LEGISLATIVE COUNCIL

Tuesday, 12 April 2016

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:16 and read prayers.

The PRESIDENT: We acknowledge Aboriginal and Torres Strait Islander people 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 elders, both past and present.

Bills

ABORIGINAL HERITAGE (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

MOTOR VEHICLES (TRIALS OF AUTOMOTIVE TECHNOLOGIES) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

OCCUPATIONAL LICENSING NATIONAL LAW (SOUTH AUSTRALIA) REPEAL BILL

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

By the Minister for Employment (Hon. K.J. Maher)—

South Australian Local Government Grants Commission—Report, 2014-15
Reports—
Determination of the Remuneration Tribunal No. 5 of 2015—Annual Review of Remuneration for Members of the Judiciary, Members of the Industrial Relations Court and Commission, the State Coroner and Commissioners of the Environment, Resources and Development Court
Determination of the Remuneration Tribunal No. 6 of 2015—Remuneration for Members of the Judiciary, Members of the Industrial Relations Court and Commission, the State Coroner and Commissioners of the Environment, Resources and Development Court
Regulations under the following Act—
Local Government Act 1999—Accountability and Governance.
District Council of Franklin Harbour—By-law No. 4—Boat Harbours and Facilities

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

Office of the Training Advocate—Report, 2015

By the Minister for Climate Change (Hon. I.K. Hunter)—

Operation of the Climate Change and Greenhouse Emissions Reduction Act 2007—Report dated December 2015

By the Minister for Police (Hon. P.B. Malinauskas)—

Criminal Law (Forensic Procedures) Act 2007—Report dated 7 January 2014 to 11 December 2015

Regulations under the following Act—

Rail Safety National Law (South Australia Act 2012—Reporting of Notifiable Occurrences

Rules of Court—

District Court—District Court Act 1991—

Civil—

Amendment No. 32

Supplementary—Amendment No. 4

Criminal—

Amendment No. 2.

Supplementary—Amendment No. 1

Magistrates Court—Magistrates Court Act 1991—

Civil—Amendment No. 12

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:21): I bring up the report of the committee on the Sexual Reassignment Repeal Bill 2014

Report received and ordered to be published.

SOCIAL DEVELOPMENT COMMITTEE

The Hon. G.E. GAGO (14:22): I lay on the table the report of the committee into domestic and family violence.

Report received and ordered to be published.

Ministerial Statement

CHINA TRADE MISSION

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:22): I table a copy of a ministerial statement relating to China made in the other place by the Premier today.

ARRIUM

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:22): I table a copy of a ministerial statement on Arrium made today in the other place by the Minister for Mineral Resources and Energy.

WATER ALLOCATION PLANS

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:23): I seek leave to make a ministerial statement on the River Murray water allocation announcement.

Leave granted.

The Hon. I.K. HUNTER: On Friday 8 April 2016, I made an announcement regarding River Murray water allocations for the 2016-17 water year. I confirmed that South Australian River Murray

water access entitlement holders will find out their minimum opening allocation for the 2016-17 water year by 30 April 2016. In addition, I provided advice that current projections indicate that we expect a very dry inflow scenario and that this is what I will be using to inform a minimum starting allocation for 2016-17.

A very dry inflow scenario translates to maximum inflows to the South Australian River Murray of 1,310 gigalitres by June 2017, compared with 1,850 gigalitres in a full entitlement year. I also announced a revised River Murray private carryover policy. This policy is consistent with the policy in the draft River Murray water allocation plan and will now allow allocations traded from interstate to be factored into eligibility for carryover.

This policy will be formalised in the SA *Government Gazette* and posted on the DEWNR website. The private carryover will be available to eligible irrigators in 2016-17, based on basin storage levels and the low risk of spill. Provision of private carryover to irrigators in 2016-17 will be underwritten by approximately 60 gigalitres of water that is stored for this purpose in the Murray-Darling Basin Authority controlled storages.

Additional water beyond the 60 gigalitres can also be stored for carryover purposes if there is net trade of water allocation into the state for carryover purposes between now and the end of the water year. So that eligibility for allocation of carryover can be assessed, meter readings must be submitted pursuant to current licence conditions. Meter readings will need to be made by 31 July 2016, which is a Sunday this year, I am advised, but submissions can be made online.

This government wants to ensure River Murray water users are able to make early decisions and plan for predicted dry inflows. We want to provide entitlement holders certainty around allocations earlier and will make regular allocation announcements which take into account any improvements to water resources availability to allow water users to plan ahead.

The prediction of dry conditions for 2016-17 is a stark reminder of the importance of delivering the Murray-Darling Basin Plan in full and on time, including the agreed return of 3,200 gigalitres equivalent. I will continue to fight to ensure basin jurisdictions meet their obligations under the plan. The final announcement of the actual opening water allocations will be made by 1 July 2016. More information is available at www.environment.sa.gov.au.

Question Time

SANDMINING

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:29): I seek leave to make a brief explanation before asking the Minister for Environment a question about sandmining at West Beach.

Leave granted.

The Hon. R.L. Brokenshire: Sandmining?

The Hon. D.W. RIDGWAY: Sand shifting. Last week, I met with some concerned stakeholders about the sandmining operation currently taking place at West Beach. The primary concern is that they believe the data being used to map the sand dune line was incorrect and that subsequently the current sandmining practices are not effectively repairing or maintaining the sand dunes. To this end, they also highlighted the fact that the sand dune had been so badly damaged and washed away that there are now rocks in lieu of sand dunes in cell 3 of West Beach.

As the minister would be aware, sand on our metropolitan beaches naturally travels north up the coastline over time and it is their assertion that sand from West Beach is being lost in this process and that the mining of sand from the north end of West Beach to the south end is not adequately replacing the amount of sand that is being lost. They are concerned that the current practices are not sustainable and that, if this continues, it could see irreparable damage done to West Beach. They presented photos of West Beach during June receding well beyond the line of yellow posts which are supposed to mark where the sand dunes should exist.

In the government's June 2004 publication 'Do Adelaide's beaches need help?', pocket beaches are mentioned as a possible solution to preserve Adelaide's metropolitan beaches. It is also

their concern that West Beach may become a pocket beach which will significantly affect the local community and also the future of the West Beach Surf Life Saving Club. My questions are:

1. Has the minister received any advice from his department about the success, or otherwise, of the current sandmining or sand shifting practices at West Beach?

2. Will the minister commit to undertake a review of these sand moving practices at West Beach in light of the information that has been provided to me?

3. Can the minister confirm if the government is still considering creating pocket beaches on any of South Australia's metropolitan beaches?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:31): I thank the honourable Leader of the Opposition for his very important question. The government's 'Adelaide's Living Beaches—A Strategy for 2005-2025' document is about keeping sand on Adelaide's beaches and reducing the amount of sand carting that is required. The Sand Transfer Infrastructure Project is a component of the strategy involving permanent pipelines and pumping stations constructed along two sections of Adelaide's coastline to manage the movement of sand. Sand is now recycled more efficiently within management cells along our coastline, I am advised.

Due to finite sand reserves within Adelaide's metropolitan beaches, sand has to be redistributed from areas where it accumulates to areas where it erodes from. If we do not do this, many of our most popular beaches will lose the character that we all know and love. There are other important components of the strategy which include the integration of sand bypassing at harbours with beach management, the construction of coastal structures in critical locations and the addition of coarse sand from external sources.

In terms of erosion at West Beach, there are have been reports, I am advised, linking erosion at West Beach, in particular near the West Beach Surf Life Saving Club, to sand pumping in the area but, in fact, sand pumping undertaken by the department at West Beach is crucial to maintaining the beaches at this location. I am advised that sand pumping does not remove any sand from West Beach.

Sand is collected from dunes near the Torrens Outlet and is pumped back and deposited in front of the dunes between the West Beach Surf Life Saving Club and the Adelaide Shores Harbour. Waves naturally move the sand northwards, as the honourable member said in his explanation, along the coast, once again helping to maintain the beach at that location and further north. The dunes and the beach near the Torrens Outlet will recover as sand accumulates at that location again over time.

Mr President, you probably know this is a question that comes up in this place from time to time—almost annually. We know that with storm events the sand is treated very poorly and washed away revealing some rocky areas on our beaches but, again, those very selfsame storms will again push sand up the beaches and cover those areas once more. This is an annual natural event. We try to supplement that sand through our Intervention Through Engineering projects. Sand erosion at West Beach is not to be unexpected, especially, as I said, in stormy weather.

I am advised that the department has discussed this with local residents over the years when sand carting trucks were still being used, and in regard to whether they actually need more sand, I think the answer to that is probably yes. These questions about additional sand needs will be needed into the longer term future, particularly to deal with impacts of ongoing sea level rise. This is not something for us to be concerned about right now, but certainly something we should be planning for.

A position paper has been prepared by the Coast Protection Board and that was presented to me in May 2015 in this regard. The position paper does highlight the need for additional sand to be added to Adelaide's beaches and it raises a number of very high priority coastal management issues right across the state. In response to the position paper, I have asked my department to prepare a 10-year program of coastal management initiatives addressing issues raised by the Coast Protection Board including identification of required actions and their associated costs, not just in the metropolitan area but right around the state.

The PRESIDENT: Supplementary, the Hon. Mr Ridgway.

SANDMINING

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:35): In the document that was referred to—'Do Adelaide's beaches need help?'—pocket beaches are mentioned. Can the minister explain what a pocket beach is and how that could be a possible solution?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:35): I haven't been briefed on pocket beaches, so I advise the member to read the report and educate himself and I will ask the department to give me a briefing on pocket beaches as well. I can say at the moment that I am not immediately attracted to the idea if it is those small beaches or coves that aren't contiguous with other beaches, but again I will await the advice from my department. I haven't been briefed, to the best of my knowledge, on pocket beaches as yet.

NORTHERN ECONOMIC PLAN

The Hon. R.I. LUCAS (14:35): My question is directed to the Leader of the Government. Do the government guidelines for the $10 million Small Business Development Fund and the $7 million Northern Adelaide Food Park under the Northern Economic Plan allow companies from other parts of South Australia to transfer their business and employment into the northern suburbs region?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:36): I thank the honourable member for his question. As I think I have previously said, the guidelines are under development and consultation. There have been a number of meetings and forums and that will be finalised very shortly. I undertake to brief the chamber on that once it is finalised.

TOD RESERVOIR

The Hon. T.J. STEPHENS (14:36): My question is to the Minister for Water and the River Murray. With the intended decommissioning of the Tod Reservoir on Eyre Peninsula, how does SA Water anticipate fulfilling its commitment to supply 600 megalitres a year to the Lincoln Minerals graphite development?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:36): My understanding is that, in fact, SA Water is rebuilding the dam wall of the Tod Reservoir for safety reasons. My understanding is that the current wall doesn't meet the ANCOLD guidelines—the Australian federal government's guidelines on dam construction—and that is the immediate action that SA Water is undertaking at the minute.

In regard to any further demands for water in the area, they will be met by the process that everybody has to go through if they are requesting further water supplies, and that is to go through their suitable approaches through the natural resource management process if they want water from groundwater sources. If they want to look at the possibility of utilising Tod Reservoir water, then that is something that proponents can take up with SA Water.

As most of us should know, Tod Reservoir water is not suitable for drinking at this point in time. It is too heavily saline, but it may well be fit for purpose for industrial or indeed mining purposes. As I say, the dam is not being decommissioned. The dam wall is going to be strengthened to bring it into line with the ANCOLD guidelines for dam wall safety.

The PRESIDENT: Supplementary, the Hon. Mr Stephens.

TOD RESERVOIR

The Hon. T.J. STEPHENS (14:37): Thanks for your answer, minister. How long will the reservoir be decommissioned for? What is the time frame for the repair of the dam wall?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:38): I am just seeing if I can find an answer for the honourable member whilst I am on my feet and I will just read out a

few notes while I am doing that. As a result of the upgrade for SA Water's 2014 Dam Portfolio Risk Assessment, the Tod River Dam Safety Project will upgrade the outlet to increase the ability of the dam to resist flooding, earthquakes and leaks in accordance with the ANCOLD (Australian National Committee on Large Dams) guidelines, as I said earlier.

The project has undergone significant risk assessments, options assessments and financial analysis which support the current proposal as the optimum solution in terms of cost to the community and prudent management of dam safety. From a flooding point of view, those most affected by a safety incident at the dam would be SA Water staff, owners of land downstream and the township of Poonindie.

SA Water customers over large parts of Eyre Peninsula could also be affected by a loss of water supply for an extended period should any flooding affect the Tod pump station and major pipelines to the east and west coasts. I understand this project budget is being finalised and it is expected to have a budget of approximately $7 million, I am advised. Pending approvals, work is expected to commence in mid-2016 and will take, I am advised, approximately six months to complete.

PREMIER'S RESEARCH AND INDUSTRY FUND

The Hon. T.T. NGO (14:39): My question is for the Minister for Science and Information Economy. Can he tell the house about how the government is supporting the university sector's research initiatives in South Australia?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:39): I thank the honourable member for his excellent question and his ongoing interest in government policies and initiatives supporting our tertiary and research sectors and areas. The government understands that attracting world-leading researchers not only builds the state's research capabilities and knowledge base but also leads to the growth of new research centres and provides significant economic benefits to the state.

Through the Premier's Research and Industry Fund (PRIF), we are expanding the state's research capability and targeting research activities that are of direct economic benefit to industry by attracting world-leading researchers to South Australia. Last week, I had the opportunity to launch a partnership between the University of South Australia's Centre for Cancer Biology and Singapore's Institute of Molecular and Cell Biology at an event at UniSA's City West campus.

In a significant coup for South Australia, a global expert in cell biology, Professor Vinay Tergaonkar, has been appointed as part of this partnership. Professor Tergaonkar obtained his PhD in 2001 from the National Centre for Biological Sciences in Bangalore. During his graduate studies, he was awarded an International Cancer Society fellowship for collaborative research at Tufts University, Boston. He has been a fellow and special fellow of the Leukemia and Lymphoma Society of America, and conducted his postdoctoral studies at an institute in California. He joined the Institute of Molecular and Cell Biology in late 2015 as principal investigator and became senior principal investigator in 2010 and a professor with the institute in 2015.

The University of South Australia was directly assisted in the development of the partnership and the appointment of Professor Tergaonkar through their successful round 3 grant application as part of the Premier's Research and Industry Fund, being awarded $1 million over four years. This new partnership will investigate what activates and sustains inflammation in a variety of cancers, which could lead to the development of drugs to block inflammation selectively rather than generically, as well as overcoming the side effects caused by certain drug treatments.

I understand that Professor Tergaonkar will be sharing his tenure between the Centre for Cancer Biology here in Australia and the Institute of Molecular and Cell Biology in Singapore, which is one of the leading institutes in the Asia-Pacific region in molecular and cell biology. This new partnership has the potential to position the University of South Australia and South Australia as national and international leaders in the field of cancer research. In addition to the appointment of Professor Tergaonkar, the University of South Australia will employ a further three postdoctoral

scientists to work to ensure the benefits of the professor's appointment have a lasting impact in our state.

More generally, since PRIF's establishment in 2005, the South Australian government has granted more than $50 million to researchers, leveraging more than $100 million in further contributions from industry and research organisations. The work being undertaken at the Centre for Cancer Biology will support the research that's being done in the growing biomed precinct on North Terrace where the South Australian government, along with our partners in academia and research, are investing more than $3.6 billion in cutting-edge medical and research facilities.

Our state's research capacity plays a vital role in the ongoing transformation of our economy. Our research institutions like the Centre for Cancer Biology support our best and brightest minds as they look beyond current capabilities to the development of products, technologies and services of the future. The establishment of this joint initiative and the appointment of Professor Tergaonkar offer a link to a world-class global research network and an enhanced relationship with Singapore—a valued partner for our state in many areas of business, research and culture. I congratulate the university on the announcement of this new program, and I look forward to the results of this new partnership.

QUEEN ELIZABETH HOSPITAL

The Hon. J.A. DARLEY (14:44): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation, representing the Minister for Health, questions with regard to patients at The Queen Elizabeth Hospital.

Leave granted.

The Hon. J.A. DARLEY: I was recently contacted by an elderly constituent who had to undergo abdominal surgery at The Queen Elizabeth Hospital. They were advised that, rather than spending the night at the hospital after surgery, they would be taken by private chauffeur-driven vehicle to a nursing home in Unley to recuperate. They were also advised that they would be chauffeur driven home to their residence from the nursing home the following day. My questions are:

1. Can the minister advise if it is common practice for private nursing homes to be utilised in this way and does this apply irrespective of age and whether the patient has private health cover or not?

2. How many instances have occurred in the last two calendar years?

3. How much has the government spent on the cost of accommodating people in nursing homes for this purpose?

4. How much has been spent on car services for this purpose?

5. Is this practice occurring because there are insufficient hospital beds?

6. Is this practice occurring in other hospitals and, if so, can the minister provide the same details for all hospitals that engage in this practice?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:45): I thank the honourable member for his very important questions—seven questions, I think—on private nursing homes and outpatients. I undertake to take those questions to the Minister for Health in the other place and seek a response on his behalf.

NORTHERN ADELAIDE IRRIGATION SCHEME

The Hon. J.S. LEE (14:46): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question about the Northern Adelaide Irrigation Scheme.

Leave granted.

The Hon. J.S. LEE: On 17 November 2015, the minister issued a media release stating that the Northern Adelaide Irrigation Scheme would help provide great economic benefit to the Northern

Adelaide Plains region and the wider South Australian community. The minister, in his press release, stated, 'I have been calling for federal government funding for this project for more than a year.'

The Liberal opposition subsequently lodged an FOI application and requested a copy of all the correspondence from the minister's office to the federal government regarding the funding for the Northern Adelaide Irrigation Scheme. Interestingly, the FOI response from the minister's office stated:

> I have conducted a search of files within the Office of the Minister for Water and River Murray and have been unable to locate any documents within your scope.

My questions are:

1. Can the minister elaborate on what contact he has made with the federal government seeking funding for the Northern Adelaide Irrigation Scheme project?

2. With no documents found within the scope of FOI, why did the minister claim he had been calling on the federal government for funding for more than 12 months?

3. Can the minister show any evidence of his consultation with the federal government?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:48): Once again, I thank the honourable member for giving me an opportunity to correct her and her many, many, many errors in understanding how government actually works. Even I, being the Luddite that I am, don't always rely on written correspondence or, as the Hon. Tammy Franks would call it, snail mail to actually talk to the federal government.

If the opposition ever took up the opportunity of actually talking to the federal government, they would have a better understanding of how intergovernment relations work. In fact, I can recall sitting down with Senator Anne Ruston and minister Barnaby Joyce not all that long ago and talking about the Northern Adelaide Irrigation Scheme and impressing on them how important it was that they consider funding under the Infrastructure Australia bid. But the honourable member opposite probably doesn't even talk to them; she probably doesn't have a discussion with the senator or the member responsible for these very important programs for our state.

All she comes in here with is some snarky FOI request, can't find a letter and assumes there is absolutely no correspondence or contact between individuals of the state government and the federal government. How wrong she is. I know the minister in the other place, the Minister for Agriculture and Fisheries, Leon Bignell, has been working with the federal government and calling for exactly the same investment, and we have actually lodged documentation with the federal government, to the best of my knowledge, requesting support from them for a number of projects under the Infrastructure Australia bid.

I can expressly recall sitting down with both Senator Ruston and minister Joyce late last year, I believe it was, in the commonwealth building offices here in King William Street, trying to impress on them the importance of this program and for this bid to go ahead. So the honourable member, if she wants to come in here and make snide assertions, could do very well to pick up the phone and speak to her Liberal Party colleague, Senator Ruston from South Australia, and ask her that question.

Members interjecting:

The PRESIDENT: Order! Just a point to be made, minister: in future, could you refer to the person as 'honourable member' and not 'she'. I think it is just a show of respect.

The Hon. I.K. HUNTER: I stand ashamed and corrected, sir.

TRADE WASTE INITIATIVE

The Hon. G.E. GAGO (14:50): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister inform the chamber about how the state government is helping businesses manage their trade waste and save money?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:50): Of course, when you have a question like that from a former minister, you understand the importance of crafting your

question very carefully and cleverly and in fact elucidating some very important information about our state, instead of making snide assertions about people not using letters anymore and telephone conversations.

We are, in this state, recognised internationally as one of the leaders in our waste management and resource recovery sectors. We currently achieve a landfill diversion rate of nearly 80 per cent and annually recover resources exceeding $270 million in value. Since 2003, the state government has invested more than $94 million, I am advised, of waste levy funds into programs and projects that have built capacity, improved markets and assisted the development of new products and skills. Last month, to further build on this state's achievements in tackling waste issues, I launched a new $5.2 million initiative to help South Australian industry improve its trade waste systems.

The Trade Waste Initiative is a two-year initiative that will help South Australian businesses improve resource management, become more efficient and reduce costs. The initiative focuses on the food and beverage manufacturing industry in South Australia in recognition that this is the largest manufacturing sector in the state, providing more than 21,000 jobs to the economy, I am advised.

