LEGISLATIVE COUNCIL

Tuesday, 17 May 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.

Members

MEMBER'S LEAVE

The PRESIDENT (14:17): Welcome back the Hon. Ms Lensink. It is good to see you.

MEMBERS' BEHAVIOUR

The PRESIDENT (14:17): Before I start, the Leader of the Opposition has spoken to me and expressed his concern about the behaviour of members of this council over the last two weeks of the sitting of parliament. I will be keeping an eye on the behaviour of members of this council and I would hope that the chamber will support any motion I have or anything I do to ensure that the behaviour of members of this council is in line with the expectations of the people of South Australia.

Bills

LOCAL GOVERNMENT (RATE INCREASES) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

HEALTH AND COMMUNITY SERVICES COMPLAINTS (BUDGET REPORT) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Assent

His Excellency the Governor assented to the bill.

CHILDREN'S PROTECTION (IMPLEMENTATION OF CORONER'S RECOMMENDATIONS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

COMPULSORY THIRD PARTY INSURANCE REGULATION BILL

Assent

His Excellency the Governor assented to the bill.

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

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Corporation Report, 2014-15—
Mitcham

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

Regulations under the following Act—
Public Corporations Act 1993—Interpretation

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

SACE Board of South Australia—Report, 2015
Regulations under the following Acts—
Environment Protection Act 1993—SA Motorsport Park
Native Vegetation Act 1991—SA Motorsport Park
Natural Resources Management Act 2004—SA Motorsport Park
South Australian Commercial Lakes and Coorong Fishery Management Plan, dated March 2016.

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

Regulations under the following Acts—
Bail Act 1985—Forms
Criminal Law Consolidation Act 1935—Prescribed Occupations and Employment—Aggravated Offences
Development Act 1993—SA Motorsport Park
Explosives Act 1936—Fireworks
Heavy Vehicle National Law (South Australia) Act 2013—Expiation Fees Variation
Road Traffic Act 1961—Safety Helmets
Rules of Court—
Supreme Court—Supreme Court Act 1935—
Civil—Amendment No. 31
Civil—Supplementary—Amendment No. 5
Criminal—Amendment No. 2
Criminal—Supplementary—Amendment No. 1
Special Applications—Amendment No. 1
Special Applications—Supplementary—Amendment No. 3

Parliamentary Committees

NATURAL RESOURCES COMMITTEE

The Hon. G.A. KANDELAARS (14:22): I bring up the regional report of the committee, March 2014-April 2016.

Report received.

Ministerial Statement

NUCLEAR FUEL CYCLE ROYAL COMMISSION

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) (14:23): I table a copy of a ministerial statement made by the Premier in another place on the Nuclear Fuel Cycle Royal Commission response.

DEFENCE SHIPBUILDING

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) (14:23): I table a copy of a ministerial statement made by the Premier in another place on the French defence visit.

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) (14:23): I table a copy of a ministerial statement made by the Treasurer in another place on securing Whyalla's future.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

SA WATER

The Hon. J.M.A. LENSINK (14:26): My question is to the Minister for Water and the River Murray. Minister, how much compensation has SA Water paid in the last three financial years to residents and businesses as a consequence of damage resulting from burst water mains?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:26): I thank the honourable member for her question. I welcome her back to the chamber and I look forward to her bringing young Mitch in to be cuddled by members of the chamber on all sides. In relation to her question, sir, I will take that on notice and bring back the details for the honourable member.

The PRESIDENT: Supplementary, the Hon. Ms Lensink.

SA WATER

The Hon. J.M.A. LENSINK (14:26): If the minister cannot advise that (which clearly he can't) can he advise how many residents and businesses affected by burst water mains he has apologised to in the last two weeks?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:27): I again thank the honourable member. Of course, as she would probably realise, because she is an avid listener to my appearances in the media, I have always expressed sympathy with people who have been—

The Hon. J.M.A. Lensink interjecting:

The PRESIDENT: Not very parliamentary, the Hon. Ms Lensink.

Members interjecting:

The PRESIDENT: No, that was more of a cackle; it was not a laugh. Minister.

The Hon. I.K. HUNTER: Mr President, I draw your attention to some rulings by your federal colleague—I think the member for Mackellar, was it?—about inappropriate laughter. You might want to consider that record in your deliberations on such an important matter.

The PRESIDENT: Answer the question, minister.

The Hon. I.K. HUNTER: Thank you, Mr President.

Members interjecting:

The Hon. I.K. HUNTER: Yes, indeed. I have always expressed our concern that SA Water responds to community needs as best they can. I think honourable members will recall from the

SA Water water mains incident at Paradise in recent times that, in fact, we expressed the view that SA Water needs to relate to the community better.

Of course, the technicians are out doing their job and closing down the mains, but they are not often the best-placed people to communicate with the residents who are impacted. SA Water have a team in place which goes out now and talks to the community about the delays and talks to the community about when they expect water to be reconnected. If appropriate, and if requested, they provide them with packaged water and convey to them all the information they need to know in terms of subsequent loss or damage to their property.

We are keenly aware of the need for SA Water to become more community responsive, and they have put in place a team who will do that work alongside the technical crew who are repairing the mains at that point in time. That is all to the well; we hope that works successfully for them, and that is a responsive way for SA Water to talk to the people who it is impacting through the wastewater mains.

SA WATER

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:29): My question is to the Minister for Water. Minister, will you guarantee that any resident or business whose property has been damaged will be fully compensated?

The PRESIDENT: Before you answer that, can I just give a friendly reminder to our photographer up there that you are only to take photos of members on their feet and not while they are sitting, thanks. Minister.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:29): I thank the honourable member for his most important question. He would also be aware, I hope, from watching my media appearances and also from my commentary in the past, that SA Water will make sure that no-one is out of pocket if they have been responsible for causing damage or loss.

If the damage or loss is not SA Water's fault then the first port of call is, of course, to go to your insurance company. All of us, whether we are a business or a householder, are responsible for providing our own insurance for that business or for our household. That is a responsibility we all have and all share. SA Water, of course, when it is at fault—as it was indeed at Paradise, and it accepted that fault was caused by an operator error—makes quite sure that it refunds the affected property owners for any damage or loss.

SA WATER

The Hon. S.G. WADE (14:30): I seek leave to make a brief explanation before asking a question of the Minister for Water and the River Murray.

Leave granted.

The Hon. S.G. WADE: The Minister stated last week that SA Water's breaks are around 14 per 100 kilometres per annum. Why then does the most recent annual report of SA Water Corporation state that it is 19.3 per 100 kilometres per annum for the metropolitan area?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:31): That is advice I think I have given the Hon. Mr Wade when he asked a supplementary question at some stage in the recent past about breaking down the figures between the statewide figure and the metropolitan figure. The statewide figure, as I said, is around 14 and the metropolitan figure is around 19. The benchmark guide that is set by ESCOSA is around 21, and I have given the figures in this place many times previously about how we compare to our interstate water utilities. We are at the top of the tree. We are in the top quota. If you compare it to Victoria, or Sydney, or Brisbane—

The Hon. R.L. Brokenshire interjecting:

The Hon. I.K. HUNTER: The Hon. Mr Brokenshire pretends—

The PRESIDENT: Don't fight with the Hon. Mr Brokenshire, minister.

The Hon. I.K. HUNTER: —that water utilities are unique, that they don't have any relation to water utilities in other states, that the business model is completely different. There are some unique aspects to water utilities in South Australia, because we have to put up with the soil conditions that the Hon. Mr Ridgway does not believe exist. The Bay of Biscay soils, the expansive clay soil that underlies a lot of Adelaide, particularly in the eastern suburbs adjacent to the foothills, which cause us even more problems. Yet, even with those expansive clay soils we have better outcomes than comparable water utilities which have a connected customer base of greater than 100,000. A greater outcome than most of those other utilities. We are right at the top of the tree. That is because SA Water has been investing and refurbishing its infrastructure for more than a decade.

SA WATER

The Hon. S.G. WADE (14:32): Supplementary: why is the minister contrasting the metropolitan target of 21 breaks per 100 kilometres with the statewide performance, rather than the metropolitan performance of 19.3?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:32): Yes, the Liberal members opposite do cherrypick as the Hon. Michelle Lensink reminds us. They have been doing it since she has been away. Now that she is back I hope she will assert some discipline on her team. SA Water has a statewide business of 27,000, almost 28,000 kilometres of pipes, more than any other water utility in the country. I think the next biggest may be Sydney Water, from memory (I could be wrong but I will correct it) around 22,000 kilometres of pipes; it might be 25,000. We have 27,000 kilometres of pipes, more than any other water utility. It is a connected business, those pipes are connected, you cannot break it down one versus the other. When you want to cherrypick your figures you need to have a look at the whole business.

