LEGISLATIVE COUNCIL

Tuesday, 12 May 2015

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:17 and read prayers.

The PRESIDENT: We acknowledge Aboriginal and Torres Strait Islander peoples as the traditional owners of this country throughout Australia, and their connection to land and community. We pay our respects to them and their cultures and to the elders both past and present.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Minister for Employment, Higher Education and Skills (Hon. G.E. Gago)—

Regulations under the following Act—

Co-operatives National Law (South Australia) Act 2013—Local

Review of the Building and Construction Industry Security of Payments Act 2009

Ministerial Statement

ELECTORAL COMMISSIONER

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:18): I table a copy of a ministerial statement made earlier today by the Deputy Premier, the Hon. John Rau, about the Electoral Commissioner retiring.

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. Ridgway interjecting:

The Hon. K.J. Maher: Best question you've thought of in two months, Ridgway. Give it to 'em.

The PRESIDENT: Order! The Hon. Mr Maher will allow the honourable Leader of the Opposition to get on his feet and ask his question in silence.

Question Time

WHALE REMOVAL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:23): Thank you for your protection, Mr President. I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about whale removal from Ardrossan.

Leave granted.

Members interjecting:

The PRESIDENT: Order! Allow the opposition leader time. Now listen, I will just make something quite clear. I am not going to waste what voice I have left bringing people under control. The Hon. Mr Maher, I don't want you to be the second one I have to try to boot out; I might be successful on this occasion, so just keep it cool. The Hon. Mr Ridgway.

The Hon. D.W. RIDGWAY: Thank you, Mr President. I will try not to get the government too agitated. Members will recall that on Monday 8 December 2014 seven whales beached themselves near Ardrossan, and sadly they all died as a result. I have been provided with the chronological order of what happened, when people were advised and the interaction with the state government.

Nonetheless, suffice to say that seven whales were on the beach—six on the beach and the seventh wrapped itself around the Ardrossan jetty.

On 9 December the government advised that it was not in any position to assist with the removal of whale carcasses in any way, shape or form. It also went on in this chronological order to query whose responsibility it was. Eventually, departmental advice was provided that the area above the high water mark is crown land, the area between the high water mark and the low water mark (which is the intertidal zone) was considered adjacent to crown land, and the intertidal zone was the responsibility of the Minister for Transport and Infrastructure, who also has responsibility for the sea floor, but the minister had transferred the responsibility for the intertidal zone to local government, therefore accordingly where the whales lay was the responsibility of the local council.

It is interesting also to note that the minister issued a press release around that time, I think on 11 December, and said that he was thankful for the in-kind support, removal and disposal of the whales being offered by the Museum of South Australia and local company Arrium Mining. He said that the Department of Environment, Water and Natural Resources had six staff providing ongoing advice on the ground since the six whales were initially discovered, and 'today they provided an additional four staff to assist directly with the removal'.

I am quoting from a letter the minister received on 16 February, so a couple of months after the whales turned up. Further, in the minister's press release he said that he understood that the current estimates of external costs faced by the council were up to $10,000, and that he was in discussion with council to determine how these costs might be shared. A letter written by Mayor Agnew to the minister on 16 February this year—and I will not read it all as it would take up all of question time, but will read a couple of bits—stated as follows:

> Following receipt of invoices and the completion of the project the external cash component to Yorke Peninsula Council's community has been finalised at $22,500. The final costing excludes Council staff time, plant and machinery costs and of course Arrium provided five staff and large equipment at no cost to community as a community service to Ardrossan setting aside their own work priorities to support this effort. The breakdown of the costs within this figure were about $20,000 to Ardrossan Earthmoving with this being at cost price and with staff time donated, the remaining $2,500 comprising hire boats, man hours and fuel costs.

He closes the letter by saying:

> With the project now completed, I respectfully request on behalf of the Yorke Peninsula Council's community your consideration of this request for financial reimbursement the costs of $22,500 associated with the whale incident from the Government. I look forward to hearing from you in relation to this request at your earliest convenience.

That was 16 February, and it is now three months since that letter was written. My questions to the minister are:

1. What contribution is the state government making towards the costs incurred by the Yorke Peninsula council for the disposal of several beached whale carcasses?

2. Given that the state government said that it could not assist in any way, shape or form, what were the 10 DEWNR staff actually doing when they were there, and at what cost to the community were they there?

3. Have all intertidal zones around the state, that is, between the high water mark and the low water mark, been transferred to all the relevant local government authorities?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:28): I thank the honourable member for his most important question. I express my gratitude, because I was getting such a lashing last week with the Hon. Michelle Lensink in charge that it is good to have the Hon. Mr Ridgway back in his usual form.

The Hon. D.W. Ridgway: I bet you still don't answer the question, even with that rubbish.

Members interjecting:

The PRESIDENT: Order! The honourable Opposition Leader, allow him to answer the question.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order! The minister has the floor.

The Hon. I.K. HUNTER: I am very grateful to the honourable member for outlining the quick and appropriate response of the government agencies that were involved, working very closely with the local community and local council to remove whale carcasses from the beach. I am very grateful to Arrium Mining and of course SA Museum, as I have put on the record previously, for coming to the party and assisting. It shows what a willing government, local authorities and communities can do when we work together. So, I am very grateful that he announces that and puts on the record again our very quick and appropriate response to such a situation. I am indeed, as I say, once again very grateful to the departments for working together to make that happen with the local community and council.

In terms of the cost shares, I said previously that we will be working on an appropriate cost share on this issue with council. I understand DEWNR and DPTI are having those debates or discussions right now. Undoubtedly, they will respond to the council in the fullness of time but, as I said, we have responded very quickly to the issues on the ground and buried the carcasses, I understand, up in nearby dunes. The issue of how we share the associated costs the honourable member outlines as being about $22,000 will be worked out and passed on to council.

WHALE REMOVAL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:30): A supplementary question arising out of the minister's non-answer: what were the 10 DEWNR staff doing, given that clearly council was doing the work of government to bury them? My third question, unanswered, was: have all intertidal zones been transferred to local government around the coastline of South Australia?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:30): As I said and outlined previously, the DEWNR staff were there coordinating and making sure the appropriate—

The Hon. D.W. Ridgway: What? With a dead whale?

The Hon. I.K. HUNTER: The honourable member just displays his ignorance. When there is a dead whale on the beach, who takes control? Who protects the community? Who makes sure—

The Hon. D.W. Ridgway: You said it was the local government's responsibility.

The PRESIDENT: No debate across the chamber. The minister is on his feet.

The Hon. I.K. HUNTER: Of course but, in a real-world situation, the people on the ground go out and make the early determinations and make sure the public safety is looked after, and that's exactly what happened. Of course, we brought in the appropriate authorities. We also brought in the appropriate support that was on offer from the community through ERM and also brought in the experts from SA Museum, and that's what we always do. We always put the public risk at the top of our agenda before we worry about any of the internals, because that's what a responsible government does.

The PRESIDENT: The Hon. Mr Ridgway has a supplementary.

WHALE REMOVAL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:31): Can the minister please give some explanation as to whether all intertidal zones around the coastline of South Australia have been transferred to local government control?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:31): The honourable member knows completely that that's not my portfolio responsibility.

WHALE REMOVAL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:32): Will the minister give an undertaking to this chamber to actually, as he often does, bring back an answer instead of just being so smug and sitting down without a decent answer?

The PRESIDENT: Order! The honourable Leader of the Opposition is out of order. Minister.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:32): At last, Mr President, the honourable member has recalled what the appropriate forms are in this place and has asked me to take that question to the appropriate minister. Perhaps he wasn't sure who it was, but I can advise him that I will—

The Hon. D.W. Ridgway: I have to go back to Shanghai to take back all the good things I said about the government over there—what a bloody joke!

The Hon. I.K. HUNTER: If the honourable member put those lovely views about the government on the record, I would be very pleased to see them—

The PRESIDENT: It's on *Hansard*.

The Hon. I.K. HUNTER: —and utilise them in the appropriate places. As I say, that question about the transfer of responsibility in terms of the tidal zone I will take to the minister in the other place and ask him for a response on behalf of the Hon. Mr Ridgway.

WATER PRICING

The Hon. J.M.A. LENSINK (14:33): I seek leave to make a brief explanation before directing a question to the Minister for Water and the River Murray on the subject of the selective quoting of water statistics.

Leave granted.

The Hon. J.M.A. LENSINK: Last week in this place, we waited until 3 o'clock on Thursday for the release of the national performance report of urban water utilities for 2013-14. The minister referred to a metric, which is water consumption of 200 kilolitres per customer, which he states has SA Water having the ninth-lowest water and sewerage bills out of the 13 utilities.

I have had an opportunity to review that particular report as well as the previous year's report. I note, from the National Water Commission's comments, that the typical residential bill, which is a different indicator to the one that the minister used, I quote:

> …remains the best indicator of the impact of pricing on a utility's customers, as it is based on the typical bill paid by those customers.

The 2013-14 report states on page 7 that:

> SA Water Corporation has moved to reporting a single value for its entire urban business. In the past, reporting data was sourced from four separate regions across the State (Adelaide, Mount Gambier, Whyalla, and country SA). [So] 2012-13 comparatives used in this report are based on this previously reported data and may not be fully comparable to 2013-14…

On page 37 of the report, the typical residential bill is reported. Indeed, I note that SA Water performs not as well as the minister reported in the parliament last week—it comes fourth out of 13.

Members interjecting:

The Hon. J.M.A. LENSINK: I hate to break the news to the honourable member, but the Gold Coast has been ahead of all other jurisdictions for some time; however, that has been the only one in the past. My questions for the minister are:

1. Will he apologise to the Hon. Mr Brokenshire for himself selectively quoting statistics in this place?

2. What would the typical residential bill be for South Australian customers based on the previous methodology rather than the aggregated ones that SA Water has now chosen to use?

3. Why has SA Water now chosen to aggregate these bills, making capital city comparisons almost impossible to make?

4. Where would SA Water sit in the table under the old methodology if Adelaide's water was reported separately from the other regions?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:36): I should thank the honourable member, except she gets it completely the wrong way around. It is not SA Water that aggregated the water providers; in fact, it was the Bureau of Meteorology that did that. But let me take her through the figures and she can try to cherrypick her own answers. That is all they have got: cherrypicking part of the report, but it gives me an opportunity to put it all back on the record again.

The latest national performance report was conducted by the Bureau of Meteorology and released on 7 May. Based on estimated water consumption of 200 kilolitres per customer per annum, the comparison of interstate water and sewerage bills reveals that in 2013-14 SA Water has the ninth-lowest estimated water and sewerage bill out of 13 utilities. Let me remind honourable members that this is the national performance report conducted by the Bureau of Meteorology and they are the ones—

The Hon. R.L. Brokenshire: What have they got to do with water pricing?

The Hon. I.K. HUNTER: For goodness' sake, Mr President. The ignorance emanating from the honourable member behind me is palpable. Let me say that this is their metric and, where I gave a different view after that last time, I clearly stipulated what SA Water have done, but let me take them through it again. Logan in Queensland, the Gold Coast, Unitywater in Queensland and Yarra Valley Water in Victoria were more expensive than SA Water. Based on typical residential water consumption—the actual average annual volume of residential water consumed for each utility—a comparison of interstate water and sewerage bills reveals that in 2013-14 SA Water had the 10th lowest typical water and sewerage bill out of 13 utilities.

Again, I said at the time that this analysis includes only utilities with at least 100,000 connected properties, to try to compare apples with apples. The honourable member does not want to do that; she wants to go off and find a quince or something else to compare it to—or a banana. SA Water has undertaken a similar comparison of water and sewerage bills, based on 2014-15 prices, and water consumption of 200 kilolitres per customer per annum. Again, this comparison—I said at the time—is not restricted to only utilities with at least 100,000 connected properties.

In the Bureau of Meteorology's NPR, some smaller Queensland water providers are grouped together for the sake of the BOM's analysis—not SA Water's, as the honourable member says, but the BOM's analysis. However, SA Water's internal analysis treats all water providers as separate, which is why the NPR analysis compares 13 providers while SA Water's internal analysis compares against 20 water utilities. But, again, I made that distinction quite clear in my answer in this place last week.

SA Water's internal comparison shows that SA Water has the ninth-lowest estimated total water and sewerage bill out of 20 utilities. All of the Queensland utilities rank higher than SA Water, along with the Northern Territory's Power and Water in Victoria's Yarra Valley Water. When comparing single-service only using the 200 kilolitre methodology, SA Water has the 12th lowest water-only bill and the fourth lowest sewerage-only bill out of 20 utilities. Again, we see members opposite, aided and abetted by people behind me, who want to get the worst story possible. They are out there barracking for other states. They do not talk about real comparisons and, when the figures come out that refute their position, they do not accept them. They don't accept them; they go off to try to find something else. But the facts are that this is the Bureau of Meteorology's report, and it is putting the lie to what they say when they go out on the wireless.

WATER PRICING

The Hon. J.M.A. LENSINK (14:39): Supplementary question: does the minister acknowledge that SA Water has always been reported in the section for utilities with 100,000-plus connected properties, as has been reported consistently through the NPR and, secondly, why is he saying that this is the Bureau of Meteorology's choice to aggregate this when, in fact, the report says, 'SA Water Corporation has moved to reporting a single value for its entire urban business'?

The Hon. R.L. Brokenshire: Yes, good question. Let's get a decent answer.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:40): I'm not quite

sure who to respond to: the Hon. Mr Brokenshire behind me or the Hon. Ms Michelle Lensink. Again, they don't really understand—and that's not a surprise, Mr President; it is a complex area and I don't expect them to spend a lot of time in this area. But, really, at the end of the day, to come in here and purport that SA Water has made these determinations when, in fact, it is the Bureau of Meteorology's report is completely erroneous.

