manner not specified in current subsection 82(1).

115—Amendment of section 85—Vicarious liability

The amendments in subclauses (1) and (2) are consequential. Subclause (3) makes a consequential amendment to proposed section (3a) in the *Statutes Amendment (Director's Liability) Bill 2013*.

116—Amendment of section 86—Evidentiary provision

These amendments are consequential.

117—Amendment of section 87—Regulations

The amendment to section 87(2)(d) provides that the regulations may grant or provide for the granting of conditional or unconditional exemptions from the Act or any provision of the Act (where currently the exemption power rests with the Minister). Proposed subsection (5) allows the application of the Act to be exempted or modified for transitional purposes by regulation.

118—Repeal of sections 89 to 91

This clause repeals obsolete provisions.

119—Amendment of Schedule 1—Gaming machine licence conditions

This clause makes several amendments to the gaming machine licence conditions, including:

- removing the requirement for a licensee to obtain the approval of the Commissioner before the sale or disposal of a gaming machine or gaming machine component;
- removing the requirement for gaming equipment to be inspected and sealed before commencing gaming operations pursuant to the licence;
- providing a requirement that the licensee will (in a manner and form to be determined by the Commissioner):
    - notify the Commissioner of the appointment of a person as a gaming manager or gaming employee;
    - keep a record of the appointment of each gaming manager and gaming employee;
    - within 14 days of a gaming manager or gaming employee ceasing to be appointed as such, notifying the Commissioner of that fact;
- providing that the Commissioner may not impose additional conditions on the licensee of a kind prohibited by the regulations;
- other amendments consequential on other provisions in the measure.

120—Repeal of Schedules 3 and 4

This clause repeals obsolete provisions.

121—Transitional provision—approval of gaming machines and games

The clause provides that a gaming machine or game that was, immediately before the commencement of this section, approved under section 40 of the *Gaming Machines Act 1992* will be taken to have been approved under section 40 of the *Gaming Machines Act 1992* as amended by this Act (and such approval is, for the purposes of that section, taken to have been granted on the day on which this section commences).

122—Transitional provision—licence condition offence categories

The clause provides for the assigning of licence condition offence or expiable offence categories by the Commissioner to licence conditions of a kind referred to in proposed section 46(3)(b) that were imposed before commencement.

123—Transitional provision—barring orders

This clause provides for the continuation of barring orders made under repealed provisions.

Part 5—Amendment of *Independent Gambling Authority Act 1995*

124—Insertion of heading

This clause makes a technical amendment.

125—Amendment of section 3—Interpretation

This amendment is consequential on the insertion of proposed Part 4.

126—Insertion of heading

This clause makes a technical amendment.

127—Insertion of section 11B

This clause inserts a new section as follows:

11B—Delegation

The proposed section gives the Authority power to delegate certain of its powers and functions to a member, deputy member, the Secretary of the Authority or the Commissioner, other than:

- the conduct of an inquiry by the Authority;
- a reconsideration by the Authority of a decision that was made by the Authority;
- a review or appeal that is to be conducted by the Authority (other than a review under proposed section 15G or a review of a decision made under section 45 of the *Casino Act 1997*).

128—Insertion of heading

This clause makes a technical amendment.

129—Amendment of section 12—Proceedings of Authority

This clause inserts a new subsection (1a) which amends the quorum provisions of section 12. For the purpose of conducting an inquiry, a reconsideration of a decision by the Authority or a review or appeal under the Act or a prescribed Act, the presiding member (or his or her deputy) and 1 other member of the Authority constitutes a quorum of the Authority.

130—Amendment of section 14—Powers and procedures of Authority

This clause amends section 14(1), to provide that the Authority may exercise the powers and procedures set out in the subsection if the Authority thinks it reasonably necessary for the purpose of performing its functions.

131—Repeal of section 15A

This amendment is consequential on proposed section 11B.

132—Insertion of heading

This amendment is technical.

133—Substitution of section 15B

This clause deletes current section 15B and inserts new sections as follows:

15B—Interpretation

The proposed clause inserts a number of definitions of terms to be used in the Part, including authorised person, barred person, barring order and gambling provider.

15C—Barring orders

The section provides that the Authority or a gambling provider may make a barring order in relation to a person at the request of that person, or if:

- there is a reasonable apprehension that the person may suffer harm, or may cause serious harm to family members, because of problem gambling; and
- the Authority or gambling provider is satisfied that the making of the order is appropriate in the circumstances.

If no decision is made within 14 days after the making of a request for an order, the Authority or the gambling provider is taken to have refused the request. A barring order made by a gambling provider may

only relate to the premises of, or the business conducted by that gambling provider, and remains in force for 3 months from the date on which the order is made. The gambling provider must make a record of the barring order or request and notify the Authority within 7 days after making a decision in relation to the request, and a maximum penalty of $2,500 applies for a failure to comply with this provision. A barring order made by the Authority may remain in force for a period of not more than 3 years from the date on which the order is made. A barring order must be in writing in a form determined by the Authority.

15D—Variation or revocation of barring order

The proposed section sets out the circumstances under which the Authority may vary or revoke a barring order.

15E—Notice of barring order etc

The proposed section requires that a barred person must be given notice of a barring order, or an order varying or revoking such an order, and the order has no effect until notice has been given to the barred person. The Authority must also give written notice of a barring order to the owner or occupier of each place to which the order relates.