The PRESIDENT: Supplementary, the Hon. Mr Ridgway.

SA WATER

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:33): The minister talked about the Bay of Biscay soils. What impact do temperature changes on soil and water pressure have on the rate of bursts?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:33): I am not quite sure what he means by soil temperature or water temperature or atmospheric temperature, or whether he means, in fact, the requirements of the water in the pipe or the external operating situation with the soil and the chemical composition. They are all very important. We know we have those expansive clay soils because if any of us has ever lived in a house or rental accommodation in the eastern suburbs, we know that when it rains, usually after the season break on ANZAC Day, we get cracks in our houses.

That will continue for two or three months. We have peaks and troughs in the amount of bursts and they usually align themselves with when we get rain and that expansive clay expands and causes cracking, and then it will settle down until we start to dry out again, around October, November and December, and then the clay of course contracts and it causes more soil movement. That exact same pressure that applies to houses is also applied to our pipes.

SA WATER

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:34): I have a supplementary question coming out of the minister's answer. In today's paper, *The Advertiser,* there is a lovely little photo of a blue man in a little cardboard cut-out—I thought it was quite flattering and not reflective (and I'm going to distract you, I know, Mr President) of your natural body shape but nonetheless it states:

SA Water says increased bursts during this time of year are 'not uncommon' due to temperature changes affecting soil and water pressure.

Can the minister explain what they mean by 'soil and water pressure' during temperature changes and the minister might like to also indicate if SA Water has a delivery pressure guaranteed to every household?

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 can't speak for what is written in that esteemed journal of record.

An honourable member interjecting:

The Hon. I.K. HUNTER: I can't speak to that. What I am aware of is that we have these changes every year. I go on the radio every year about this issue. I was on the radio last year and I was on the radio the year before because when it rains those soils react, and whilst it puts pressure on houses it also puts pressure on our water pipes and that is when we get the peak in the season.

That is the overriding condition that I am aware of. There may well be other conditions that also impact—I would be surprised if there wasn't—but at this time of year that is the overriding impact: that is, the water measure that goes to those expansive clay soils, makes them expand and put pressure on our pipes just like the houses that we live in; there is no difference and that pressure causes ruptures. It always has done and it will do again.

However, the key point is this: we have one of the best-performing water utilities in the country when it comes to mains bursts. The reason why we have one of the best-performing water utilities when it comes to mains bursts is that we invest over $300 million on average every year to refurbish our infrastructure. I was told recently that over $50 million is used just for repairing our breaks in mains, but over $300 million a year for our infrastructure, refurbishment and upgrading. By doing that we are able to have one of the best-performing records in terms of mains breaks—and we will continue to do that. Other water utilities elsewhere do not have those reactive clay soils so they should be doing even better but even with that we still come up near the top of the tree.

DEFENCE SHIPBUILDING

The Hon. G.E. GAGO (14:37): Can the minister inform the chamber about the benefits of long-term shipbuilding here in South Australia for local manufacturers?

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) (14:37): I thank the member for her question and her interest in supporting both our defence sector and our manufacturing sector. Since this chamber last sat, South Australia's defence sector has received some very welcome news as it has secured a number of shipbuilding contracts, most significantly the future submarines.

When it looked like South Australian jobs were on the line the community, the government and many here in South Australia stood up for this state. The South Australian government through that time has called for and pushed for a local build that would provide jobs here in South Australia for South Australians. Now that that announcement has been made we have committed to ensuring that we can get every single job possible from naval defence shipbuilding contracts.

Members interjecting:

The PRESIDENT: Order! I do not want the Leader of the Opposition to be bending my ear after this session about your behaviour. Can the honourable minister please continue in silence.

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

The PRESIDENT: The Hon. Mr Dawkins, sit and listen to this very important contribution.

The Hon. K.J. MAHER: Thank you for your protection from the Hon. John Dawkins, Mr President. That is why the Premier met with the successful bidder for the submarines, DCNS, and visited its shipyards just days after the announcement. This proactive measure will help the government to understand all of the things that we need to do to maximise the benefits for South Australia.

We are committed also to supporting our auto companies and auto supply chain that have the ability to diversify where they can into the defence sector. We are already seeing some do this

and we will do what we can to support further diversification. Now that there has been an announcement, companies from all over the world will want to get involved with naval shipbuilding in South Australia.

We want as many as possible of those international companies based here, and we want to make sure that companies that are already located here in South Australia get as much work as they possibly can, particularly those companies that are looking to transition, as some are doing, from the automotive sector to the defence sector, because that means employment, that means jobs here in South Australia.

It is not just about the raw number of jobs. Shipbuilding will provide smart high-tech careers for decades to come for South Australia's young people. This is not just about short-term jobs; this is about long-term careers. I am told that DCNS estimates that the construction of the submarines in South Australia will create somewhere in the order of almost 3,000 direct jobs; something in the order of 1,700 jobs at ASC, including things such as naval architects, marine engineers, draughtsmen, boilermakers, hull welders, electricians, mechanical fitters, pipefitters, welders, painters and production managers.

There will also be some jobs—possibly 100 jobs—in the DCNS head office; an estimated 600 jobs in supply chain—things such as mechanical and electrical engineers, supply chain managers, configuration managers and project managers; and an estimated 500 jobs in combat systems integration—jobs such as software architects, software engineers, software developers, electronic engineers and sensor specialists.

I am also told that the indirect jobs impact could be as high as 3:1. We know we need to provide as much support as we possibly can to make sure that local workers and companies are ready to take advantage of these shipbuilding opportunities, so we have to be flexible with the support that we provide. That is why the Automotive Supply Diversification Program and the Automotive Workers in Transition Program will be reconfigured to include a stronger focus on ensuring workers and component manufacturers can best take advantage of South Australia's high-tech shipbuilding industry. We will work closely with shipbuilders to determine what skills and capabilities they need in our local suppliers to be part of their supply chain and make sure that our programs are directed at helping the transition into those requirements.

EATING DISORDERS ASSOCIATION OF SOUTH AUSTRALIA

The Hon. K.L. VINCENT (14:42): I seek leave to make a brief explanation before asking questions of the minister representing the Minister for Health regarding support and treatment for people with eating disorders.

Leave granted.

The Hon. K.L. VINCENT: It has come to my attention, and the attention of other members, I would assume, in recent days that changes are afoot regarding telephone and internet support services for people in crisis with a range of issues and/or mental illness, following the National Mental Health Commission's recommendation that the national digital triage gateway be established. There have been reports that the Butterfly Foundation, a national organisation providing support to Australians with eating disorders, will no longer be funded come July 2017 to provide phone helpline support once the triage phone line is established.

While the federal Minister for Health has since clarified that individual organisations with specialist helplines will continue to receive direct phone calls and emails and be funded to do so, the exact structure and funding arrangements for all digital support services in this space remain somewhat unclear. Meanwhile, the Eating Disorders Association of South Australia (ADASA) support services ceased to operate at the end of November because after three years of not receiving any support or funding from the South Australian state government and SA Health it has become a necessary economic decision.

The South Australian state government is aware of ADASA's services and the fact that they do not receive any funding, as I understand it. My questions to the minister are:

1. Is the minister aware that anorexia nervosa has the highest death rate of any mental illness?

2. Why does the minister not provide any funding to ADASA for the essential services that they provide South Australians with eating disorders and their families?

3. Is the minister aware of any changes at a national level in relation to telephone helplines, web services and email support in relation to mental health and more specifically eating disorders?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:44): I thank the honourable member for her most important question. I will take that question to the Minister for Health in another place and seek a response on her behalf.

SA WATER

The Hon. J.S. LEE (14:44): I do not need to seek leave to make a brief explanation; can I just ask a question directly to the Minister for Water and the River Murray about SA Water?

The PRESIDENT: You may.

The Hon. J.S. LEE: Minister, do you stand by your comments that SA Water is a nationally outstanding company, as quoted by you in *The Advertiser* on 12 May; and do you also stand by your comments that SA Water's pipe network is in good condition, as per your reply to a question about water pipe breaks on 7 May?

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 her most important question. I don't need to stand by my remarks, because these remarks are based on Bureau of Meteorology published material. Shortly I will read into the record some of that. I have to say that SA Water does perform incredibly well when it compares to interstate utilities in relation to burst water mains. The facts show that rather than water bursts increasing at an exponential rate, as has been claimed by some, we have actually had 15 years of a stable rate for mains failures, which I can happily list.