The Hon. R.L. Brokenshire interjecting:

The Hon. I.K. HUNTER: The Hon. Brokenshire says, 'Well, what's it got to do with the Bureau of Meteorology?'

The Hon. R.L. Brokenshire interjecting:

The Hon. I.K. HUNTER: But they are very good at doing national comparative reports, and that is how they have come up with these figures.

WATER PRICING

The Hon. R.L. BROKENSHIRE (14:41): I have a supplementary question for the minister. Does the minister now agree with the internationally renowned, highly respected and experienced person in Professor Dick Blandy that, when it comes to city water prices, Adelaide, South Australia has the highest water prices in Australia?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:41): Oh, Mr President, how do I resist temptation with that supplementary question? Let me advise the Hon. Mr Brokenshire first of all about the Bureau of Meteorology and his deep scepticism about its abilities.

The Hon. R.L. Brokenshire interjecting:

The Hon. I.K. HUNTER: The reason perhaps the Bureau of Meteorology now has this responsibility is because the federal Liberal government abolished the NWC, the National Water—

The Hon. D.W. Ridgway: How about answering his question?

The Hon. I.K. HUNTER: Well, I will get to that other question about Mr Dick Blandy. I don't know the gentleman myself, so I can't—

An honourable member interjecting:

The Hon. I.K. HUNTER: Well, no, I don't know Mr Dick Blandy.

The PRESIDENT: Sit down, minister. I think that it's a bit unfair. The minister seems to be genuinely trying to answer the question. It is not fair that he is being interjected from behind, from the front and from across. I ask that you desist and allow him to finish his answer. Minister.

The Hon. I.K. HUNTER: Thank you, Mr President, for that protection. I sorely needed it, of course; I was being whipped to the bone by the Hon. Mr Brokenshire and his very clever and tricksy questions. I won't be drawn into arguments thrown around by the Hon. Mr Brokenshire about someone I don't know. I don't know whether Mr Blandy has been saying those things he purports. I have come to the view in this place that I should not take as verbatim claims of fact from the Hon. Mr Brokenshire. One needs to be very careful in checking one's sources when that happens, so I will not be tricked into responding to a supposition offered up by the Hon. Mr Brokenshire, because I really do need to find out, in fact, exactly what was said.

APY LANDS, CHILD EAR HEALTH

The Hon. S.G. WADE (14:43): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation questions in relation to ear health of children on the APY lands.

Leave granted.

The Hon. S.G. WADE: Extensive research by the Flinders University over a period of nine years has found that 75 per cent of children on the APY lands fail hearing tests and that more than a third of children in the APY communities have a perforation in one or both of their eardrums. These

levels of hearing loss are having a critically negative impact on the ability of Anangu children to learn and on their interest in going to school. I am advised that, in some other South Australian remote Aboriginal communities, children with serious hearing issues are referred to an ear, nose and throat specialist as a matter of course.

Last year, during the budget estimates committee process, the then minister for Aboriginal affairs and reconciliation spoke about the APY lands task force and the untied funding it receives each year to, in the minister's words, 'direct resources as required to the highest and most immediate service needs on the APY lands'.

Notwithstanding the minister's remarks, recent evidence to the Budget and Finance Committee by the Executive Director of Aboriginal Affairs and Reconciliation strongly suggests that none of the task force's total allocation of $6.174 million for the 2013-14 financial year has been expended on addressing the poor ear health of Anangu children. My questions are:

1. Can the minister advise why APY children with serious hearing issues are not referred to an ear, nose and throat specialist as a matter of course? If not, will he undertake to obtain the reasoning?

2. Does the minister agree with his predecessor that addressing the poor ear health of Anangu children is one of the highest and most immediate service needs on the APY lands? If he does, will he direct the APY task force to expend some of its 2015-16 allocation on developing and supporting surgical pathways for children with eardrums that have been significantly damaged?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:45): I thank the honourable member for his important question. This exact matter has been raised with me in the last couple of days and, as I have told the people who have raised it with me, the direct responsibility for providing health services rests with Health. As I said when this was discussed with me only a couple of days ago, I will talk to my colleague the health minister and bring back a reply to this chamber in relation to the questions about ear health on the APY lands.

INTERNATIONAL RESEARCH GRANT PROGRAM

The Hon. G.A. KANDELAARS (14:46): I seek leave to make a brief explanation before asking the Minister for Science and Information Economy a question about South Australians' collaborations with international researchers.

Leave granted.

The Hon. G.A. KANDELAARS: International research is a growing component of core research activity for all countries. Can the minister update the chamber on the International Research Grant Program?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:46): I thank the honourable member for his important question. This government knows that it is important for South Australia to maintain productive research partnerships with the world's leading and emerging research and industry centres as it will help ensure that our researchers have access to the most relevant and up-to-date information from all around the world.

The Investing in Science Action Plan recognises that strengthening existing relationships and building new relationships, particularly with global leaders in science, research and industry, will obviously be important to encourage increased trade and investment. It is particularly important for South Australia to maintain productive research partnerships with the world's leading and emerging research and industry centres, as it will help ensure that our researchers remain contemporary and productive.

The Premier's Research and Industry Fund's international research grants support and facilitate South Australia's scientific and technological research being conducted with an international partner and target research activities with outputs that are of strategic benefit to South Australia. The projects that have been successfully awarded funding are aligned with the state's key strategic

economic priorities, including growing advanced manufacturing, producing premium food and wine, creating a vibrant city and unlocking the full potential of this state's resources.

The latest round of eight recipients are working on projects that have links with international collaborations from Spain, New Zealand, France, Israel, Cyprus, England, South Africa and the United States. I will not mention all eight projects but I will give you enough so that honourable members have a sense of the calibre of research being undertaken and the cross-section of research. It is really incredibly exciting stuff.

One of the examples is Dr Erica Donner, from the University of South Australia, who was awarded $400,000. Dr Donner will be working with the Volcani Center in Israel and the University of Cyprus on a project that focuses on understanding and addressing the challenges posed by the emergence and transfer of antimicrobial resistant bacteria in non-clinical environments. Antimicrobial resistance is designated by the World Health Organisation as a global health security emergency.

Associate Professor David Allan Beattie, from the University of South Australia, was awarded $300,000. Dr Beattie will be working in collaboration with Ingredion Incorporated in the US to identify natural materials that can make food products last longer and taste better and provide new, unique eating experiences.

The third example, just very quickly, is Dr Craig Priest from the University of South Australia, who was awarded $298,000. This project aims to deliver new fundamental and applied knowledge and a working micro-extraction prototype to fast track the UniSA-developed advanced manufacturing technology. The proposed technology targets faster, safer and cheaper refining of platinum group metals.

As I am sure you will agree, Mr President, these are just three examples of amazing collaborations that are made possible by the Premier's Research and Industry Fund International Research Grant funding, and I congratulate all those who have been successfully awarded funding. I look forward to updating the chamber about the progress of this wonderful research.

DRUG AND ALCOHOL TESTING

The Hon. D.G.E. HOOD (14:50): I seek leave to make a brief explanation before asking the minister representing the Minister for Police a question regarding drug and alcohol testing.

Leave granted.

The Hon. D.G.E. HOOD: Members would have noted that *The Advertiser* has run several articles in recent days regarding drivers testing positive for illicit substances and/or alcohol in their system as they have been dropping off their children at school or, alternatively, picking them up from school. Of concern was a particular article about a man who tested positive for methamphetamine while conducting the school run for his children. There were a number of details in the article which I will not go into, but it noted that a woman was also delivering children to the same school and blew over the alcohol limit at that time. That is two individuals affected by either drugs or alcohol dropping their children off at the same school on the same morning.

It is known that children of substance-affected parents are at increased risk of abuse or neglect as well as of physical, academic, social and emotional problems. That has been well documented. It has also been well established that South Australia, as with other states in Australia, has a serious drug problem, and it is concerning—but unfortunately not surprising—that people are driving vehicles with children in them whilst under the influence of an intoxicating substance, whether that be alcohol or illicit drugs. My questions to the minister are:

1. What data is kept in relation to positive drug and/or alcohol testing and the destination of the persons travelling? That is, do we specifically have data targeting schools in particular?

2. Is there any policy that requires drug and alcohol education for school students where a trend of drug and/or alcohol use has been identified in a selection of the students' parents?

3. What is the government doing to ensure that the next generation of children are properly educated about the perils of drugs?

4. Will the government commit to legislating mandatory attendance at a detox centre for drivers, including random drug and alcohol testing for those drivers who have already been caught under the influence of these substances?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:52): I thank the honourable member for his most important questions and will refer those to the Minister for Police in another place and bring back a response.

GOODS AND SERVICES TAX

The Hon. R.I. LUCAS (14:53): I seek leave to make an explanation prior to directing a question to the minister representing the Treasurer on the subject of GST allocations to South Australia.

Leave granted.

The Hon. R.I. LUCAS: There has been ongoing discussion about the level and extent of commonwealth funding to the states, in particular to South Australia. The government's own budget papers—that is, last year's 2014-15 budget papers—and then the Mid-Year Budget Review, which was released in December last year, indicated that at the time of the budget last year the government confirmed that the estimated GST appropriation from the commonwealth to the state for the last financial year—that is, for 2014-15—was $4,954 million. At the time of the Mid-Year Budget Review the estimate for next year, 2015-16, was $5,381 million.

In the last few weeks, at the COAG meetings between Premiers and the Prime Minister, it was announced by the commonwealth that South Australia's allocation for 2015-16 would be as the Grants Commission recommended, and not as the Western Australian Premier and government would have wished, and that South Australia would receive $5,525 million next year. That indicates a $571 million increase next year compared to this year in terms of GST allocation to South Australia.

Importantly, if the COAG decision is confirmed in the federal budget papers tonight, as one would expect, at $5,525 million, that is an unbudgeted increase of $144 million from the Mid-Year Budget Review. Put simply, that means that there is a $571 million increase expected next year over and above what we received this year from the GST but, critically, $144 million of that has not been allocated by state Treasury, by the state Treasurer, by the state government to any department or agency. It is an unbudgeted, unallocated increase in funding for next year. What we do not know, of course, is what increases, if any, there will be in the forward estimates, in 2016-17 and 2017-18, but that will be confirmed tonight. What we do know is that there is a $144 million increase for next year. My questions to the Treasurer are:

1. Can he confirm that, on the basis of the COAG advice, that is consistent with a $571 million increase on the actual receipts from last year?

2. Can the Treasurer confirm that $144 million of that $571 million is unbudgeted and unallocated and therefore able to be spent on any priority that the state government chooses?

3. Can the Treasurer confirm that, for budget year 2015-16, that $144 million of unallocated GST is more than sufficient to pay the pensioner concessions, which is in dispute at the moment, at approximately $30 million; reverse the massive ESL slug instituted last year on family homes and taxpayers and businesses, which is approximately $90 million; and ensure the continued operation of the Repatriation General Hospital, with improvements, during the financial year 2015-16?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:57): I thank the member for his questions. I will refer them to the Treasurer in another place and bring back a response. But I think the honourable member has a great cheek to come into this place and suggest that there is adequate money in the budget to pay for pensioner concessions when his own federal Liberal mates in Canberra have chopped out, slashed out, funds in relation to pensioner concessions.

I think it would probably be more appropriate for the honourable member to get to his feet and suggest that it is a great opportunity for the Liberal Abbott government to reinstate those funds to South Australian pensioners in the budget tonight. They have left our aged people high and dry. It is an absolute disgrace that the federal Liberal government has done this, and it is supported by their state Liberal mates. They sit there and accept older people being done over in this state.

The member should also be on his feet reminding his federal Liberal mates that it is a great opportunity tonight for them to reinstate all of the funds that were originally promised to support our Holden workers to reskill and our industries to redevelop to find other market positions. The Hon. Robert Lucas should also be on his feet saying that this is a great opportunity for his federal Liberal mates tonight to confirm that all submarines will be made here in South Australia. That is what he should be doing in this chamber today, but what do we hear? Not a word, not a whisper. The Liberal state opposition is happy to leave South Australians high and dry time and time again. They come into this place, talk South Australia down and sell South Australians out—shame on them, Mr President.

SEAL BAY VISITOR CENTRE

The Hon. T.T. NGO (14:59): My question is to the Minister for Sustainability, Environment and Conservation. I have not been back to Kangaroo Island for about 30 years, but will the minister tell the chamber about the upgrades to the Seal Bay visitor centre and how these improvements are likely to benefit both visitors and the environment?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:00): I thank the honourable member for his excellent question. On Sunday 18 April I had the pleasure of going to Kangaroo Island to officially open the upgrades at Seal Bay. Seal Bay has been at the heart of the Kangaroo Island community for generations and it has evolved into a world-class tourism attraction.

I am not sure if the Hon. Mr Ngo was there 30 years ago but I certainly was, and I can remember in those days—before the roads were sealed—a bus would drop you off at the other end of the beach and the bus driver would get out his thermos flask of tea and say, 'Right, there you are. I'm having a cup of tea. You go and wander on the beach and interact with the seals.' That was some time ago in a different world: we no longer allow tourists to have that experience any more but they can, in fact, have a wonderful experience on the beach only metres away from seals, with appropriate guiding.

Seal Bay draws, I am told, about 100,000 visitors every year and generates over $2 million in revenue for the island. Of course, it is not hard to see why: it is the only place in the world where visitors, I am told, are able to enter a wild colony of Australian sea lions, one of the rarest species in the world. Seal Bay is home to around about 1,000 Australian sea lions, making it the third-largest colony of this endangered species.