This initiative is in two parts. Firstly, businesses can apply for a tailored assessment to identify opportunities for improving the way trade waste, energy, materials and water are managed within their operation. Based on this assessment, the company will receive recommendations to improve both productivity and performance. Successful applicants will receive grant funding to cover up to 50 per cent of assessment costs. In order to be eligible, businesses must be meeting trade waste volume and load thresholds, and food and beverage businesses licensed under the South Australian Environment Protection Act 1993 can also apply, I am advised.

The second part of this initiative offers SA Water trade waste food and beverage customers an opportunity to implement trade waste reduction initiatives at a lower cost. In this case, applicants must be SA Water food and beverage customers that trigger, or be close to triggering, trade waste volume and load thresholds, and they must have completed an approved resource productivity assessment or on-site technology trials to determine a trade waste solution that is well suited to the business activity and to the site.

Applicants can use the results of the assessment or the on-site trials to apply for a grant that may provide up to half of the cost of putting in place the recommended trade waste management improvements. This will help support improvements in processes, new or upgraded plant and equipment, staff training and education.

More information about the program and the eligibility criteria are available by clicking on 'Trade Waste' on the Zero Waste website. The program has received, as I understand it, quite a lot of support from the industry. Food SA CEO, Ms Catherine Sayer, has praised the program, saying that it would 'substantially help our industry to reduce costs in their businesses'. Local business person and cheesemaker Mr Claude Cicchiello, from the highly successful—

The Hon. R.L. Brokenshire: La Casa Del Formaggio.

The Hon. I.K. HUNTER: —La Casa Del Formaggio—thank you, the Hon. Mr Brokenshire—in Glynde, had this to say about the program:

> We employ 100 staff and have plans to continue to grow so that state government programs such as the Trade Waste Transition Initiative is a tremendous help.

The Trade Waste Initiative is expected to pass up to $20 million in savings to SA Water customers over the next 20 years. If you think about it, when you are reducing the trade waste that is going down the sewer system and to those residential customers downstream, it is going to be a big win for them as well. It will also contribute to our world-class waste management practices and outcomes.

Our recycling rate has rapidly improved and is amongst the world's best, as I said earlier. As at June 2015 I am advised that South Australia has reduced waste to landfill by 27 per cent since 2002-03. This has enormous environmental benefits; for example, it is estimated that our resource recovery efforts in 2013-14 prevented more than 112 million tonnes of carbon dioxide from entering the atmosphere.

This is also great for our economy. The waste management and resource recovery industry is a growing sector in our state, with an annual turnover of about $1 billion, I am advised. It contributes over $500 million to gross state product both directly and through multiplier effects, and employs almost 5,000 people. This new initiative will further strengthen the South Australian economy by helping businesses become more efficient, grow and employ more South Australians.

Parliamentary Procedure

VISITORS

The PRESIDENT: I would like to welcome students from Our Lady of the Sacred Heart College; welcome.

Question Time

SOUTH AUSTRALIA POLICE

The Hon. R.L. BROKENSHIRE (14:55): I seek leave to make a brief explanation before asking the Minister for Police some questions about the South Australia Police.

Leave granted.

The Hon. R.L. BROKENSHIRE: Today, I received a letter back from the police minister. In that letter the minister said:

> I thank you for taking the time to write to me and whilst I appreciate your constituents will be disappointed with the South Australia Police…decision—

this is to do with the closure of the McLaren Vale shopfront police station—

> this is an operational policing matter and a matter in which I am unable to intervene.

We know the intelligence of the police minister, but we do not get an opportunity for him to realise that he can actually intervene in the closure of police stations, just the same as he can intervene in a policy decision to open a new police station such as Hallett Cove Police Station, which was a policy decision to open and which is now closed under the same government.

I display, sir, with your approval, a Focus 21 plaque that I received in recognition of two years of effort with police and operational police when it came to developing the local service area model. We now have a review of police that is concerning many constituents and many police, where the minister says it is purely operational and he cannot intervene. My questions to the minister are:

1. If former police ministers were able to be involved in the development of new directions for police, and receive plaques for them, why is this minister not allowed to be involved in or intervene concerning decisions and reviews that are scaring both police and the community?

2. Why is this police minister now not prepared to fight for South Australian constituents to save the closing of a police station such as McLaren Vale?

The PRESIDENT: Before the minister answers, I would like to make the honourable member aware that he is not supposed to hold up props while he is asking a question.

The Hon. J.S.L. Dawkins: He is only a new member.

The PRESIDENT: He is only a new member. Minister.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:58): I thank the honourable member for the question. I will start by dealing with the substance of the issue of McLaren Vale Police Station, about which the honourable member asked some legitimate questions.

The police station closed on 26 February this year. It is a police station that I know the honourable member has a great deal of familiarity with, by virtue of the fact that it is within his own local area. However, what the honourable member may not be aware of are the reasons behind the police commissioner deciding to make a decision to close that police station. As I understand it, the principal reason the police commissioner closed that police station was because it was rarely used. In fact, workload surveys have demonstrated that on average only two inquiries occurred per day at

that particular police station, and I expect one would have to ask oneself if that were the best use of police resources. Is it the best use of police resources to have someone sitting in a station where they answer only two inquiries a day?

In this case, the police commissioner has decided otherwise. They have decided that there is an opportunity cost by retaining a few people, for instance, to be sitting in a police station only to receive two inquires per day. The police commissioner may have made an assessment that those police officers would be better utilised, more proactively utilised, out on the front line serving the community in some other way. It might be through a patrol or it might be through attendance in a neighbourhood policing team or something of that nature. But, to sit in a police station only to receive two inquires per day on average, the police commissioner clearly has made an assessment that that resource could be used otherwise.

I think that is rational. I think it is a sign that we have a police commissioner who is willing to be a little innovative, a police commissioner who is willing to make sure he is providing a degree of scrutiny on his own resources to ensure that, with an increasing police budget, with an increasing number of police officers available to him or at his disposal, he will not just rest on his laurels, that SAPOL are not to absorb the additional resources this government provides it with, and then just assume that every other resource that exists within SAPOL should not be subject to review to ensure that we are getting the productivity and efficiency that South Australians reasonably deserve, including those residents in and around the McLaren Vale area.

As I have said on more than one occasion—and something I maybe will continue to have to explain to honourable members within this place, least of all conservative orientated members in this place—we are going to be a government that continues to provide additional resources to SAPOL, but equally we are going to be a government that supports our police commissioner in undertaking the efforts that he sees as appropriate to ensure that we are getting the best bang for our buck and that our community continues to increase levels of community safety through innovative modern police practices.

One other thing I will add—and I very much hope that the Hon. Mr Brokenshire will be able to attend on Thursday—is that recently (in the last 24 hours) I sent out an email to all honourable members of this chamber and of the other place, of all political persuasions, inviting them to attend a briefing on Thursday morning at 8.30am in the Old Chamber. The police commissioner himself, along with Assistant Commissioner Bamford, will be in attendance at a briefing available to all members on Thursday morning.

The police commissioner, at a very high level, will explain the reasons and rationale behind his review of SAPOL, and Assistant Commissioner Bamford, who I am advised has been charged with the responsibility of leading the reform effort within SAPOL, will be available to answer questions from any member of this or the other place on the work SAPOL is undertaking to ensure that it is a modern police force. All members are welcome. I very much hope that the Hon. Mr Brokenshire is available to be in attendance at 8.30 on Thursday.

The Hon. R.L. Brokenshire: I'll be there.

The Hon. P. MALINAUSKAS: He'll be there; that's good news.

The Hon. R.L. Brokenshire: I wouldn't miss it for quids.

The Hon. P. MALINAUSKAS: That's good; he'll be there. That is a good thing because he has a degree of familiarity with the police. He has a degree of familiarity with the appropriate 'separation of powers' that he identified so passionately when he was a minister and how that serves our community well. I very much hope that many people can be in attendance on Thursday morning so they can understand pragmatically and rationally exactly why the police commissioner and the assistant commissioner are undertaking the effort that they are.

SOUTH AUSTRALIA POLICE

The Hon. R.L. BROKENSHIRE (15:03): Supplementary to the minister's answer: will the minister advise the house how much it is costing SAPOL to break the lease with the landlord for the

closure of the McLaren Vale Police Station, or for how many more years they will be paying the annual rent?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:03): I am happy to take that question on notice.

ONKAPARINGA SES

The Hon. A.L. McLACHLAN (15:03): My question is to the Minister for Emergency Services. Now that the Onkaparinga SES volunteers have voted to wind up the unit, will the minister assure the Onkaparinga residents and the parliament that the road crash rescue will not be compromised due to the removal of the SES-owned truck?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:04): I thank the honourable member for his important question. I have been advised that the Onkaparinga SES on 7 March this year held a special meeting, and at that meeting 17 members of the Onkaparinga SES voted to unanimously dissolve the unit.

On Thursday 17 March 2016, the chief officer wrote to all members of the unit advising that in consideration of all the circumstances, including that the unit had been offline for almost two years, and the unanimous decision of the unit's members to request the unit be dissolved, he had formed the view that a number of actions should be taken, including to place the unit into temporary suspension, have the deputy chief officer work with CFS management to identify which SES should be transferred to the CFS brigades or returned to the SES for reallocation, and disqualify the current membership of all members of the unit. All members have been given 21 days to provide comments and submissions. That 21-day period concluded on 7 April, so only late last week, and the chief officer is now considering those comments that have come back to him.

Only this morning, I am pleased to advise the chamber and the Hon. Mr McLachlan, I had a conversation with the SES chief officer and he advised me that all services that the Onkaparinga SES were undertaking are now being undertaken by other units, and he does not see that there is a dire operational need that is not being met by other services in and around the area. The SES chief remains utterly committed to the provision of services to those people in the southerns suburbs who have been served by the Onkaparinga SES for a number of years.

This is something that I will be monitoring closely. It is certainly this government's hope and expectation that those services will be maintained in the southern suburbs as best as we possibly can, but at the same time we support the chief officer exercising what is operationally appropriate for him to do to ensure that those services are provided to the community of the southern suburbs.

FIREARMS AMNESTY

The Hon. G.A. KANDELAARS (15:06): My question is to the Minister for Police. Can the minister tell us about the firearms amnesty and the review of the firearms regulations?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:07): Let me thank the honourable member for his important question. I appreciate his interest in this subject. A lot of work, as I think all members in the chamber would be aware, has gone into the firearms legislation that passed the parliament late last year, and the work for the regulations is ongoing.

In the wake of the successful passage of the Firearms Bill late last year, a general firearms amnesty has commenced. The firearms amnesty is managed by the South Australia Police Firearms Branch, and I commend them for their hard work up until this point in time. The amnesty commenced on 1 December 2015 and is set to conclude at midnight on 30 June this year. This is the first firearms amnesty permitting the legitimisation of firearms and involving participating licensed firearms dealers in the process. There are currently 45 participating dealers involved—a good number indeed.

As at 11 April 2016, the number of firearms surrendered is 1,670. Of those, 1,181 have been surrendered to police and 489 to participating dealers. A substantial number of these firearms have been surrendered outside of the metropolitan area to regional police stations. To March 2016, over

290 firearms have been surrendered to participating dealers and are currently being held, pending approval for permits to acquire that firearm legally. In essence, this means that over 1,350 guns have been removed from the South Australian community since December last year.

Community safety was, always has been and always will be the focus of this government. The former minister, the member for Light in the other place, ensured that the Firearms Act reflects the need to maintain and improve public safety whilst preventing firearm-related crime. I am now in the process of a comprehensive consultation to draft the accompanying regulations for the Firearms Act 2015. Let me reiterate that the foundation of this process is to improve public safety and prevent crime.

The regulations, when drafted through this inclusive consultative process, will replace the Firearms Regulations 2008. The new regulations will provide operational support for the Firearms Act 2015 once enacted later this year. When drafting and consultation are complete, it is intended that the regulations will contain a number of new provisions intended to detail legislative direction and support for new functions introduced by the act.

The development of the new regulations is occurring through significant consultation with important stakeholders, such as peak bodies and groups within the firearms community. The Hon. Mr Brokenshire and the member for Stuart in the other place have been represented at these forums and I thank them again for working in a bipartisan manner to produce a set of regulations that protects the community and also enables firearms owners to comply with the law.

The development and consultation work is being overseen by former South Australian premier, the Hon. Rob Kerin. I thank him for his ongoing efforts which, to date, I am advised, have been outstanding. Mr Kerin is working through six focus groups to tackle the key issues of contention within the firearms regulations with a diverse and representative cross-section of the firearms community. The third focus group is occurring this evening and the outcomes and agreements made during these sessions are reported directly back to myself. These agreements will then inform the drafting instructions for parliamentary counsel I am happy to state on the record in this place.

One of the critical issues in this process, and one that I am happy to provide an update on in light of today's media, is the issue of the security of firearms. One of the first discussions held with Mr Kerin in Parliament House a couple of weeks ago related to the inclusion of the code of practice that will be inserted into the firearms regulations. The purpose of this code of practice is to provide firearms owners with clear guidelines for the security, storage and transportation of firearms and ammunition. The inclusion of the code of practice into the regulations seeks to overhaul and enhance current security requirements and reinforce the responsibility associated with firearms ownership and possession to prevent the loss or theft of firearms.

The overarching purpose of the code of practice will require firearms owners to increase the level of security for their firearms commensurate with the level of risk those firearms represent to the community. I anticipate that, on current time lines, I will be in a position to take draft regulations to the firearms community hopefully towards the end of May when feedback will be sought. Following that, I will make a final decision on what, if any, amendments are to be made to the draft firearms regulations and the reasons for that decision would be communicated to stakeholders prior to the making of the regulations.

I would like to take this opportunity to again thank the Hon. Mr Kerin for his time and efforts, which have been substantial up to this point and I know will need to be going forward, the patience of the firearms community as we work through the process, and the Hon. Mr Brokenshire and the member for Stuart for their continued interest in the process.

MARTINDALE HALL

The Hon. M.C. PARNELL (15:13): I seek leave to make a brief explanation before asking a question of the Minister for Sustainability, Environment and Conservation about Martindale Hall.

Leave granted.

The Hon. M.C. PARNELL: I understand that last year the government received an unsolicited proposal from the Martindale Hall Partnership for the purchase or long-term lease of the Martindale Hall property for the purpose of creating a wellness retreat and five-star resort.

According to the government's document 'Guidelines for Assessment of Unsolicited Proposals', the consideration of unsolicited proposals is a three-stage process. Stage 1 is the initial proposal, stage 2 is the detailed proposal and stage 3 is the contract negotiation. Under stage 2, detailed proposal, the guidelines state:

> Once the assessment process of Stage 2 is complete, advice will be prepared for Cabinet and the government will provide a response to the proponent outlining:
>
> - the outcome of the assessment stage;
> - whether the proposal is suitable to proceed to Stage 3 (Contract Negotiation) and the appropriate justification;
> - whether the proposal is not suitable for further consideration on an exclusive basis, however may still warrant a competitive bidding process; or
> - that the proposal is not suitable for further consideration and is now closed.

My questions of the minister are:

1. What is the current status of the unsolicited bid for Martindale Hall that the government received last year?

2. Has the stage 2 assessment been completed?

3. Has advice from the stage 2 assessment process been considered by cabinet?

4. When will the government make a decision on whether to proceed to stage 3 negotiation with the Martindale Hall Partnership?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:15): I thank the honourable member for his most important question. Martindale Hall is a significant example of South Australia's built heritage. The state government is committed to ensuring its heritage and tourism values are preserved for the enjoyment of future generations. Martindale Hall, the coach-house and other structures are listed on the State Heritage Register and managed by the Department of Environment, Water and Natural Resources as the Martindale Hall Conservation Park.

Martindale Hall is a grand Georgian mansion built in 1879, I am advised, located in Mintaro in the Clare Valley. Martindale Hall, and the surrounding property, was originally bequeathed to the University of Adelaide in the 1960s. In 1986, the hall and coach-house were excised from the Martindale estate, which I think the University of Adelaide kept, and the hall and coach-house were gifted to the South Australian government without, as I say, the rest of the estate being attached.

The University of Adelaide retained the balance of the estate and subsequently disposed of it, I am advised, in recent times. Until December 2014, a portion of the Martindale Hall Conservation Park was held under lease, providing public access to the historic hall, accommodation and use as a function centre. An expression of interest process in 2014 was unable (and I think I have given this information to the house previously) to find a suitable arrangement for the hall, and caretaker arrangements have been put in place to enable the government to develop a sustainable long-term business model for Martindale Hall.

In March 2015, an unsolicited proposal was submitted to the Office of the State Coordinator-General by the Martindale Hall Partnership. The proposal looks to develop a five-star resort and wellness retreat at Martindale Hall involving the surrounding properties. It includes a number of options around lease or purchase of the property. The Unsolicited Proposals Steering Committee has assessed the proposal against stage 1 criteria and guidelines for assessment of unsolicited proposals. The committee recommended that the proposal should progress to stage 2 in accordance with the guidelines.

Consultation on the proposal included a number of community information sessions, attended by approximately 130 people, and online, via the YourSAy website. Consultation concluded

on Monday 26 October of last year and DEWNR is undertaking an assessment of all feedback received in formulating advice for government on whether to proceed with the proposal any further. I am advised that members of the public expressed interest in relation to ongoing public access, the future management of the contents of the hall and, in particular, whether or not the hall should be sold if it was gifted from the University of Adelaide to the government. I understand that this is also a concern that has been expressed by the National Trust.

There has also been feedback that rejuvenation of the property through a tourism product could be very positive for the Clare Valley region. The government will now consider whether to proceed with the proposal and in what form once we have that advice presented to it, and the honourable member well knows that ministers tend not to discuss what is coming before cabinet at any particular time or even confirm whether it is or isn't. I will honour that precedent and not speak about that on this occasion.

SANDMINING

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:18): If I could have the indulgence of the house in relation to an answer I gave to the Hon. Mr Ridgway earlier today in question time about West Beach and sand, it is possible that honourable members may have inferred from my answer that pocket beaches were referenced in the Adelaide's Living Beaches strategy which I did refer to in my answer. I am advised that in fact pocket beaches formed a part of a range of measures that was considered when the strategy was developed but they were not part of, or adopted as part of, the strategy. I am further advised that the document the Hon. Mr Ridgway was referring to was published in June 2004 and I think the last paragraph there was:

> A small-scale planned retreat of the foreshore, pocket beaches and/or rock embankments are also options that could be considered either separately or in conjunction with other ideas.

That document was put out, as I said, in June 2004. The Adelaide's Living Beaches strategy supersedes that document, and I encourage the member to look that up. I am sure you can download it from the web; if not, I will find you a copy and that will explain the issue of pocket beaches. They were considered but not adopted. They don't form part of the Adelaide's Living Beaches strategy which I referred to in my answer, and I am also advised that my rough-and-ready description of a pocket beach is accurate enough.

MARTINDALE HALL

The Hon. J.A. DARLEY (15:19): A supplementary question concerning Martindale Hall: can the minister advise whether or not in fact Martindale Hall can be legally sold?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:19): I think I alluded to some expressions of that sentiment from members of the public during the consultation. I have nothing further to advise the house on that at this point in time.

FIRE MANAGEMENT PLANS

The Hon. S.G. WADE (15:20): My question is to the Minister for Sustainability, Environment and Conservation. Given that in September 2015 your department admitted to only performing 15 of 25 prescribed burns in the Mount Lofty Ranges—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order! The honourable member has the floor.

The Hon. S.G. WADE: —can the minister advise the proportion of scheduled prescribed burns completed in the Mount Lofty Ranges during the current bushfire season?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:20): I have answered these questions in this place previously. All of this information is available on the interweb thing the department publishes at www.environment.sa.gov.au; the honourable member can download that or have his staff indeed download that for himself. But let's be very clear, because the opposition runs

this out every single year because they don't understand these very important policy positions around prescribed burning: we only burn when it's safe. Point No. 1, the Hon. Mr Wade: we only burn when it's safe.

Whilst we plan for the future—we plan in a five-year rolling program of prescribed burns—we only burn when it's safe, and that means, necessarily, that some of our planned burns won't be conducted in the current season. They are rolled over into a future season, and that's because of safety reasons. We will always do that.

The PRESIDENT: Supplementary, the Hon. Mr Dawkins.

FIRE MANAGEMENT PLANS

The Hon. J.S.L. DAWKINS (15:21): Will the minister concede that the controlled burn in the Warren Conservation Park last year was certainly not undertaken when conditions were safe, that the minister's response to me recently, after some months, would confirm that that was the case, and that the website information was incorrect?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:21): The Liberal Party in this place just don't seem to understand the issues around prescribed burning. It's not surprising. They can't even pick up the telephone and ask their betters in the federal commonwealth parliament about who they talk to about what programs, for goodness sake!

Again, the Hon. Mr Dawkins is learning very, very bad practices from the Hon. Mr Wade in terms of verballing ministers in reporting what was in the response. I think it might be better that he reads out what was actually in the answer, rather than verballing ministers. But, given his interest, let me start off and give the opposition a bit of a lesson. Every year, the Department of Environment, Water and Natural Resources carries out a program of prescribed burning which is part of a broader five-year rolling program.

An honourable member interjecting:

The Hon. I.K. HUNTER: Settle back. The South Australian government is committed to its prescribed burning program because it has long been recognised as the most effective and economic way of reducing bushfire fuels on a large scale. In recognition of the importance of prescribed burning, this government has invested significantly in the program.