The raw figures show just how stable the rates have been, with approximately 4,000 bursts occurring every year for the past 15 years. That figure is an average. It jumps up and down, depending on the climate of the time, of course. I will read out a statistical table representing these figures, which demonstrates just how stable the rates of water mains have been statewide since the year 2000.

The figures are as follows: 2000-01, 4,258 breaks; 2001-02, 4,100 breaks; 2002-03, 4,360 breaks; 2003-04, 4,488 breaks; 2004-05, 4,244 breaks; 2005-06, 4,028 breaks; 2006-07, 4,471 breaks; 2007-08, 4,527 breaks; 2008-09, 4,577 breaks; 2009-10, 4,281 breaks; 2010-11, 3,779 breaks; 2011-12, 3,418 breaks; 2012-13, 3,504 breaks; 2013-14, 3,091 breaks; 2014-15, 3,825 breaks. The 15 year statewide average is 4,049.5.That is pretty stable for a water system that comprises 27,000 kilometres of pipe.

I can only refer the honourable member to the tables in the Bureau of Meteorology's published reports, which I referred to in some of my previous answers. The relevant criterion you need to look at to compare different utilities is the amount of pipe. There is a well-established measure that is used for this, and that is the number of breaks per year, per 100 kilometres of pipeline. That, of course, then stabilises all of the networks because you reduce it by 100 kilometre segments and you can get an average.

During 2014-15 we have had a pretty good outcome. This is again consistent, because we have actually put in the investment to make sure we are having continuous refurbishment of our systems. As the Hon. Mr Wade reflects, the number across the state for the entire pipe network of 27,000 kilometres, for that year, is 14.1 or thereabouts, and if you want to refer to just the metropolitan area, it is around about 19.

The Hon. S.G. Wade: Well, you misled the public last week.

The Hon. I.K. HUNTER: Oh, goodness, keep trying Mr Wade.

The Hon. S.G. Wade: You were talking about 14 last week.

The Hon. I.K. HUNTER: That is the statewide average, Mr Wade.

The Hon. S.G. Wade: You compared it with the 21 in the same statement.

The Hon. I.K. HUNTER: Well, when you are talking about utilities, Hon. Mr Wade, you are talking about—

The Hon. S.G. Wade interjecting:

The PRESIDENT: This is not debate time: it is question time. You have asked your question.

The Hon. I.K. HUNTER: —27,000 kilometres of statewide piping. That is 27,000 kilometres, Mr Wade, and that is the statewide result. If you want to focus down on the metropolitan area, I have given you those figures in the past and I can give them to you again.

But the incredibly important issue is to focus on what SA Water is trying to do to drive down the number of breaks. When you look at the figures, when you look at the facts—and I believe this is a very important thing to do, that if you are going to mount an attack on someone mount it on the basis of the facts. Even *The Advertiser*, which started a campaign last week around water mains breaks, once they looked at the Bureau of Meteorology report and saw the data which shows that SA Water performs exceptionally well, in comparison to other water utilities, they pivoted off on to some other subject. They didn't want to continue that discussion because the data confounded the point they were trying to make.

The data confounded the point they were trying to make. Even if it is just aggregated—the Hon. Michelle Lensink is trying to stir the pot here and muddy the waters—even then we outperform almost every other water utility. We are in the top four in that Bureau of Meteorology comparative report. So, there is just no way for members opposite to try to disguise the fact that SA Water invests heavily in refurbishment of the infrastructure. That investment directly drives down the number of breaks in our pipeline system, and the only way you can compare that is to compare it across 100 kilometres of pipeline per year, the well-recognised industry measure, which the Bureau of Meteorology reports on, in relation to mains water breaks.

I have never said that SA Water is a perfect water utility—I have never said that. I said, in relation to the Paradise water breaks, that work is to be done in terms of our customer relations, how we relate directly to those people impacted by the breaks. When people are lining up to make criticism about the water breaks in the water mains, they need to use accurate information, and that is something the Liberals would not know how to do.

SA WATER

The Hon. J.M.A. LENSINK (14:51): Supplementary question: can the minister advise the chamber whether the performance of SA Water would be better or worse if it disaggregated its country and metro data, as I have asked him to do in relation to pricing in the past?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:51): I fail to see how that arises as a supplementary from the original question or answer, but let us look at pricing. Do the Liberals honestly understand that there was no price drop through ESCOSA's last determination of, what was it—6.4 per cent, was it the Hon. Michelle Lensink?

The Hon. J.M.A. Lensink interjecting:

The Hon. I.K. HUNTER: Was it 6.4 per cent? The water prices were driven down by ESCOSA's last determination by about 6.4 per cent—it might be a little bit higher. The next draft determination, which they will consider handing down very shortly, foreshadows a further decrease in water prices and foreshadows another decrease in sewerage prices. That is for ESCOSA to determine—I cannot prejudge what that outcome will be, but its draft determination certainly points in that direction. So, the economic regulation that this government has put in place through ESCOSA has driven down the cost of water to our customers, and that is what we will continue to do.

The Hon. Michelle Lensink, of course, never raises the issue of statewide postage stamp pricing. This government also makes sure that people on the SA Water network, those 27,000 kilometres of pipeline, pay the same cost for water, even though the cost of delivering water into the rural regions is much more expensive than it is delivering it into metropolitan Adelaide. We believe that it is fair that a community service obligation is made so everybody in South Australia on that distribution network pays the same price. Are the Liberals actually saying they want those prices to go up? They do not tell you about their policy of secretly privatising SA Water. They will not tell you about that. This is what they wanted to do at the next election; this will be what they want to do at the next election.

The Hon. R.I. Lucas interjecting:

The Hon. I.K. HUNTER: The Hon. Mr Lucas pipes up! This is a man largely unspoilt by failure through his whole career. He was responsible for privatising ETSA. That is what he has to be proud of: privatisation of ETSA. We know what that did to utility prices. That is what they will do to water if they ever get their hands on the Treasury benches.

SA WATER

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:53): I have a supplementary question, coming out of the minister's answer. The minister mentioned statewide pricing. When will the government provide statewide water quality to the people of South Australia?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:53): I thank the honourable member for his important supplementary question. Again, he probably has not referred himself to any of the information out there, published, about the quality of the water that is supplied through our 27,000 kilometres of pipe network.

The Hon. D.W. Ridgway interjecting:

The Hon. I.K. HUNTER: Okay, he is now indicating that he is talking about people who are not on the reticulated supply. If the Liberals are proposing to change the delivery of water or change the quality, then they will have to come up with a plan to fund it. They will have to come up with a plan to fund it. Let us find out how they will fund these grandiose schemes that they might undertake. This could be the first Liberal proposition for the next election, and we will see what they are going to do. I would be willing to have a little hunch here that, again, their whole budget will be predicated on the privatisation of SA Water, but they won't tell anybody about that until after the election.

BOTANIC GARDENS OF SOUTH AUSTRALIA

The Hon. T.T. NGO (14:54): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister tell the chamber of some of the recent initiatives funded by the Botanic Gardens and how these are having a positive effect on visitor numbers and interest in the gardens?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:55): I thank the honourable member for his very important question. It is worth reminding everyone in this place about how fortunate we are to have the Adelaide Botanic Garden and the Mount Lofty Botanic Garden at our doorstep. It is easy to take these beautiful open spaces—

The Hon. J.M.A. Lensink: You wanted to sell them. You were going to sell them a few years ago.

The Hon. I.K. HUNTER: The Hon. Michelle Lensink is enjoying her return to the chamber, Mr President, but unfortunately the information she is trying to provide is completely wrong. She might be referring back to a former Liberal plan. We will allow her that lapse. It is easy to take these beautiful open spaces for granted because they are such an integral part of our cityscape. I would like to take a moment to talk about these important institutions and the fantastic work that the staff at our gardens have been doing to promote them, both locally and internationally, and ensure that they offer something for everyone.

The Adelaide Botanic Garden attracts, I am told, around 1.5 million visitors each year and is constantly ranked as one of the top tourist attractions on sites such as TripAdvisor. The staff at the gardens do not just sit on their laurels—that was a botanic joke—they are constantly exploring new ways to engage people in the gardens; for example, their outstanding use of social media. This was evident in the fantastic reaction to the blossoming of the titan arum, or so called corpse flower. This is a rare plant that is apparently threatened by deforestation in the wild. It is also notoriously difficult to cultivate. It takes about 10 years, I am advised, to flower from seed and then blooms for only 48 hours, or thereabouts.