Visitors here have a brilliant opportunity to observe these wild animals in their spectacular natural habitat. Even on a cold, wet and windy day (as sometimes happens at Seal Bay, like the day of the opening), the site and the seals are just spectacular. Of course, if there is chilly weather—and that is why it is good to go and see Seal Bay at this time of the year—it means that the seals also come up from the beaches and are much closer as they, too, seek shelter from the wind and the storms. Provided that you are careful and quiet, they do not pay too much attention to you, as I saw with a busload of tourists that was coming in and braving those cold elements and still having a fantastic time getting up close to the seals in their natural environment.

With the completion of the $3 million upgrade, visitors are able to enjoy an even better experience while protecting the natural environment of the area. The upgrades include improvements to the Don Dixon Boardwalk and the beach viewing platform, replacement of the beach access bridge and platform, a new disabled access ramp, upgrading and resealing of the main carpark and the refurbishment of the visitor centre.

The refurbishment also involved some very important measures that may not be quite as evident at first glance but do provide significant environmental benefits. Solar panels and rainwater collection have been upgraded to ensure that the site continues to maintain a low environmental footprint. The solar array, installed by the innovative South Australian company Zen Energy, is a

20-kilowatt system and incorporates the latest lithium iron storage technology. The increased capacity will see services for visitors improve, as I understand, with there now being sufficient capacity for a few luxuries at the visitor centre such as an espresso machine and an ice-cream freezer for the summer months.

The upgrades have been guided by a master planning process that includes strategic advice and input from the South Australian Tourism Commission, commercial tour operators and, of course, the local community. I believe this is important because the South Australian government's renewed focus on nature-based tourism wants to involve everybody, including the local community. We certainly want more people to visit and enjoy the many natural wonders that our state and particularly Kangaroo Island has to offer. We must also protect those assets that are important to communities and ensure that tourism is ecologically sound and sustainable into the longer term.

We know that nature is a core motivator for travel, for people looking for natural, unspoilt places to visit and enjoy. We also know that we do not control nature. We are there at the behest of nature and we have to work with what nature provides. Kangaroo Island is recognised as one of the 16 iconic Australian national landscapes that are marketed worldwide as an established ecotourism destination precisely because of the unique and natural experience it offers to visitors.

Seal Bay, as well as many other wonderful attractions, such as a five-day Kangaroo Island wilderness trail, were announced, I believe, in last year's state budget as important ecotourism priorities for the state. The Seal Bay upgrades will improve the nature experience for visitors and support the conservation of the environment and sea lion populations at the same time for many generations, but importantly they also have a very important educational aspect for those people who come to view the sea lions.

I would like to congratulate everyone who was involved in this wonderful upgrade project, in particular, of course, the KI community, local businesses, commercial tour operators—who are essential—and accommodation providers who share our goals for keeping Kangaroo Island at the forefront of tourism in South Australia.

FREE-RANGE EGGS

The Hon. T.A. FRANKS (15:05): I seek leave to make a brief explanation before addressing a question on the topic of free-range eggs to the Minister for Business Services and Consumers.

Leave granted.

The Hon. T.A. FRANKS: The minister would be well aware that her government and minister Brock awarded a $500,000 regional grant for egg producers Days Eggs to, 'build a new free-range egg production facility on a 324-hectare property at Port Germein'. My question to the minister is: will all the eggs from this new facility be true free-range under the South Australian free-range egg industry code?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:06): I am not sure. I thank the honourable member for her question. I am happy to take that on notice and bring back a response, but I do not have that level of detail with me today.

STOLEN GENERATIONS COMPENSATION

The Hon. T.J. STEPHENS (15:06): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question regarding the stolen generations reparations bill.

Leave granted.

The Hon. T.J. STEPHENS: The minister is well aware that this chamber showed an enormous amount of goodwill and respect with regard to the passing of the Stolen Generations (Compensation) Bill introduced by myself last year. The invitation, and indeed plea, was for the minister to take our bill, improve it and continue the healing process of those Aboriginal people and

their families who are affected. My question is: when will the minister announce the government's intention with regard to this bill?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:07): I thank the honourable member for his question and his very genuine interest in this matter, as evidenced by, amongst other things, the bill he introduced to parliament and his contributions to the Aboriginal Lands Standing Committee. I also acknowledge the Hon. Tammy Franks and the Hon. Tung Ngo, and others in this chamber who have a very strong and genuine interest in seeing this matter progressed.

A lot has happened in this space over the last couple of decades with the Bringing them home, the 'stolen children' report in 1997 and, to its very great credit, this current parliament's apology, led by then premier Dean Brown, later that year. A decade later there was the then Prime Minister Kevin Rudd's sorry statement. These have all been important steps in some of the healing in this process.

However, as the honourable member has pointed out and as most members recognise, there are further steps to be taken. The honourable member had a bill before parliament that provided individual reparations for those affected by the stolen generations, and I am continuing to consult across the Aboriginal community and those affected about what the next steps might be, and possibly including something similar to what the honourable member has mentioned, if that is something that those I consult with think is exceptionally important.

I think it is later this week that I will have a meeting organised by the ALRM with a group of people directly affected by the policies and practices in the past, and I am sure that that will help develop this government's views further. I can undertake that, before we decide what the next steps are, I will consult with honourable members who have shown a very great interest in this matter.

APY LANDS, FOOD SECURITY

The Hon. J.M. GAZZOLA (15:08): I would like to ask a question of the Minister for Aboriginal Affairs and Reconciliation. Will the minister inform the chamber about how food is being delivered to the APY Lands with increased quality and at a lower price?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:09): I thank the member for his question and his ongoing interest in the health and wellbeing of Aboriginal people, particularly those living in the APY lands. Again, the provision of healthy, reasonably costed food is an issue that has been raised by a number of people in this chamber in the past. There have been a great many attempts to bring about better solutions to this problem. Some have gone well; some haven't gone as well.

One program seems to be making very good progress. It goes without saying that fresh, wholesome food is absolutely necessary to the health and wellbeing of all South Australians. The majority of the foods essential to a well balanced and healthy diet are perishable—fruit, vegetables, dairy products, meat and fish. For most people living in very remote communities the prime source of food is the local store. The nearest major store to the APY lands is Alice Springs, more than 400 kilometres away from most communities, which is where, until recently, all the goods in the community stores were being transported from.

Alice Springs, in the very centre of Australia, grows little of its own produce, so the fruit and vegetables going to the APY lands were sourced from all over Australia. This long supply chain, in excess of 2,000 kilometres, caused significant degradation in food quality and high prices for consumers. Mai Wiru is an Anangu-owned and controlled organisation, and is providing reliable food distribution services, with a high quality food standard.

I was able to see for myself some of the fresh produce at Fregon and Amata stores during my recent visits to the APY lands. The delivery truck was just leaving Fregon as I arrived, and I could see for myself the shelves being stocked by staff, showing not only the fresh produce but also some of the local employment opportunities it is creating. In 2012 Mai Wiru came together with Foodbank SA to create a new plan focused on the logistics chain of how food reaches the APY lands.

By focusing on much better coordination of purchasing and transport logistics, it has allowed Mai Wiru to keep costs down and improve significantly the quality of food delivered to the APY lands.

Instead of a fragmented approach, where stalls had individual arrangements to source food, Mai Wiru now services community stores on the lands in a coordinated approach. Both the state and federal governments have supported Mai Wiru to set up this enterprise. However, Mai Wiru is now fully self-funded. Since September, fresh food and vegetables are being collected at the Pooraka markets every Tuesday and being freighted to the APY lands on Wednesday in a B-triple road train, with the cost of fresh fruit and vegetables and some meat products falling by as much as 25 per cent.

The Mai Wiru freight service is also benefiting school breakfast programs and the cost of other items, including bulky items such as furniture and white goods, that are available for cheaper prices at the Pukatja store. This service is delivering positive outcomes across the APY community. The result has been fresher food delivered to community stores, lower prices for many healthy foods, a secure and sustainable transport service to major APY communities, and job and training opportunities for Anangu.

However, it is not only the freight service being used to make fresh produce available at a level of quality that residents are happy with but it is also being used to bring back materials from the APY lands. Medical waste from APY health clinics is being safely returned to Adelaide rather than being disposed of on the lands, and the freight service has allowed cardboard and other recyclable items to be brought back to Adelaide for recycling.

This Mai Wiru initiative is a great example of a successful Aboriginal enterprise that is providing a great service to its communities and, importantly, employing local Anangu and providing a source of income and training. The recent launch was a great event, and I would like to thank all those involved with this event. Some special mentions to Robert Stevens, Mai Wiru senior executive officer, David Schomburgk, general manager, Mai Wiru Regional Stores Council, Richard Pagliaro, chairman of Together SA, and those from Toll Holdings and Foodbank SA, who have provided a lot of help and support.

DISABILITY FUNDING

The Hon. K.L. VINCENT (15:13): I seek leave to make a brief explanation before asking the minister, representing the Minister for Disabilities, questions about spending of allocated funding packages.

Leave granted.

The Hon. K.L. VINCENT: I have been contacted by a couple of constituents recently who are in receipt of support packages through Disability SA. They have told me that they have been granted some additional funding for requested supports for the current financial year, yet they have not been allowed to spend that granted funding or receive the service for which that funding was allocated. They have both been unofficially told by staff of Disability SA that, while that funding has been approved by Disability SA, staff have been told not to provide any additional services using that additional funding, even though it has been approved. My questions to the minister are:

1. Is there a policy within Disability SA to grant additionally requested funding when there is no intention to provide the service related to it?

2. Has the minister given a directive that additionally granted moneys for individual packages within Disability SA are not to be spent and, if he has given this directive, why?

3. Does the minister acknowledge that it is completely unfair, to say the least, to allocate or approve funding to a client and then not provide the services required with that funding?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:15): I thank the honourable member for her most important questions and will refer them to the Minister for Disabilities in the other place and bring back a response.

MEDICAL STUDENTS

The Hon. A.L. McLACHLAN (15:15): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question regarding South Australian medical students.

Leave granted.

The Hon. A.L. McLACHLAN: On 25 February this year, I asked the minister a question in this house regarding the concerns that South Australian medical students have raised over the closure of the Repat General Hospital and the Noarlunga emergency department, as they are important teaching facilities for the Doctor of Medicine course at Flinders University.

In my explanation to the minister, I outlined how the president of the Flinders Medical Students' Society has warned that the government's proposals have thrown the future of several placement courses into doubt, as a large component of the second, third and fourth year is taught at those sites.

In the minister's response, she informed the chamber that the government will continue to work with all relevant stakeholders to identify issues of concern and work with them to overcome these issues. My questions to the minister are:

1. Can the minister update the chamber on the government's engagement with the universities and student bodies about the issues they have raised since I asked my question on 25 February?

2. If so, can the minister update the chamber on the outcomes of those consultations?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:16): I thank the member for his questions, and will refer those questions to the Minister for Health in another place, who is the lead minister responsible for the planning of SA Health services and the changes to health structures. But I can absolutely reassure members that the Hon. Mr Snelling has been incredibly thorough and diligent in the way that he has been consulting with relevant stakeholders.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: The plan that he has is to restructure, to improve the way our services are distributed across the state and to improve access for all South Australians. He has a clear plan to do that and is working very closely with all stakeholders to make those changes and improve health outcomes for South Australians.

SCIENCE RESEARCH AND INNOVATION

The Hon. G.A. KANDELAARS (15:18): I seek leave to make a brief explanation before asking the Minister for Science and Information Economy a question about encouraging students into scientific pathways.

Leave granted.

The Hon. G.A. KANDELAARS: It's abundantly clear that the future workforce needs to be equipped with skills to drive innovation and industries of the future—industries that may very well not be what we see today. However, we do have an opportunity now to shape students' ideas about future industries. Can the minister update the chamber on what the government is doing to promote future innovators?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:18): I thank the honourable member for his most important question. Of course, it is most important that we continue to stimulate the imagination of particularly our young people and encourage them to aspire to science careers.

I am sure that all of us at some stage in our childhood were intrigued by the thought of being an astronaut. Last year, 450 school students from the southern suburbs heard first-hand from former NASA astronaut and proud South Australian Dr Andy Thomas as part of the new future innovators series program. With our economy in a state of transition, we need to educate, inspire and encourage students to pursue science and technology-based careers.

This government is making several significant policy reforms and program initiatives to help develop a future workforce with the skills to drive and grow innovation. These measures are targeted from school through to tertiary levels, and the community through to a cross-agency approach, led by the Department for Education and Child Development and the Department of State Development. The key measures are outlined in the state's Investing in Science action plan. The future innovators series speaker program has been developed by the state's Chief Scientist, Dr Leanna Read, and will be delivered in partnership with the Royal Institution of Australia on behalf of the state government.

We know that many current students will ultimately end up working in jobs that currently do not even exist today. Through this series, and by exposing them to incredibly inspiring and high-profile individuals such as Dr Andy Thomas, we aim to dispel any perceptions that science and maths are only applicable to a limited number of careers like engineering, medicine or scientific research. In reality, pursuing science and maths in school can enable students to develop the foundation for a huge variety of professions.

Initiatives such as this series will show students that maths, science and technology-based subjects at school will enable them to pursue an endless number of opportunities. Many doors can open for them, whether it is being an astronaut, creating medical devices which change people's lives or creating visual effects for a Hollywood blockbuster. The series will also focus on demonstrating to students the importance of developing entrepreneurial skills in conjunction with science skills. These can turn any ideas into a high-value business.

Year 9 and 10 students from Victor Harbor High School, Mount Compass Area School, Aberfoyle Park, Reynella East College, Seaford Secondary College, Willunga and Christies Beach High School all attended the speech, which was recorded and will also be available online. We will also undertake a set of suggested classroom activities which complemented ideas raised at the event.

This government has shown commitment to initiatives which aim to attract students to science, maths and technology. We are interested in several new STEM specialist schools, such as the $2.3 million advanced manufacturing centre at Seaview High School, the just over $600,000 defence specialist school at The Heights, and the $200,000-odd for a STEM specialist school at Hamilton Secondary College. This will add to the existing Lefevre Maritime High School and the Australian Science & Mathematics School.