Before we came into government in 2002, there was no prescribed burning program at all. When this mob opposite were in government, they had no prescribed burning program—none at all, nothing. Not only has this government created the program but we have also grown the program more and more every single year. Since 2003-04, we have more than quadrupled DEWNR's budget for conducting prescribed burning, more than doubled DEWNR's budget for training firefighters and more than doubled the number of DEWNR brigade members. What did they have when they were in government? No plan at all, no prescribed burning. They said, 'You guys can just go off and do it yourselves.'

The Hon. K.J. Maher: How much did they do?

The Hon. I.K. HUNTER: Zero. The Hon. Mr Maher asked, 'How much did the Liberals do?' They did zero. In South Australia, the recent Bangor, Sampson Flat and Seal Bay bushfires have provided some insight, I am advised, into the effectiveness of prescribed burning. These bushfires have highlighted the ways in which prescribed burning reduces fire behaviours and provides firefighters with tactical advantages in containing fires.

Fuel management is the only physical element associated with bushfire that can be manipulated in preparing for bushfires. I am advised that reduced fuel loads directly relate to reduced bushfire intensity. Prescribed burning may not necessarily stop a bushfire from spreading on days of heightened fire danger, but it will provide firefighters with a safer environment and earlier containment options when conditions begin to subside.

DEWNR is responsible for fire management activities on all public lands under my care and control, covering approximately 23 per cent of the state, to help mitigate the impact of bushfires. DEWNR also plays a major role in supporting the South Australian Country Fire Service's response

to bushfire emergencies right across the state. There is no doubt that DEWNR staff involved in planning and conducting prescribed burns take their roles very seriously, and I've got to say I am incredibly disappointed when Liberal Party members from this side of the chamber or in the other place go out—

The Hon. D.W. Ridgway: This side of the chamber?

The Hon. I.K. HUNTER: —your side of the chamber or in the other place—go out and criticise these hardworking staff who put their safety and their lives on the line to defend this state, and all they can do is come in here and quibble about, 'Did you do a burn in spring or did you do it in autumn?' That is all the Hon. Mr Wade has got: 'Did you do it in spring or did you do it in autumn?'

The program is carried out, as I said, by these highly-trained professionals with fire management experience and expertise. DEWNR forms the largest brigade of the CFS with 569 brigade members, including 367 firefighters, who can be called on at any time to attend bushfire incidents both on and off public land, as well as delivering our prescribed burning program. The remaining brigade members are also available for response, filling incident management support roles.

DEWNR's fire management operating budget for 2015-16 is $10.3 million. This funding employs 94 specialist fire management staff, which includes 49 seasonal project firefighters who are employed for nine months of the year over the fire season to assist with prescribed burning and bushfire response activities. The budget also supports DEWNR's fleet of 84 firefighting appliances, comprising 51 quick-response four-wheel drive vehicles with 400 litre capacity, 19 large trucks with 1,000 to 3,500-litre capacity and 14 bulk water carriers.

As part of the memorandum of understanding, an additional budget of approximately $1 million is allocated from SA Water to DEWNR to employ a further 23 seasonal firefighters and provide six additional large appliances for efforts on SA Water land.

Under state government interagency arrangements, DEWNR plays a lead role in supporting and delivering fire management activities on other public lands, including prescribed burning and bushfire response. An interagency agreement has been in place with SA Water since 2005, I am advised, and a similar arrangement is in place with ForestrySA to assist in the delivery of fire management activities in the Mid North region of the state.

The collaborative and cooperative spirit that has been embraced by these various agencies demonstrates the state's commitment to meeting the challenges of an increasing bushfire threat through the effective and efficient use of resources. DEWNR's prescribed burns program is meticulously planned and always includes a thorough assessment of the environment and any associated risk factors, such as proximity of other assets, wind, temperature, dryness of vegetation, and the geography of the site.

DEWNR has developed and employs the latest technology and science available for the design and implementation of the program. For example, DEWNR has developed a burn risk assessment tool to assess the various risk elements and provide an overall risk rating for each burn being conducted. They have adapted a fire spread modelling tool, called Phoenix RapidFire, to the South Australian environment to predict fire behaviours and rates of spread to ensure that appropriate resources are allocated and that warnings can be delivered to communities.

They have also developed aerial ignition capabilities which enable them to burn larger areas in a safer and more cost-effective manner. It is quite clear that every precaution is taken not only to ensure the prescribed burns are carried out with the utmost care but also only when it is safe to do so, because that is the best way to ensure the safety of residents and, of course, our firefighters.

Alongside these technological developments, DEWNR has also committed to engaging local communities throughout the planning and implementation of prescribed burns. I understand that DEWNR has increased its community engagement capacity in relation to fire management on parks and reserves. DEWNR has developed and planned an engagement strategy and a schedule of engagement activities which target relevant stakeholders and groups across the state.

Prescribed burns, as I said, can only take place when weather conditions are deemed suitable for the planned activity to be conducted safely and effectively. This means that, while burning is mostly conducted during the spring and autumn seasons when conditions are likely to be favourable, the number of burns actually completed is dependent on the seasonal conditions. I am advised that the 2015-16 prescribed burn program has been revised now that the autumn program has been finalised.

For spring and autumn, DEWNR plans to undertake 77 prescribed burns, reducing fuel across more than 9,600 hectares of public land across the state. This includes 13 burns on behalf of SA Water and ForestrySA, I am advised, which aim to treat more than 800 hectares. I understand that 43 of these burns are planned for the Mount Lofty Ranges, treating approximately 1,400 hectares of high-risk public land.

This past spring was particularly challenging, given the early onset of hot weather from the beginning of October resulting in unsuitable conditions for safety and effectively conducting prescribed burns. For spring 2015, DEWNR completed 24 burns across 900 hectares of land across the state, including seven burns across 345 hectares conducted on behalf of SA Water and ForestrySA. Nineteen of these burns were conducted in the high-risk Mount Lofty Ranges, treating 433 hectares of high-risk public land.

A number of burns that were planned for spring were postponed due to weather conditions being unsuitable or fire behaviours being too intense to manage the burns safely because of the dryness of the fuel. As prescribed burning is part of a rolling program, 10 of the postponed burns are now planned for this autumn season. For autumn, there are 49 prescribed burns proposed to treat more than 7,300 hectares of public land across the state. This includes six burns across 270 hectares on behalf of ForestrySA and SA Water, I am advised. Of the 49 burns, 18 are planned for the Mount Lofty Ranges region to reduce fuels across approximately 620 hectares of high-risk public land.

I am further advised that the proposed program varies from week to week as some burns are postponed and others are brought forward from the next season to ensure that the most appropriate burn is implemented for the weather conditions being experienced—common sense. Common sense in practice, yet all the Liberals can do is complain, 'Oh, you didn't get to a burn last spring. When are you going to do it?' Well, we tell them, 'We do it when it's safe.'

As of Tuesday 12 April, 20 prescribed burns have been completed across the state in 2016, treating more than 2,057 hectares of public land. Of these prescribed burns, 11 have been implemented in the Mount Lofty Ranges, reducing fuels across approximately 350 hectares of high-risk public land.

DEWNR undertakes a number of these activities throughout the year to prepare for the fire danger season and help protect the state against the ongoing risk of bushfire. All activities are planned for completion but, as I say, they are always planned with eyes firmly fixed on public safety. We will always do it that way, despite the criticism of the Hon. Mr Wade, who totters in here saying, 'You didn't do all your spring planned burns.' That's because the season and the weather conditions didn't permit, and we only do those when it is safe.

The Hon. J.S.L. Dawkins: Nine minutes; what a waste of time.

The Hon. I.K. HUNTER: What a stupid question. What a waste of a question.

Members interjecting:

The PRESIDENT: Order! I call on business of the day.

Bills

NUCLEAR WASTE STORAGE FACILITY (PROHIBITION) (PUBLIC MONEY) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 March 2016.)

The Hon. R.I. LUCAS (15:32): I rise to speak at the second reading of this bill. I am delighted to be able to address some comments to the general issue covered by the bill but also the specific nature of some aspects of the proposed legislation. The bill does give members in this chamber, Mr President, as I am sure you would probably be aware, cause to drop their jaws in disbelief at the hypocrisy of members of the Labor Party and the Labor government on the issue of nuclear waste.

On other occasions, others have referred to this Labor government's hypocrisy on a range of issues, including privatisation and other issues, but this issue of nuclear waste is one where the hypocrisy of the Labor government, the Premier, senior ministers and backbenchers is stunningly evident to all and sundry. I want to refer to some comments made by the then member for West Torrens, Mr Koutsantonis, on 8 July 2002. I quote the member for West Torrens:

> …now members opposite want the nation's nuclear waste and radioactive waste stored in South Australia. They do not have the courage to say that we are prepared to store South Australia's waste in a central location, but not New South Wales', not Victoria's, not Tasmania's, not Western Australia's, not the Northern Territory's and not the ACT's. They are representing interstate interests, not South Australia's. They refuse to put South Australia first.
>
> They insist on putting their federal colleagues ahead of their own constituents, and I have nothing but contempt for members opposite. They are disgraceful; they are a rabble; they are rudderless and leaderless. I cannot believe that any member opposite would advocate storing New South Wales' radioactive waste in South Australia. Why? Because John Howard says that the safest place is South Australia. Members opposite think South Australia is the nation's dumping ground. If they had their choice they would take off 'SA—the Festival State' and put on 'SA—the Dumping State'. That is what members opposite want for South Australia. Their vision for South Australia and the future is that we become the world's nuclear waste dump. Members opposite are saying, 'That's what we want.'

He continued:

> I have been informed by our very good Minister for Tourism that members opposite are not only jeopardising the future of South Australian children by having the nuclear waste storage dump in South Australia but also damaging our exports. Worldwide we are considered cutting edge in agriculture and wine development. The solution of members opposite is to add to that a little rider, 'SA Great—wine production, agriculture, nuclear waste'. That is the message from members opposite; that is their vision for South Australia.
>
> I can imagine members opposite going to school children throughout South Australia and saying, 'We want you to recycle, we want you to save our heritage, we want you to protect the Gammon Ranges; but we also want you to take on the responsibility of the nation and have nuclear waste from Sydney, Brisbane, Melbourne, Hobart and Perth stored in our backyards.' That is their legacy—the legacy of contempt for South Australians and the future. They are attempting to impose their contempt on future generations, and I will not stand for it.

I repeat that I am quoting the then member for West Torrens. He was vigorous, he was passionate at the time. Let me repeat: he said, 'I will not stand for it.' That was the bold assertion of the member for West Torrens. Let me continue with the contribution from the member for West Torrens, Mr Koutsantonis. He said:

> If you think that we are not prepared to call a referendum on this issue, just try us. Nothing would please me more than to stand outside my local polling booth on the Saturday before the federal election and say, 'Vote no to the Liberal's nuclear waste dump.' Nothing would please me more, but the experts, the electoral geniuses opposite who are now in opposition, think it is madness. They think we would never do it, that we do not have the courage. We are happy to pull the trigger, no problem whatsoever. We will pull the trigger and it will be your colleagues in Canberra who will pay the price because you have run down this state long enough. It ends today.
>
> This government will not stand by and watch members opposite ruin our future, ruin our heritage. They have done enough damage to our heritage by selling off the assets we owned. We are not going to let them destroy our image as a state. We are going to fight every chance we get to stop their federal government depositing their rubbish and waste in South Australia. It is absolutely absurd for members to say that we are playing politics, given the rubbish they put out during the election campaign that we want nuclear waste stored locally.
>
> We are going to set up an independent EPA, unlike the EPA that those opposite had. Our EPA will do an audit on this waste, and we might set up a storage facility for ourselves, but we will not be storing anyone else's nuclear waste in those facilities. We will not do it. It will not become an industry that we will be proud of. Radioactive waste will not become our main export or import. Our exports will be cars, wine, aquaculture, our people and our lifestyles. It will not be nuclear waste.

The speech, masquerading as a diatribe, from the then member for West Torrens went on at considerable length. The significant quote from the early part of that speech gives an indication of the nature and flavour of the position of the Labor Party, the Labor government, when elected in 2002. Members will be aware that that debate was a debate about low-level radioactive waste. That debate was a debate about where we would store the sort of waste that is currently stored in the

cupboards, under the stairwells at the existing Royal Adelaide Hospital and at a number of other sites in metropolitan Adelaide. It was not a debate about medium and high-level nuclear waste.

The hypocrisy of the member for West Torrens, who just happens to be of course now the Treasurer and the minister for energy or resources and, together with the Premier of South Australia, Mr Weatherill, one of the key ministers leading the charge for not a low-level nuclear waste dump in South Australia collecting the waste from just the other states of Australia, but we now have this same person leading the charge for a dump in South Australia for medium and high-level waste, not just from Australia, if there was to be any, but from all around the world.

It is no wonder that people in South Australia shake their heads whenever they hear Mr Koutsantonis, the Treasurer—

Members interjecting:

The PRESIDENT: I just point out to the honourable minister that he is on his feet giving a speech.

The Hon. R.I. LUCAS: I think the Minister for Police is treating minister Koutsantonis with the contempt he deserves—

The PRESIDENT: Just get on with your speech.

The Hon. R.I. LUCAS: —and I can only support the Minister for Police in that contempt that he is showing his lower house colleague and soon to be leadership rival for the Labor Party after 2018. He is an ambitious young man, and his ambition knows no limits. Let's refer, now that he has ceased dumping on his lower house colleague, the Treasurer—

The Hon. J.S.L. Dawkins interjecting:

The Hon. R.I. LUCAS: Indeed. It is unsurprising that people treat with contempt the statements, the positions, the pronouncements of the Labor government and its senior ministers and representatives like the Premier and the Treasurer. When they fought elections on the principles behind this particular issue they made claims, they ran advertising campaigns, they attacked and pilloried the former member for Davenport, Iain Evans, and they attacked the former federal minister, senator Nick Minchin, on the issue.

They made to the people of South Australia extravagant claims, laced with this sort of inflammatory language that the member for West Torrens used in that particular speech. Let me repeat it: he has 'nothing but contempt for the Liberals, they are disgraceful, they are a rabble, they are rudderless'. He said that we were 'jeopardising the future of South Australian children by having the [low level] nuclear waste storage dump in South Australia but also damaging our exports'.

Yet, he is a man of infinite capacity to bend over backwards in any particular direction at any particular time depending on the way the winds of political fortune may well suit him. It is extraordinarily valuable for a Labor minister and a Labor member to have a flexible backbone. It is extraordinarily valuable for the member for West Torrens, as he was then, for the Premier, as he is now, and for the others to have an eminently flexible backbone because it means you can twist yourself in any particular direction that you wish on a particular issue.

You do not have to believe in anything; all you have to believe in is what you think at any particular time may well get you elected. If in 2002 you think that a particular political stance will allow you to be elected, you can adopt that stance on low-level nuclear waste storage facilities in South Australia, but if in 2016 you decide that you want to support medium and high-level nuclear waste storage dumping in South Australia, if you have that flexible backbone you can twist and turn and change your position completely.

As I said, I was not at the forefront—my colleague the member for Davenport was—in supporting the then position of the federal Liberal Party and the federal government about storage for low-level nuclear waste. At least if in the end the state Liberal Party in South Australia, having received the results of the nuclear waste royal commission, decided to go down a particular path of supporting storage of waste in South Australia, it would be consistent with the position we argued for passionately in the period leading up to the 2002 election and then after the 2002 election.

To use the language of the member for West Torrens, I have nothing but contempt for members of the Labor Party and the Labor government who have no principles, who have no beliefs other than the infinite capacity, as I said, to bend over backwards in any particular direction at any particular time when they see a political advantage for themselves. I could wax lyrical for hours on this issue, but I will not. I think I have made my point about the evident and arrant hypocrisy of the Labor government on this particular issue.

This bill is seeking to remove section 13 of the Nuclear Waste Storage Facility (Prohibition) Act 2000, an act which, I might add, was introduced at the time in relation to high-level nuclear waste storage facilities in South Australia by the former Liberal government. Section 13 provides:

> Despite any other Act or law to the contrary, no public money may be appropriated, expended or advanced to any person for the purpose of encouraging or financing any activity associated with the construction or operation of a nuclear waste storage facility in this State.

We are advised that the royal commission will release its final report on 6 May. We have seen the tentative findings. If we follow the signposts from the tentative findings of the royal commissioner, it would appear to indicate that the royal commission's final report may well recommend against mining enrichment and nuclear power but might recommend further investigation of a nuclear waste dump or, in the language of the royal commissioner, a nuclear waste storage facility, to be established in South Australia if there is community consent to do so.

This bill, which seeks to remove section 13, was introduced into the House of Assembly on 9 March and seeks, for some unusual reason that I am sure will be teased out in the committee stage of the debate, to operate retrospectively from the day the bill was introduced into parliament, that is, 9 March.

During the committee stage of the debate in the other place, the government maintained that they had not acted contrary to section 13 of the law; if that is the case, one wonders about the need for retrospective application of the bill. If the government's position is that they have not acted contrary to section 13, why would they seek to have this operate retrospectively from 9 March? On my behalf, the shadow minister's office has filed amendments along those lines, and I understand that the Hon. Mr Parnell has also filed amendments along those lines to explore the issue of retrospectivity.

Again, given the leadership on this issue was from my colleague the member for Stuart, our amendment is slightly different both in form and effect from the amendment of the Hon. Mr Parnell; when we get to the committee stage, we will be able to explore the differences. Nevertheless, the principle, in relation at least to that aspect of retrospectivity, will appear to be consistent, but the positions of the Liberal Party and the Hon. Mr Parnell, in terms of what might continue in the future and when this bill might be enacted, are slightly different in the nature of the two amendments to be moved by me and the Hon. Mr Parnell.

With that, I indicate that we will support the second reading of the bill. We will be moving our amendment and we will explore that during the committee stage of the debate.

The Hon. D.G.E. HOOD (15:52): My contribution will be relatively brief on this particular bill, but I do rise to indicate Family First's support for the bill, certainly the second reading of the bill and, I expect, the bill ultimately.

I have been advised that this bill is necessary to enable the government to engage and consult with the public on the findings of the Nuclear Fuel Cycle Royal Commission final report that is due to be released on 6 May this year, just a few weeks away. There has been a considerable amount of public interest in the tentative findings of the royal commission, namely, the idea of establishing a nuclear waste storage facility in our state. I indicate at this point that Family First supports that idea. Obviously, the details would be very important, but in principle we support it.

The government has made it clear that this bill is not a commitment to the construction and operation of a nuclear waste storage facility but, rather, this bill represents a commitment from the government to undertake extensive community consultation on the findings of the royal commission—which is hardly something to criticise them for.

There has been some criticism levelled at the government, however, suggesting that the government is already committed to the establishment of a nuclear waste storage facility. I do not know if they have or have not. We cannot get inside their heads, if I can put it that way, and really I think it is largely immaterial and just speculation. What we do know is that the government has made the point that there are other legislative provisions that must first be repealed before a nuclear waste storage facility is actually constructed, should it go ahead, and I believe that this is a valid response to the criticisms that have been levelled at them.

The government contends that section 13, as it currently stands, inhibits the ability to engage with the community as no public money can be spent on:

> ...encouraging or financing any activity associated with the construction or operation of a nuclear waste storage facility in this State.

Clearly, expending public funds to consult with the community on a royal commission's findings could potentially contravene section 13 of the act, and therein lies the necessity for this bill and that is why we support it. It is simple. It is common sense.

Family First supports an informed discussion of a nuclear waste storage facility. I think the main attraction, and it is obvious to everyone, is that there are substantial economic benefits for our state that we must thoroughly explore so that we have a clear understanding and appreciation for the advantages and disadvantages of such a proposal. As I indicated earlier, however, we are inclined to support the construction of such a facility, subject to the detail as it unfolds. Certainly, in principle, we support it.

If the expected economic benefits ring true, it would be advantageous for South Australia to take this opportunity on board and, indeed, to do it quickly. This type of investment, when done right, would fulfil a promise of increased employment opportunities and, in turn, economic growth and prosperity—a much-needed boost to the economy which is currently suffering and not performing well and there is indeed a lack of major investments in this state, particularly in our regional areas. However, an emphasis on the economic benefits should not sufficiently overlook the environmental and safety issues inherent in this discussion.

It must be stressed that this issue must garner strong community support following a thorough process of public consultation and, indeed, that is what this bill seeks to do. Therefore, Family First supports the second reading of this bill. As I said, I expect we will support the final bill; however, amendments have been foreshadowed by both the opposition and the Greens. On face value, we have no problems with those amendments and are likely to support those amendments as well. We certainly support the intention of this bill and we expect that we will support it at the third reading.

The Hon. M.C. PARNELL (15:56): If ever a bill was designed to arouse suspicion that the government is up to no good, then this is that bill. The bill has supposedly been introduced on legal advice that it is needed in order to protect genuine public debate about a matter of public interest. It is allegedly needed to enable a conversation with the South Australian people. It is said to be essential to having thorough consultation over whether or not a nuclear waste dump is a good idea for South Australia.

If we were to believe the government, its only intention is to ensure that the window for public debate about whether we have a nuclear waste dump is not barred or locked. They say that they only want to open the window a little to let in some light and also some of those sweet breezes of public discourse. However, this bill is not about chocking open a window for public debate: it is demolishing an entire wall of the house.