More than 16,000 people, I am advised, queued to view and smell the flower at the Mount Lofty Botanic Garden in December and the Adelaide Botanic Garden in February. A time-lapse video of the Mount Lofty flower had been viewed more than 2.5 million times on YouTube, I am advised, while the gardens' website has increased its traffic by 50 per cent since December. There could be more international profile to come, with the gardens working to propagate many more of these rare plants.

Social media also played an important role in the record-breaking crowds that have flocked to see the stunning autumn colours at the Mount Lofty Botanic Garden this year. More than 10,000 visitors, I am advised, came to the gardens over 16 to 17 April. That's more than double the visits from the previous weekend. The significant increase in visitation is likely due to a post on the Mount Lofty Botanic Garden's Facebook page featuring images of the autumn colours photographed and shot by talented visitors. These reached more than 220,000 people and were shared almost 1,500 times in just a few days.

To accommodate the crowds, the Mount Lofty Botanic Garden not only extended opening hours but also set up two free shuttle bus loop services operating every 30 minutes to alleviate traffic and parking congestion. In addition to these achievements, the Botanic Gardens staff found time to host the inaugural Heirloom Weekend on Saturday 9 April and Sunday 10 April in collaboration with the Diggers Club, and this was a well-visited free event featuring displays, workshops, live music, farmers market stalls and children's activities.

They also held the National Rose Trial Garden—People's Choice Weekend, a popular event where the public gets to vote for their favourite new variety of rose which is growing in the National Rose Trial Garden. This year's event was the most successful yet, attracting 1,204 voters, a record number of votes since the event began and almost double what they received in 2015. The winning rose was bred by Roses Guillot in France and submitted by local agent Knight's Roses of Gawler.

In April the Adelaide Botanic Garden began its series of masterclasses covering a variety of topics, including plant propagation, the art of bonsai, developing and cooking with a veggie garden, and pruning for fruit. The full 2016 program of masterclasses is available on the Botanic Gardens of South Australia website. I urge people to take a look, but be quick, they are very popular and spaces are filling fast, I am told.

The Botanic Garden continues its highly successful Little Sprouts Kitchen Garden program to encourage a whole new generation of gardening enthusiasts. I understand that the program is fully booked for terms 1 and 2 in 2016, with a total of 3,500 children booked in for the 2016 calendar year. In addition to these activities, the State Herbarium of South Australia is the key centre for knowledge and information on South Australia's native and naturalised plants, algae, fungi and lichens, and we are internationally recognised for our research and advisory role in plant systematics.

The State Herbarium of South Australia has an ongoing association with several French herbaria as part of the international network of institutions that curate herbarium collections, including in Paris, Nice and Montpellier, as well as the herbarium in New Caledonia. Our plant specimens are sent to French herbaria as duplicate material and to be included in their collections as part of an international program to share natural history collections.

The herbarium collection in Paris is particularly important in the history of early European exploration of scientific endeavour of Australia, I am advised. There were many specimens collected during the Baudin expedition, for example, which took place at the same time that Matthew Flinders was exploring our coastline, and resulted in one of the first European collections of plant and animal

specimens for southern Australia. Because these collections are held at the Herbier National de Paris, one of our honorary researchers is visiting the Paris herbarium this month to observe the specimens and further her research of the discovery of a new species of grass collected in western South Australia.

The range of activities, programs and events being run by the Botanic Gardens is incredibly impressive. It is particularly wonderful that they continue to explore new ways to get people excited about visiting these beautiful gardens. I would like to take this opportunity to congratulate and sincerely thank the staff at the Adelaide Botanic Garden for their fantastic efforts and their dedication.

HOME DETENTION

The Hon. D.G.E. HOOD (15:00): I seek leave to make a brief explanation before asking a question of the Minister for Corrections regarding anklet detection bracelets.

Leave granted.

The Hon. D.G.E. HOOD: Members may be aware that last night on the television news Channel 7 reported some disturbing information that a number of people who had been subject to home detention orders by the courts, and therefore are required to wear bracelets that can track their whereabouts, have actually discovered a way of bypassing the tracking devices on those bracelets. According to the story at least, it is as simple as wrapping the device in alfoil. Apparently that therefore prevents the signal going back to the base station and these people are therefore untraceable. My questions are:

1. Can the minister confirm that it is actually the case that there are people who are subject to home detention orders who are able to leave their houses as they choose if they wrap their bracelet or anklet, as it may be, in alfoil? If so, how many instances or individuals have been detected by Corrections for doing that and, indeed, are Corrections confident that they are aware of all the individuals doing it or are there some that are currently undetected?

2. If this is all true and accurate, what is the government's plan to fix this problem?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:02): I would like to thank the Hon. Mr Hood for his questions. I know he has a passion for community safety, which is one that I share. What I would say from the outset is that home detention remains an incredibly important tool when it comes to keeping our community safe. Many members would already be aware that the cost of incarcerating people is incredibly expensive to the South Australian taxpayer, and sometimes the court will deem it appropriate to use home detention as a means to ensure community safety when a member of our community has done something wrong. I can inform Mr Hood and the public more generally that there are currently 612 people in South Australia who are on home detention.

The report last night at first glance would, of course, cause some concern amongst some people in the public if indeed it was true and that one could simply put alfoil on their bracelet and start walking around the community, but not surprisingly there is a little bit more to it than that. It is the case, I am advised, that alfoil can have the capacity to interfere with a signal; however, it is also true that there are a whole range of other technologies in place to ensure that community safety is preserved in an instance when someone tries to pull such a stunt.

For starters, there is a radiofrequency unit installed in an offender's home that can detect whether the individual is within range. If an offender tampers with their ankle unit, for instance, by trying to put alfoil on the unit, a tamper alert is immediately raised, just as if a person on home detention tried to cut off their ankle bracelet. As soon as that alert is raised, it is straightaway transmitted to the Intensive Compliance Unit, which obviously operates 24 hours a day, seven days a week, 365 days of the year.

Put simply, if someone who is on home detention tries to put alfoil on their ankle bracelet, it will immediately alert the Intensive Compliance Unit, who will then start actioning accordingly. I am currently in the process of trying to seek an answer which would answer Mr Hood's more specific question on how many times this has occurred in recent months. I am happy to share that information with Mr Hood and the public more broadly once that is drawn to my attention. I will take that part of the question on notice.

I am assured by the Department for Correctional Services that the community at large are not put at risk by those people who are on home detention who seek to leave their premises. An alert is raised, and there are substantial consequences for someone who does try to pull on such a stunt. They can be found to be in breach of their home detention orders, which could indeed result in them going back into custody or being incarcerated. Rarely does this occur, I am advised, but I am happy to get the specific information that Mr Hood asked for and bring that back to the chamber.

HOME DETENTION

The Hon. D.G.E. HOOD (15:05): Supplementary: I thank the minister for his answer. Can the minister confirm how many instances have been detected by Corrections of individuals apparently trying to tamper with their device using the alfoil, as exposed, if you like, on Channel 7 last night?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:06): As I said and already committed to, I am happy to take that question on notice and get the specific information that you have asked back. I have already made inquiries in light of the report on *7 News* last night regarding this. I think the critical message that should be taken out of this is that the South Australian public does by and large remain safe and secure from those people who are on home detention.

There are a range of technologies outside of the bracelet that are in place. DCS (Department for Correctional Services) already has in place a whole range of mechanisms to ensure that home detention orders are complied with that go beyond the anklet itself. Indeed, the unit that is responsible for monitoring home detention themselves do conduct random visits to people's homes to ensure that everything is in order.

There are a whole range of checks and balances in place regarding home detention, and the public should have confidence that we are doing everything we can as a government to ensure that people who are on home detention do indeed comply with those orders and remain at home and out of harm's way. In regard to the specifics, those questions have already been raised, and again, I am more than happy to bring that information to the light of the public more broadly through this chamber as it comes to hand.

SA WATER

The Hon. T.J. STEPHENS (15:07): My question is to the Minister for Water and the River Murray. Minister, the National Performance Report that you selectively quoted last week shows that SA Water takes longer than any other utility to restore services. Have you investigated why this is the case and, if not, why not?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:07): A sensible question from a very sensible member; I thank him for it.

The Hon. J.S.L. Dawkins: That's not what you said a couple of weeks ago.