We are supporting an industry-led pilot program to encourage more girls into STEM, recognising that girls are often under-represented in some STEM areas, especially IT and engineering. We support the annual Science and Engineering Challenge competition, which is run in various regions across the state to engage local high schools. It is a great coup to have someone like Andy Thomas as the inaugural speaker in our future innovators series.

WATER PRICING

The Hon. R.L. BROKENSHIRE (15:23): I seek leave to make a brief explanation before asking the Minister for Climate Change and Minister for Water and the River Murray a question regarding someone that everyone knows, other than the minister, namely, Professor Dick Blandy.

Leave granted.

The Hon. R.L. BROKENSHIRE: Professor Dick Blandy is a renowned professor and respected by all, up until now, on both sides of politics. Yesterday on 891 ABC, Mr Henschke, the presenter, talked about an excerpt of Dick Blandy from a previous interview. In that previous interview, Professor Blandy said that, when it came to capital city water pricing, Adelaide had the highest water prices in Australia. Is the minister, for once, going to tell the parliament that that is true or is he going to try to continue to muck around with little places such as the Gold Coast in comparison

with our state? My question therefore is: once and for all, can the minister confirm that either Professor Dick Blandy is wrong in his allegations—

The Hon. T.A. FRANKS: I have a point of order, Mr President. Mr President, you have been letting the government benches talk throughout the Hon. Robert Brokenshire's question, and I actually was unable to hear his question because of the heckling from the government benches. I ask you to ensure that we can all hear what is going on in this chamber.

The PRESIDENT: I honestly wish that you had—

An honourable member interjecting:

The PRESIDENT: Hold on! I honestly wish that you have as much concern for ministers when they are trying to give their answers when the Hon. Mr Brokenshire is screaming from the back. But you are right: the Hon. Mr Brokenshire has every right to read out his question without interference. I would like to hear that. The Hon. Mr Brokenshire.

The Hon. R.L. BROKENSHIRE: Thank you for protection, Mr President. Will the minister, once and for all, tell the truth to this parliament, and that is that Professor Dick Blandy is either right or wrong when it comes to the fact that South Australians are paying $150 million too much for their water annually compared with any other state-owned water utility providing water in Australia? What is the truth?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:26): It's crept in, Mr President. I thank the honourable member for his most important question.

Members interjecting:

The Hon. I.K. HUNTER: Yes; and I just remind the honourable member that, whilst I said that I don't know Dick Blandy, it doesn't mean that I don't know of him, but I don't personally know him, so I would not presume to reflect on what his statements might be, as reported by the Hon. Mr Brokenshire in this place, hearing them second- or third-hand from a wireless announcer on the radio the other day.

What I can assure the honourable member is that I will always convey the truthful advice that is given to me and pass it on to this chamber. When I have that factual information, I expect the honourable member to also treat it in the way it is presented by the Bureau of Meteorology—not try to undermine it, not try to cherrypick it for his own particular purposes, not try to belittle it because it doesn't actually reinforce his own prejudicial views.

Bills

STATUTES AMENDMENT (BOARDS AND COMMITTEES - ABOLITION AND REFORM) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 26 March 2015.)

The Hon. M.C. PARNELL (15:27): I rise to speak to the Statutes Amendment (Boards and Committees-Abolition and Reform) Bill 2015. In doing so, I want to say at the outset that it is a reasonable exercise for governments to periodically reassess the value of the various structures under various pieces of legislation to determine whether they are providing good advice, efficient advice or, in the case of those bodies that make decisions, good and efficient decisions. Having said that, I think that the approach the government has taken in this instance is simply to play the game of numbers and seek to gain public approval for abolishing a certain number of boards regardless of the value of those boards. I think that it really is an exercise that is that cynical.

The government, I do not believe, has made its case in relation to many of these boards and committees that are proposed to be abolished or merged. Nevertheless, the reality of the situation is that, with government and opposition overwhelmingly agreeing, most of these proposed abolitions and mergers will go ahead.

The Greens have narrowed our list of those boards and committees that we are going to fight for in this place down to a final two, and they are the body under part 14 of the bill, the Fisheries Council, and also the body under part 41 of the bill, the Wilderness Advisory Committee. My colleague Tammy Franks may have some observations in relation to other boards and committees and, in fact, the two that I mentioned are simply the two in my portfolio areas that I will be pursuing.

I want to start with the Fisheries Council. I think it is worth going back to the origins of the legislation under which the committee is established in order to provide some context and to understand why the Fisheries Council was created; then we can identify whether the need for such a body has passed. When the new Fisheries Management Act was debated eight or so years ago, one of the key issues was whether commercial fishers should have a property right over communal resources or whether they should just have a more ephemeral licence to access those marine resources.

Ultimately the industry won the day and property rights were granted so as to provide certainty to industry and also the ability to raise capital using the property rights as security. However, the legislation also included a range of checks and balances, and one of the most important of these was the creation of an expert-based fisheries council with a range of responsibilities including the preparation of fisheries management plans.

I understand that, in relation to the present bill, the commercial fishing lobby is supportive of the abolition of the Fisheries Council, but what I think many of those supporters have conveniently forgotten is that this council was a key requirement ahead of replacing annual fishing licences with a statutory, transferable property right. These arrangements were negotiated over more than 10 years, beginning, I understand, with Rob Kerin as the minister. The present role of the Fisheries Council is summed up conveniently on their website as follows:

> The objectives of the Fisheries Management Act 2007…make it clear that the sustainable management of our fisheries resources is paramount and that it is only within a sustainable management framework that these resources can be developed for the benefit of the community as a whole.
>
> Protection from over-exploitation is set out as the primary principle of the legislation...The principles that guide decision-making under the Act also require that commercial, recreational and Aboriginal traditional fishing activities be fostered and that aquatic ecosystems on which fisheries rely for their productivity are not endangered or irreversibly damaged.
>
> The success of wild fisheries management in South Australia to date can be attributed to the science-based and precautionary approach taken to management decisions. This has occurred through close, transparent and formal consultation with industry groups and the broader community through Fishery Management Committees and other processes.
>
> The co-management approach continues under this Act with the establishment of a Fisheries Council to provide advice to the Minister on the management of fisheries, whether for commercial use, recreational use, or for Aboriginal traditional fishing purposes.
>
> The Fisheries Council is expertise-based and has at least nine members appointed by the Governor, plus the Director of Fisheries as an ex-officio member. The Council has a broad advisory role and key responsibility for the preparation and maintenance of fishery management plans.

We have given the commercial industry a very valuable property right accompanied by a guarantee to the public that there would be independent oversight through a fisheries council. It is remarkable, then, that we abolish the latter without touching the former. If this part of this bill passes, there will be no independent oversight of the commercial fishing industry. It will be left entirely to the department.

When the original fisheries bill was being negotiated 10 and more years ago, many of the Indigenous, conservation and recreational fishing groups were reluctant to support the new access rights for professional fishers but, eventually, they accepted it because of the overview mechanism in the Fisheries Council that was enshrined in and protected by law. I understand that the minister has suggested that ad hoc committees might be created as necessary. However, the members of those committees will not necessarily have the understanding, the experience or the expertise that is set out in the present act.

One thing I will acknowledge that I am grateful to the government for is that, on the government website, they have included many of the submissions that were made in the consultation process for this bill. That includes letters from the chairpersons of the various committees that were

being abolished or merged. I would like to quote a few sentences from the submission of the Fisheries Council of South Australia dated 17 September last year and addressed to the Premier. The submission includes the following:

> Council members agreed that a submission should be made in response to your letter. In your letter, two areas were highlighted that will help to inform the government's decision on whether a board or committee would be considered exempt from being abolished. These were efficiency and independence.
>
> The Fisheries Management Act 2007…reformed the way in which fisheries management is undertaken in South Australia. The act was the vehicle [which] set up an expertise-based advisory body (the Fisheries Council of South Australia) aimed at maintaining the highest level of trust and confidence in your government's management of the fisheries in this state.
>
> This was a significant move away from industry-based advisory committees and one that was very well received by the public. The board operates at a strategic level and within the requirements of the act advises the minister on the long-term plan and annual operating plan, ensuring openness, transparency and accountability at all times. The independent nature of the fisheries council, which includes expert stakeholder representation, adds another layer in maintaining public confidence in the management of South Australia's aquatics resources.

I know that many members will say, in relation to that letter, that they would say that anyway; they are about to be abolished, so of course they are going to defend their position. That is not my experience. There are some committees that quite reasonably recognise that their time has come, that the need for them has gone and they should be abolished. Clearly, in this case, the fisheries council does not believe that its role is redundant and neither do the Greens, so we will be pursuing that committee's retention.

The second committee I wish to bat for and protect from abolition today is the Wilderness Advisory Committee. At the outset I will declare that my interest in this committee goes back to 1989; in fact, the Wilderness Protection Act was the reason I came to South Australia. I came from Victoria to take a job with the Wilderness Society at the end of 1989, with the task of lobbying parliament and the community for the establishment of a wilderness protection act. So it is why you have me here; I came here to get this legislation on the statute books.

The Hon. K.L. Vincent interjecting:

The Hon. M.C. PARNELL: The Hon. Kelly Vincent interjects, 'And you are still here.' I will leave others to commentate on whether that is a good or bad thing. However, I certainly remember coming into this place in 1990/1991 to lobby members of parliament and the standing committees of this parliament for a wilderness protection act. Ultimately, the act was introduced and it had cross-party support, and became part of the law of South Australia. An important part of that legislation was the Wilderness Advisory Committee.

At the heart of the legislation is a scientific assessment of wilderness, looking at its qualities and condition, and determining whether or not it deserves the highest level of protection afforded by the protected area system in South Australia. If my memory is correct the wilderness assessment methodology was developed here in Adelaide at the University of Adelaide by (I think I have this right) Rob Lesslie and Sandra Taylor, and it effectively became the national standard for wilderness assessment.

Again, I will quote briefly from the Wilderness Advisory Committee's webpage; I think it summarises their role well. It says:

> The Wilderness Advisory Committee is required to assess all land in the state to identify which areas meet the wilderness criteria to sufficient extent to justify protection under the Wilderness Protection Act 1992 and to report its findings to the Minister for Sustainability, Environment and Conservation.
>
> Data used in assessments include the National Wilderness Inventory and a study of Wilderness Areas of Potential National Significance (both prepared for the Australian Government) as well as information gathered on field trips and from [the department].
>
> The committee is required to assess land nominated by the public for wilderness protection and to provide advice to the minister on the management of wilderness protection areas and zones.

It is a fairly light committee, with just four members, all with expertise in this area. Under the bill before us today, the government wants to merge the function of this committee with the new Parks and Wilderness Council. I will say at the outset that, despite the inclusion of the word 'wilderness' in

the name of the new body, the conservation sector is not convinced that abolishing the Wilderness Advisory Committee is a positive move; in fact, they oppose it, and so too do the Greens.

The Wilderness Advisory Committee, as all of these committees were invited to do, wrote to the government, and I would like to refer briefly to the Wilderness Advisory Committee's submission dated 9 August 2014 and a supplementary submission dated 24 October 2014. In the first submission, under the headings of 'Effectiveness' and 'Public Engagement in decision making', the committee highlights some of the unique features of the way they operate that they fear will be lost under the new body. In relation to effectiveness, they say:

> To date, the Committee has undertaken 19 assessments of wilderness quality and recommended protection in each. Of the 19 recommendations 13 have been acted on and approximately 1.8 million hectares of Wilderness Protection Area constituted. It is probable that the Committee's assessment of the Mawson Plateau contributed to its protection under the Arkaroola Protection Act 2012. The statewide assessment process is not complete, with approximately 30 areas of high quality wilderness awaiting examination.

Under the heading of 'Public engagement in decision making' the Wilderness Advisory Committee points out its role in dealing with the public on nominations. They say:

> The Act enables members of the public to nominate areas for a wilderness assessment by the Committee. Public nomination has resulted in protection in a number of cases. Before a wilderness protection area or zone can be constituted, the Committee's report and recommendations are circulated for public comment for three months. These submissions (except submissions made in confidence) are available for public inspection, as are the Committee's comments on the submissions. The development of management plans has two rounds of public consultation, the first on issues to be addressed in the plan and the second on the draft plan itself. An additional, but as yet unused, safeguard of public engagement lies in the civil enforcement provisions of the Act which provide for third party standing.

These are quite complex roles engaging with the community, which this particular four-person committee has undertaken efficiently and diligently. The concern is that the new amalgamated body will not have either the expertise or the independence to be able to do that work.

In terms of cost effectiveness—because we know that one of the reasons for this legislation is to cut down the cost of boards and committees—this has to be one of the cheapest committees around. Members meet four times a year. Their sitting fee is $103 for a four-hour session, so $25 an hour. I think you could probably get that in a large number of businesses, maybe making coffee or similar lower skilled tasks. So these are top-level people being paid a minimal amount.

In addition, members work with no pay on many of the field assessments they undertake of three to eight days duration, and they also devote a lot of out-of-session time to report writing. So really this is not a great impost on the public purse. In fact, as we have started Volunteer Week, these four people are largely volunteering their time.

The committee undertakes its functions with no staff or specific budget of its own. One of the reasons why I think the case exists for the committee to continue is that there is unfinished business. As I said before, I think there are still some 30 areas that need to be investigated, but I think there is also great potential in terms of economic development in the identification and promotion of wilderness areas. To quote the presiding member's letter to the minister, he says:

> Wilderness is gaining an important economic dimension. Tourism Research Australia market surveys show that nature-based tourism is the primary travel motivator across all of Australia's traditional inbound markets. Research also shows that nature is the key motivator for the rapidly-expanding Chinese market.
>
> Relatively undisturbed natural landscapes are increasingly rare at a global scale and regions that have tracts of land with these characteristics have a competitive advantage in a burgeoning international tourism market.
>
> The target market in this context is the 'experience seeker' which is characterised by high dollar/low impact. South Australia's wilderness system, particularly in arid and semi-arid zones, is potentially a major drawcard for this market and a significant contributor to state and regional economies.