In the process, the government is trashing the multiparty consensus that has prevailed in this state for the last decade and a half. They are doing the opposite to what they have done before. They are doing the opposite to what they told the people of South Australia they stood for and they are treating this parliament with contempt by not openly sharing with us the legal advice that supposedly led to this bill being necessary.

If the government were open and transparent with the parliament and with the South Australian people, then they would show us the legal advice that says that this bill is necessary, but

that is not the case. The advice is secret, and I will have more to say about that later. The Greens are not convinced that this bill is necessary to do any of the things that the government says it is needed for and, as such, unless the bill is amended, we will be voting against it.

I might just pause at this point. It will be no surprise to members that matters nuclear are a top priority for the Greens and I have a lengthy contribution planned for this bill. However, in recent minutes—and it is only minutes—I have been informed that the government does intend to support both of my amendments, the amendment to remove the retrospective clause and the amendment to clarify the meaning of section 13. I know the risk that I run here is that continuing with my prepared remarks in their entirety with all the criticism of the government that that entails may well be the straw that breaks the camel's back and they may then decide that, having agreed to support the amendments, they withdraw that consent.

While there are some important issues that I do want to put on the record, I will say at the outset that, if the advice that my staff have received from the Premier's office and the informal advice that I have received from government members here is that they will be supporting my amendments, then I am pleased that this bill will be disposed of in that way, because I think that is exactly the right outcome. So, I will modify some of my remarks, but I want to put a number of things on the record because there are important principles in relation to retrospectivity in legislation. There are important principles in relation to what I think is often the myth of legal professional privilege as it applies to advice from the Solicitor-General to the government, and I want to explore some of those issues.

I also have a large number of questions to put on the agenda, so that the government can respond to them when we get to the committee stage, in relation to a number of issues, not the least of which is whether section 13 has in fact been breached in the past, because it is not unreasonable for any member of parliament faced with a retrospective clause to suspect, reasonably, that retrospectivity is put in for a reason, which is to protect people who have done the wrong thing. So, I want to give the government the opportunity to clear their name and answer those questions.

Whilst the Greens do not believe that the bill, as drafted, stands in the way of genuine public debate about the merits or otherwise of a nuclear waste dump, our position was always to assist the government by moving amendments that give them everything that they say they need. I will go through the items that both the Premier and the minister have said they need this bill for, and I will reflect on how my amendments actually provide what they want. Just to put on the record now exactly what that is, because not all readers of *Hansard* will have the amendments before them, my amendment retains section 13. Section 13, of course, is the section that reads:

> Despite any other Act or law to the contrary, no public money may be appropriated, expended or advanced to any person for the purpose of encouraging or financing any activity associated with the construction or operation of a nuclear waste storage facility in this State.

The government's bill proposes to delete that section. My amendment, in fact, retains section 13 and adds the following words. It renames section 13 as subsection(1) and provides:

> Subsection (1) does not prohibit the appropriation, expenditure or advancement to a person of public money for the purpose of encouraging or financing community consultation or debate on the desirability or otherwise of constructing or operating a nuclear waste storage facility in this State.

In other words, it makes it clear that section 13 does not stand in the way of debate. I do not believe it ever did. I do not think section 13 ever stood in the way of debate but, when the government introduces a bill to delete it, you have to be suspicious.

What the Greens' amendment does is make it crystal clear that the Nuclear Waste Storage Facility (Prohibition) Act 2000 does not stand in the way of public consultation, debate, community conversations or the like around nuclear waste. What the act of 2000 does is prevent the construction or operation of nuclear waste facilities, the transport of nuclear waste into our state and the use of public money to encourage or finance activities associated with the construction or operation of nuclear waste storage facilities. Those prohibitions remain, and they need to remain.

At the conclusion of my remarks, as I said, I will put a number of questions on the record, and I look forward to the government's answers to those. Another thing I will say by way of introduction is that I am not proposing to explore all the reasons why turning South Australia into the

world's high-level nuclear waste dump is a bad idea. That will certainly be the subject of other motions and other bills before parliament.

I think we will be talking about nuclear issues for a great deal of this year, so I am not going to explore the merits or otherwise of the nuclear waste dump as suggested by the royal commission, other than to say it is a shocking idea. It does not stand up on any basis, whether it be economic, social or environmental. It is a shocker of an idea, and it needs to be put back in its box, but I am not going to explore why I believe that is the case. There is plenty of material in relation to the Greens' position that members can look at.

My intention in this debate is to focus on this bill, the government's purported rationale for the bill and the legal consequences that flow from the current operation of the act, including the role of the royal commission. For the benefit of old and new members, I think a trip down memory lane is in order to explore the origins of this legislation and the public campaign that saw it receive unanimous support in this parliament. I am indebted to the Hon. Rob Lucas for his excursion down memory lane with the remarks of the member for West Torrens in an earlier day. I will not repeat all of those, as he read them out at some length.

I will, however, for the benefit of members, refer to the comments of other members, in particular Labor members, for the benefit of the Hon. John Darley we have some comments from the Hon. Nick Xenophon and for the benefit of the Hon. Dennis Hood, we have some comments from Pastor Andrew Evans on nuclear waste. My trip down memory lane starts in 1999, a motion that former environment minister John Hill put on the agenda. He said:

> I move:
>
> That this house expresses its total opposition to the use of any site or sites located in South Australia for the storage of Australian or international long-lived intermediate or high-level radioactive waste.

That was the position of Mr John Hill back in 1999, and I can tell you, as we go down memory lane, it did not change. If we look in the year 2000, again we have the Hon. John Hill introducing the Nuclear Waste Storage Facility (Prohibition) Bill and he says, concluding his second reading speech:

> I urge members opposite whose Premier has said that—

I should say this is the Labor Party in opposition, talking about the Liberal premier—

> I urge members opposite whose Premier has said that he opposes South Australia being the intermediate to high-level waste dump, to support this legislation, to show their constituents and Canberra that they are fair dinkum, and to show all South Australians that we do not want South Australia to be Australia's or the world's nuclear waste dump.

There are dozens of contributions, and I will not go through them all, but Mrs Geraghty, the member for Torrens, again in October 2000 said:

> I am absolutely and totally opposed to South Australia being used as a national dumping ground for nuclear waste and I know that many of my colleagues share that view. People in South Australia are very concerned about that issue as well.

And she goes on. I mentioned various parties and there are plenty of contributions from the Liberal Party. The Hon. Iain Evans, who was my local member until he retired, again in May 2000, said:

> It is clear South Australians do not want their backyard to become the dumping ground for the nation's long-lived intermediate and high-level nuclear waste. The best way to send this message loudly and clearly to Canberra is for the Parliament of South Australia to pass legislation prohibiting the establishment of a national nuclear waste storage facility.

So there you have a Liberal position. I mentioned the Hon. John Hill, so fast-forward to amendments to the act in the year 2002. The Hon. John Hill's position had not changed. He said:

> South Australia must not become the dumping ground for the world's high-level radioactive waste.

I mentioned the Hon. Nick Xenophon who was in this place from 1997, I think, onwards. His contribution, again in the year 2002, was to state:

> I do not want South Australia to be seen as a dumping ground, as the government puts it, or a repository for nuclear waste for all Australia. There is great concern about that, particularly in relation to medium-level waste.

The Hon. Nick Xenophon also talked about sending a political message to Canberra stating, 'We do not want a national low-level dump built in South Australia.' He talks about the South Australian parliament passing legislation to send a strong message to Canberra. We have, of course, the Hon. John Gazzola, who is still with us and who on 15 July 2002 posed the rhetorical question:

> Do we wish to become, by stealth, the dumping ground for the nuclear waste of the whole country as the commonwealth would like? And would it stop there? The proposed amendments to the bill, and the threat of a referendum, would send a strong message to companies such as Panagea Resource Company, a company that has identified Australia as the best place in the world to store international waste. Sites such as those in the Woomera and Roxby Downs area, for example, are seen as profitable dumping grounds.
>
> If the amendments to the bill are denied, what resistance will future commonwealth governments have to lucrative offers from international holders of high-level nuclear waste? Are South Australians to have no further say in this?

And he goes on in the same vein. I mentioned Family First. Pastor Andrew Evans, who was their first member in this place, in 2002 said:

> Part of our policy platform for the election was no nuclear dumps in South Australia. The party's reasoning against nuclear dumps was twofold. First, according to the polls, South Australia did not want this material in this state. The other reason for my party's position was based on discussions with various conservation groups. It seemed that a better option was for each state simply to look after its own.

It is good to see conservation groups being influential in Family First policy development, a trend that I hope will continue. So, there you have it, back from years gone by, members from all parties singing from the same hymn sheet that they do not want a nuclear waste dump in South Australia. As I have said, the act that is sought to be amended by this bill goes back to the Olsen Liberal government in the year 2000. It was strengthened by the subsequent Rann Labor government in 2003.

Long before that, if we are going down memory lane, if we go back to 1982 we see the important Labor Party document entitled, 'Uranium, Play it Safe', authored by a youthful Mike Rann, subsequently to become premier. In that paper the Labor Party railed against the nuclear industry. It railed against nuclear power and it railed against nuclear waste dumps because of the:

> …absence of procedures for the storage and disposal of radioactive waste to ensure that any danger posed by such wastes to human life and the environment is eliminated.

Mike Rann also noted that the assurances of the nuclear industry, in particular their much vaunted safeguards, were in fact worth very little. To quote the former premier, 34 years ago he said:

> Again and again it has been demonstrated, here and overseas, that when problems over safeguards prove difficult, commercial considerations will come first.

If we fast-forward to the year 2000, we see Mike Rann, as leader of the opposition, supporting a Liberal bill to prevent a nuclear waste dump being established in this state.

I mentioned a couple of the bills that have been introduced, but if you go back through the last several parliaments you will see that there are many bills and motions that were introduced to restrict nuclear facilities in South Australia, whether it be nuclear power plants, nuclear fuel processing facilities or nuclear waste dumps.

Just to give you a snapshot, in the 49th parliament there were four bills between 1999 and 2001. They were introduced by the Hon. Sandra Kanck, the Hon. John Hill and the Hon. Iain Evans. In the 50th parliament, there were three bills to restrict the nuclear industry between the years 2002 and 2003. The same members were involved in those, plus some new players. The Hon. Paul Holloway and the Hon. Terry Roberts introduced bills. In the 51st parliament, I introduced bills on two occasions in 2007, and now we have (nine years later) this current bill, which if it went through unamended would be winding back the clock.

The royal commission is obviously something that has changed the political environment in South Australia. As members know, there were four main terms of reference, that being the questions of whether South Australia should become more involved in uranium mining, in the processing of nuclear fuel or reprocessing in relation to nuclear power and in relation to nuclear waste.

From day one, conservation groups knew that this was all about the dump. It was only ever about the dump. In fact, the people of South Australia would have saved $9 million if the government

had simply gone back to my 2007 speech on the nuclear industry, when the conclusions I reached in relation to uranium mining, processing and nuclear power were the same as the royal commission's: they are not viable. I had a few extra reasons why I thought they were a bad move for this state, but ultimately the result was the same: they are not goers.

I think the royal commission has been in a difficult position in relation to section 13 because the Premier told us so on radio—he said they were worried that the royal commission might have breached section 13. Ultimately, we do not know whether that is the case. I certainly spoke to a prominent QC from interstate and posed the question; the response was that whilst the royal commission is in investigation mode probably it has not infringed section 13, but if the royal commission or the royal commissioner moves away from an investigating mode into a sales mode, or an advocacy mode, then very likely section 13 will be a problem for them; however, again we do not know. That is an off-the-cuff, informal advice to me. We have not seen the government's formal advice.

There are questions about whether the royal commission has been biased, whether it has been selective in the evidence it has taken, whether it has been elitist. I will certainly put my hand up and say that I have accused the royal commission, publicly and in this place (I suppose that is the same thing, it is public when we speak in here); I think they have been elitist. I think the royal commission's attitude that only those South Australians who have their submissions sworn before a JP are eligible to participate in the process was an outrageous call on behalf of the royal commission. It was elitist, and I know that it stopped ordinary South Australians from making submissions.

My submission was rejected. I am a commissioner for taking affidavits in the Supreme Court, an admitted practitioner of the High Court of Australia, the Supreme Court of South Australia, and the Supreme Court of Victoria. I can witness anyone else's affidavit, anyone else's statutory declaration, but because I did not get mine witnessed before a JP it was rejected. I got a letter from the royal commission saying, 'Sorry, can't accept your submission.' I think that was outrageous, and I think it colours everything that came afterwards from the royal commission.

Regarding the cost of the royal commission, we know that the original allocation was about $6 million and then there was a further allocation of $3 million. I think the total is now about $9.1 million. As I said, I think most of that money was wasted, I think most of that money told us what we already knew. As I have said, the tentative findings dismissed three of the four broad terms of reference, leaving only the nuclear waste dump as a live issue.

The bill before us seeks to remove section 13 and, as I have said, the government's rationale for removing section 13 was about having a debate. However, in addition to the comments made by the minister, the Premier was certainly active in the media the day before the bill was introduced into parliament. He gave a number of news grabs, and it was largely those news grabs that I used to draft the amendments that I put before the bill.

For example, the Premier said, on ABC radio on 7 March, 'Once the royal commission does hand down its final report, there will be a period of extensive community engagement.' On the same day, he also said that from May onwards there would be a discussion—the media transcript says 'really the rich debate'—about whether we do this or not, and then some decisions towards the end of the year. That was probably not quite verbatim, but that was how it was recorded.

He said, 'Once the royal commission does hand down its final report, there will be a period of extensive community engagement.' Then we got to the nitty-gritty, when he said on FIVEaa at 4 o'clock in the afternoon on the news bulletin:

> Our legal advice is that the legislation as it currently stands may prevent us from advancing this conversation with the community. Therefore it's important that we remove this barrier before taking the next step.

On the same radio station, in the next bulletin at 5 o'clock, he said:

> …there needs to be a rich public debate, there needs to be a community consensus developed around this, and that's what we're seeking to achieve.

On Mix and Cruise radio stations, again at 4 o'clock on that day, he said:

We don't want to run into any unnecessary legal barriers. Of course it needs to be remembered that the rest the legislation which does prohibit a nuclear waste facility will remain in place and should there be a policy change in relation to that matter that can be dealt with in a further piece of legislation towards the end of the year.

So the only rationale that was offered was one of debate. There was a more extensive interview that the Premier gave with Mr Ian Henschke of ABC radio 891. The Premier said to Mr Henschke and the listeners:

Well, our legal advice is that if we don't change the law in this way it will be a barrier to the next stage in the process. Remembering that we've got a royal commission report which is in the first stage which is a tentative set of findings which are out there for public discussion. The next phase is we expect in early May to be given the final report and at that point we'll be really in more of a deliberation, a public discussion about what we should be doing and we're told, our legal advice is that presently the present Nuclear Waste Storage Prohibition Act of 2000 has a clause in it which stops us from potentially using public resources to have that discussion so that's why we need to remove it.

He goes on to say:

…it's a foundation if you like from which we can have our next phase of discussion but that next bit we can't really progress until we amend this legislation.

The Premier, also talking to Mr Ian Henschke, said that he was prepared to share the legal advice he had with me because I asked for it. I said that this is all about legal advice; if that is the only rationale the government has, can I see the legal advice? In fact, Mr Ian Henschke posed the question to me and said, 'Would you like the Premier to publish the legal advice?' to which my helpful response was, 'Yes, I would like to see it.' The Premier's response then was:

I think it is reasonable for people to be concerned about us expending vast sums of money in essentially presenting the people with a fait accompli and we won't do that but I'm happy to share with Mark our legal advice about why we do need to change this Section to allow us to take the next step. So it really is about facilitating a debate so that the community can reach a sensible and wise judgment about whether we do want to take this next step. I fully appreciate it's a big decision.

I was delighted with the Premier's response that he would share his legal advice with me, so I whipped off a quick email:

Dear Jay,

I would be pleased to receive the Solicitor-General's advice on the repeal of s.13 of the Nuclear Waste Storage Facility (Prohibition) Act 2000, as indicated by you on ABC radio on morning afternoon.

Regards,

Mark.

The following week the Premier's office was in contact, offering a briefing on the bill. I agreed that a briefing would be useful to me, but I said that I wanted to see the legal advice first. My email to the Premier's office said:

I do have one pre-condition for the meeting—that is that you provide a copy of the Solicitor-General's legal advice beforehand so I can digest it and formulate any questions.

You will appreciate that the Premier promised me on ABC Radio to provide this document. The full media transcript is attached.

I highlighted the direct quote that 'I'm happy to share with Mark our legal advice about why we do need to change this section to allow us to take the next step'. My email went on:

Let me know if this will be a problem. If I can't have this document beforehand, there is little point in meeting.

In response, the Premier's office emailed me back, saying:

Due to legal privilege we are unable to provide you with a copy of the Solicitor-General's advice.

The Premier is happy to share the advice with you by way of a confidential briefing, whereby you will be taken through the advice in detail and a legal officer will be available to clarify any issues you may have.

Please let me know if this course of action is suitable.

Of course, if I did receive a confidential briefing, then I would not be able to talk about it in parliament; I would not be able to discuss it in public or get a second opinion, and without that ability I cannot do my job as a member of parliament, so I replied to the Premier's office, as follows:

The proposed course of action is not acceptable, so unless the Premier has a change of heart I see no point in the briefing.

It is of no use to me to be given private confidential access to material that I cannot refer to in Parliament, cannot share with colleagues and cannot subject to any level of scrutiny.

Of course the Government is entitled to claim legal privilege, but where the only stakeholders are the Government and the taxpayers of South Australia it is a pretty bereft claim.

Can you please cancel the appointment.

In hindsight, I think I may have been premature in accepting the government's right to claim legal privilege. I have since taken it on myself to explore that issue a bit more. If you look at the Australian government solicitor's legal briefing document entitled 'Legal professional privilege and the government', it shows that privilege in situations such as this may in fact not apply. The commonwealth briefing says:

At common law, no privilege arises in respect of a communication made for a purpose that is contrary to the public interest; that is, where the communication is made in furtherance of an illegal or improper purpose, whether or not the legal adviser knows of that purpose.

It goes on to quote a number of authorities and then states:

For the purposes of the illegal or improper purpose principle, the relevant distinction is between a communication made for the purpose of being guided or helped in achieving an illegal or improper purpose, which is a non-privileged communication, as compared with a communication made for the purpose of seeking advice in relation to past conduct, which may be privileged.

However, a communication in relation to past conduct will *not* be privileged if the communication is for the purpose of covering up a crime or fraud.

That, I think, goes to the crux of it because—again, this is long before I realised that the government had seen the wisdom of the Greens' approach—if a clause has been made retrospective, the obvious question is: who is being protected? Who might have broken the law and needs the benefit of a retrospective absolution?

My point—and I will not explore it too much further—is in relation to legal privilege. I do not think the government can just say that any legal communication from the Solicitor-General or the Crown Solicitor's office to the government is privileged just because of that relationship. I think they do need to explore each issue on its merits.

In relation to retrospective legislation, as members know, it is rare for legislation to be made retrospective. Most of the discussion, most of the academic discussion, even within government and legislative circles is about making something illegal and then backdating it to a time when it was legal. I might read a sentence from the Australian Law Reform Commission guide on the subject, which states:

People should generally not be prosecuted for conduct that was not an offence at the time the conduct was committed. If on Wednesday it is not an offence to go fishing at Bondi Beach, then people will usually expect that a law will not be enacted on Thursday making it an offence to have gone fishing the day before.

The situation we are looking at here is the opposite of that. It is not a question of retrospectivity making something illegal that was previously legal; it is seeking to do the opposite. The retrospective clause is basically saying that if anyone did anything illegal we now legalise it. I think that was all the more reason why the government should have provided its legal advice. As I have said, the only justification the government had for the bill was its legal advice, so without that advice we are in the dark as to whether or not the bill is necessary.

Again, as I was chasing every rabbit down every burrow, I came across something that was a bit disturbing. Members might find this interesting because it relates to all of our conduct. It is in relation to the Independent Commissioner Against Corruption. If in the course of our work we suspect that laws might have been broken, it is not just an ability that we have to report something to the Office of Public Integrity: it is in fact an obligation.

The definition of maladministration in public administration comes from section 5 of the act and includes any conduct of a public officer that results in an irregular and unauthorised use of public money. The whole section we were being asked to repeal was the section that basically outlawed

the improper use of public money. Therefore, when you make it retrospective, the question then arises: should a member of parliament have a reasonable suspicion that someone has broken the law, the question being, 'Why else would you make it retrospective?' Having formed a reasonable suspicion, we have an obligation to report it to the Office of Public Integrity.

The Hon. R.I. Lucas: And did you?

The Hon. M.C. PARNELL: The interjector asks, 'And did you?' My response is that I have not, having just formulated this view today.

The Hon. R.I. Lucas: A confession.

The Hon. M.C. PARNELL: I am in no different a position from any other member of parliament who has been privy to the same information. I think the Hon. Rob Lucas, in his own style, has in the back of his mind section 56, the section which basically prohibits anyone publishing or causing to be published an indication that they have or may or possibly might report someone. Of course, my defence to the Hon. Rob Lucas' unstated but, no doubt, well-formed attack in that regard is that parliamentary privilege trumps section 56 of the ICAC legislation.