The Hon. I.K. HUNTER: But he's learnt a bit in that time. It is important to understand the context of the question, and the context of the question is certainly this: 27,000 kilometres of pipe, 28,000 kilometres of pipe. That is the context of the question, Mr President, because you know that, in relation to that, people have a longer way to go to attend to leakages. If you are talking about a water utility that is based just on a metropolitan area, like Sydney Water for example, then the amount of time they take to get to a job is considerably less on average than it would be across the state of South Australia, which is what the measure is.

If you wanted to compare—and I do not believe these figures are available—the outcomes in terms of response to metropolitan callouts, you might find a similar level, but of course we have 27,000 kilometres of pipe. So, there is going to be a longer average attendance on jobs because, if you consider those large expanses of pipe in the country, it is going to take time to get your teams and your crews out there.

The honourable member talks about the Liberal Party cherrypicking figures, which of course they are wont to do, but it is also important to understand the Bureau of Meteorology has other tables

which commend SA Water for the work that it does. Other tables show, for example, again, SA Water in the top performing utilities when it comes to responding to telephone inquiries in less than 30 seconds. We are up at the top of the league table there as well, Mr President. I do not think that was mentioned when the Liberal Party was cherrypicking these figures, Mr President; they just went to one other table they wanted to go to.

Another one they raised relates to the leakage index per head of population. Of course, again, the context is 27,000 kilometres of pipeline compared to some of our competitors that might only have 10,000, 12,000 or 15,000. Of course the leakage over 27,000 kilometres of pipeline is always going to be greater than those with a smaller portfolio of pipes. And, of course, those water utilities based in the big urban centres have a higher population to divide the amount of water loss through than South Australia does.

With a larger network of pipes and a lower population than, say, Sydney Water has to service, of course that figure is always going to look bad for us, purely because of the structure of our state, the structure of the pipes right across South Australia, and the number of connections being considerably lower than what you would have in Sydney, for example. They can get a better outcome by simply dividing by four million people instead of what we can dividing by two million people, or 1.8 million—whatever the figure might be in terms of connections at the point of time.

When the opposition does cherrypick figures, it is incumbent on people to be wary of that because there are mixed outcomes in those reports for every water utility. SA Water performs exceptionally well in some areas and not so well in others, and they are the areas that SA Water needs to pick up its performance on.

One of the other areas that SA Water will be picking up its performance on is customer relations. When we are out there fixing those breaks with our technical crews, we will have customer relation teams out there doorknocking at the same time, explaining what the break is about, how long the expectation will be for the water to be off, providing the information that is required, and providing water if it is requested and required if the outage is going to be over a number of hours. That is what we need to do better: relate to those communities and give them the information that makes them understand what is happening with the technical crews who may be two or three streets away.

SA WATER

The Hon. J.M.A. LENSINK (15:11): Supplementary arising from the answer: given that the minister tried to indicate that this was related to the inclusion of the regional business in the metropolitan business, he may need to take this on notice, but could he actually delve into the data and find out whether it is indeed because the regional length is included in the aggregated information that he provides to the Bureau of Meteorology, and what those figures are?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:12): I am not exactly sure I understand the Hon. Michelle Lensink's question. Does she—

The Hon. J.M.A. Lensink: Read the *Hansard*.

The Hon. I.K. HUNTER: I still don't think, even if I read the *Hansard*, that I would understand the Hon. Michelle Lensink's question. But, again, common sense needs to be brought to this engagement—common sense in terms of considering the context of the business. When you have the biggest pipe network in the country, that is going to give you some—

The Hon. J.M.A. Lensink: Well, prove it to us!

The Hon. I.K. HUNTER: We can go out with a tape measure if you like, Hon. Michelle Lensink, and both of us can go and measure it up, but—

Members interjecting:

The Hon. I.K. HUNTER: Mr President, all I can advise the chamber is: the advice I have from SA Water is that our pipeline network is over 27,000 kilometres. I think, from memory, the last advice I had was it was around about 27,800 kilometres of pipeline. That is the advice that I have and I am sure that is advice that the Bureau of Meteorology has as well.

VOLUNTEER FIREFIGHTERS MEMORIAL

The Hon. J.M. GAZZOLA (15:13): My question is to the Minister for Emergency Services. Minister, can you update the council about your recent trip to the South-East?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:13): I thank the Hon. Mr Gazzola for his important question. I know he is very keen to see ministers out in regional areas and I am very grateful for him seeking an update on my recent visit to the South-East.

There was a range of reasons why I took the opportunity to visit the South Australian South-East last week, but one of the great pleasures that I had during my visit was attending the official dedication of the South Australian Volunteer Firefighters Memorial in Naracoorte. As members may be aware, Wednesday 4 May was St Florian's Day. St Florian is of course the patron saint of firefighters, and there was no more fitting a day for the dedication of the South Australian Volunteer Firefighters Memorial in Naracoorte.

The memorial is a really moving and fitting tribute to each and every volunteer firefighter who has lost their life fighting for the safety of our state and their respective communities. I have to say that the event was a sombre occasion but one that honoured the memory of those who have made the ultimate sacrifice in fighting for community safety.

I really want to make special mention of a gentleman who I think has principally led the charge for the development of the volunteer firefighters memorial, and that is a gentleman by the name of Mr Rex Hall. Mr Rex Hall may be known to some members of this chamber; he is an incredibly good man. I have not had the pleasure of knowing him for a long time but I have had a number of engagements with him in the short time that I have been privileged to be in this office and I have to say that Rex strikes me as being an incredibly genuine and earthy committed character, and we have seen so many like him throughout our volunteer emergency services sector.

Rex has approached this task of the memorial and, indeed, the museum with an enormous amount of passion and dedication, and with that incredible community spirit which I think has resulted in so much of what makes our state so great. My particular thanks go to Rex and his committee for putting the memorial effort together. I am also pleased to inform the chamber that, of course, they have been successful in securing a $20,000 grant through the Fund My Idea initiative to progress future stages of the development that we hope to see down at Naracoorte. I would highly encourage people who are visiting the South-East to take the time to stop at the memorial at Naracoorte and to pay homage to those people who have lost their lives.

I also want to put on the record my thanks (and I won't name all of them) to the various organisations who took time out of their busy schedules to accommodate me and to pass on their learnings that are specific to their needs and efforts: various CFS brigades, SES brigades, and of course SAPOL as well. It was an incredibly productive visit and I think this government remains utterly committed to ensuring that our regions are well represented and that community safety in regions remains just as paramount there as they do in metropolitan Adelaide. I want to thank all the hardworking professionals and volunteers who have a lot of commitment to community safety in the South-East and I look forward to working with them into the future.

SUICIDE PREVENTION

The Hon. J.S.L. DAWKINS (15:17): I have a supplementary question. Will the minister indicate whether, during his visit to the South-East, he had the opportunity to learn more about the work of the SAPOL LSA in domestic violence and suicide prevention?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:17): Again, I thank the honourable member for his question. I know he has a particular passion for suicide prevention and it is one that this government wholeheartedly welcomes.

Yes, I did take the time to spend some time within that LSA. I spent some time in the Mount Gambier Police Station and had the opportunity to speak to a whole range of people who work within SAPOL in that LSA. Whenever you go to a different station or a different LSA there will always

be unique issues or different challenges represented. I think domestic violence is an issue that, unfortunately, permeates so many of our communities throughout the state but it is an issue locally there as it is everywhere. There is a range of other challenges that we discussed including the drug challenges that exist in many of our regions, particularly with the all-invasive drug ice that so many South Australians are concerned about.

Specifically, yes, there were issues discussed around domestic violence, not necessarily suicide prevention immediately. There was a range of issues discussed that I know are contributing factors to what we see occurring regarding suicide within the community. These are things that we need to remain vigilant about and are things that I know are top of mind for SAPOL. Obviously no work that we put into this area can be too much but, rest assured, this government remains utterly committed to the causes the honourable member asked about.

NUCLEAR WASTE

The Hon. M.C. PARNELL (15:19): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about nuclear waste dumps on crown land.

Leave granted.

The Hon. M.C. PARNELL: On 29 April, the federal Minister for Energy, Resources and Northern Australia, Mr Josh Frydenburg, announced that the short list of six self-nominated sites for a commonwealth nuclear waste dump had been narrowed down to just one site, being at Barndioota in the Flinders Ranges in South Australia.