So I believe the Wilderness Advisory Committee should be retained. I think its past achievements are noteworthy and commendable and I think its future role is important so I do not believe that the government has got it right.

Nevertheless, in the spirit of compromise, I know that certainly the Wilderness Society and others have put forward to the government that there might be another way around this. In particular, I know that a formal subcommittee of the Parks and Wilderness Council might be a partial solution

to make sure that there are at least a dedicated number of people whose job it is to continue this role under the Wilderness Protection Act.

Certainly I think the minister is aware that the submission of the Wilderness Society includes the creation of a wilderness assessment and management committee. I will not go into all the details of how that might work but I think that, whilst we have not prepared particular amendments to that effect, I would like the minister to respond later as to whether or not there is scope for a specifically identified subcommittee to deal with functions under the Wilderness Protection Act. With those brief words, I look forward to the committee stage of this debate.

The Hon. J.M.A. LENSINK (15:47): I rise to make some remarks in relation to this piece of legislation, which had its origins following last year's election. I think possibly it was a surprise outcome for many, including members of the Australian Labor Party who found themselves back in government without much of an agenda—and this is one of the things that was pulled out of a hat to keep the punters busy.

It was mooted probably in mid-2014. It is, as the preceding speaker noted, a useful exercise to go through and review boards and committees periodically, and so every board and committee was written to and asked to justify its existence and respond to their relevant minister, who would then provide a report to the Premier. The final report was tabled on 30 October 2014, the bill was introduced in November last year and now we have it before us. The final report proposes to abolish some 107 of the 429; merge 17; subject others to reform and further investigation—that is 95; reclassify 120; and retain 90.

A large number of these boards and committees are within the environment portfolio and so were obviously of particular interest to myself. As shadow ministers we wrote to all of those boards. Most of them, because they are administered by the government, could not provide a formal response to us. All of those have now been made publicly available on the website.

The number of animal ethics committees which exist—and I note that a fairly standard response from some of the committees would be to say that they might not see reason for continued existence; in fact, the non-government schools animal ethics committee wrote back and I think quite rightly said that it is inconceivable that any instance of animal cruelty would go unreported in a school. If staff did not proactively report any such occurrence, the students certainly would. Given the above, it would appear that the committee's function can be made redundant.

A number of others did fight for their existence, including the NRM boards. Beyond those, there are four boards and committees that the Liberal Party determined were particularly important. Those have been re-included through amendments which were passed by the House of Assembly, so I will just speak briefly to those and cover a couple of other issues.

First of all, there is the Animal Welfare Advisory Committee, which provides independent advice on a range of issues. Stakeholders who are particularly interested in this committee include the RSPCA, which is in favour of its retention, and Livestock SA, which is also represented on it. It provides a number of useful functions, and we are pleased that the government has seen fit to agree to continue to support that committee. I do note that all other states have some form of animal welfare advisory committee of some description, and I think that makes sense. Given the interest in this issue and that there are ongoing issues that crop up from time to time, I think it certainly has an ongoing role.

The Pastoral Board: the advocacy for that particular board has certainly been taken up by the member for Stuart, who has by proportion the largest number of constituents affected by that. Their concern was that pastoralists would lose their independent voice to government. Livestock SA was also very concerned about the proposed abolition of that board, and I note that the conservation sector supported its continuation, so that particular board will continue. Then we have the Tourism Board and the Health Performance Council, which have been covered by other speakers. My colleague the Hon. David Ridgway in particular has spoken about the Tourism Board in some detail.

I think into the future there is a bit of uncertainty about what actual form some of these boards and committees will take. I am not certain what reclassification means in some instances, whether for the Dog Fence Board, for instance—I will put this as a formal question to the minister—reclassification means that DEWNR or the relevant department is going to try to get the local NRM

board to manage that. I also understand that NRM boards are being asked to take on responsibility for marine parks management and would appreciate if the minister could respond to that as well.

The Border Groundwaters Agreement Review Committee: this is an area that is obviously very important to the people of the South-East, who are impacted by decisions that that may make in relation to reductions in water allocations, so that is seen as a very important board to those particular constituents and I think that some better coordination with the South-East NRM Board would be quite useful.

I note that we have some amendments from honourable members in this place in relation to other boards and committees, and those will be considered. I thank the Conservation Council and the Wilderness Society for the very detailed response that they provided to the government; that is dated 21 October 2014. They had concerns about a number of boards, including the ones that the Hon. Mr Mark Parnell has mentioned. I think the Coast Protection Board, the Native Vegetation Council and the State Aboriginal Heritage Committee, which they were concerned about, the government has decided to retain, but there are still those two boards that the honourable member has mentioned that we will consider prior to the debate in the committee stage. With those remarks, I commend the bill to the house.

Debate adjourned on motion of Hon. G.A. Kandelaars.

ANIMAL WELFARE (LIVE BAITING) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 7 May 2015.)

The Hon. K.L. VINCENT (15:55): I do not intend to make a lengthy contribution on this bill, and that is mostly because I think my track record in this place will indicate what is probably predictable support for this bill. I understand from a briefing I have received from the minister's office, and from further research that I myself have done, that live baiting is already illegal under the existing animal welfare legislation in this state. The intent of this bill is merely to attempt to close some further loopholes to make it absolutely clear that this practice is illegal and inhumane and that we as a community do not and will not tolerate the archaic practice of live baiting.

It is important to put on the record that it is my understanding that this particular bill has the support of both Greyhound Racing SA and the RSPCA, which is important because I do not think it would surprise many people to know that those two organisations would have very different views on a lot of things, but the fact that they have managed to come together in an accountable and mature way on this issue shows how important it is. It is important that we as a parliament reflect community views on this issue and make sure that that good work does not go to waste. Therefore, I support the bill.

The Hon. T.T. NGO (15:58): I will briefly speak to this bill. I am happy that there seems to be a significant amount of consensus reached on the need to stamp out live baiting through this bill. I place on the record my acknowledgment of the work the Hon. Michelle Lensink has put into this matter. I am aware that the honourable member has a private member's bill on the Notice Paper on this very issue, and I know that she is very passionate about animal welfare.

It is important, however, to briefly note some of the important progress the government's bill has made from the opposition's bill. That private member's bill required the licensing of training facilities. This had the potential of pushing this practice into the back paddock, where it would be even harder to detect. This is why the government has introduced this bill after significant consultation, and it contains recommendations of the RSPCA and Greyhound Racing SA.

It was important for the government to work in a considered and measured approach with Greyhound Racing SA, rather than being seen to be working against it. This is important to note, given that there are no reported examples of live baiting occurring in South Australia, and Greyhound Racing SA has been very public in expressing its disgust at the live baiting practice.

By working with the industry rather than responding inadequately through moral panic, the government has been able to pursue important reforms with Greyhound Racing SA, which would have always been necessary to administer the harsher penalties contained in this bill. Greyhound Racing SA chief executive Matt Corby says Greyhound Racing SA has bolstered its resources. I quote:

'We're in the process of recruiting one additional full-time staff with two more to come,' he said. 'We're training our staff in the use of aerial drones to inspect larger properties.

We have significantly elevated our inspection rate of properties, so within our powers we're doing everything we can.

We take some comfort from the fact we haven't found any evidence (the practice is occurring)—we're trying to make sure the possibility of that is reduced to zero.'

I suspect we are seeing these outcomes from the industry because the government has worked constructively with it. The opposition's approach would have been to penalise, perhaps unintentionally, the industry, even though there have been no known cases of live baiting in South Australia.

While the industry has been quiet about the licensing requirements required in the opposition's bill, I would hazard a guess that concern would have arisen at the potential cost to the industry of having to establish and maintain a licensing register. As we know, it does not stop the potential for rogue elements to continue the practice. The education and support provided by the industry to its participants will do much more to manage the problem.

We were all left disgusted with what was shown on the *Four Corners* show. It is easy to rush legislation when wanting to fix the matter. However, it is vital to draft legislation which is measured and considered and will actually have a positive practical effect on the industry. The industry in SA has suffered unwelcome publicity. It is important that we do not rush into decisions that may have long-term negative impacts on the industry.

Some of the important measures this bill will cover include organising, promoting and/or allowing a prohibited activity, as well as knowingly providing an animal or thing for a prohibited activity. Some of these prohibited activities include:

- releasing an animal from captivity for the purpose of the animal being hunted or killed;
- selling or supplying the fighting animal or the bait; and
- keeping or preparing an animal to be bait or an animal to fight or hunt.

It is also an offence to be present at a place where any of these offences I have explained are occurring. I, like many South Australians, was left deeply disgusted at the images of defenceless piglets, rabbits and possums being left to the mercy of greyhounds. This bill has my full support because the government has widely consulted with the industry.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (16:04): I think it is safe for me to rise and close the debate at this stage. I would like to thank all honourable members for their careful consideration and indications of support for this bill. From their contributions, it is clear that all of us are as shocked as I was at the footage of small defenceless animals being used as lures to so-called 'train' greyhounds.

While the *Four Corners* program did not show any greyhound trainer in South Australia using these methods, I think it is incumbent on us to understand that an absence of evidence does not mean the action has not been happening, as much as we might hope it hasn't. We do need to work together to design measures to provide assurances that this disgusting practice will not occur here into the future, and I am very pleased with the support offered by the chamber for this legislation.

I would like to acknowledge, as other members have done, the contributions that Greyhound Racing SA and the RSPCA have made in developing this bill. It shows a very mature approach on behalf of both organisations that they could work together in common cause but, again, I think that is an indication of how shocking the footage was and how both organisations knew that they needed to come together to work on this solution.

I would also like to thank minister Bignell in the other place for working with us and driving part of this change. Together with officers from my department and his, we have cooperatively and quickly provided some agreed recommendations from the RSPCA and Greyhound Racing SA which formed the basis of these amendments and provided comments on a draft version of the bill through its developmental stages. I again say that the fact we could act so quickly is a credit to both these organisations. Their willingness to come together to solve a problem together with government reflects well on them. I look forward to them working more closely together on other issues that they have in terms of animal welfare.

If anything good has come out of the revelation of live baiting in the Eastern States, it is the development of the strengthened relationship between these two organisations, the RSPCA and Greyhound Racing SA. They are communicating more than ever before, and I am very hopeful that this relationship will develop further into the future, as I said. I thank members for their constructive comments and look forward to passing this bill.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. J.M.A. LENSINK: I might seek some responses from the minister, if that is appropriate. I note that the bill is not a lengthy bill and really addresses some of the animal cruelty penalties. In setting up new penalties, it is going to make it easier for the relevant authorities, being the RSPCA and SAPOL, to take matters to prosecution. However, I think one of the most important aspects of this, which is outside of the legislation, is the fact that we are going to have improved protocols between the RSPCA and GRSA to enable linkages to be made in relation to potential cruel practices.

This is all very well while we have the current personnel who have been through this particular crisis and who understand the depth of feeling, but it does not necessarily mean that into the future the same vigilance is going to continue. I wonder if the minister can comment on how he sees that the vigilance into the future will continue once the relevant personnel who are working in those particular organisations may have moved on to other positions.

The Hon. I.K. HUNTER: I thank the honourable member for her most excellent question. In fact, she is quite right: the provisions in the bill do go to those issues of increasing fines and creating aggravated offences. The key component in terms of those provisions that will be enacted outside of the legislation, if you like, really go to changes to the racing code. It is not just reliant on individual passions to make sure the racing industry is cleaned up, so to speak; it is actually to make changes to the racing code and the licensing provisions under the code so that, should members of the greyhound racing association transgress those code changes, they will be dealt with very severely, to the point of potentially losing their licence to race.

So, these are the things we will be watching very closely. These are things that Greyhound Racing and the RSPCA have been working on together, and we will be asking Greyhound Racing to expedite those changes to the code. Should there be a change down the track in terms of personnel who have been part of this process and lived through this process, that code will enshrine the expectations on trainers in the industry and, again, should they transgress those, they run the very real risk of losing their licence.

I understand that GRSA have written to me today about how they will work with the RSPCA into the future. As I have said, they have given me the indications I was after to change their racing code to make those changes permanent.

The Hon. J.M.A. LENSINK: I thank the minister for that explanation. In relation to the code, I did, when this issue first arose, download and print off one of their particular codes of practice. I am wondering whether the minister can give a commitment to go back to GRSA to request that they ensure that their code is kept up to date and is publicly available at all times, because I think that level of transparency is going to be very important for anyone who may see something they think is

suspicious and may wish to report it. I think that ensuring that, into the future, that information is publicly available at all times and current is pretty important.

The Hon. I.K. HUNTER: I am very happy to take the Hon. Michelle Lensink's advice to the greyhound racing association; I think that is prudent. I will write to them and pass on that information and request.

Clause passed.

Remaining clauses (2 to 5) and title passed.

Bill reported without amendment.

Third Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (16:13): I move:

That this bill be now read a third time.

Bill read a third time and passed.

RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 26 March 2015.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:15): I rise to speak on behalf of the opposition on the Rail Safety National Law (South Australia) (Miscellaneous) Amendment Bill 2015. This bill contains several administrative 'tidy-ups' and a number of uncontroversial changes. I am informed by our shadow transport minister that there has been stakeholder consultation and no significant issues have been raised.

Throughout my time in parliament, our rail system has seen a significant statutory overhaul. The rail safety bill of 2007 implemented the national rail safety bill of 2006, developed by the National Transport Commission. The bill was unanimously approved by transport ministers throughout the Australian Transport Council, and was part of the process to implement a nationally-consistent framework of regulation of all rail safety across the national rail network over the proceeding five years. The opposition supported the bill without question.