I will say that the reasonable suspicion that I formed is evaporating and it is evaporating because the government is telling us that it no longer requires the legislation to be retrospective. Therefore, what was a weight on my shoulders, a heavy burden that I would have to be knocking on the door of the Office for Public Integrity, may well evaporate. We will see how the debate goes.

The Hon. R.I. Lucas interjecting:

The Hon. M.C. PARNELL: The Hon. Rob Lucas' interjection is that if the law is not going to be made retrospective my response is that that means the reasonable suspicion that someone might have broken the law might move into the realm of an unreasonable suspicion. Anyway, I will move on. I will not pursue that line of inquiry anymore, so there is a saving that the government has made certainly in terms of my contribution.

It is probably reasonable to say, for any member who has followed this debate in social media, that there has been a deal of speculation out there in the community as to who might have breached section 13 and that debate is fuelled by the fact that the government wanted to repeal it. Certainly, the commission itself has been the number one suspect. I have certainly copped a little bit of criticism for suggesting that I did not think the commission itself had necessarily breached section 13, but, again, I have not explored every aspect of that. Certainly, people are posing reasonable questions in relation to who else in government might have breached section 13.

People draw my attention to appointments to the Department of the Premier and Cabinet and that known nuclear advocates are being appointed to key roles. My suspicion is that there very likely is a covert unit working on the nuclear waste dump within the Premier's department. I have no evidence of that, but I would be very surprised if there were not an administrative group, formal or informal, that is investigating these issues. I would be surprised if there were not. I do not know what they are doing, what money they are spending and whether it is their only duty. The government is not making any admissions so it may well be that an outside investigation is appropriate.

Someone has pointed out the Economic Development Board to me as a body that might have breached section 13. In particular, they commissioned well-known nuclear advocate Ben Heard via his consultancy, ThinkClimate, to produce a business case for a spent fuel holding facility and reprocessing via Generation IV fast reactors. I was not aware of that report until the Economic Development Board decided to submit it to the royal commission as their submission. The chair of the Economic Development Board refers to it in his covering letter to the commission as a business case, so it has been put to me that the Economic Development Board might have breached section 13.

I think there are legitimate questions that have been raised and I am greatly encouraged that the government is no longer pursuing retrospectivity and is no longer seeking the complete removal of section 13 because the amendment, as I said before, that the Greens have put forward makes it clear that genuine debate and consultation are allowed. I think it always was, but we have made it clear that it is.

In terms of questions—

The Hon. R.I. Lucas: Didn't you allege the government did market research in a question?

The Hon. M.C. PARNELL: The Hon. Rob Lucas interjects that I had alleged that the government did market research and I will come to that.

The Hon. R.I. Lucas: But didn't you in question time?

The Hon. M.C. PARNELL: In fact, the Hon. Rob Lucas refers to questions that I asked in question time. It is as if he has had advance notice of the order of my contribution today because it was the very next thing that I was going to get to.

The Hon. R.I. Lucas: I have a source in your office.

The Hon. M.C. PARNELL: I did receive this morning, in fact, at 10:02am a letter from the Premier's office.

The Hon. R.I. Lucas interjecting:

The Hon. M.C. PARNELL: The letter from the Premier's office begins, 'Good morning, Mr Parnell—'

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): And continual interjections are out of order. The Hon. Mr Parnell.

The Hon. M.C. PARNELL: It continues:

> Please find attached the answers for two of your questions without notice from the 8 and 10 March this year. It is unlikely these will be tabled in Parliament in time, but are being provided prior to debate of the *Nuclear Waste Storage Facility (Prohibition) (Public Money) Amendment Bill* as a courtesy.

I thank the Premier's office for that courtesy but, given that they are not yet on the *Hansard*, I now need to put them on the *Hansard* so that they can inform the debate on this bill. The response from the Premier to my questions asked on 8 March are as follows:

> In reply to the Hon. M. Parnell MLC—

First of all, it sets out again the questions I asked—

> 1. If repealing section 13 is a prerequisite for public consultation on the question of a nuclear waste dump in South Australia, has the government already broken this law by spending public funds on this survey?

That was the telephone survey that the Hon. Rob Lucas referred to before. My question goes on:

> If not, then why is the repeal of section 13 necessary?
>
> 2. Will the government be actively advocating for or encouraging the construction and operation of a nuclear waste dump in South Australia? If not, why is repeal of section 13 necessary?
>
> 3. Will the government release the results of the Colmar Brunton telephone survey?

The Hon. Jay Weatherill MP replies:

> I have received the following advice:
>
> The government has not broken the law. Section 13 of the *Nuclear Waste Storage Facility (Prohibition) Act 2000* provides that no public money may be appropriated, expended or advanced to any person for the purpose of encouraging or financing any activity associated with the construction or operation of a nuclear waste storage facility in this State.
>
> It is the government's position that until there is an identifiable proposal for the construction of a nuclear waste storage facility in South Australia, section 13 cannot be engaged. Whether section 13 is engaged by the Nuclear Fuel Cycle Rule Commission's report is not yet known. It will depend upon the report.
>
> The repeal of section 13 is necessary because section 13 has the potential to prevent the government from consulting on the merits of a nuclear waste storage facility, once the Royal Commission hands down its final report on 6 May 2016.
>
> The repeal of section 13 does not signal a shift in the government's policy on nuclear waste storage.
>
> On 15 February 2016, the Premier committed to deciding on next steps and embarking on the next stage of discussions with the South Australian community following the release of the final report.

The repeal of section 13 is to ensure barriers that prevent consultation with the community are removed.

The government awaits the release of the Royal Commission's final report and will then consult on the report's findings.

It will not release any public feedback prior to embarking on the next stage of the discussion with the South Australian community as part of the deliberative process.

I think that is in response to my question about releasing the result of the survey. The Premier has chosen to answer that by saying that they will not release any public feedback prior to embarking on the next stage. I think by 'public feedback' he is referring to the survey. The next questions I asked were on 10 March. My questions were:

1. Which ministers or agencies have already breached section 13?

2. Which particular ministers or agencies is the repeal of section 13 designed to protect?

3. Which of his ministers is the Premier most afraid have already fallen foul of section 13 or are likely to do so in coming months?

4. What will happen if the government's bill is not passed but ministers act as if it has? Will those ministers be prosecuted?

5. Will the Premier release the Solicitor-General's advice, as he promised to do during the interview on Monday evening?

The Hon. Jay Weatherill MP replies:

I have received the following advice:

No Minister or agency has breached section 13.

It is the South Australian Government's position that, until there is an identifiable proposal for the construction of a nuclear waste storage facility in South Australia, section 13 cannot be engaged.

The repeal of section 13 is not intended to protect any particular Minister or agency. Its repeal is necessary because section 13 has the potential to prevent the government from consulting on the merits of a nuclear waste storage facility once the Royal Commission hands down its final report to the government on 6 May 2016.

No action will be taken by any minister in breach of section 13.

It is a very confident response from the Premier there.

Advice will be sought as to what action is open to the government in the event the Bill does not pass. This advice will guide the government's future action.

The Solicitor-General's advice will not be released as the advice is subject to legal professional privilege. The government's offer to brief members on the Bill stands.

I thought, given that I have now received those answers, they were not yet on *Hansard*, so they are now. I will just run through the additional questions I have. I already asked the government about whether ministers and agencies might have been in breach of section 13, but I think I also need to pose the same question about public servants. I will number these questions, just to make it very easy for the government to respond. There are 26 of them.

1. Has the government received legal advice that a state public servant or public servants have breached section 13 of the act?

2. Has the DPP received any request from any person to prosecute any part of the executive, such as ministers, agencies or public servants, for any alleged breach of section 13 of the act?

3. Has the government put the people of South Australia at risk of the government of this state being prosecuted? That is the question Vickie Chapman asked in the other place. A response has not been received, so I will put it back on the record.

4. On 22 March during debate on this bill in the other place, minister Koutsantonis said 'that is why retrospectivity is in place, to protect people on the passage of this bill in the upper house'. My question is: who exactly are these people the government is protecting? Is the minister saying that any member of the upper house who is in receipt of a public salary or taxpayer-funded staffing

entitlements or is using a taxpayer-funded computer paper or biros, and actively promotes a nuclear waste dump, is in breach of section 13?

5. If no breaches of section 13 of the current act have occurred, why does the bill need to be backdated? I note again that the Premier has responded to me today saying he does not believe anyone has broken the law and, apparently, the government is agreeing that the bill should not be backdated, so that question might be redundant.

6. Why did the government seek advice from the Crown Solicitor as to the need for this legislation and for it to be retrospective? In other words, what triggered that request for advice?

7. When did the government first seek advice from the Crown Solicitor as to the need for this legislation and for it to be retrospective? Again, that is a question Vickie Chapman asked in another place.

8. Did the government obtain legal advice as to whether legal privilege was appropriately invoked in this case, or is it simply a case of the government assuming that all of the legal advice it receives is privileged and therefore protected from disclosure?

9. Regardless of whether legal professional privilege applies, given that it can be waived by the client, why will the government not release the legal advice?

10. Did the royal commissioner ask the government to introduce a bill with this content? Again, I acknowledge Vickie Chapman asked that question in another place.

11. Has the government or the commissioner, to your knowledge, received any correspondence from anyone threatening to pursue the question of breach of the act that we are currently attempting to repeal? Again, that is a Vickie Chapman question.

12. Why is it necessary for the government to have the permission backdated to spend public money if it has not already spent the public money? That was a question from Mr Dan van Holst Pellekaan in another place.

13. Another one of Mr van Holst Pellekaan's questions is: why is it necessary for the government to spend any money to encourage any further aspect of the royal commission until the commissioner gives his final report on 6 May?

14. Is the government intending to spend public money on financing an activity associated with the construction or operation of a nuclear waste facility in this state, including but not limited to investigating, analysing, researching or planning?

15. Is there already an administrative unit, whether formal or informal, working within the Department of the Premier and Cabinet or any other department to advance the nuclear waste dump proposal?

16. How much public money was paid to the market research company Colmar Brunton, who were commissioned by the Department of the Premier and Cabinet to conduct telephone research into the public opinion of South Australians regarding the tentative findings of the royal commission?

17. Given the format and nature of the questions asked of the South Australian public—which, I would add, could easily be viewed as push polling—has the Department of the Premier and Cabinet breached clause 13 of the current act by using public money to encourage public support for a nuclear waste storage facility in this state?

18. Is the government intending to extend the role of Commissioner Scarce, once he has given his final report on 6 May and, if so, will he be paid additional public money to promote the benefits of South Australia becoming the world's nuclear waste dump? As I pointed out, my initial reaction is that, once the commissioner goes beyond an investigative role into an encouragement or promotional role, then section 13, until it is amended at least, may have been invoked.

19. Can you outline the government's proposed public consultation or engagement process that we have been advised will occur between May and August this year, and what the cost of this exercise will be to taxpayers, and which agency's budget will cover this cost.

20. Will the government be spending further public money on public opinion polling; if so, what will be involved in that polling and how much will it cost?

21. Has any of the $9.1 million of taxpayers' money spent so far on the royal commission been used to pay for the services of public relations firm Michels Warren or any of its staff?

For the benefit of members, Michels Warren specialises in building and protecting brands. They have a long history of working for the nuclear industry in South Australia, including being engaged by the commonwealth government between 1999 and 2004 to provide services related to supporting an affirmative case for the establishment of a nuclear waste repository in South Australia.

Again, by way of further background, an email dated September 2000, which was obtained by environment minister John Hill in 2004 and written by Stephen Middleton from the firm of Michels Warren, talked about the need to 'soften up the community' and to 'sell' the repository. He also stated:

> We will lose ground once again unless we can soften up the community on the need for the repository and the reasons why South Australia has been identified as the best location. The prospect of the minister announcing the preferred site before we can get to the community with something that explains what it all means makes my head spin. The wider research into issues such as Lucas Heights, uranium mining, the nuclear fuel cycle, etc. etc. can be tackled as a separate issue. It should not hold up anything we are doing in terms of selling the repository to South Australians. The rest of the country probably doesn't care less about the repository, but it is a big issue in SA. Further delays could be potentially disastrous.

Interesting—so question 21 was whether any of that money has gone to that particular firm.

22. How much of the $9.1 million of taxpayers' money spent so far on the royal commission was paid to consultants or contractors to undertake analysis and prepare reports and business cases for the royal commission?

23. In particular, how much did the royal commission pay Jacobs MCM for their quantitative cost analysis and business case of radioactive waste storage and disposal facilities in South Australia?

24. How much did the royal commission pay Parsons Brinckerhoff for their quantitative analysis and initial business case of radioactive waste storage and disposal facilities in South Australia?

25. What was the Economic Development Board's brief as issued to ThinkClimate Consulting in 2014 and what was the fee paid for that work?

26. What other public money was involved in the Economic Development Board's research into nuclear waste?

It was a lengthy contribution which perhaps would have been a bit briefer had I known more than an hour or so ago that the government was in fact intending to support key amendments that in fact undo most of the harm this bill held, in my view.

I still maintain that the bill itself is unnecessary but, in the spirit of not wanting to stand in the way of genuine and open public debate, the Greens' amendment in fact gives the government everything that they say they want. If they want to go further, they must come back to parliament with new legislation. They cannot get into spruiking mode; they cannot get into the planning and design of a nuclear waste facility without coming back to parliament—and that is exactly as it should be.

The Hon. T.J. STEPHENS: Mr Acting President, I draw your attention to the state of the council.

A quorum having been formed:

The Hon. R.L. BROKENSHIRE (16:50): Sir, I advise the council that the Hon. Dennis Hood has spoken on behalf of our party, so I will leave it at that. I trust and support him in every way.

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

COMPULSORY THIRD PARTY INSURANCE REGULATION BILL

Committee Stage

In committee.

Clause 1.

The Hon. R.L. BROKENSHIRE: I have said much in the second reading speech on the privatisation of the Motor Accident Commission and in fact spent as much energy and time as I could find to oppose what the government was doing. Family First still stands by that, and I want to thank the Hon. Rob Lucas, the Hon. Dennis Hood and others who have been looking into a reference that I put through this house to the relevant committee.

However, it is apparent now that the government is going ahead, because unfortunately it can privatise the Motor Accident Commission without legislation being debated on the merits or otherwise of privatisation. This is a government that said it would never privatise anything, and that attacked the last government for privatisation. This is now one of the last jewels in the crown that we have seen privatised, after several privatisations by the Labor government, so it is a nonsense that it is not into privatisation.

We now have a situation where in just a few weeks, by 1 July, we are going to need a regulator. I have spoken at length to members of our party, and our party is not prepared to have the Treasurer nominate his hand-picked public servant to, potentially, really be doing what he wants, rather than have a truly independent, parliamentary-approved regulatory system with an independent regulator. After trying at length to get the government to backflip on this decision, which will see a significant increase in CTP rates after the three-year cap has ended, we believe it is in the best interests of the motoring public to have an independent regulator.

In speaking to clause 1, I advise the chamber that after very careful consideration and much discussion we are not prepared to accept the Treasurer's nomination that he could capitalise on, because he has put us into a very difficult position. For that reason we will support the relevant legislative requirements to ensure that there is a proper and independent regulator in place. I believe we have no choice but to do that.

If this legislation does go through, in an independent way, I would ask that the independent regulator ultimately appointed understands and analyses the full debate on the privatisation of MAC, and that we therefore ensure that that independent regulator works appropriately as an independent regulator with thorough scrutiny in every respect. That way we can try to eliminate, as much as possible, what is going to be a very negative situation for the wallets and purses of those people who register motor vehicles, trucks, motorbikes or any other motorised vehicle in this state. Those few words explain why we are now supporting an independent regulator.

The Hon. R.I. LUCAS: I rise to speak at clause 1 in the committee stage and indicate that the Liberal Party will maintain its position in relation to when this bill ought to be debated, and I will briefly outline the reasons for that.

When we last debated this, we had not formed a view in relation to the role of an independent regulator. When we last debated this issue the Legislative Council supported a motion—I cannot remember now whether it was moved by the Hon. Mr Brokenshire or myself—to refer to the Statutory Authorities Review Committee the issue of the matters covered in this particular bill; the original intention was to refer this bill to the Statutory Authorities Review Committee, which was already doing a review, I think, on the motion of the Hon. Mr Brokenshire into the privatisation of the Motor Accident Commission. The Hon. Mr Brokenshire's colleague, the Hon. Mr Hood, is on that committee with myself and the Hon. Mr Wade and others.

As I said, a successful motion was then passed and the argument for that motion was, simply, that the government's advisers had advised the upper house members that the government did not need an independent regulator to proceed, that they intended to proceed with the privatisation anyway—that is what was outlined—and that the provisions that would be in this bill would be (and have been now) incorporated into the contracts with each of the four private sector operators.

For the benefit of the Hon. Mr Brokenshire, I think he needs to bear in mind (and we will tease this out if we get to the committee stage this week, as might be the case) that, even if this legislation is passed, the role of the independent regulator will be virtually non-existent for the first three years of private sector operation, because the government has already written contracts with the four private sector insurers. They have written in CPI-like (or whatever it might happen to be) increases, and when we get to the committee stage I am sure that they will be the sorts of questions we can ask and get put on the record in terms of exactly what has been incorporated into those contracts and what the premium increases will be.

The first independent decisions of this regulator will not be felt or undertaken until 2019; that is, from July 2016 to July 2018 the independent regulator, on what we have been advised (and again we will put the questions at the committee stage of the debate) will in essence be setting itself up, getting established, getting its offices, getting its systems in place, getting itself ready, doing its hair in the morning (or whatever it might happen to be), getting paid and being ready to operate from 2019.

Clearly, from prior to July 2019 (I do not know how long it will be; we will ask the questions—it might be six months, 12 months), they will start taking submissions and evidence in relation to what the appropriate arrangements for premium increases might be to operate from 1 July. The Hon. Mr Brokenshire will be familiar with the work of ESCOSA, where it takes evidence over a six to 12-month period prior to making regulatory decisions. They do not just happen—there will be a period of time. I think we ought to disabuse ourselves of this notion that, come 1 July, this regulator actually will be doing anything. Again, we will put that on record when we come to the committee stage of the debate.

The position of the Statutory Authorities Review Committee (and I do not think I am breaching any confidences here, because I think this aspect is on the public record) is that we took evidence from the independent New South Wales regulator only last Monday in relation to how independent regulation operates there. If we accept that the government is going to privatise, if we accept that there is going to be an independent regulator as opposed to a government-appointed third party premiums committee, what are the rules that should apply to the independent regulator? That is what this bill essentially is about and what the committee is looking at.

The New South Wales regulator came and gave evidence, and he has taken a series of questions on notice, to which we have not yet received answers, and next Monday, 18 April, the government representatives are giving evidence to the Statutory Authorities Review Committee. The reason they are giving evidence is that, having concluded its inquires and taking evidence, as the Hon. Mr Brokenshire will know, the committee gives the opportunity to the proponents to come back and rebut all of the issues that have been raised by all the other witnesses.

So Treasury and the government advisers will be given the opportunity to answer the questions in relation to a whole range of claims made by other witnesses during the evidence. That is the end of the evidence taking by the Statutory Authorities Review Committee, and the committee will then be in a position to produce its report and present it to parliament. I am just a simple member of the Legislative Council, but having agreed as a parliament to refer something to a committee to report, to me it would seem to make sense to actually receive the report so that we can be informed in terms of what the committee has established. That was my view and will continue to be my view.

If ultimately the government, with the support of other members, gets the numbers this week to force a vote on it before the committee is able to take the final evidence from the Treasury officers and to get the answers from the New South Wales regulator, then so be it. That will be the situation and we will just have to work our way through that situation tomorrow and Thursday if that is the position.

I indicate to the Hon. Mr Brokenshire and to the others that it is still the Liberal Party's position that we will seek to report progress until we have had the opportunity to receive the report from the committee, and we will outline the reasons why that has not stopped the government from proceeding, firstly, with the privatisation and, secondly, it is not going to stop the independent regulator from doing what it has to do by the time it has to start making decisions in relation to independent regulation of premiums in South Australia.

I want to give one example of the sorts of areas the committee has raised. I raised this in the second reading explanation, so it will not be unfamiliar to members if they recall my contribution. I raised the question during the second reading to say that under the old premium setting arrangements the third party premiums committee—that is, the predecessor to this new independent regulator—was actually required to look at premiums and set premiums that were fair and reasonable. This has been an issue that we have been exploring in the committee.

When we took public evidence from the New South Wales regulator and we asked him, 'Do you have to consider issues of fairness and reasonableness when you are setting your premiums?' I do not have his exact evidence with me, but he said, 'Look, yes, I'll take it on notice and I'll send you the details.' We have not yet received that but, given that I heard that we might be forced into having to make this decision before we actually get the answers, we have had a quick check of the New South Wales legislation. It would appear that, under guidelines issued under the New South Wales legislation for their independent regulator, they have to consider affordability, which is a similar notion to fair and reasonable premiums.