As members know, the land in question is crown land; it is under the Crown Land Management Act 2009 and is subject to a perpetual lease. As the minister knows, under the Crown Land Management Act, a lessee is not able to excise any part of the lease without the express permission of the minister, or to use any part of the lease for a nuclear waste dump without the minister's permission. In other words, leaving aside the legislative prohibition on nuclear waste dumps in this state found in the Nuclear Waste Storage Facility Prohibition Act 2000, there is the more fundamental issue that the ultimate fate of the land in question is squarely in the hands of the minister. There is only one site being considered, and that is crown land under the control of the minister.

No-one believes that the federal government would have put all its eggs in one basket unless it had some assurance that it had the support of the ultimate owner of the land as represented by the minister. My questions of the minister are:

1. What discussions has the minister or his department had with the federal government over a possible commonwealth nuclear waste dump at Barndioota in South Australia?

2. What assurances has the minister or his department given to the federal government?

3. Have any contracts, memoranda of understanding or other documents been prepared to reflect the state government's support for this nuclear waste dump, and will the minister share those documents with the South Australian public and this parliament?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:21): I thank the honourable member for his most important questions. He is quite right; I understand that the land he refers to that the federal government has shortlisted, along with other areas, is land that is held under a perpetual pastoral lease and as such is crown land. My understanding is that the federal legislation specifically contemplated that and made provision, either in the legislation—I cannot say—or in the regulatory approach that the federal government has taken to allow for leaseholders to nominate land to the federal government.

That does not, of course, answer any of the questions the honourable member has about what role I might have as the manager of crown lands in terms of that matter, but, from the federal government's point of view, my understanding is that their procedure allowed leaseholders to directly nominate to them, putting aside what that might mean in terms of our own legislation.

In terms of any discussions that I have had with the federal government about this, I cannot recall that there have been any. I cannot recall immediately that there has been any written communication to me about this either. There may have been some officer level discussions. I will have to take that question on notice and bring back a response, but as far as I am aware there has been no federal government contact with me or my office in relation to any discussions about this or any approval process. Whilst there may have been officer to officer contact which I am not aware of, I will make those inquiries and bring back the answer to the member.

NUCLEAR WASTE

The Hon. M.C. PARNELL (15:22): I have a supplementary question. Does the minister agree that it is inconceivable that the commonwealth would shortlist just one site in this entire nation without believing that it had the support of the state government?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:23): Given this commonwealth federal government, no, it is not inconceivable at all.

SMALL BUSINESS DEVELOPMENT FUND

The Hon. R.I. LUCAS (15:23): My question is directed to the Leader of the Government. Can the minister assure this house that before 30 June this year some small businesses will actually receive some of the funding from the $10 million Small Business Development Fund program announced back in January of this year as part of the Northern Economic Plan? Secondly, have the guidelines for that particular fund been finalised, and, if so, on what date were they finalised?

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) (15:23): I thank the honourable member for his question about the government's Small Business Development Fund. As members would be aware, the government released a comprehensive plan for northern Adelaide earlier this year, which identified growth areas to create new jobs in industries such as agriculture; food and beverages; health, ageing and disability; construction and urban renewal; defence; tourism; recreation and culture; and mining equipment and technology services.

A sector of the economy that has the capacity to assist the transformation of northern Adelaide is the combined effort of the thousands of small businesses that operate in this area. We recognise that many small businesses in northern Adelaide produce quality products and services and with a small amount of assistance will be able to expand their businesses and create further jobs.

With the upcoming job losses in the automotive manufacturing sector it is crucial that other sectors of the economy are growing. Certainly one of these areas is small business, and that is what the Small Business Development Fund is designed to do. I thank the honourable member for his particular question, and I am very happy to announce—as he probably would have seen my very good friend the Hon. Martin Hamilton-Smith's press release this week announcing as Minister for Small Business—the Small Business Development Fund, its components and its guidelines.

The first component of this fund will be the start-up business grant program, which will allocate $4 million over the next three years to support the creation of new small businesses. This grant program will match dollar for dollar up to $20,000. We know that while promoting small business is important to jobs growth, we do not want people investing significant sums of money into a venture without a strong plan for its success.

It is likely that some of the recipients of these grants may be people who have worked in the auto sector and who have received payouts, and to ensure that many of these new ventures are successful grant recipients will have to complete an approved business fundamentals training course. The second part of the Small Business Development Fund will be the business expansion grant program. This program will allocate $6 million over the next three years to help existing businesses expand and create jobs.

Grants will be available from between $10,000 and $100,000, again on a matched dollar for dollar basis. These grants will be assessed on a competitive basis, with the chief requirement being the creation of jobs for businesses in the council areas of Salisbury, Port Adelaide Enfield and Playford. We know that there will be a downturn in job losses in the automotive sector, so we are committed to giving this northern Adelaide region this boost.

The final decision for funding applications will rest with the Minister for Small Business, who is responsible for the small business grants program. The minister has informed me that recipients of funding from the Small Business Development Fund will have to report back to the government a year after the execution of the agreement, and will need to provide details of job creation activity and evidence of business creation or purchase. Funding will need to be repaid to government if it has not been expended on the job creation activity.

I am pleased with this latest step to support businesses, particularly small businesses, in South Australia. I understand that on DSD's website there is greater detail and guidelines for these grant programs. I am very pleased that the honourable member asked me the question today, after the minister, the Hon. Martin Hamilton-Smith, announced the program this week.

SMALL BUSINESS DEVELOPMENT FUND

The Hon. R.I. LUCAS (15:27): Supplementary question: I thank the minister for his response. Can the minister actually indicate whether or not any of the funds will be paid to small businesses before 30 June this year, or is the process that has been outlined one which will mean that grants will not be made available in this financial year?

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) (15:28): As to the exact timing I will refer to the minister in another place and bring back a reply for the honourable member.

NUCLEAR WASTE

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:28): I seek leave of the council to offer some further information to the Hon. Mr Parnell in response to his question.

Leave granted.

The Hon. I.K. HUNTER: I can advise that from the Australian government's perspective, to ensure that concept designs reflect Australia's current inventory, the commonwealth government wrote to EPAs around the country, including the South Australian EPA, seeking advice on any radioactive waste holdings within their jurisdiction. South Australia's radioactive waste holdings form part of a register that is publicly available under the Radiation Protection and Control Act 1982. The EPA periodically reports details of South Australia's holdings to the commonwealth government to assist meeting Australia's reporting obligations under the United Nations Joint Convention on the Safety of Spent Fuel Management and on the safety of radioactive waste management.

The EPA has advised the commonwealth government that this publically available information can be sought from the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). The EPA requires owners of radioactive waste to provide annual updates to the waste being held so that the inventory of holdings can be maintained, and the EPA inspects significant waste holdings to ensure that waste is stored safety and securely. I am informed that the waste currently stored throughout South Australia is done so in a safe and secure manner.

Bills

EMERGENCY MANAGEMENT (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 24 March 2016.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:30): I rise today on behalf of the opposition in this place to make some brief comments on the Emergency Management (Miscellaneous) Amendment Bill 2016, and I echo some of the comments made by my colleagues in the other place. Obviously the opposition will be supporting this bill and my colleagues have made significant contributions. I do not intend to go into any great detail today, however there are a few points that I would like to make.

It is my understanding that this bill follows a legislative review undertaken by the State Emergency Management Committee and formalises the role of the hazard leaders and the Zone Emergency Management Committees within the structure of the SA emergency management arrangements. The bill aims to do a number of things. Firstly, to clarify the authority of the State Emergency Management Plan, known as SEMP; secondly, to enable the efficient operations of the State Emergency Management Committee; thirdly, to ensure the emergency management arrangements are clearly defined; fourthly, to provide objects and principles to address clarity on the role and function; fifthly, to clarify the powers that may be exercised in relation to the disconnection of water and drainage; and, finally, to clarify various emergency management definitions.

The State Emergency Management Plan outlines the responsibilities of authorities and the mechanisms to prevent or, if they occur, manage and recover from incidents and disasters within our state of South Australia. The State Emergency Management Plan will be updated as required and reviewed by the State Emergency Management Committee. The State Emergency Management Plan relies on strong, cooperative, coordinated and consultative relationships among state government agencies and local government. State government agencies and local government will also be required to maintain effective relationships with other services and equipment owners and operators, to ensure that an efficient coordinated response can be made to an incident or a disaster.

I would like to echo the words of my colleague in the other place, the member for Hammond, and I am pleased that this bill absolutely ensures the protection from liability for those people who act in good faith in accordance with the act. People in the past have found themselves in difficult circumstances because they have actually just been trying to do the right thing and prevent the spread of a fire or save somebody's property, and then found that they have been somewhat liable for any of their actions. So I do think that it is important that if people are acting in good faith to attempt to help the community they should also make sure that they are indemnified or protected from liability.