During my time as the shadow minister for transport in 2009-10, the rail commissioner bill was passed, which adhered us, supposedly more closely than any other state, to the National Transport Commission's model rail safety legislation. The multitude of changes culminated in the need for a government to determine who would effectively manage and control the new rail infrastructure projects, such as the electrification and extension projects in the 2008 budget. That is how the Rail Commissioner came about.

In 2012, we replaced the state Rail Safety Act 2007 with the rail safety national law bill, as part of the national reform to abolish the state rail regulators and establish a national regulator. Given that SA legislation was the most consistent with the model law, we were nominated by COAG to be the lead state on the legislation. With such a significant overhaul of our rail legislation, it is unsurprising that some changes are necessary, as the legislation proves its areas of efficiency and otherwise.

In summary, the changes in the bill are as follows. A number of amendments refer to a change in language—'cancel' rather than 'revoke' as requested by the industry. Section 20(4) is deleted, removing the requirement for the regulator to issue notice to compel an operator to appear before them. This is to prevent collusion. The time frame for issuing notice allowed operators time to collude before the hearing.

Section 76 is amended to make it an express requirement to pay accreditation fees. An operator can be suspended for failing to pay the fees. An addition to section 96 compels a rail

infrastructure manager to give the regulator an annual activity statement. This will help the regulator to maintain oversight and safety standards without as many site visits.

Further, amendment to section 12 clarifies that operating under the influence of alcohol can be determined by a breath test, but there will be no changes to actual practice. Amendment to section 148 for 'general person on entry', deleting 'structure' and substituting 'rail infrastructure' keeps this section in line with the rest of the act. An addition to section 168A grants a rail safety officer the power to compel an operator to produce documents and finally an addition to section 214 allows an exemption of accreditation fees for tourist operators.

As I outlined, we have had significant change to rail law since the time I was elected from 2007 onwards—an eight or nine-year period now—and it is not surprising that there is always some little bit of tweaking that needs to go on to keep the language consistent with the other states.

I am pleased that the insertion of the last point that I made reference to allows an exemption of accreditation fees for tourism operators. A Barossa wine train has been sitting in mothballs for a very long time. I am not sure whether that is ever going to come out of mothballs, but I know that one of the issues around that train was in relation to some of the fees.

I am not sure exactly what accreditation fees will be exempt for tourist operators, but I know there was some fee and we will probably put this through the minister. I see there are a couple of advisers sitting waiting, and we might just ask a question of the minister at clause 1 in the committee stage just to see whether that does help in giving some explanation as to the type of accreditation fees that will be exempted for tourist operators. With those few comments, I indicate that the opposition is happy to support the bill.

The Hon. G.A. KANDELAARS (16:19): I rise today to speak in support of the Rail Safety National Law (South Australia) (Miscellaneous) Amendment Bill. The Office of the National Safety Regulator is an independent body established under the Rail Safety National Law (South Australia) Act 2012. The primary objective of the regulator is to encourage and enforce safe rail operations and to promote and improve national rail safety.

Following the leadership of the then federal minister for transport Mr Anthony Albanese and the then South Australian transport minister Patrick Conlon, the Office of the National Rail Safety Regulator was established in Adelaide in July 2012 and commenced operations on 20 January 2013. The Office of the National Rail Safety Regulator has responsibility for regulatory oversight of rail safety law in the jurisdictions of South Australia, New South Wales, Tasmania, the Northern Territory, Victoria and the Australian Capital Territory.

Following the operation of the regulator, the need for some minor technical amendments became apparent over time. The minor amendments in this bill were put to the Transport and Infrastructure Council ministers' meeting held on 7 November 2014. The responsible ministers approved the bill, without any alteration, for introduction to the South Australian parliament at that meeting. It forms part of an amended package, which was developed in conjunction with and with the support of jurisdictions, industry associations and the Rail, Tram and Bus Industry Union. The amendments are minor in nature and do not represent a material policy shift. As the national lead legislator, South Australia is responsible for the passage of the bill, and I commend the bill to the house.

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (16:22): I would like to thank honourable members for their contributions in relation to this relatively uncontroversial bill. I particularly thank the Hon. David Ridgway, who has held the transport portfolio for the Liberal Party and who has a great deal of familiarity with many of these issues. I also thank the Hon. Gerry Kandelaars, who is a very well-known train enthusiast, for his contribution on this bill.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. D.W. RIDGWAY: In relation to the last amendment I referred to in my second reading speech, which was that tourism operators be exempt from accreditation fees, I know that there were some issues around the wine train. There was a reasonable amount of money that would be required for what I thought was accreditation, so I am interested to know whether that has an impact on the Barossa Wine Train.

The Hon. K.J. MAHER: I can provide the honourable member with this advice: it could apply for the waiver of fees for accreditation under this scheme, for an application for exemption it could apply for the waiver of fees. Does that answer your question?

The Hon. D.W. RIDGWAY: Let's be hypothetical. Let's say it is the operator or owner of the Barossa Wine Train. There is an accreditation fee of about $50,000 or $100,000, I think, quite a significant amount of money. It seems like an awful lot of money to get a train accredited. Is this the type of fee that the state government would exempt to allow the operator to get back on the rails to do some tourism work, rather than have to come up with $50,000 or $100,000 for accreditation?

The Hon. K.J. MAHER: I am informed that it provides the power to waive the fee for the application for the exemption. So this gives the power to waive the fee that is payable on the application for an exemption.

The Hon. D.W. RIDGWAY: So it waives the application fee but not the actual fee for the accreditation?

The Hon. K.J. MAHER: The regulator can already waive fees for accreditation. This new power gives the power to waive the fee for the application for exemption. So there is already the power to waive the fee for the accreditation; this gives the power to waive the fee for the application for the exemption for accreditation.

The Hon. D.W. RIDGWAY: If the operator or owner of the Barossa Wine Train wanted to get it up and rolling out of the Barossa, the government of the day could waive the fee for accreditation.

The Hon. K.J. MAHER: The regulator could make the decision to waive that, yes.

The Hon. D.W. RIDGWAY: If the regulator does not waive the fee, who is it actually paid to?

The Hon. K.J. MAHER: The fee is paid to the regulator.

The Hon. D.W. RIDGWAY: Does the minister or the minister's adviser have any idea as to the magnitude or size of a potential accreditation fee for the Barossa Wine Train?

The Hon. K.J. MAHER: If the honourable member is happy, we could take that on notice and get back to the member with the exact details.

The Hon. D.W. RIDGWAY: Alright. If it is the regulator who can waive the fee for a tourism operator, what criteria or circumstances would allow the regulator to exercise that discretion? Is it just a matter of how they feel on the day or is there a set of circumstances or a checklist for reasons to waive the fee?

The Hon. K.J. MAHER: It would be on the individual merit of the application that is made for the exemption, but I will go away and bring back more exact answers. If you have a specific case, I am sure we can talk about the fees or how it might apply in an individual case.

The Hon. D.W. RIDGWAY: When an applicant applies for accreditation, what is actually checked off for them to be accredited? What are the requirements to achieve accreditation?

The Hon. K.J. MAHER: I am informed that section 65 of the act spells out what an applicant must demonstrate for accreditation but, again, I am happy to ask the department to provide the specific details of what the act provides and how it has been applied.

The Hon. D.W. RIDGWAY: Okay.

Clause passed.

Remaining clauses (2 to 25) and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (16:32): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CRIMINAL LAW (EXTENDED SUPERVISION ORDERS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 7 May 2015.)

The Hon. T.J. STEPHENS (16:33): I rise on behalf of the opposition to speak to the Criminal Law (Extended Supervision Orders) Bill. This, of course, is a government bill, part of Labor's justice policy at the last election; it is disappointing that it has taken them well over 12 months to begin the process of implementing it.

The bill provides for the creation of extended supervision orders (hereafter referred to as ESOs). ESOs allow for particular offenders considered to be at high risk of reoffending to have supervision orders placed on them following completion of their sentence, usually at the expiration of parole. For parolees this would be an extension of their parole and for those offenders who were never paroled it essentially applies parole conditions on them.

It is important to note that offenders who will be subject to these ESOs will be high-risk offenders: that is, high risk of committing a serious offence upon release back into the community. So the question begs as to why these people are being released if this is the case. Whilst much of this is a matter for the judiciary, the Attorney-General has pointed out that these actually are not the worst of the worst offenders, but in fact a new class of high-risk offender.

Those very serious offenders are already covered by section 23 of the Criminal Law (Sentencing) Act. The Attorney-General has confirmed that those covered by this legislation are those not serious enough to be covered by section 23 but still at risk of reoffending. An application for an ESO is made by the Attorney-General to the Supreme Court on the advice of the Parole Board and/or the Department for Correctional Services. The Supreme Court must then determine that the offender poses an appreciable risk to the safety of the community if not supervised under the order, and a qualified medical practitioner must assess the likelihood of reoffending and report to the court.

As per subclause (5), the paramount consideration of the Supreme Court is community safety. The subsequent clause deals largely with the specifics of what is to be considered by the Supreme Court and what sorts of reports are to be delivered by medical experts.

Paragraph (j) of subclause (6) talks about any pattern of behaviour disclosed by his or her criminal history. This is relevant to the opposition amendments which I flag we will be moving at the committee stage of the debate. In which form they come is a matter of discussions between the member for Morialta and the Attorney-General. The specific conditions of an ESO, as expected, are quite similar to those of parole. I will not go into all the detail here. It can be found within the bill, in the minister's explanation of clauses and on the public record from the debate in the other place.

The opposition in principle is in favour of the adoption of ESOs. First and foremost, our criminal justice system should be about public safety and protection, but also about offender rehabilitation. The system must assume this is possible, but where it is proven to be doubtful or impossible, the system needs to protect the public.

The jurisprudential and moral dilemmas posed by this legislation are manifest. Should an offender who has served his penalty be subject to further restrictions based on possible future offending? The government, as indicated by the Attorney, believes that ultimately community safety should be the paramount concern of the system, and so do we on this side of the council. I note that

the Law Society has concerns with the legislation based on the dilemma I outlined before, and also about executive encroachment on the judicial arm of government, which is a regular complaint about the Labor government.

There is an emotional side to this argument. One only has to look at the case of poor Jill Meagher in Victoria. Whilst the details of the case are specific in that Adrian Bayley was actually on parole at the time, the government, and we as legislators, need to act in order to prevent crimes like that from occurring. If that means supervision of repeat or notorious offenders, then so be it.

A point I do want to raise is, if offenders are coming out of the correction system with a high risk of recidivism and no overt signs of rehabilitation, surely this is an indictment on the state's correction system? This is a question that is for another debate at another time, but it is worthy of mention when we are discussing the philosophy behind these ESOs.

The bill is, of course, supported by the Parole Board, and in particular by its chair, Ms Frances Nelson QC. She has identified some concerns and areas of further interest for us to look at. Indeed, we have been in discussion with her about our proposed amendments, to which she has been very helpful.

The opposition has serious concerns with the enforcement of ESOs, given the issue of extreme overcrowding within the correction system. Apparently the total funding for the enforcement of ESOs is $300,000 for the next two financial years, trickling to zero after the first year. This does not make any sense, frankly, so I would like to hear from the minister why the budget allocation is minimal, given that the Attorney-General himself is unsure as to how many ESOs could be issued within the next two years and that the current corrections budget is not enough for the excessive number of prisoners currently in the system.

Further to the enforcement is the issue of bail upon the court's finding a breach of an ESO. The government's bill does not include a presumption against bail, and there is a real risk of offenders being released back into the community following the breach of an ESO. If the breaching of an ESO is to be considered a step on the way to serious reoffending, or may in fact be a serious offence itself, and this person clearly has a serious criminal history warranting an ESO, then bail should be refused save for highly unusual circumstances, which runs counter to all other criminal defendants. This is the view of the Parole Board, and we hope to address this deficiency at the committee stage. With these words, I commend the bill to the council.

Debate adjourned on motion of Hon. G.A. Kandelaars.

STATUTES AMENDMENT (GAMBLING MEASURES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 26 March 2015.)

The Hon. T.A. FRANKS (16:40): I rise on behalf of the Greens to speak to the Statutes Amendment (Gambling Measures) Bill. This has been described by the government as a bill to fine tune the provisions in the Gaming Machines Act 1992 and the Independent Gambling Authority Act 1995, the Lottery and Gaming Act 1936 and the Problem Gambling (Family Protection Orders) Act 2004. This bill makes it an offence under the Gaming Machines Act for a person to purchase or enter into a contract or agreement to purchase a gaming machine, unless licensed. I understand that this is because a South Australian resident attempted to have such a machine in his man cave, and there was some discrepancy around at which point he was acting illegally. So certainly tightening up those provisions has been observed to be necessary.

The bill also removes the amendment prohibiting EFTPOS facilities in gaming areas in hotels and clubs. I note the concern that gamblers leaving a venue to withdraw cash means that it is harder for trained staff on site to identify problem gamblers, and that has been the advice of the government. I understand the Hon. John Darley may have amendments around that, and at this stage the Greens are still consulting on that particular measure.

It also provides the Liquor and Gambling Commissioner with the power to seek input from the Commissioner of Police about any gaming manager or gaming employee. It removes the

requirement that the Liquor and Gambling Commissioner approve the layout of gaming machines in the gaming area, and this is certainly supported by the Greens and seen as a cutting of red tape measure. It also defines the circumstances in which it would be unlawful for a player to engage in a game of poker in a public place. I note that this definition is quite carefully defined, and that tournament poker would not be affected by this particular provision.