Under the old arrangements in South Australia, whoever set the premium had to consider fairness and reasonableness. The New South Wales independent regulator at least appears to have a guideline that says when you set your premiums you have to look at them being affordable, but the bill that we have before us does not have any of that. If the Hon. Mr Brokenshire and others, with the government, force us to a vote this week, then we will hurriedly try to craft an appropriate amendment to talk about either affordability or fairness and reasonableness in premium setting. I would hope that if we are forced to a vote, then we will have to hurriedly circulate an amendment to members, and that at least that issue might be considered by members. I would be very surprised if the Hon. Mr Brokenshire and others would not support some notion of fairness and reasonableness, or affordability, or something like that, in the drafting of this particular bill.

That is one of the examples that I, as one member of the committee, am looking at. If we accept that the government is going to privatise—the industry has basically already done it—do we accept that it has to be regulated? I can only give you my personal view, which is, yes, you have to have a regulator, so you either have the third party premiums committee, which is a government committee, or you have an independent regulator. Bear in mind that this independent regulator is someone appointed by the government anyway, but put that to the side.

If you are going to have an independent regulator, the government's argument was that it should be industry specific, as opposed to ESCOSA. Personally, I can now see that most of the evidence we have taken has supported the notion that it should not be the Essential Services Commission that does it. They would like to have their own industry regulator, and so therefore from that viewpoint there is a tick in that particular box in terms of what the government does.

Then we get to the issue of, if we are going to have an independent regulator, whether we can look at the drafting of the bill that is before us to see whether or not it can be improved. I suspect there are a number of areas where independent regulation might be able to be improved if we are able to produce a committee report and consider it, but if we are not in that position then we will have to shoot from the hip and work off the cuff, whatever other metaphor or colloquial expression you want to use, in the next couple of days and move some amendments and see whether or not there is a majority view for those amendments to be supported.

In relation to the issue of fairness and reasonableness or affordability, next Monday, when we have the Treasury's officers there, that is going to be one of the questions we will be putting to them. What is the problem, if any, with fairness and reasonableness? What about what occurs in New South Wales where they actually use a different word which is 'affordability'? What about in New South Wales where they have it as a guideline?

What I am going to have to do, if we are going to be forced into it, is I will have to move an amendment to the legislation so that the legislation will actually incorporate either affordability or fairness or reasonableness in terms of premium setting. New South Wales, for whatever reason—and we will not know until we get the answers—did not actually do that. They established it as a guideline under the legislation. That might make sense or it might not. I do not know. We have not had the answers back from the New South Wales regulator. We have not had the advantage yet of the South Australian government's view.

For all those reasons, we think that if you get to the stage where we appear to be now where privatisation is going ahead and there has to be regulation and we accept there is going to be an independent regulator and we accept it will be an industry-specific regulator, we then come to the last box that needs to be ticked or not and that is: how do you actually draft the bill? Do you just accept this bill as it is or do you see whether or not it can be improved in terms of independent regulation?

We are saying, at least in one area, that we should explore the issue of fairness and reasonableness of premiums and there might be others. If we are forced to a position tomorrow or Thursday, our position will be that we will continue to report progress until we get the report from the Statutory Authorities Review Committee, but if that is not successful then we will explore these issues tomorrow and Thursday in terms of whether we can improve the bill in terms of the public interest, in particular in relation to premiums.

A number of members have raised the issue of their concerns, post the three-year period, as to what the impact will be on premiums. The committee has taken some evidence. I do not have that with me at the moment. I think we have asked the New South Wales regulator to give us a 25-year history of premiums in New South Wales under government control, privatisation and various forms of regulation. The regulator said that he was going to be able to do that and provide the committee with some evidence on that for its report.

There have been a lot of claims and counterclaims made by people about what the impact of privatisation on premiums has been. Here is somebody, an independent regulator, who is able to actually give us some facts. We think that that would properly inform the debate, but if ultimately we are not in the position to receive it, it will be part of the report after the legislation has gone and maybe people might rue the fact that we got some evidence and some information after the bill had been resolved.

For those reasons we would hope that, at the very least, members would support reporting progress today. I will not move to report progress at this stage, but I indicate that I will move to report progress and if, in the end, we are forced this week to do it, we will be ready to do something tomorrow and Thursday if we are outvoted on another move to report progress.

The Hon. M.C. PARNELL: I did not speak on the second reading of this bill, but I do want to make a few remarks now at clause 1. The starting position for the Greens is that we opposed the privatisation of compulsory third-party insurance. We do not think the government should have done it, but it did do it and it did not need to come to parliament to do it. It is in place and it is happening; that is the starting point. Secondly, given that it is happening, the Greens support the concept of an independent regulator rather than someone who is appointed and accountable to a minister. The bill provides for clauses in, I think, two locations in the bill to say that the independent regulator is not subject to the direction and control of the minister, so we support that.

The Greens also supported, when we debated this back in October or November, sending it off to the Statutory Authorities Review Committee. It made sense. That committee already had an inquiry into compulsory third-party insurance underway and it made sense to send the bill there. There was not any urgency, it seemed, at that time, so we supported that motion. That is mostly last year and the earlier part of this year.

A couple of weeks ago, the Treasurer came to see me and asked if we were now prepared to advance the bill, to allow the bill to go through. I had not heard anything out of the Statutory Authorities Review Committee. I kept a bit of an eye on what they were up to and who they were talking to, but I could not see that anything major had come out of it, so I indicated to the Treasurer that we were happy for the bill to go through.

I then had a conversation with the Hon. Rob Lucas. He pointed out to me that the Statutory Authorities Review Committee was still undertaking its inquiries, that it was almost, but not quite, finished. He pointed out to me, as he just did to the chamber, that they were waiting for a final appearance from the government and for some questions on notice from the New South Wales regulator and the Hon. Rob Lucas asked me whether we would consider further adjourning to allow that process to finish.

I will say that, at that point, what he said made sense. If there are no other pressures, then it does make sense to finish an inquiry before finally legislating. I certainly get that and, in other areas, it is what I have been looking for. On the basis of my conversation with the Hon. Rob Lucas, I then told him I would have another look at the issue and the Greens' position which, I told him, was that we had told the Treasurer we would let it go through.

I went back through all the submissions that were made, the *Hansards*—those that were available—and the commentary. I then spoke to the Treasurer's staff and suggested that we might support the matter being delayed further. I think the saying about cats and pigeons probably comes into play there, and all of a sudden I had a very large delegation back in my office talking to me about why further adjourning the bill was not in the best interests of the state. That was all on the basis that they knew I was not particularly happy with the regime to start with.

In my further briefing from officers, a lot of information was exchanged. We did explore at some length the Hon. Rob Lucas's issue around whether there needs to be a statutory instruction for premiums to be fair and reasonable or whether there are other ways of ensuring that premiums are appropriate. Part of the catch 22 here is that, like many other people, I have bemoaned the reduction in benefits payable to injured people as a result of the recent changes.

I accept that the catastrophically injured are better off, but I read through the submission from the Law Society and the Australian Lawyers Alliance, and maybe they knew I would be one of the people reading it because most of the case studies seemed to be about cyclists who had been knocked off their bikes and injured badly but not catastrophically and how much worse off they were as a result of the government's changes. It could be alleged that they were re-agitating the 2013 changes, rather than really discussing the merits of the bill, but I certainly accept their view that people are now worse off as a result of the changes.

The dilemma, of course, is that what would help people to be better off would be higher premiums. Higher premiums can go in a number of directions. They can go straight to the Treasurer's pocket and boost the bottom line. They can go into increasing compensation paid to injured people. Some of it will end up in road safety messages and public campaigns which, whilst we are fond of poking fun at them in this place, I think probably are part of the dropping road toll. I think you can actually say that many of these campaigns have worked. It is always a matter of some contention as to whether it is speed cameras, random breath testing or ads on telly which have had an impact on better road safety outcomes.

I do not want to see premiums rise unnecessarily. We do not want to live in a society where only the rich can afford to drive—that would be a very bad outcome—but I am torn by unnecessarily constraining premiums if the real victims of that approach are people who are injured in motor accidents.

Getting back to the time line, I received a lot of information from the government. I put to them many of the questions that the Hon. Rob Lucas had put to me and still needed to be resolved. I looked at whether there was in fact a lot of unfinished business such that us not voting on this bill until the committee had finished its work was the appropriate outcome. It was a bit of a line ball.

One bit of information that I found compelling was that, because this new scheme is coming into operation on 1 July, and because people's registration and CTP insurance notices need to go out before they expire, then, according to the government's advice, they are going to need to be sending out notices in May. If we do not deal with the bill this week, we do not come back until 17 May. I was advised they would actually have to prepare alternative versions of notices that might go out to people to pay their accounts. It sort of struck me that there was a potential for wasted administrative resources and duplication of effort. A range of unnecessary outcomes could arise from not passing the bill this week.

I have weighed up all that information, and again the Treasurer asked me as recently as today, and I said the Greens will allow this bill to pass this week. That does not answer all the questions the Hon. Rob Lucas put forward because new information that he has now given is that he has some amendments in mind. My primary commitment to the government was that we would allow the bill to pass this week. If the Hon. Rob Lucas definitely has amendments he wants to put forward,

my inclination is to allow him to do that. I think that does mean that we may need to report progress today, but my primary commitment was that the bill will go through this week.

I think that is the best I can do to make both sides unhappy. The Hon. Rob Lucas, quite reasonably I think, would prefer us not to pass this bill and for the SARC to finish all of its inquiry and finally report. I take his point that they will be reporting to us in relation to a bill that has already passed when they get to it next month or the month after but, by the same token, I do not believe in holding things up if there is no real benefit to the South Australian community in doing so.

Again, I come back to where I started: we do not like what the government is doing. We would rather they had not done it, but they are doing it. We want to see an independent regulator, and this bill is what allows that to happen. I guess what members can take from that is, if the Hon. Rob Lucas wants to report progress for the purpose of him getting an amendment ready for debate tomorrow, then we will support that for now, but we have certainly told the Treasurer, and we will stick with that, that the bill can go through this week.

The Hon. J.A. DARLEY: For the record, I indicated that I did support the motion to refer this matter to the Statutory Authorities Review Committee. That is not to suggest in any way that I would oppose the bill; however, if the Hon. Rob Lucas would move to report progress, I would support that motion and, if that failed, I would certainly be inclined to entertain any amendments he wants to put up.

The Hon. R.I. LUCAS: Before I move to report progress, I indicate that if we are forced to a position of having to conclude debate this week we will, at the very least, be moving one amendment that would explore the issue of fairness and reasonableness and, in the time that might be available, we will look and see what other amendments we might ask the committee to explore. I will, however, indicate again that our position will be, given it appears the numbers are there to report progress today, that come tomorrow and Thursday we will still move to report progress. If that is unsuccessful, we will explore at least the one issue and a number of others.

The only other point I raise is that the Hon. Mr Parnell has had the benefit of an explanation as to why the government evidently does not want to have fairness and reasonableness, because it wants to have higher premiums. That is fair enough, but the Statutory Authorities Review Committee has not had that advantage; I guess we will get that on Monday when we ask the representatives to put that particular point of view on the public record, although via the Hon. Mr Parnell it is already on the public record in terms of the assurances.

Some of the other assurances given to the Hon. Mr Parnell we will explore in the committee tomorrow and Thursday. Frankly, I just do not believe one of them, that is, that the government is in a position of not knowing the premiums—because they have to set the premiums out in May. The government advisers have advised the committee and us that there was this doubt about the independent regulator; that is, up until now the government has had the view that the independent regulator bill might not have passed, and they advised us that that was immaterial and that they would write into the contracts they signed before Christmas all the issues that were covered by the bill anyway.

The issues in relation to premiums are already written into the contracts (so the premiums are already set for the first 12 months), so what the Hon. Mr Parnell has been told, or at least that aspect, is a nonsense. The aspect that the Hon. Mr Parnell has been told—that there is a doubt about, in May, what the premiums to be sent out to people are going to be—is a nonsense because it has already been written into the contracts what it is. The independent regulator, even if we passed this bill tonight, will not be there to help them establish the premiums for next year because it will not even be established by the time May comes around. We can explore that in the committee stage.

The Hon. M.C. PARNELL: Just to clarify the record, I do not believe that I said—and if I did I will retract it—that there was doubt as to the premiums. My recollection of the advice was that there were different versions of the letter or the form that went out, so maybe it is the signature at the bottom of it. I do not know, but I certainly was not told whether or not this bill passes affects the premiums. I do not know how the member got that impression. That was not what I meant to portray. I was told that there were different versions of the bill—

The Hon. R.I. Lucas: Let's explore that when we—

The Hon. M.C. PARNELL: Yes. Different versions of the bill were going out, but I was not told, and I did not mean to portray, that the amount payable would be different on the different—

The Hon. R.I. Lucas interjecting:

Progress reported; committee to sit again.

NUCLEAR WASTE STORAGE FACILITY (PROHIBITION) (PUBLIC MONEY) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

The Hon. K.L. VINCENT (17:28): I take the floor today to express strong reservations on behalf of Dignity for Disability about the Nuclear Waste Storage Facility (Prohibition) (Public Money) Amendment Bill 2016. While I think this is an important conversation to have, and one that it is important to keep going, I do have very strong concerns about the particular way in which this conversation has been carried out so far.

I thank the Premier's office for providing my office with a briefing on this matter, but I continue to question the need for this particular bill in the first place. Dignity for Disability has great concern that this state is being considered as a potential nuclear waste dump—because, let's be honest, what is being discussed and what is being proposed is not really a solution but a waste dump for the rest of the world.

I see no evidence to suggest in any strong case that a nuclear waste dump will solve this state's high unemployment and job woes, but what it may well do, however, is destroy our reputation as a premium clean food and wine producing state. I am not sure what point a 300-person trade mission to China will achieve when the Chinese markets learn that the food bowl producing the products we have been promoting to them has the potential to be contaminated by a waste product with a 24,000-year half-life.

I am confused about how the Premier can announce in one breath the premium food and wine industry as a key priority, and then a royal commission investigating a potential nuclear waste dump in another. However, that is precisely what has been done, and we now have a bill in front of us that wants to knock out a very worthy feature of the Nuclear Waste Storage Facility (Prohibition) Act 2000, to, apparently, enable moneys to be spent on public consultation.

I am told the royal commission thus far has broken no laws, and I make that clear: to date, it has broken no laws. Yet, we also see it as necessary, or the government sees it as necessary, to put in place retrospectivity in this bill. I think retrospectivity is something that we need to be very careful about and very selective about, when we put it into our statute book.

I am concerned that, on the one hand, the government seeks to make clear that it has broken no laws thus far, yet we need retrospectivity to say, 'Well, the times that we may or may not have done things that might be interpreted as breaking laws, well, that was okay too.' So, I am concerned about the retrospective aspect of this bill in particular.

If crown law advice says we did not need this bill until now, why do we need to make it retrospective to cover the period when, apparently, we did not need it anyway? If all we are doing is consulting, why do we need to amend this particular act, as other members, particularly the Hon. Mr Parnell, have already mentioned? As former minister and MP John Hill passionately said in this parliament in 2000, this nuclear waste dump concept is a poor idea socially, economically and environmentally.

At this stage, I can indicate that Dignity for Disability will be supporting Mr Parnell's amendments to this bill. I understand the government is also now supporting these amendments, after yesterday expressing it was concerned that these same amendments were not legally watertight. I am not sure what has changed overnight, but I look forward to hearing debate in this place throughout the committee stage that will, hopefully, provide some clarity on exactly what has caused that change of heart.

I also remain somewhat confused about the exact intent or purpose of the opposition's amendments, but again look forward to getting some clarity around that and hearing the reasoning for them at the committee stage in due course. During the second reading summing up, I also hope to hear some more sound reasoning from the minister responsible as to why the government has decided this bill is necessary in the first place, including, as I have said, the retrospectivity clause in particular and why they will not table, nor reveal, the crown law advice that has led to this particular bill being before us.

Debate adjourned on motion of Hon. D.W. Ridgway.

HEALTH CARE (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 March 2016.)

The Hon. R.L. BROKENSHIRE (17:34): I rise to advise the council that Family First will support the government's Health Care (Miscellaneous) Amendment Bill. We did have some concerns over this bill earlier on, mainly because we were worried about retrospectivity and what that retrospectivity might not only do to existing day surgery facilities but also what it might do to negatively impact on an already crowded public and general private health system, particularly with respect to the public health system. We do understand that it is very important to accredit and inspect facilities. Sadly, at times we have seen mistakes occur, even in the public sector; checks and balances are not there and you are dealing with the life, health and wellbeing of the patient.

I met with a surgeon whom I highly respect and have known for a great period of time, an outstanding surgeon, namely, Dr Richard Hamilton, to talk about this. Dr Richard Hamilton probably led the way, with some of his other colleagues, in day surgery in their own private facilities, and I felt he was a person I should be talking to. He had also written to me and expressed some concerns about the legislation—and rightly so. If any of my colleagues wanted to visit a best-practice day surgery facility I would recommend that they look at a facility such as Dr Richard Hamilton's. To put them into a retrospective situation—when they have invested a lot of money, when they know how it all works, and they work as incredibly dedicated professionals with outstanding skills and the best possible facilities—would have been very detrimental.

The minister has not received a lot of credit in the last few months—he has received mainly brickbats, and you cop brickbats and you cop the odd credit as a minister, not too many credits but now and again you do—but I do give minister Snelling credit for this. I wrote to him and he did actually consider the letter, and he considered other lobbyists and other colleagues as well, I understand, and their concerns. To cut to the chase, the bill was changed and I am now advised that surgeons who would have been adversely affected, who would have had negative impacts on them and their patients, are now satisfied. That is the advice I have, and Family First therefore supports this government bill.

The Hon. G.E. GAGO (17:38): The key proposal contained within the Health Care (Miscellaneous) Amendment Bill 2015 is to amend the Health Care Act to enable the licensing of stand-alone, private day procedure centres in South Australia. Currently, in accordance with part 10 of the Health Care Act, only private hospitals are licensed and regulated in this state. The act gives the Minister for Health the power to grant, transfer, suspend or cancel licences, impose specific licence conditions, appoint inspectors, fix licence fees, and apply penalties.

The legislative framework governing the licensing of private health facilities has essentially remained unchanged since the early 1990s. During this time there has been a substantial growth in the private healthcare sector; this is particularly evident in the case of day-care procedures, as many surgeries and procedures which previously required overnight stays can now be performed on a same day basis.

Following the passing of the bill in the House of Assembly on 1 December, the Hon. Stephen Wade, shadow minister for health, submitted two amendments. The first of these proposed to expand

the definition of a prescribed health service for the purposes of requiring a private day procedure centre to be licensed to also include a health service that involves administration of local anaesthetic.

The government supports the inclusion of local anaesthetic within the definition. It is recognised that some surgeries and procedures, although only involving the use of local anaesthetic, are of sufficient complexity, invasiveness and/or patient risk to warrant that they be subjected to licensing. Cosmetic surgery procedures, such as liposuction and breast augmentation, are increasingly being done under high volumes of local anaesthetic only. As we have seen from recent high profile adverse events in New South Wales, as well as a case here in South Australia just a few years ago that was the subject of a coronial investigation, these procedures can involve quite significant risk in some cases.

The amendment proposed by the shadow minister as currently drafted would, however, be unworkable in practice if the government were to licence all day facilities that provide health services involving the administration of local anaesthetic. A large number of general dental surgeries and office-based general practitioners' rooms performing simple, minimally invasive and low-risk procedures would be captured by this regulation. This would clearly broaden the scope of the type of facilities to be licensed significantly, and would be beyond the current SA Health resources to effectively regulate, not to mention the considerable layer of additional unnecessary red tape.

Consequently, the government consulted further on this issue at a meeting held in February 2016 with the Australian Day Hospital Association, which was attended by the deputy chief executive of SA Health, and it was suggested by the ADHA that the amendment proposed by the opposition be reworded to exclude its broader application to general dental surgeries and office-based general practitioners' rooms.

The government has therefore proposed a further amendment to section 89 so that the definition of a 'prescribed health service' does not apply in relation to the following health services involving the administration of local anaesthetic:

(a) a health service provided by a medical practitioner in the course of a practice as a general practitioner;

(b) a health service provided by a dentist in the course of general dentistry practice; and

(c) a health service or health service of a kind prescribed by regulation.

This amendment more effectively targets the scope of the licensing regime, excluding for example dentists performing restorations or removing wisdom teeth, and general practitioners undertaking minor dermatological procedures. At the same time, however, it will ask for more complex, invasive and high-risk procedures being done under only local anaesthetic, such as cosmetic surgery procedures, to be captured.

In addition, three minor related amendments have been filed by the government to make a change to the terminology used in section 89 in relation to intravenous sedation from simple conscious sedation to conscious sedation. This is a result of discussions held by the Australian Dental Association of South Australia.

The fifth government proposed amendment relates to section 89A and the standards of construction, facilities, equipment and the like. This is the result of discussions held with the ADHA, which was concerned that the minister was not required to liaise with the relevant industry bodies or consider relevant codes, standards or guidelines before gazetting any standards of construction, facilities and equipment. The proposed amendment is to this effect.

It should be noted that the standards to be gazetted will not be applied retrospectively to private day procedure centres that have already been declared by the Australian government and issued with a provider number for private health insurance purposes, except in relation to assessing applications for any alteration or extension of licensed premises, or where there is a proposed change in the nature or scope of the health services to be provided.