The bill extends appropriate coverage to individuals executing directions in accordance with the State Emergency Management Plan. This option will allow any group of persons carrying out any directions or requirements issued under either the act or the State Emergency Management Plan to be provided with appropriate protection. This protection ensures that those at the forefront of the fire can make decisions without fear or prosecution. It requires a great deal of bravery to make some of those calls under high pressure and sometimes life-threatening situations, so I very much welcome this provision.

Ultimately this is not a contentious bill, and nor should it be. The bill seeks to ensure our state has strategies and systems in place to enable effective response and prepare a plan for disaster events. The safety of our community should always be of paramount concern for the members of parliament.

With those few words, I commend the government for undertaking this review and look forward to seeing the bill implemented effectively. I am not sure whether we are doing the committee stage of the bill today or just the second reading. If we are to do the committee stage, I will not put them on the record now, but there are just a couple of minor questions I would like to ask the ministerial adviser, if we are doing that today. I am not sure whether the plan is that we are going right through to the committee.

The Hon. K.J. Maher interjecting:

The Hon. D.W. RIDGWAY: Okay, that's fine. I have a couple of questions that I will ask but they will not be terribly difficult ones. I am not sure I have them at hand at the moment, but I will ask them, perhaps at clause 1, just so that the adviser can perhaps find the answer. So with those few words, I indicate that the opposition will be happy to support the bill.

The Hon. T.T. NGO (15:34): Recent local and world events, whether in the context of natural disaster or terrorism, remind us of the need to maintain effective emergency management arrangements. It has been 12 years since the Emergency Management Act 2004 was enacted. Since then, the state's emergency management arrangements have held us in good stead. They have seen us through the disaster and loss that was Black Tuesday in 2005; the one in 20 year flood of Virginia, also in 2005; the heatwave of 2009; and the recent fires that ravaged Sampson Flat as well as Pinery, which ultimately took two lives late last year.

This government is committed to ensuring that South Australia has effective emergency management and protective security arrangements. In recognition of this commitment, the state's arrangements have been updated and strengthened to ensure best practice and encourage community resilience through coordinated planning and disaster preparedness activities.

The Emergency Management Act provides the legislative framework for the management of emergencies in South Australia. The amendments to the act are important because they strengthen and enhance the government's already effective emergency management framework. Constant learning and experience has provided us with improvements and clarifications that will ensure the act can continue to provide for community safety and resilience into the future. These changes will ensure further clarity and integration of emergency management arrangements. This bill achieves this by further enhancing the PPRR hazards approach:

- P for Prevention—taking actions to reduce or eliminate the likelihood or effects of an incident.
- P for Preparedness—taking steps before an incident to ensure effective response and recovery.
- R for Response—contain, control or minimise the impacts of an incident.
- R for Recovery—taking steps to minimise disruption and recovery times.

This model is accepted Australia-wide, and I am pleased that this bill will now specifically cite this approach within the act. I commend the bill to the council.

The Hon. R.L. BROKENSHIRE (15:37): I was caught out because I thought the Hon. Rob Lucas would have spent 1½ hours on the Supply Bill, but I have discovered that no-one is spending any time on the Supply Bill. I rise on behalf of Family First to speak to the Emergency Management (Miscellaneous) Amendment Bill No. 112. I know that the new minister is going to get an easy leg up with this bill as I believe it has bipartisan support, and I confirm that Family First supports this amendment bill.

The government aims to maintain effective emergency management arrangements to prevent, respond to and recover from emergency situations where necessary. The Emergency Management Act 2004 is legislation that governs the management of emergencies, but the act establishes strategies and systems to respond to and recover from disasters such as terrorist acts, natural disasters or pandemics. The act prescribes roles and responsibilities of key personnel and departments under emergency situations.

The State Emergency Management Committee initiated a review of the Emergency Management Act in light of recent disasters, and I commend them for that, because traditionally and until we had the tragedies in the United States of America we did not have to consider such broad strategy and planning as we do today. Whilst at this point in time, and let's hope always into the future, South Australia and Adelaide are a relatively low target when it comes to terrorism, we are seeing different strategies by terrorist organisations and therefore we need to be vigilant and have regular reassessments of what we are doing when it comes to emergency management.

I commend the SEMC and its advisory groups that the government have consulted with. I understand that the draft bill did have fairly wide key stakeholder consultation back in December 2015. I also understand that the government has advised that it received feedback criticising the bill for using what was described as vague language and a lack of clarity regarding the role of hazard leaders. The government committed to addressing these concerns through reviewing

the State Emergency Management Plan and my understanding is that we can take the government at their word on that.

There are key recommendations from the review that are being introduced in the bill clarifying the authority of the State Emergency Management Plan, enabling the effective operation of the State Emergency Management Committee, which is a very important and broad committee, clearly defining the emergency management arrangements and finally providing for protection from liability.

We have had a look at the bill. These bills should be updated and reviewed regularly and we commend the government for doing this. We trust that this bill will have fairly quick passage through the house and that it will assist those emergency volunteers, paid staff, our police officers and other departmental people who from time to time are involved in state emergency management. We commend the bill to the house.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:41): I want to thank everyone for their contributions to the Emergency Management (Miscellaneous) Amendment Bill 2016. The Emergency Management Act 2004 provides the legislative framework for the management of emergencies in South Australia. The act establishes the development and maintenance of arrangements to prevent or mitigate, prepare for, respond to and recover from emergencies and disasters.

In short, the act ensures that South Australia has the capability to manage risk to communities and the environment by making sure that the key elements of the state emergency management arrangements, including roles and responsibilities, are clearly articulated. The government has considered the emergency management arrangements in the context of many recent natural or human made disasters, and has identified improvements and clarifications to be made that will ensure the act can continue to provide for community safety and resilience into the future.

This bill is important because it takes our already effective emergency management framework and strengthens and enhances it based on learnings and experiences both here and elsewhere. The main components of the bill will:

- clarify the authority of the State Emergency Management Plan;
- enable the efficient operations of the State Emergency Management Committee;
- ensure the emergency management arrangements are clearly defined;
- provide objectives and principles to address clarity on role and function; and
- clarify various emergency management definitions.

These changes come as a result of an extensive consultation process that sought input from all major emergency management stakeholders and was overseen by the State Emergency Management Committee.

The government believes that the proposed changes will update and strengthen South Australia's emergency management arrangements, provide reassurance to the community, encourage community resilience, and reduce vulnerability to emergency events through coordinated planning and disaster preparedness activities.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. D.W. RIDGWAY: In relation to section 2—Objects and guiding principles, subsection (2) states:

The objects of this Act are to be achieved through—

(a) establishing the State Emergency Management Committee;

It is probably in the actual Emergency Management Act that this is amending, but can the minister tell me all the people who make up that State Emergency Management Committee?

The Hon. P. MALINAUSKAS: I am just trying to make sure that we do not leave anybody off. There are a number of people on there, as I am aware, but I want to make sure we get the list right. The committee is chaired by the CEO of DPC, Mr Winter-Dewhirst. The deputy chair is the police commissioner. The rest of the committee is made up of a whole range of CEs and chiefs from various agencies and departments. Obviously the chief officers from the SES, CFS and MFS are on there, and then the CEs from a whole range of different agencies. For instance, SA Water, the education department, DTF, SA Health, the South Australian Ambulance Service, PIRSA, DCSI and DEWNR are all represented on there. I do not think we have left anybody off.

The Hon. D.W. RIDGWAY: Is the CFS on there?

The Hon. P. MALINAUSKAS: Yes, the chief officer of the CFS. That is, generally speaking, who is represented on the committee. There may be someone we have left off, but from recollection I do not think we have. The SAFECOM CEO is on there as well, I should mention.

The Hon. D.W. RIDGWAY: I am sure it is actually in the act that this bill is amending. I just did not have that with me which is why I was asking. Of course, section 2(2)(b) provides for the appointment of a state coordinator. What is the actual role of a state coordinator? Is that to manage the incident, manage the recovery, appoint somebody for the recovery, or all of that? Can you just explain that?

The Hon. P. MALINAUSKAS: I understand the state coordinator is always the police commissioner.

The Hon. D.W. RIDGWAY: Given the make-up of the State Emergency Management Committee and the state coordinator is the police commissioner, why is it that the current practice not only here but in other states, and certainly in the most recent bushfires, is for the Premier to head up the press conference at the beginning of each day every time there is a major incident, rather than the chairman, which may be Mr Winter-Dewhirst, or the actual police commissioner, who is the state coordinator? I understand the Premier and the government have a role, and maybe they should be at the back end of the press conference. Obviously this committee has to brief the Premier, the Premier's media advisers, probably one or two of the ministers, yourself and other ministers who may be involved, if sadly there is an incident.