It amends the Lottery and Gaming Act to increase the modern powers of delegation to recognise that that is to the minister. It amends the Independent Gambling Authority Act to provide greater clarity in administrative arrangements, including a new staff provision clarifying that the staff of the IGA are Public Service employees, assigned by the relevant chief executive, and certainly the Greens welcome that particular pleasure. It also extends the IGA's delegation-making powers and finetunes the barring framework by extending the confidentiality obligations.

The Greens support the finetuning of the barring framework, and my contribution today will focus on some areas where not only does the barring framework need finetuning, but I think it needs significant overhaul. I have some cases that have been presented to me by various groups, in particular Communities against pokies and Pokies Anonymous. In my conversations with the AHA they have indicated many similar cases of what I have coined 'barring fail'; cases where the IGA barring system has failed the South Australian community and, in particular, vulnerable people who have a problem with gambling.

I have amended many of the names of these individuals to protect their privacy, but I wish to share with the council some of these cases, which I think go a long way to calling for further overhaul of the barring regime in this state. The first case study I am provided with is from David. David says he has had a pokies addiction since 1999, and he writes to my office:

> I have had a pokies addiction since 1999. This addiction has impoverished me in every way. It has caused severe mental health problems ultimately driving me to the brink of suicide.

He goes on to say that, with the help of Pokies Anonymous, he stopped playing, but recently he started playing again, knowing that his 'self-destructive addiction', as he termed it, was again taking over and destroying his life. He says he wrote up a list of about 20 venues that he needed to exclude himself from, and he began the self-barring process. He continues:

> I set about making appointments with the gaming manager at each venue. I made appointments with the gaming managers at the first two venues on my list. The third venue was the Hampstead Hotel. When I rang this venue I spoke with a barman because the gaming manager wasn't there. He said he thought I could self-exclude statewide [and]…gave me a number to call. This turned out to be the gambling helpline…They gave me another number to call. This turned out to be the Australian Hoteliers Association (AHA). The woman I spoke to explained that they didn't manage self-barring and suggested that I phone the IGA.
>
> I rang the IGA and made an appointment. The earliest appointment was eight days later at 11.30am on a Friday and I took this. I was told that most people come in with a list of up to 15 venues that they wish to be explicitly barred from.

He says that, at that appointment, he was taken into a room and told that the interview would be videorecorded. He writes:

> …the interviewer motioned towards a set of shelves behind me. I am uncertain as to whether the interview was recorded or not. I thought that videoing the interview was unnecessary and intimidating.

He continues:

> I suspect the [intimidating] nature of videoing the interview would put many people off from being honest…
>
> It was explained to me that my request for self-barring would…be considered, [and] that approval was required by the IGA before they would approve my request...
>
> Finally I was told that I would be sent a letter confirming my self-exclusion and that the letter would be sent in an envelope with Independent Gambling Authority 'clearly displayed on the envelope'.
>
> It was also explained that self-barring was far from perfect. I was told that because of the enormous numbers of people being self-excluded that the venues had great difficulty in identifying people who have self-excluded; the sheer numbers overwhelmed their ability to effectively police self-exclusion.

Mary Briggs, whose name has also been changed, writes:

Mary's aunty rang the IGA to see if she was still barred from hotels from a few years ago. She stated to the lady on the phone her inquiry and gave her name. The lady on the phone indicated that they didn't have a Cheryl Briggs on the phone, but they did have a Mary Briggs…

Mary's aunty had no idea that she had a gambling problem, but now her and her whole family know thanks to the IGA.

I heard many, many stories like these, including some that I have recently highlighted in this council in recent months—stories from people who have been treated with contempt when they have called the IGA to inquire about barring, and stories where people have called up and been promised a call back and this has not happened.

There have also been stories from people who have specifically asked for a plain envelope to be sent to their home in response to their barring application, and instead have had an envelope emblazoned with the IGA logo arrive at their home for the family to see. Therefore, of course, I note it is particularly pleasing to see the government's amendments to improve the IGA's confidentiality obligations.

However, there is clearly plenty of room for further improvement when it comes to the IGA's procedures. Ultimately, the barring system must serve those who are seeking to use it. It should not be for the IGA head to act like a judge in this way. If any individual thinks they have a gambling problem and asks for help, that help should be given and given promptly.

Having met with the AHA, I understand from discussions with them that their barring system for alcohol works much more effectively. Perhaps that could be seen as a guide. I encourage the IGA to engage in dialogue with those managing this system to see if they can perhaps simplify what I am told by those who try to use it, and indeed those who try to use it and give up, is a very complex barring system at present.

It is a shame to hear at this moment in time that our problem gambling agencies are also reluctant to direct problem gamblers to the IGA. Communities against pokies have certainly been one of those groups who are very loath to refer people, given the treatment that they have encountered when they have made contact with that organisation.

I also question why we cannot have a statewide barring option for those who wish to self-bar or to be barred. A statewide solution would seem logical. I also touch on other situations where people have asked to be barred or asked not to be told which venues they have been barred from, but then been sent literature telling them the names of the venues that they have been barred from. This totally defeats the purpose of trying to get around that information not being known to them so that they would assume that they are barred from all venues.

The barring system is currently a failure and it needs to be fixed. I would hope that this is a step in the right direction and I certainly applaud the government's main intent with this bill and most of the key recommendations. I note also that the Hon. John Darley has a raft of amendments, including the ability for those holding gaming machine entitlements of 20 or less in a venue to be able to sell those to the government; also $1 bets, which of course the Greens have long held as a policy and we will fully support those particular amendments. As I say, we have not yet landed on a position with regard to the EFTPOS machines, but we look forward to this debate and to seeing further reform in this sector to support those who have a problem with gambling.

The Hon. R.I. LUCAS (16:51): I rise to support the second reading of the Statutes Amendment (Gambling Measures) Bill. In doing so, I am advised that these particular measures have the support of the gambling reference group. We are told that the gambling reference group includes representatives from the AHA, Clubs SA and the welfare sector. In particular, as I understand it, I think Relationships Australia represent the welfare sector on the reference group, and there are various other regulatory officers and state government agency representatives who sit on the reference group.

As members will be aware, gambling measures or issues are often quite controversial and they often attract views from either end of the gambling spectrum, from pro-gambling advocates to antigambling advocates, and those who sit happily in the middle and are not particularly fussed one way or another. So the fact that the gambling reference group, which represents all those groups—

the antigambling groups, who campaign often against gambling measures are represented on this particular group, and I am told that they have supported the measures in this bill.

We contacted the representatives of SACOSS and Relationships Australia. Relationships Australia indicated that they supported the measures in the bill. SACOSS indicated that they had no particular comment because they did not have the resources to consider the government legislation and its impacts, and deferred to Relationships Australia and others. The fact that the representatives of the welfare sector or the antigambling groups in the community are supporting this, and also the groups which might be seen to be pro gambling, such as the AHA, and the regulatory agencies, represented by government departments and other agencies, is a powerful argument, for some of us anyway, to think, 'Well, this is potentially a balanced group of measures which merit support.'

The major issues in the bill are, first, a new offence for a person to purchase or enter into a contract or agreement to purchase a gambling machine unless licensed. We are told that there is a loophole in the drafting of the current provisions and that this amendment will prevent the capacity for some people to access for private purposes a gaming machine.

The second major issue to be covered is the removal of prohibition of EFTPOS facilities in gaming areas. Whilst I have not had a chance to look at the Hon. Mr Darley's amendments in any great detail, I would expect that he and some sections of the anti-gambling groups in society may well oppose these particular provisions, and I guess we will hear from the Hon. Mr Darley during this debate.

This is probably, from our viewpoint, potentially the most controversial aspect of the legislation. Certainly, having been engaged in the debate when the original legislation passed through the parliament, the notion that an amendment like this might be supported by various anti-gambling groups in the community probably would have been greeted with some scepticism. But I am told again that Relationships Australia, representing the anti-gambling groups on the gambling reference group, support this particular change. As I have said, I think that is an interesting development, that Relationships Australia and others who support their representing their sector's anti-gambling views on the gambling reference group have supported it.

I am told that the argument goes something along the lines that, if someone is having a gambling problem, rather than scrambling out of the gaming section of the establishment and going into the restaurant or hotel and taking a couple of hundred dollars out and then going back into the gaming area and gambling and then leaving and going back out to the EFTPOS facility again, the trained staff within the gaming venue part of the established are trained to identify people having problems with gambling and to help either provide assistance or counsel against continuing to gamble—all the other anti-gambling methods that trained staff are meant to undertake with potentially problem gamblers; whereas the staff in the other parts of the establishment where the EFTPOS facilities are currently located do not have that training and do not have those responsibilities in relation to providing assistance.

That is the argument, as I understand it, that has been put by the gambling reference group and has been supported by the anti-gambling advocates on that particular group. That is not to say that there are not people outside Relationships Australia and others who will take a different view. As I have said, I suspect that the Hon. Mr Darley and I suspect the Hon. Mr Xenophon, if he speaks on this issue—he is not honourable anymore is he? He is a senator.

The Hon. J.S.L. Dawkins: He is honourable.

The Hon. R.I. LUCAS: He is honourable? Senator or the Hon. Mr Xenophon, if he speaks on the issue, may well oppose the provision as well, although I cannot say I have seen or heard a direct comment from him on this aspect of the legislation.

That is potentially a controversial part of the legislation, but the Liberal Party's position is that the gambling reference group has supported it. That in and of itself, of course, does not mean that we have to support it as a party, but in taking evidence on it and speaking to people about it, we have indicated our willingness to support that provision a well.

The next major issue canvassed in the bill is to give the Liquor and Gambling Commission the power to seek input from SAPOL about any gaming employee. The Liberal Party's position on

this was that we really thought that that was already probably the case. But, again, we have been advised that, in some circumstances, this provision is required and, unless someone gives us reasons otherwise, our indication is that we are prepared to support this change.

The next major provision is that the bill seeks to reduce red tape by removing the requirement for the Liquor and Gambling Commissioner to approve the layout of gaming machines in a gaming area. That makes eminent sense and, evidently, it has made eminent sense to the gambling reference group because they have supported it. We have no problems with that.

The next major area is clarifying the law so that it is clear that it is unlawful to play poker in a public place, whilst allowing tournament poker to occur. We are comfortable with these particular changes. We understand that the provisions in the bill seek to clarify the definition of what tournament poker is. There has evidently been some blurring of the lines between playing poker and playing tournament poker. It is a fine line, I think all would readily concede, but the bill seeks to clarify the provisions of the law. The regulatory authorities have recommended that these particular changes be introduced, and we are prepared to support them.

The final area concerns staff of the Independent Gambling Authority becoming Public Service employees. We are interested in the government's reasoning for this. Again, we have had no strong argument from anyone in relation to why this provision should not be supported and our position therefore is that we will support that aspect of the legislation as well.

We have been advised that there is one further amendment which all the stakeholders I have referred to earlier have supported, but which the IGA, and in particular, perhaps, the CEO of the IGA, has not supported. That is in relation to delegation provisions, so that some of the powers of the IGA can be delegated to Consumer and Business Services. Again, our default position is that we are prepared to support that, but we will seek further clarification during the committee stage or at the response to the second reading from the minister as to the reasons why that particular provision has been introduced and what the particular problems might have been.

In summary, the Liberal Party's position is that, in this not uncommonly controversial area where we do have both ends of the continuum, both extremes, represented on the gambling reference group recommending in a joint fashion that these provisions be supported, we have indicated our willingness to support them.

As I said, I have not been through the Hon. Mr Darley's amendments, but I would flag at this stage that we are prepared to address these particular provisions. During this particular debate, we are not too much interested in reopening debates in a whole variety of other areas that we have previously debated in relation to gambling, because those measures have not come with a joint or united recommendation from the reference group. I think that would be our default position.

We have authority to support the bill at this stage. That is our position and, as the shadow minister for gambling, it would certainly be my recommendation that we see the passage of the legislation. If we want to revisit other issues, that can be done by way of private members' legislation or, if the gambling reference group at some stage comes to the parliament with a recommendation, our party room will need to address those particular measures at that particular stage.

The Hon. J.A. DARLEY (17:04): I rise to speak on the Statutes Amendment (Gambling Measures) Bill 2015. At the outset, it should come as no surprise that I will be moving a series of amendments to the bill aimed at addressing those aspects of the bill that I do not support, as well as other important gambling reform measures. In short, I will be opposing the government's proposal to reinstate EFTPOS machines or facilities back into gaming areas.

I will also be opposing those measures aimed at removing the requirement that the Liquor and Gambling Commissioner approve the layout of gaming machines in gaming areas. I will be proposing, once again, that we support $1 maximum bets on poker machines as well as breaks in play, and I will be proposing that persons who hold 20 gaming machine entitlements or less be able to surrender those entitlements to the Crown and be paid compensation accordingly. I will elaborate on those changes further during the committee stage debate of the bill.

It is pleasing to note that this bill does include some very good measures aimed at reducing red tape and curbing the incidence of certain gaming activities. For instance, the bill proposes to

make it an offence under the Gaming Machines Act for a person to purchase or enter into a contract or agreement to purchase a gaming machine unless licensed. According to the government, the need for this amendment arose as a result of information received by Consumer and Business Services that indicated that unlawful gaming machines were being brought into South Australia by unlicensed operators.

Consumer and Business Services, in association with SA Police, acted on that intelligence by raiding properties and seizing those machines held by unlicensed persons. It was not possible to take action before the gaming machines were actually in the possession of the unlicensed persons because the legislation, as currently framed, does not allow for action to be taken until that point. The bill addresses this situation by making it an offence for a person to purchase or enter into a contract or agreement to purchase a gaming machine unless licensed. These are very sensible changes that will, hopefully, allow our regulators and police to be able to step in and act on intelligence at an earlier stage and more appropriately.