Importantly, private day procedure centres that have already been declared and issued with a provider number by the Australian government on the basis of a previous recommendation by SA Health will be deemed to be licensed under the amended act. There are currently 31 of these

declared private day procedure centres operating in South Australia. The second amendment proposed by the shadow minister is to provide for the conditions of licence for private day procedure centres to be prescribed in regulation. The government will support this amendment to section 89D.

Whilst the licensing of stand-alone private day procedure centres is clearly the key objective of the bill, there is a small number of other proposed changes designed to improve the functioning of the act as it relates to private hospitals. First and foremost, removing the cap on hospital bed numbers will allow the private hospital sector to further expand and complement the public health system in meeting the demands of an increasingly ageing population. The cap on bed numbers is clearly redundant, having not been updated for some 20 years, and it is not the role of this government to interfere in the market by setting such limits.

Providing for the standards of construction, facilities and equipment to be set by notice in the South Australian *Government Gazette* will allow them to be set with reference to other already existing standards and codes, such as the Building Code of Australia and the Australasian Health Facility Guidelines, replacing the out-of-date standards currently prescribed in the regulations and avoiding duplication.

Enabling a private hospital to provide services at both their licensed premises and approved offsite locations recognises the changes in service delivery models which have seen hospitals provide offsite services in the area of low acuity postnatal nursing care, sleep laboratories, chemotherapy treatment and rehab services. Providing for the inclusion of an administrative fee for the variation of a licence or conditions of a licence will more accurately reflect the cost of administrating the licensing regime.

During the course of the development of the bill, the government consulted with key stakeholders, including licensed private hospitals, private day procedure centres, peak industry bodies and surgical and medical colleges and associations in general. The draft bill has received the overwhelming support of private hospitals, and the majority of private day procedure centres also recognise the benefits of the sector being subject to regulation.

The new section to be inserted into the act, part 10A—Private day procedure centres, is very similar to part 10 of the act—Private hospitals, and the licensing of private day procedure centres will function in essentially the same manner as private hospitals are currently licensed. The amendments to the Health Care Act 2008 will modernise private health facility licensing arrangements and bring South Australia into alignment with other state and territory jurisdictions. In addition, it will create a more level playing field between private hospitals and private day procedure centres, subjecting the private sector to the same regulatory compliance requirements.

Debate adjourned on motion of Hon. D.W. Ridgway.

STATUTES AMENDMENT (GENDER IDENTITY AND EQUITY) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 10 March 2016.)

The Hon. K.L. VINCENT (17:48): I would like to put on the record that Dignity for Disability will be strongly supporting this bill, and in fact we believe it is long overdue. The more we learn about gender diversity and the true nature of gender diversity, we must acknowledge not only that we need to cease discriminating on those grounds but also that it was wrong and unnecessary to do so in the first place.

Our state has for too long discriminated against individuals based on factors including gender identity, sexual orientation and intersex status, to name a few. Unfortunately, I could name a few more where the state has discriminated and indeed continues to discriminate. I would like to put on the record that Dignity for Disability has raised these concerns with the government on several occasions and attempted to deal with this discrimination some years ago. I was, to say the least, underwhelmed by the government's response at that time.

In 2011, the Attorney-General advised me that changes to South Australian law to recognise, in this instance, a third gender category for gender neutrality, would involve 'complex legal issues' and that it would be 'too difficult to reach a position which would satisfy the broad range of views that are likely to exist in the community'. Fortunately, for whatever reason, it seems that the views in the community must have changed, prompting the government to finally take some action on the discrimination that many have faced, and continue to face, based on their gender identity. I am pleased to see that the government has stepped up to make these changes, although I believe that we still have, of course, a long way to go to ensure that South Australia really is inclusive to all.

I have a number of constituents who have in the past struggled to get recognition on an official document or documents for their true gender identity. These are people who, specifically in this instance, are of an unspecified sex or gender identity; that is, they identify as neither male nor female. Obviously, these people can be viewed as a minority in our society, but I do not believe that that makes them any less deserving of having their true identity reflected, including in official government documentation.

As it stands at the moment, while a South Australian can be recognised with an X in the gender box on their Australian passport to indicate non-binary gender or a gender neutrality, they are also only able to pick between male and female on other documents, including their birth certificate. There are several other examples of this limitation in South Australia, including when filling out forms required to get medical treatment. It is frustrating that in modern-day Australia this discrimination continues, as I said, particularly as we understand more and more about gender and its non-binary nature.

Through this bill, the government has acknowledged the need to remove gender-specific language from our legislation. The government has also acknowledged South Australia's proud history of being a leader in antidiscrimination reform, such as being the first to allow women to stand for parliament and the first to decriminalise homosexuality. I am very proud of my state and the changes we have made so far to ensure that we are an inclusive community; however, I do believe this needs to go one step further when choosing a gender when filling out documentation.

Dignity for Disability will be supporting this bill today; however, we are in hope that this will be the starting point for more changes to come—more changes that we can again look back on very proudly to ensure that all members of our community are able to lead their day-to-day lives with dignity and autonomy and without discrimination.

Debate adjourned on motion of Hon. D.W. Ridgway.

HEALTH AND COMMUNITY SERVICES COMPLAINTS (BUDGET REPORT) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 March 2016.)

The Hon. J.A. DARLEY (17:53): This is a fairly simple bill which seeks to repeal section 15 of the Health and Community Services Complaints Act. Section 15 simply outlines that the commissioner must submit the budget proposal to the Economic and Finance Committee annually. This bill will repeal this section and erase this requirement.

When researching this bill, my office went back through the historical *Hansard* to try to find a reason as to why this clause was inserted in the first place. It seems odd that the parliament would have inserted this provision into the act without good reason, especially as it is unique only to the Health and Community Services Complaints Commissioner and does not apply to any other statutory office. If the minister could provide any insight into why this provision was introduced in the first place, I would be happy to hear it.

In terms of the commission's budget itself, when examining the commission's annual reports over the past few years, it seems that the commission has been operating at a surplus—almost $45,000 for the 2014-15 financial year and $21,000 for the 2013-14 financial year. However, there is a note in the 2014-15 annual report which indicates that the HCSCC has a separate budget for the

Crown Solicitor's Office which cannot be reallocated away from legal advice and represents the majority of underexpended funds.

For the 2014-15 financial year, the Crown Solicitor's budget was $79,000, almost double that of the previous year, where $39,000 was allocated for legal advice. I am curious as to how the budget for legal advice is set as, at the time of preparing the budget, it would have been impossible to foreshadow the dramatic increase in complaints lodged with the HCSCC from the 2013-14 to the 2014-15 financial year. Given the tenfold increase in complaints lodged, I am surprised that more money was not expended on legal advice.

Further to this, the number of staff at the HCSCC also did not increase even though the number of complaints that the HCSCC investigated more than doubled. I will be interested to see if the HCSCC's budget will increase in the future. I understand it is the sort of question that the Economic and Finance Committee would examine when they were presented with the HCSCC's budget proposal. I am curious to receive more information as to why the parliament felt that this provision was necessary when the bill was first introduced.

I also ask the minister to provide details on how many times, if any, the Economic and Finance Committee disagreed with the HCSCC's budget submission and, if there were circumstances where the Economic and Finance Committee disagreed, the reasons why and how the matter was resolved. Whilst I support the second reading of the bill, I reserve my final position until more information is provided.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (17:57): I would like to thank the Hon. Mr Wade and the Hon. Mr Darley for their contributions on this debate and for their indications of support. I look forward to the swift passage of the bill.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. I.K. HUNTER: The Hon. Mr Darley asked a question of me in relation to any information that I might have about why this clause that is to be deleted was first inserted. My advice is that it was inserted as a means of compromise in a deadlock committee consideration of the legislation. Subsequently, as we have learned, the provision really has done no work of any great use and, indeed, I think the commissioner himself has said he supported the rescission of the clause because it is, in fact, impossible for him to actually put into practice.

The Hon. Mr Darley also asked me, I think, how many times the Economic and Finance Committee takes issue with any of the reports of the commissioner, so I will just seek some advice about that. My advice is there have been no situations that have been advised back to the department, so no situations that I know of.

Clause passed.

Remaining clauses (2 and 3) 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) (18:00): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Ministerial Statement

BRIGGS, PROF. FREDA

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (18:01): Whilst I am on my feet, I table a ministerial statement made in the other place by the Minister for Education and Child Development on the topic of Freda Briggs' death.

GILLMAN LAND SALE

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (18:01): I table a ministerial statement on Gillman litigation resolution from the Attorney-General in the other place.

TAXI AND CHAUFFEUR VEHICLE INDUSTRY REVIEW

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (18:01): While I am on my feet, I also table a ministerial statement on the Taxi and Chauffeur Vehicle Industry Review for the Minister for Transport and Infrastructure in the other place.

Bills

DOG FENCE (PAYMENTS AND RATES) AMENDMENT BILL

Second Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (18:02): I move:

That this bill be now read a second time.

I seek leave to have the second reading speech and explanation of clauses inserted into *Hansard* without my having to read them.

Leave granted.

This Amendment Bill is about ensuring that there are sufficient resources available to maintain the Dog Fence into the future.

The Dog Fence protects the sheep industry from stock losses by preventing the entry of wild dogs into southern pastoral areas. The South Australian Dog Fence is 2,171 kilometres long from near Fowlers Bay to the New South Wales border.

The *Dog Fence Act 1946* focuses exclusively on the management of dog-proof fences and destruction of wild dogs in the vicinity. The broader issue of wild dog management in South Australia is addressed through the *Natural Resources Management Act 2004*.

The Dog Fence Board administers the Act and is responsible for ensuring that the Dog Fence is maintained in a dog-proof condition.

The Board does not own the Dog Fence. Ownership remains with the landholder or may be vested in local dog fence boards. The owners are responsible for the inspection and maintenance of the fence with funding provided by the Board. Two private owners manage sections of the Dog Fence on their properties; however, most of the Dog Fence has been vested in six local dog fence boards, which employ contractors to inspect and maintain their sections of Fence.

The Board is responsible for collecting rates from ratepayers and making payments to owners to cover the cost of inspecting and maintaining the Dog Fence. The Dog Fence Fund receives rates collected from ratepayers and a Government contribution to defray the cost of maintaining and upgrading dog fences.

Rates are collected from the owners of ratable land, which are holdings of more than 10 square kilometres inside the Fence. The current Act caps the maximum amount that rate payers can be levied at $1.20 per square kilometre. This cap was last reviewed in 2005.

Each year, the Board reviews its financial requirements and agrees on a rate that will be levied. For several years, the Board has been levying ratable land at the maximum amount allowed by the Act as the cap prevented it from increasing rates with inflation. Failure to increase the financial caps will result in a funding shortfall. With the existing cap, the Board collects approximately $508,000 from ratepayers, which is then matched by the Government.

This Bill lifts the cap on the maximum amount that can be levied on ratable land to $2.00 per square kilometre. This will allow the Board to increase rates in line with inflation for some time into the future or until the Act is next reviewed.

The Act also sets a cap on the maximum amount that the Board can pay to fence owners to maintain the Fence. This cap is currently set at $250 per kilometre of fence.

This Bill also raises the cap on the amount payable to the fence owners for maintaining the Fence to $400 per kilometre. This will allow the Board to adjust the payments to fence owners to reflect inflationary changes to the costs of labour and materials.

No issues were raised on these proposed amendments during consultation with key stakeholders in December 2014. The Board is committed to ensuring that rates increases are responsibly managed to meet the cost of maintaining the Fence and in line with inflation.

The Bill also includes a minor technical amendment to remove a reference to the South Australian Farmers Federation Inc and replace it with Livestock SA Incorporated. The South Australian Farmers Federation no longer exists and Livestock SA is now the most appropriate representative body for ratepayers into the Dog Fence Fund.

This Bill will ensure that the Dog Fence is adequately resourced and continues to be maintained in a dog-proof condition into the future.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Dog Fence Act 1946*

3—Amendment of section 24—Payments to owners of dog fences

This clause amends section 24 to increase the maximum amount payable by the Dog Fence Board each financial year to owners of dog fences for maintaining and inspecting the fences, and for destroying wild dogs in the vicinity of the fences, to $400 per kilometre of fencing.

4—Amendment of section 25—Imposition of rates on ratable land

This clause amends section 25 to increase the maximum amount of the rate that the Board can levy on ratable land to $2.00 per square kilometre.

5—Amendment of section 28—Charge to be payable by occupiers of land outside dog fence

This clause updates a reference to the organisation that must be consulted when the Board conducts its five yearly reviews of the prescribed rate that the Board is empowered to levy from occupiers of ratable land.

Debate adjourned on motion of Hon. T.J. Stephens.

MENTAL HEALTH (REVIEW) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (18:03): I move:

That this bill be now read a second time.

I seek leave to insert the second reading speech and explanation of clauses into *Hansard* without my reading them.

Leave granted.

I am pleased to introduce the *Mental Health (Review) Amendment Bill 2015*. The *Mental Health Act 2009* (the *Act*) is based on contemporary rights, mental health service provision and legislative practice. Section 111 of the Act required a review of the operation of the Act by 30 June 2014.

In 2013 and 2014, the Office of the Chief Psychiatrist carried out that Review, which was focussed on how the rights of people with mental illness, their families and carers, and the service delivery capacity of agencies, could be enhanced.

The Review found that the Act required amendment rather than major redrafting based on the first four years of the operation of the Act, feedback from the people of South Australia, developments in international human rights and the review and commencement of mental health legislation in other Australian jurisdictions.

There are a number of proposed legislative amendments within the Bill. Four remove duplications and obsolete provisions, five improve clarity enhancing understanding of and compliance with the Act, seventeen change definitions and language, and others enhance rights and reinforce clinical best practice.

Of the amendments, there are three in particular in respect of which the Office of the Chief Psychiatrist will work in close collaboration with mental health services and other stakeholders in order to improve understanding of the intent and impact of the changes.

Firstly, Level 1 Community Treatment Order provisions have been amended to remove the existing structural barriers for mental health services and general practitioners to make this Order type, and to bring the use of this Order into line with the least restrictive principles of the Act and clinical best practice.

Secondly, Patient Transport Request provisions have been amended to allow mental health services to request the assistance, if it is safe and appropriate to do so, of SA Ambulance Services and South Australia Police to provide medication to a patient subject to a Community Treatment Order in their own home, rather than taking the person to a hospital for their medication and then returning them home. This amendment will lessen impact and inconvenience for patients and their families and allow services to be delivered more effectively, and will align with the least restrictive principles of the Act and clinical best practice.

Thirdly, changes to the Community Visitor Scheme provisions and regulations to increase the facilities and services within scope of the Scheme, within existing budgets and resources, to include Community Mental Health Centres, Community Rehabilitation Centres and Intermediate Care Centres. This will allow consumers who access services within the community to be represented and heard as well as those who are in acute settings.

Mental health legislation must change over time in order to reflect contemporary attitudes and approaches to acceptance and treatment of mental illness. It must be expressed in a way that provides maximum flexibility to enable individuals with responsibilities and powers under the Act to carry out their roles effectively.

The amendment of the Act provides an opportunity for the Government to improve the rights of people with mental illness, enhance the capacity of mental health services to provide treatment and care, enhance the capacity of government agencies to collaborate, provide clarity for matters that are currently ambiguous and remove provisions that are stigmatising or discriminatory.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Mental Health Act 2009*

4—Amendment of Long title

The long title is to be amended to reflect current language relating to persons with severe mental illness.

5—Amendment of section 3—Interpretation

The amendments will insert a number of new definitions (including, *authorised community mental health facility*, *voluntary community patient* and *restrictive practice*); and makes amendments to a number of current definitions of a consequential nature. The definition of *patient* is to be substituted so as to be defined in relation to the provision of mental health services and to include, where the context so requires, a person to whom section 56 applies and a person with a mental illness (within the meaning of the principal Act) who is liable to a supervision order under Part 8A Division 4 of the *Criminal Law Consolidation Act 1935*. The definition of *patient at large* is to be deleted and, instead, the principal Act will refer to patients being *absent without leave*. Provision is also made in the section for forms approved by the Chief Psychiatrist to be published on the Department's website.

6—Amendment of section 4—Application of Act

Section 4 is to be amended so that it makes provision for an obligation under the principal Act to give information to a patient who is under the age of 16 years to be met by providing the information to the patient's parent

or guardian. The amendments also clarify that, subject to an express provision to the contrary in the principal Act or another Act, the principal Act is in addition to and does not derogate from—

- the Advance Care Directives Act 2013; and
- the Consent to Medical Treatment and Palliative Care Act 1995; and
- the Guardianship and Administration Act 1993.

7—Amendment of section 5—Medical examinations by audio-visual conferencing

This amendment is consequential.

8—Insertion of section 5A

5A—Decision-making capacity

This new section is similar to what is provided for in the *Advance Care Directives Act 2013* and sets out the presumption relating to persons and decision-making capacity and how to assist in determining whether a person has, in respect of a particular decision, impaired decision-making capacity.

9—Amendment of section 6—Objects

This amendment is consequential.

10—Amendment of section 7—Guiding principles

The amendments to this section clarify the guiding principles to be used by persons involved in the administration of the principal Act. The section is also to be amended so that the guiding principles are extended to the provision of mental health services to voluntary community patients.

11—Amendment of section 9—Voluntary inpatients to be given statement of rights

This amendment is consequential.

12—Amendment of section 10—Level 1 community treatment orders

A number of the amendments to section 10 are consequential. A new paragraph is to be substituted in subsection (1) to include as a pre-condition to the making of a level 1 community treatment order, the fact that the person in relation to whom the order for treatment is to be made, has impaired decision-making capacity relating to his or her appropriate treatment of the person's mental illness. Subsection (4) is amended to extend the period after which an order must expire from 28 to 42 days. Substituted subsection (5) sets out the procedure to be followed once a level 1 community treatment order has been made.

13—Amendment of section 11—Chief Psychiatrist to be notified of level 1 orders or their variation or revocation

This amendment is consequential.

14—Amendment of section 12—Copies of level 1 orders, notices and statements of rights to be given to patients etc

This amendment is consequential.

15—Repeal of section 15

This clause repeals section 15 of the principal Act.

16—Amendment of section 16—Level 2 community treatment orders

This clause amends section 16 so that the meaning of harm includes harm that is physical or mental. Section 16(1)(c) is substituted with new paragraph (c) so that the Tribunal may make a level 2 treatment community treatment order if it is satisfied that the person has impaired decision-making capacity relating to appropriate treatment of the person's mental illness.

17—Amendment of section 21—Level 1 inpatient treatment orders

A number of the amendments to section 21 are consequential. A new paragraph is to be substituted in subsection (1) to include as a pre-condition to the making of a level 1 impatient treatment order, the fact that the person in relation to whom the order for treatment is to be made, has impaired decision-making capacity relating to his or her appropriate treatment.

18—Amendment of section 22—Chief Psychiatrist to be notified of level 1 orders or their revocation

This amendment is consequential.

19—Amendment of section 23—Copies of level 1 orders, notices and statements of rights to be given to patients etc

The amendments made by this clause are consequential.

20—Amendment of section 24—Treatment of patients to whom level 1 orders apply

This clause amends section 24 of the principal Act so that treatment for any illness that may be causing or contributing to the mental illness of the patient may be given to the patient to whom a level 1 impatient treatment order applies.

21—Amendment of section 25—Level 2 inpatient treatment orders

A number of amendments to section 25 are consequential. The clause includes an amendment that corresponds to earlier amendments relating to the making of treatment orders and the impaired decision making capacity of a person with mental illness. This clause amends section 25 to enable a psychiatrist or authorised medical practitioner to extend a level 2 impatient treatment order for a further maximum period of 42 days.

22—Amendment of section 26—Notices and reports relating to level 2 orders

This amendment is consequential.

23—Amendment of section 27—Copies of level 2 orders, notices and statements of rights to be given to patients etc

This amendment is consequential.

24—Amendment of section 28—Treatment of patients to whom level 2 orders apply

This clause makes an amendment to section 28 of the principal Act that corresponds to an earlier amendment about the treatment of any illness that may be causing or contributing to the mental illness of the patient to whom the treatment order applies.

25—Amendment of section 29—Level 3 inpatient treatment orders

This clause makes amendments to section 29 of the principal Act that correspond to earlier amendments.

26—Amendment of section 31—Treatment of patients to whom level 3 orders apply

This clause makes a consequential amendment and makes an amendment that corresponds to an earlier amendment about the treatment of any illness that may be causing or contributing to the mental illness of the patient to whom the treatment order applies.

27—Amendment of section 34A—Confinement and other powers relating to involuntary inpatients

This clause amends section 34A to enable treatment centre staff to restrain the patient and use force as reasonably required in the circumstances when taking measures for the confinement of the patient.

28—Amendment of section 35—Transfer of involuntary inpatients

This amendment is consequential.

29—Amendment of section 36—Leave of absence of involuntary patients

This amendment is consequential.

30—Amendment of section 37—Persons granted leave of absence to be given statement of rights

This amendment is consequential.

31—Amendment of section 38—Cancellation of leave of absence

This amendment is consequential.

32—Amendment of section 39—Treatment and care plans for voluntary patients

This clause amends section 39 of the principal Act to make it clear that a treatment and care plan should describe the services that will be provided or made available to the patient. The amendments also expands on the people or service providers connected to the patient to be consulted when preparing and revising a treatment and care plan. The clause defines the term voluntary patient for the purposes of section 39.