15F—Contravention of barring order

The proposed section creates a number of offences for contravention of a barring order:

- for a barred person who contravenes or fails to comply with a barring order, the maximum penalty is $2,500;
- for a gambling provider, or another person of a class prescribed by the regulations who suffers or permits a contravention of a barring order, the maximum penalty is $10,000. It is a defence to this offence for the defendant to prove that he or she took reasonable steps to prevent the commission of the offence;
- For the purposes of disciplinary or enforcement action as defined in this proposed section, it is taken to be a condition of the licence or authorisation issued to a gambling provider under the relevant Act that the provider must not suffer or permit a contravention of a barring order (subject to the defence above).

15G—Review of barring order by gambling provider

This proposed section provides that the Authority must undertake a review of the decision by a gambling provider to make or refuse to make a barring order.

15H—Reconsideration of barring order by Authority

The proposed section provides that a gambling provider who is dissatisfied with a decision by the Authority to refuse to make a barring order, or any other person who is affected by a decision by the Authority to make, or refuse to make a barring order, may apply to the Authority to undertake a reconsideration of the decision. The section details the form and manner of lodgement of the application. On reconsidering a decision, the Authority may undertake consultation, confirm, vary, revoke or reverse the decision, and make recommendations to persons involved with or affected by the making of the decision that the Authority thinks appropriate. If the Authority has not completed reconsidering a decision within 8 weeks after the day on which the application was made, the Authority will be taken to have confirmed the decision.

15I—Powers to remove etc

This proposed section permits an authorised person to require a person to leave a place if they suspect on reasonable grounds that the person is barred from that place. The regulations may prescribe procedures to be observed by authorised persons (other than police officers) in or in connection with the exercise of powers under the section.

15J—Liability

The proposed section provides that a licensee or authorised person is not liable to pay damages or compensation to any person for a failure to exercise powers under Part 4.

15K—Delegation

The proposed section allows a gambling provider to delegate powers or functions under Part 4.

15L—Service

The proposed section provides for the service of a document required to be given to a person under Part 4.

15M—Register

The proposed section provides that the Authority must maintain a register of barring orders, requests for barring orders that are refused, problem gambling family protection orders, any information required to be included on the register under another Act, and any other information that, in the opinion of the Authority is relevant to barring or exclusion.

15N—Winnings still to be paid

The proposed section provides that a contravention of, or failure to comply with, a barring order does not constitute grounds for refusing to pay any winnings to a person.

134—Insertion of heading

This clause makes a technical amendment.

135—Amendment of section 19—Annual report

This clause amends section 19(1) to change the date on which the Authority must prepare and submit its annual report each year from 31 October to 30 September.

136—Insertion of section 20

This clause inserts a new section as follows:

20—Regulations

This proposed section allows the Governor to make regulations.

137—Transitional provision—existing voluntary barring orders

The clause provides that a person who is barred under current section 15B of the Act is taken to be barred under proposed section 15C for a period of 3 years or until a review of the order is completed (whichever occurs first).

138—Transitional provision—review of existing barring orders

The clause provides that the Authority must, within 3 years after the commencement of this clause, undertake a review of relevant barring orders, being all those taken to be made under proposed section 15C of the Act, by virtue of the transitional provision.

Part 6—Amendment of *Problem Gambling Family Protection Orders Act 2004*

139—Amendment of section 11—Conduct of proceedings

The clause inserts a new subsection 11(7) to provide that an order may be made under proposed Part 4 of the *Independent Gambling Authority Act 1995* instead of, or in addition to an order under the *Problem Gambling Family Protection Orders Act 2004*.

140—Amendment of section 13—Notification of making, variation or revocation of problem gambling family protection orders by Authority

The amendment inserts a new subsection 13(3) to allow the Authority to enter particulars of prohibitions of a kind found in an order under the *Problem Gambling Family Protection Orders Act 2004* or the *Intervention Orders (Prevention of Abuse) Act 2009* on the register maintained under Part 4 of the *Independent Gambling Authority Act 1995*.

141—Substitution of section 15

This clause inserts a new section as follows:

15—Removal of respondent barred from certain premises

The proposed section extends the powers under Part 4 of the *Independent Gambling Authority Act 1995* requiring a person to leave or removing a person from a place from which they have been barred, to a person barred from a place by an order under the Act.

Part 7—Amendment of *State Lotteries Act 1966*

142—Substitution of sections 13B to 13E

This clause substitutes existing sections 13B to 13E regarding codes of practice with the following:

13B—Codes of practice etc

The proposed section provides that the Authority may prescribe advertising and responsible gambling codes of practice and requirements for systems and procedures designed to prevent the purchase of lottery tickets, and participation in lotteries by children using the telephone, Internet or other electronic means. Proposed subsection (2) provides matters which may be addressed in a responsible gambling code of practice, including:

- requiring the licensee to provide information at offices, branches and agencies of the Commission regarding responsible gambling whether by signs and warning notices or the use of audio, visual or electronic means;
- making provisions relating to the duty to make barring orders under Part 4 of the *Independent Gambling Authority Act 1995*;
- make provision relating to the duty to identify and assist problem gamblers;
- dealing with staff training;

- requiring accounts to be kept for persons who participate in lotteries or purchase lottery tickets by telephone, Internet or other electronic means;
- other matters designed to reduce the incidence of problem gambling.

13C—Compliance with codes of practice

This section provides that the Commission must ensure, in the performance of its functions, that the Commission conforms with the matters prescribed under proposed section 13B(1).

Debate adjourned on motion of Hon. J.S.L. Dawkins.

WHEAT MARKETING (EXPIRY) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

At 17:13 the council adjourned until Wednesday 5 June 2013 at 14:15.