The bill also addresses the issue of illegal gambling activity at poker tournaments. There is certainly no question that tournament poker has become a popular activity undertaken by hotels and clubs. I have to admit that I am no expert on how those tournaments are run, but I do know that they cannot involve gambling. Based on the advice of the government it would appear that, in some instances at least, poker games that are being played under the guise of tournament poker do involve gambling activity. This is extremely concerning, especially given that this gambling activity is occurring in an unregulated environment.

I certainly support the government's proposal to clean up this area by making it unlawful to play or engage in poker in a public place and by clarifying the circumstances in which engaging in a game of poker will constitute unlawful gaming. I would at this point ask the minister to advise of the number of instances where tournament poker with gambling activity has been suspected or identified, and what action has been taken in relation to any such cases.

The bill also makes changes to the barring framework to ensure that confidentiality obligations extend to authorised persons and to ensure that barred persons are able to be removed from a place where specified gambling activities, as set out in a barring order, are engaged in. These are also sensible changes, which I support.

As I mentioned at the outset, it should come as little surprise that the single most concerning measure included in the bill is that which seeks to enable EFTPOS to operate in gaming rooms. The government says it has been convinced of the need for this change because it would enable trained gaming area staff to keep a better eye on patrons and intervene when someone is exhibiting signs of problem gambling. Let us not kid ourselves: hotels and clubs have been trying to get around changes aimed at restricting access to cash at gaming venues—as first implemented in 1996—for years. In many instances EFTPOS facilities are provided just outside the door of the venue's gaming area and patrons are still served by the same trained gaming staff who monitor patrons gambling behaviour.

On 14 February 2014 InDaily published a story entitled 'Cynical pokie pubs get around ATM laws.' The article talks about the use of eCash pospoint machines at gambling venues, following changes that restricted the use of ATMs. It demonstrated how far some venues were willing to go to circumvent the law when it came to cash facilities and ATMs. I have spoken at length on this issue previously and I do not intend to repeat myself at this stage.

In conclusion—and I do not say this often when it comes to gambling related bills—there are some good measures in this bill and the government deserves credit for those. It is just a pity that the government has also incorporated some not so favourable measures into a bill which, overall, appears to be aimed at achieving some good outcomes. With that, I support the second reading of the bill and look forward to the committee stage debate.

Debate adjourned on motion of Hon. G.A. Kandelaars.

WORK HEALTH AND SAFETY (PROSECUTIONS UNDER REPEALED ACT) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 7 May 2015.)

The Hon. G.A. KANDELAARS (17:11): I rise to support the Work Health and Safety (Prosecutions under Repealed Act) Amendment Bill 2015 and, in particular, respond to the Hon. Rob Lucas's second reading contribution. I am appalled at the opposition's position in relation to this bill. It is nothing short of a disgrace. The opposition hides its disdain for workers under the guise of arguing the danger of retrospectively changing the statute of limitations on the bringing of legal action under the former act. In truth, what the opposition is effectively saying is that the victims of work place accidents should be prevented from seeing justice served on the basis of a technical error on behalf of SafeWork SA. Such an outcome would be a travesty of justice.

Given the seriousness of this matter, it is incumbent on the government to do all that is necessary to ensure that prosecution concerns are heard before the Industrial Relations Court of South Australia. This bill proposes to allow the proceedings to proceed 'where proceedings previously commenced against the person for the offence have been brought to an end because the person who purported to bring them was not authorised to do so.' Not an unreasonable proposition in my view.

Let us be clear. This is about two proceedings involving workplace accidents. In one case an individual died and in the other case an individual sustained serious head injuries. It is in the public interest that each of the companies concerned is held to account on whether or not they were in breach of the work place safety laws.

The Liberal Party's position is to say that to allow such an action would be a travesty for the employers involved. What about the victims: the families, the workmates? No. Instead, those opposite simply think, 'How can we appeal to our voter base. How can we appeal to the big end of town, to our donors, to the men and women in boardrooms, in ivory towers' where, I have to say, workplace safety seems to be nothing more than an expense and an inconvenience. This is what those opposite think about justice for working men and women. What a disgrace, an absolute disgrace!

Let us look at the reasoning that they have applied here. The point the Hon. Tammy Franks made in her second reading speech is very relevant. The bill before the council does not seek to make an activity that was previously legal, illegal; it seeks to address a technical error in the lodgement of a prosecution. On that point, we have seen statutes of limitations repealed in this place in the past for a number of crimes.

I note that in 1985 the statute of limitations was removed from crimes such as rape, indecent assault and incest. In 2003 the statute was further amended to apply retrospectively for such crimes allowing for prosecutions to occur for crimes such as rape which happened before 1982. That bill was actually supported by Family First, Nick Xenophon and those opposite, the Liberal Party. I understand that at the time the Liberal Party actually wanted to extend the rights of victims through the introduction of additional compensation measures through an amendment to the Victims of Crime Act as well. Both the 1985 and the 2003 acts gave justice to victims of horrible crimes. I ask why such justice should not be afforded to a worker who suffered death and another suffering serious injury, that the bill before us seeks to address. There are very good reasons, in this case, to do the same.

As for those who oppose the bill, I suggest they reflect on the rights of victims of workplace injury. To Business SA, shame on you; to the National Electrical Contractors Association, shame on you; to the Master Builders Association, shame on you; to the Australian Hotels Association, shame on you; to the Housing Industry Association, shame on you; to the Australian Industry Group, shame on you. To the Law Society I would ask: how principled is it to deny the victims of workplace accidents some redress based merely on a technicality? Shame on you.

The great pity of the debate on this bill by those opposite is that it is purely driven by the politics of opposition. Of course, I have come to expect nothing more from the Hon. Rob Lucas, after 30 years in this place and more than 20 years in opposition. It is the modus operandi of somebody who has forgotten how to govern. I could hope for some humanity but, sadly, no.

As is the ploy of the Hon. Rob Lucas, he denigrates those who work for SafeWork SA by innuendo and supposition. Does he provide this chamber with any evidence of his assertions? No, of course not. He then asserts that the committee members of the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation have expressed concerns about SafeWork South Australia. That is true, but what he fails to say is that those complaints are quite often for opposite reasons; very opposite reasons. In the case of the Hon. John Darley, it has been because he believes SafeWork SA is too eager to prosecute employers. In the case of the Hon. Steph Key, she believes they fail to take up prosecutions for OH&S breaches.

Of course, there were failings by SafeWork SA in terms of the handling of these investigations, and I am advised that SafeWork SA has since overhauled its investigation management which includes strategic investigation planning, improved governance arrangements and the introduction of key performance indicators related to the timeliness of completing investigations—80 per cent to be completed in 180 days and 100 per cent in 270 days.

As I said earlier, what about the victims here—the families, the workmates? What about the travesty that the opposition to this bill will have on those people? Those opposite should hang their heads in shame. Shame on you. I commend this bill to the house.

The Hon. J.A. DARLEY (17:19): I rise to speak on the Work Health and Safety (Prosecutions Under Repealed Act) Amendment Bill 2015. The bill, as we know, is necessary in order to allow two prosecutions under the repealed act to proceed. Both cases deal with serious workplace incidents which resulted in a fatality in one case, namely, the JT Johnson case, and serious head injuries to a worker in the other, namely, the Fix Force case. In its second reading report, the government states:

> Last year the Deputy Premier became aware of a technical error in the filing of the complaints made for these two matters. The nature of the error meant that it was not possible to correct it by single amendment of the complaints.
>
> The only way to continue with the prosecutions is to file fresh complaints, making the same allegations, with the error corrected. However, the statutory limit under the repealed Act has since expired on each of these matters, which prevents the prosecution from proceeding under the existing complaint. For these prosecutions not to proceed, due to a technicality, is unacceptable.

The report then goes on to provide that:

> It is the government's view that it is in the interests of justice that these two matters have the opportunity to proceed to a judicial determination on the merits of the case.

I have to say at the outset that I am equally as concerned as other honourable members about the lack of detail that the government has chosen to provide on the public record regarding the circumstances surrounding the technical error that resulted in the need for this bill. There is no detail about the nature of the technical error, and certainly no detail about why the complaints were filed so close to the two-year statutory limit. Those details have not been made clear as a matter of public record. Instead, members like myself have had to seek out the information from the minister's department behind closed doors.

The Hon. Rob Lucas is quite right in his criticisms of the government's approach in this matter; the lack of transparency and accountability on the part of the government has been nothing short of abhorrent. The minister does need to take some responsibility for this situation, because, as we know, ultimately the buck stops with him.

I know that when I met with the acting director of SafeWork SA, Ms Marie Boland, and the Deputy Premier's adviser, Jim Watson, last week, my first question was, 'How on earth did this happen?' What systems did SafeWork SA have in place to monitor the progress of matters, especially in terms of the two-year statutory limit? Why is it that these matters were filed so close to the two-year limit?

What we now know, as a result of seeking out that advice, is that the technical error that the government refers to is one that involves the signing of four complaints by the then newly appointed director of compliance and enforcement within SafeWork SA. All four complaints fell within the scope of the repealed act. Unbeknownst to the newly appointed director, she did not have the authority to sign the complaints filed under the repealed act. The problem was identified by sheer coincidence when a defence lawyer handling one of the matters saw a new name and questioned her authority to sign the complaint.

In two of the matters, SafeWork SA was able to rectify the problem by filing fresh complaints because they fell within the two-year statutory limit. In the other two cases however, namely, the JT Johnson case and the Fix Force case—both very serious cases—the charges were laid so close to the statutory limit that there was simply no opportunity to rectify the problem. Had all this occurred under the new act, there would not have been a problem, because the director does have jurisdiction under that legislation.

Similarly, had the complaints been signed by an inspector rather than the newly appointed director, there would not have been a problem, because all other inspectors were duly authorised to sign such complaints under the old act. But unfortunately for SafeWork SA, and everybody else caught up in this terrible mess, neither of those two things occurred. I do not think any of us can begin to imagine what the families and friends of the two workers involved in these cases and the one worker who did survive his injuries must have been going through when they learnt why these matters could not proceed. When we talk about injustice, that is where our focus should be—on the victims and on their families and loved ones.

The concerns raised by the Law Society, by Business SA and by the opposition have not fallen on deaf ears. I have considered those issues carefully and agree with many of the sentiments that have been expressed, especially by the Hon. Rob Lucas in this place. That said, the Hon. Tammy Franks has also made some very valid points in relation to those same issues. I know we all tread very cautiously when we are asked to consider retrospective legislation, but I think we are dealing with a very different situation here.

We are not being asked to make legal some activity that was previously illegal. For that reason, like the Hon. Tammy Franks, in the interests of justice I believe this bill deserves support. To that end I have sought an assurance from the Deputy Premier that there will be no further surprises and that there are no more than two cases to which this bill will apply. The Deputy Premier has provided me with a written response, which reads as follows:

> I write to confirm that there are two matters which fall within the scope of the Work Health and Safety (Prosecutions Under Repealed Act) Amendment Bill 2015 (the Bill), namely J.T. Johnson and Fix Force.
>
> There remain another four matters before the Industrial Relations Court where proceedings were initiated under the now repealed Occupational Health, Safety and Welfare Act 1986.
>
> Recently a question was raised relating to one of these matters, which involved a complaint issued against a public sector department. However, I have been advised that this matter does not fall within the scope of the Bill.
>
> The remaining three matters were all initiated by a person who had legal authority to do so and therefore none of these would come within the scope of the Bill.
>
> There is no further possibility of other matters coming within the scope of the Bill as the two year statutory limit to issue proceedings under the repealed Act ended on 31 December 2014.

I table this letter. I should point out that I for one have been quite supportive of Ms Boland in her appointment as acting director, and I believe she is genuinely trying to get SafeWork SA on the right track. My comments today are not intended as a criticism of her personally, and as I understand it this situation did not occur under her watch. That said, I think she has quite a challenge on her hands in pulling that agency into line. There is no question that she has inherited a mess. How she deals with her agency going forward will be a measure of her mark.

The bottom line is that this situation should not have occurred. We should not be here today arguing about whether or not this bill will set a bad precedent, especially over an issue that forms the basis of Safe Work SA's core responsibilities. This ordeal should come as a wake-up call to SafeWork SA and not be considered a 'get out of gaol free' card. Nor is it a guarantee of my support for these sort of matters going forward. It is for the victims and their families and them alone that I support this

bill. They should not be punished for the ineptitude of SafeWork SA, and it would be a great injustice to them if the matter preventing the prosecutions was not rectified. With that, I support the second reading of the bill.

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (17:28): I understand that that concludes the second reading contributions on this important bill. I thank honourable members for their contributions and I thank those who have indicated their support for rectifying this issue to, potentially, bring justice to these people, one who was killed and one who was seriously injured due to poor workplace safety. I thank members. A number of issues were raised during the second reading contribution, and I am happy to address those at clause 1 in committee. With those few words I look forward to dealing with the committee stage expeditiously.

Bill read a second time.

Resolutions

JUMPS RACING

The House of Assembly passed the following resolution to which it desires the concurrence of the Legislative Council:

1. That in the opinion of this house, a joint committee be appointed to inquire into and report on jumps racing in South Australia and whether it should be banned;

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

Bills

SUPPLY BILL 2015

Introduction and First Reading

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

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (17:32): 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.

A Supply Bill will be necessary for the first three months of the 2015-16 financial year until the Budget has passed through the parliamentary stages and the Appropriation Bill 2015 receives assent.

In the absence of special arrangements in the form of the Supply Acts, there would be no parliamentary authority for expenditure between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill.

The amount being sought under this Bill is $3,291 million.

Clause 1 is formal.

Clause 2 provides relevant definitions.

Clause 3 provides for the appropriation of up to $3,291 million.

Debate adjourned on motion of Hon. J.M.A. Lensink.

At 17:33 the council adjourned until Wednesday 13 May 2015 at 14:15.