33—Amendment of section 40—Treatment and care plans for patients to whom community treatment orders apply

This clause amends section 40 of the principal Act in a way that corresponds with an earlier amendment to require the preparation and revision of a treatment and care plan to be done in consultation with certain people and service providers connected to the patient.

34—Amendment of section 41—Treatment and care plans for patients to whom inpatient treatment orders apply

This clause amends section 40 of the principal Act in a way that corresponds with an earlier amendment to require the preparation and revision of a treatment and care plan to be done in consultation with certain people and service providers connected to the patient.

35—Insertion of Part 7 Division A1

This clause inserts Part 7 Division A1 into the principal Act to establish the Prescribed Psychiatric Treatment Panel. The Panel has various functions in relation to the regulation, review and authorisation of prescribed psychiatric treatments.

Division A1—Prescribed Psychiatric Treatment Panel

41A—Prescribed Psychiatric Treatment Panel

441B—Conditions of appointment to Panel

41C—Functions of Panel

41D—Constitution and proceedings of Panel

36—Amendment of section 42—ECT

This clause amends section 42 of the principal Act to make provision for a substitute decision maker to consent to the treatment where the patient has an advance care directive in place and the patient is incapable of making the decision on his or her own behalf. The provision retains the capacity for a medical agent, guardian or Tribunal to make the decision where no substitute decision maker has been authorised.

The clause inserts a provision that outlines the limits that apply to treatment authorised by a consent provided under this section. The clause also requires the notice of the administration of treatment under section 42 to the Chief Psychiatrist be given whether the treatment is given with consent under subsection (1) or without under subsection (6).

37—Amendment of section 43—Neurosurgery for mental illness

This clause amends section 43 to add a requirement that the Prescribed Psychiatric Treatment Panel authorise the neurosurgery for treatment of the illness. The clause makes related amendments to ensure that the Chief Psychiatrist is given notice of the proposed neurosurgery. The clause makes provision for the requirement that a written report be given to the Chief Psychiatrist within 3 months of the neurosurgery being carried out.

38—Amendment of section 44—Other prescribed psychiatric treatments

This clause inserts a requirement that the recommendation of the Prescribed Psychiatric Treatment Panel prior to the making of a regulation declaring treatment to be prescribed psychiatric treatment or regulating the administration of any such treatment.

39—Amendment of section 45—Assistance of interpreters

This amendment is consequential.

40—Amendment of section 46—Copies of Tribunal's orders, decisions and statements of rights to be given

This amendment is consequential.

41—Amendment of section 50—Community visitors

This clause amends section 50 by removing the requirement that a person cannot be a Principal Community Visitor or a Community Visitor for more than 2 consecutive terms.

42—Amendment of section 51—Community visitors' functions and powers

This clause gives community visitors the additional function of conducting visits to and inspections of authorised community mental health facilities (including visits to and inspections of any hospital that is an incorporated hospital under the *Health Care Act 2008*).

43—Insertion of section 51A

This clause inserts new section 51A to enable the Principal Community Visitor to delegate powers or functions to a community visitor.

51A—Delegation by Principal Community Visitor

44—Amendment of section 52—Visits to and inspections of treatment centres

This clause amends section 52 to make changes to the requirements imposed on community visitors for the periodic visiting and inspection of treatment centres.

45—Insertion of section 52A

This clause inserts new section 52A to provide for the visiting to and inspection of authorised community mental health facilities by community visitors.

52A—Visits to and inspection of authorised community mental health facilities

46—Amendment of section 54—Reports by Principal Community Visitor

This clause amends section 54 of the principal Act to ensure that the performance of the community visitors' functions is incorporated into the report of the Principal Community Visitor to the Minister.

47—Insertion of section 54A

This clause inserts new section 54A into the principal Act.

54A—Issuing of patient assistance requests

Proposed section 54A enables a medical practitioner or mental health clinician to issue a patient assistance request so that they may treat a patient who does not comply with a community treatment order. The proposed section ensures that the patient be given a copy of the patient assistance request and a statement of rights.

48—Amendment of section 55—Issuing of patient transport requests

A number of amendments made by this clause are consequential. The clause also makes amendments to ensure that the patient to whom a patient transport request is made is given a copy of the request and a statement of rights.

49—Amendment of section 56—Powers of authorised officers relating to persons who have or appear to have mental illness

A number of amendments made by this clause are consequential including amendments that are consequent on the insertion of section 54A by clause 47.

50—Amendment of section 57—Powers of police officers relating to persons who have or appear to have mental illness

A number of amendments made by this clause are consequential including amendments that are consequent on the insertion of section 54A by clause 47.

51—Insertion of section 58A

This clause inserts new section 58A into the principal Act to require authorised officers to keep certain records relating to the exercise of their powers under the principal Act.

58A—Officers to keep records about exercise of powers under Act

52—Amendment of section 61—Interpretation

This clause inserts and amends definitions used for the purposes of Part 10 of the principal Act. In particular, it expands the meaning of corresponding law to include a law of another jurisdiction that makes provision for the treatment and care of persons with mental illness and corresponds (or substantially corresponds) to the principal Act.

53—Amendment of section 63—Requests or approvals relating to actions involving other jurisdictions

This clause amends section 63 of the principal Act to extend the capacity to take or approve specific action (as the case may be) if the action is not disallowed by a Ministerial agreement.

54—Amendment of section 64—Powers of South Australian officers

This amendment is consequential.

55—Amendment of section 66—South Australian community treatment orders and treatment in other jurisdictions

This clause makes amendments to section 66 of the principal Act to ensure that the power exists to treat South Australian patients to whom a community treatment order applies interstate.

56—Amendment of section 67—Powers of interstate officers

This clause amends section 67 of the principal Act to enable interstate officers to have the power of forcible entry in South Australia if the interstate officer is a police officer.

57—Amendment of section 68—Interstate community treatment orders and treatment in South Australia

This clause amends section 68 of the principal Act to ensure that certain powers may be exercised in relation to a patient in South Australia to whom an interstate community treatment order applies. The clause inserts requirements relating to the provision of a statement of rights to the patient and other requirements relating to the notification of guardians and relatives.

58—Amendment of section 69—Making of South Australian community treatment orders when interstate orders apply

This clause makes amendments to section 69 of the principal Act that correspond to earlier amendments relating to the provision of a statement of rights and the notification of guardians and relatives.

59—Amendment of section 70—Transfer from South Australian treatment centres

This clause makes amendments to section 70 of the principal Act that correspond to other amendments that substitute references to the director of a South Australian treatment centre with references to the Chief Psychiatrist. It also makes amendments that are consequential. The clause will insert subsection (7), which enables the transfer of a patient interstate to occur despite subsection (6) in circumstances where the necessary consents to the transfer have been provided.

60—Amendment of section 71—Transfer to South Australian treatment centres

This clause transfers the power to approve the transfer of a person to a South Australian treatment centre from the director of the treatment centre to the Chief Psychiatrist. It also makes amendments to section 71 of the principal Act that correspond to earlier amendments relating to the provision of a statement of rights to the patient and the notification of guardians and relatives of the patient.

61—Amendment of section 72—Patient transport requests

A number of amendments made by this clause correspond to earlier amendments and transfer the authority to make the necessary patient transport request from the director of a South Australian treatment centre to the Chief Psychiatrist. It also makes amendments to section 71 of the principal Act that correspond to earlier amendments relating to the provision of a statement of rights to the patient and the notification of guardians and relatives of the patient.

62—Substitution of section 73

This clause inserts new section 73 into the principal Act and establishes the powers of South Australian and interstate authorised officers in respect of a person who is subject to a patient transport request.

73—Powers when patient transport request issued

63—Amendment of section 74—Transport to other jurisdictions when South Australian inpatient treatment orders apply

This clause amends section 74 of the principal Act by requiring the approval of the Chief Psychiatrist before a patient to whom the section applies may be transported to an interstate treatment centre or delivered to an interstate authorised officer for transport. The clause also alters the powers that may be exercised by interstate authorised officers who are police officers.

64—Amendment of section 75—Transport to other jurisdictions of persons with apparent mental illness

Amendments made by this clause to section 75 of the principal Act are either consequential on or correspond to other amendments.

65—Amendment of section 76—Transport to other jurisdictions when interstate inpatient treatment orders apply

This amendment to section 76 of the principal Act corresponds to earlier amendments. The amendments require the approval of the Chief Psychiatrist before certain action can be taken under the section. The clause also makes amendments that correspond to earlier amendments relating to the provision of a statement of rights to the patient and the notification of guardians and relatives of the patient. The clause also alters the powers that may be exercised by interstate authorised officers who are police officers.

66—Amendment of section 77—Transport to South Australia when South Australian inpatient treatment orders apply

Amendments made by this clause to section 75 of the principal Act are either consequential on or correspond to other amendments.

67—Amendment of section 78—Transport to South Australia of persons with apparent mental illness

This amendment made to section 78 of the principal Act by this clause correspond to other amendments relating to the powers that may be exercised by interstate authorised officers who are police officers.

68—Amendment of section 85—Tribunal must give notice of proceedings

This clause amends section 85 of the principal Act to ensure that the Chief Psychiatrist is given notice of hearings of proceedings before the Tribunal in circumstances where the proceedings relate to an application for consent to prescribed psychiatric treatment.

69—Amendment of section 90—Chief Psychiatrist's functions

This clause amends section 90 of the principal Act to reflect changes in terminology. The clause makes amendments that give the Chief Psychiatrist certain powers to enter the premises of an incorporated hospital in relation to the conduct of inspections under the section. This clause imposes fines for a failure to comply with certain requirements and hindering or obstructing the Chief Psychiatrist in the exercise of the Chief Psychiatrist's powers under proposed subsection (5).

70—Amendment of section 92—Annual report of Chief Psychiatrist

This clause amends section 92 to require the Chief Psychiatrist to include in his or her annual report information about how the Chief Psychiatrist has performed the administrative functions conferred on him or her under the Act.

71—Amendment of section 93—Authorised medical practitioners

This clause amends section 93 of the principal Act to replace the Minister with the Chief Psychiatrist as the person with the power to determine that a specified medical practitioner or class of practitioners will be authorised medical practitioners. The clause inserts a requirement on the Chief Psychiatrist to maintain records of the Chief Psychiatrist's determinations and any conditions or limitations attached to each such determination under the section.

72—Substitution of heading to Part 12 Division 4

This clause substitutes the heading of Part 12 Division 4.

73—Amendment of section 94—Authorised mental health professionals

This clause amends section 94 of the principal Act to replace the Minister with the Chief Psychiatrist as the person with the power to determine that a specified person or person of a specified class will be an authorised mental health professional. The clause inserts a requirement on the Chief Psychiatrist to maintain records of the Chief Psychiatrist's determinations and any conditions or limitations attached to each such determination under the section.

74—Amendment of section 95—Code of practice for authorised mental health professionals

The amendments made by this clause are consequential.

75—Amendment of section 96—Approved treatment centres

The amendments made by this clause are consequential.

76—Amendment of section 97—Limited treatment centres

The amendments made by this clause are consequential.

77—Insertion of section 97A

This clause inserts new section 97A into the principal Act. The proposed section will enable the Chief Psychiatrist to determine that a specified place will be an authorised community mental health facility.

97A—Authorised community mental health facilities

78—Repeal of sections 98 and 99

This clause repeals sections 98 and 99 of the principal Act.

79—Amendment of section 102—Offences relating to authorisations and orders

This amendment is consequential.

80—Amendment of section 103—Medical practitioners or health professionals not to act in respect of relatives

This amendment is consequential.

81—Amendment of section 109—Evidentiary provision

This amendment is consequential.

82—Amendment of section 111—Review of Act

This clause amends section 111 of the principal Act to extend the year within which the Act must be reviewed from 4 to 5 years.

Schedule 1—Related amendments

Part 1—Amendment of *Advance Care Directives Act 2013*

1—Amendment of section 12—Provisions that cannot be included in advance care directives

This clause amends section 12 of the principal Act to expand the meaning of mandatory medical treatment to include medical treatment provided under section 56 of the *Mental Health Act 2009*.

Part 2—Amendment of *Health Care Act 2008*

2—Amendment of section 68—Preliminary

This clause amends section 68 of the principal Act to expand the meaning of designated authority to include the Chief Psychiatrist in certain specified circumstances.

Debate adjourned on motion of Hon. T.J. Stephens.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Final Stages

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

At 18:05 the council adjourned until Wednesday 13 April 2016 at 14:15.

Answers to Questions

GREYHOUND RACING

9 The Hon. J.M.A. LENSINK (14 October 2015). Can the Minister for Racing advise—

1. For each of the months from October 2014 to September 2015—

   (a) How many swab tests have been conducted on greyhounds by GRSA; and

   (b) How many were positive and how many were negative?

2. What drugs were tested for between October 2014 and September 2015?

3. What drugs were detected and how many times between October 2014 and September 2015?

4. When was the last box draw audit conducted in South Australia and what were the results?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Racing has provided this advice:

1-4. Greyhound Racing SA is the controlling authority for greyhound racing in South Australia.

Greyhound Racing SA is responsible for encouraging, promoting and conducting Greyhound Racing in South Australia and also provides industry control and direction, which includes undertaking integrity functions, such as swabbing and drug testing of greyhounds.

Since the corporatisation of the racing industry by the former Liberal state government in 2000, the state government does not control or intervene in the management of the industry.

Any questions regarding the number and outcomes of tests conducted will need to be obtained from the controlling authority, Greyhound Racing SA.

GOVERNMENT CONSULTANTS

In reply to **the Hon. D.W. RIDGWAY (Leader of the Opposition)** (16 October 2014). (First Session)

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): Further to the answer tabled on 22 March 2016, the Department of State Development has provided clarification to Part III of the question. I am now advised that an exemption from the Accredited Purchasing Unit was not required because a grant was provided to Regional Development Australia (RDA) Limestone Cost to undertake the Cellulosic Value Chain Technology Project. RDA Limestone Coast engaged VTT who were selected due to their unique global expertise in this highly specialised area of research, industry application of cellulose fibre technology and connection to global networks. Given the funds were provided to RDA through a grant rather than a tender process the exemption by the Accredited Purchasing Unit was not required.

SOUTH AUSTRALIAN RESEARCH AND DEVELOPMENT INSTITUTE

In reply to **the Hon. D.W. RIDGWAY (Leader of the Opposition)** (3 December 2014). (First Session)

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Agriculture, Food and Fisheries has received this advice:

1-4 The state government has no intention of transferring the South Australian Research and Development Institute to any university.

RIVER TORRENS

In reply to **the Hon. S.G. WADE** (25 March 2015).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Sustainability, Environment and Conservation has received this advice:

1. The water quality of the River Torrens is monitored by the Department of Environment, Water and Natural Resources, in partnership with the Adelaide and Mount Lofty Ranges Natural Resources Management Board.

Historically, the River Torrens would have regularly been dry throughout summer, leaving far fewer water points of lower quality along its river bed. Wildlife is quite able to utilise these lower quality water supplies.

2. Water is released for short periods, several times during summer, as part of improving the river water quality. These releases are triggered by the water quality monitoring and are aimed keeping the river system and Torrens Lake in a healthy state. As this water moves through the river there are improvements to the amenity and some reprieve for animals and birds along Linear Park.

3. Management of the River Torrens through the Linear Park is a coordinated effort between local councils, SA Water, the Department of Environment, Water and Natural Resources, and the Adelaide and Mount Lofty Ranges Natural Resources Management Board.

As well as the environmental flow programmes, the Linear Park Coordinating Committee are also overseeing a program for the removal of pest plants through the River Torrens Recovery Program.

APY LANDS, MENTAL HEALTH

In reply to **the Hon. J.S.L. DAWKINS** (6 May 2015).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): The Minister for Mental Health and Substance Abuse has received this advice:

Through the Country Health SA Local Health Network, the South Australian government provides an extensive community based mental health service across country South Australia.

Mental health services in the APY Lands are managed and delivered through the Aboriginal Community Controlled Health service – Nganampa Health Council. The Nganampa Health Council has provided community based mental health services since 2007 with funding provided by the Commonwealth Department of Health and Ageing.

In partnership with the Nganampa Health Council, Country Health SA Local Health Network provides a minimum of five visiting psychiatry services each year and has provided several Digital Telehealth Units which improve service accessibility and supplement psychiatrist visits. Private psychiatry services are also sourced from two other consultant psychiatrists.

The Women's and Children's Health Network also continue to provide in-reach services for Child and Adolescent Mental Health services.

In consideration of these services provided, Country Health SA Local Health Network is not intending to develop a stand-alone Mental Health Plan for the APY Lands.

PROSPECT AMBULANCE STATION

In reply to **the Hon. D.G.E. HOOD** (23 September 2015).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Health has received this advice:

1. SA Ambulance Service (SAAS) has no plans to scale back, relocate or close its Prospect ambulance station. The Prospect ambulance station is integral to SAAS's metropolitan service delivery.

AUTOMOTIVE SUPPLIER DIVERSIFICATION PROGRAM

In reply to **the Hon. A.L. McLACHLAN** (24 September 2015).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): I am advised that all successful grant recipients under the Automotive Supplier Diversification Program (ASDP) have entered into funding agreements for their respective projects.

All funding agreements contain a number of contractual obligations such as progress reporting and key performance indicators such as net profit.

In addition to this, funding agreements include a clause that the minister or his delegated representative may direct the grantee to arrange for the financial accounts relating to the grant to be audited at the grantee's expense.

FUR SEALS

In reply to **the Hon. T.A. FRANKS** (27 October 2015).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Sustainability, Environment and Conservation has received this advice:

1. The South Australian Government takes seriously the occupational health and safety of South Australians.

Business owners are responsible for health and safety in the workplace and, as such, the workplace health and safety of the fishers operating in the Coorong and Lower Lakes is the responsibility of the fishers.

However, the state government has in place a system for recording incidents involving seals. As part of the normal reporting associated with commercial fishing in South Australia, fishers are required to fill in logbooks when an interaction occurs with a threatened, endangered or protected species (TEPS logbook). Within these logbooks, fishers provide comments on the type and nature of interactions with these species.

2. The South Australian government has taken a number of steps to help fishers and local communities mitigate the impacts of fur seal interactions. The Department of Environment, Water and Natural Resources (DEWNR) and Primary Industries and Regions SA (PIRSA) are working closely with the Southern Fishermen's Association on a plan to mitigate impacts.

The state government has invested $100,000 in research into fishing gear, methods and deterrent devices. Along with a contribution made by the Fisheries Research and Development Corporation, approximately $260,000 of funding has now been secured to investigate alternative fishing gear and practices, and to trial different seal deterrents.

The government has also waived 2015-16 fishing licence fees, as well as made other changes to provide fishing operators with additional flexibility, including:

- increasing the season length in which hauling nets may be used in Area 1 of the fisher by 106 days;
- permitting drum nets to be used by all Lakes and Coorong Fishery licence holders; and
- increasing the number of relief days per licence holder from 28 to 90 days.

The government has also established a Long-nosed Fur Seal Working Group, which has put in place measures to provide mental health support to the Coorong and Lower Lakes commercial fishers through Rural Business Support, which comprises Rural Financial Services SA. Rural Business provides fishers with free, independent and confidential financial information and business support, along with referrals to other professional services, like personal and social counselling.

The Coorong District Council has a community wellbeing programme that complements the Rural Financial Services program. The Coorong District Council has held several information sessions for the fishers and the wider community.

The Department of Environment, Water and Natural Resources held a community open day on 10 December 2015 at Meningie, which allowed the local community to share information about long-nosed fur seals in the region. Representatives from Centacare Catholic Family Services also attended the open day.

COUNTRY SHOWS FUNDING

In reply to **the Hon. R.L. BROKENSHIRE** (28 October 2015).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Agriculture, Food and Fisheries has received this advice:

1. Funding for country shows was not reduced in the lead-up to the recent announcement.

2. Funding of $40,000 per year was allocated in each of 2013, 2014 and 2015 financial years. Funding of $500 to $1,000 each was distributed among the 48 country shows to supplement prize money offered for the various categories of exhibitions and competitions.

3. The decision to cease funding was made in conjunction with the Agricultural Shows Council of South Australia, following negotiations over several years. The council has advised country shows to adjust their budgets through small changes to gate takings, exhibitors' fees or sponsorships to maintain prize monies.

The state government continues to support other programs delivered by the council, with $60,000 for the Young Rural Ambassador and Rural Ambassador Awards.

AUTOMOTIVE TRANSFORMATION

In reply to **the Hon. T.J. STEPHENS** (17 November 2015).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): Mr Piro and Mr Tyler received termination payments in line with their South Australia Executive Service (SAES) employment contracts. These were not TVSPs.

ABORIGINAL AFFAIRS

In reply to **the Hon. R.I. LUCAS** (19 November 2015).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): I am advised that the state government committed $1.2 million over four years to support Jawun to establish a South Australian presence and develop formal partnership agreements with Aboriginal businesses and corporate partner organisations in this state.

The Jawun operating model creates secondment opportunities for employees from the private sector and government to work with Aboriginal communities and organisations to introduce corporate thinking and practices. The model supports the sharing of skills, knowledge and culture between Aboriginal organisations and corporate Australia.

This partnership has been complemented with the agreement of the state government to participate in the Jawun Corporate Partnership Program.