It seems to me to be an awfully large waste of time and resources to be briefing the spin doctors and the Premier rather than just letting the police commissioner and maybe the head of the CFS distribute the information that people want, rather than having to go through this process and then back end it, if you have to have a political operative there. I would like to know why it is common practice in a lot of states, and especially here, to have the Premier front the press conference prior to hearing from the people who are actually doing the work.

The Hon. P. MALINAUSKAS: The Premier is the leader of the state. I do not want to be flippant about this, but I think it is a reasonable expectation on behalf of the public to have the leader of the state leading the government. The Premier, of course, more specifically is the chair of the Emergency Management Council, which is a different body again, which the State Emergency Management Committee sort of answers to, ultimately. The Premier is the chair of the Emergency Management Council. He would often be represented at those sorts of events in that capacity.

First and foremost, and I think to go back to my initial response, the Premier is the leader of the state. I think the public would be quite right to expect the Premier to be well briefed and across all the detail of any significant emergency that comes to hand. I do not think you would expect anything less either. Then, of course, as it is time for information to be disseminated, it is entirely appropriate for the Premier and the leader of the state to be playing a role in that respect.

Clause passed.

Remaining clauses (5 to 13), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:52): I move:

That this bill be now read a third time.

Bill read a third time and passed.

DOG FENCE (PAYMENTS AND RATES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 April 2016.)

The Hon. J.S.L. DAWKINS (15:53): I rise on behalf of Liberal members to support this bill. At the outset, I should highlight the fact that this bill was quite curiously introduced into the House of Assembly on 24 February this year by the Hon. Susan Close, who I think represents the Minister for Sustainability, Environment and Conservation in that chamber. Given that this is the responsibility of the Minister for Sustainability, Environment and Conservation, a person with a keen interest in the Dog Fence said to me, 'He is in your house. Why wasn't it introduced in your house?' I said, 'Well, I think it might have been all to do with the management of the parliament at the time,' because at that stage, because of the Attorney-General's driving passion to get us to push through the planning bill, they had no other plans in the other place to actually get on with legislation.

They had nothing to do down there; they were running out of business. They were allowing private business, heaven forbid—do not tell the Hon. Gail Gago, but they were actually giving up government business time for private members' time, so they actually got minister Close to introduce this bill down there to take up a bit of their time while they had nothing to do.

Having said that, that takes nothing away from the worth of this bill. It does aim to ensure that there are sufficient funds and resources to maintain the Dog Fence into the future. I think most South Australians, particularly those of us who have been fortunate enough to travel extensively in the pastoral regions of not only this state but further afield, know the value of the Dog Fence.

As a member of the Natural Resources Committee of the parliament, on the recent trip we made to the AW NRM Board we crossed the Dog Fence on a couple of occasions—once on the Eyre Highway near Nundroo, and I had the pleasure of shutting the gate on the Dog Fence twice on Goog's Track. I was pleased to note that, in both cases, that fence was in very good order. Of course, that is relatively close-in territory; it is in some of the more remote areas where the fence can come under much more pressure.

There are six local boards which sit under the Dog Fence Board. Ownership of the fence is vested in those local boards, apart from two private owners who manage sections of the fence on their properties. The boards administer the funds and are responsible for the employment of contractors who inspect and maintain sections of the fence.

I understand that the act was last reviewed in 2005. The amendments proposed to come into fruition through this bill are: firstly, the act currently sets a cap of $250 per kilometre which goes to the local boards for maintenance. It is proposed that this is lifted to $400 per kilometre. Secondly, the rate charged to pastoralists is currently capped at $1.20 per square kilometre of rateable land. It is proposed that this is lifted to $2 per square kilometre. Thirdly (and quite importantly) a minor technical amendment to remove a reference to the South Australian Farmers Federation and replace it with Livestock SA Incorporated, because, of course, the South Australian Farmers Federation no longer exists.

The rate has historically been increased by CPI and is collected through the sheep transaction levy. The minimum payment per property is $100. The total rates raised last year amounted to $508,000 which is matched by the state government.

It is important to say that I think the Dog Fence Board is supported throughout the pastoral areas. It was indicative of the campaign that the Liberal Party and others supported the retention of the Dog Fence Board when it was flagged to be abolished under the program announced by the Premier some time ago. Thankfully, the work of many members of this house and the lower house actually managed to save the Dog Fence Board.

Many of us would know that there has been pressure on some sections of the fence from camels. The federal government recently provided $400,000 to electrify the top wire along the stretch of the fence in the vicinity of Lake Frome. I understand there have been no breaches of the fence by camels in the past two years and, in that sense, the condition of the fence is continually improving.

Certainly the Natural Resources Committee has had greater evidence on the impact of camels across the pastoral areas and Aboriginal lands. There are certainly different attitudes in different parts of the AW NRM Board, or different cultural attitudes to the method of controlling camels. That does provide some issues for the management of the fence, but we are certainly supportive of the work to control camels because they are animals that put a lot of pressure on the board.

In concluding can I say that my understanding is that Primary Producers SA (the umbrella group in South Australia), its constituent body Livestock SA, the local dog fence boards and the South Australian Sheep Advisory Group were all supportive of these changes. Can I also indicate that anybody wishing to learn a bit more about the local responsibilities in relation to the fence should read the contributions in the lower house made by the member for Flinders, Mr Treloar, and the member for Stuart, Mr van Holst Pellekaan, who are members with significant sections of the Dog Fence (particularly the member for Stuart) in their electorates. With those words, I indicate that the Liberal Party will be supporting this bill.

The Hon. R.L. BROKENSHIRE (16:01): I rise on behalf of the Family First party to advise the chamber that we will also be supporting this bill. The Dog Fence is a very important fence for the sheep industry and the pastoral economy. Like the Hon. John Dawkins and some of my other colleagues, I have travelled through the Dog Fence areas several times over the years and you do see some parts of the Dog Fence that have been replaced and modernised in the structure of the fencing that they put in place to prevent the dogs heading south.

In other areas you see the worst-case scenario with the Dog Fence actually flat on the ground, the posts rotten and urgent repairs being needed. This costs money and is really the reason why we are debating this bill in the chamber today. My colleague the Hon. John Dawkins has made many comments that I was going to make. However, I will just put on the public record that with the massive workload that the minister has and the pressure that he is under (and will face in the future with the media) I really wonder why, with the Natural Resources Management Act, the Minister for Sustainability, Environment and Conservation, and water and climate change, and with defence of media attack, he has this act.

I personally think it would be better under the Minister for Primary Industries with some real focus on agriculture for once. I wonder why it is in his hands when he is such a very busy minister. Perhaps he wants to stop the dogs from coming down into Adelaide. Perhaps that is why he has the carriage of this legislation. That is not really a joke because, first and foremost, without a dog fence those dingoes would be all over the Adelaide Parklands.

It is not that long ago that they were shooting these dingoes east of the Adelaide Hills, the ranges there and, in fact, I believe there was a report of one in the Upper South-East only a few years ago. It is very important that the government of the day works with the pastoralists to ensure that we do have a state-of-the-art dog fence. I know that in parts of the new Dog Fence area now they also use electric fencing. We have to be very vigilant on this.

The government actually reports that there were no issues raised with the proposals during consultation with stakeholders. I am pleased about that. I have not had any. Whilst I do quite a bit of work from time to time with pastoralists across South Australia, I had none of them objecting to me about this. I understand that Livestock SA (they have a very good chairman, Mr Geoff Power) agrees with this.

The minister can correct me if I am wrong. Most of the time he corrects me even when I am right; if I am wrong, then I stand to be battered by the minister for being wrong. The point that I want to put on the record is that I understand that this consultation occurred in December 2014. My question is, if this consultation occurred in 2014, why are we only now debating this bill? That was a long time ago.

As has been indicated, the Liberal Party supports this. I understand that crossbench colleagues do as well. We will be supporting the bill. I just appeal to whoever is in government to always work with the pastoralists and Livestock SA to ensure that we do everything we possibly can to prevent those dogs from getting out of the cattle country and into the sheep country. I commend the bill to the house.

The Hon. J.A. DARLEY (16:06): As this bill deals with the construction and maintenance of the fence, I just have a couple of questions for the minister, but I do not necessarily require an answer today. Can the minister advise the chamber the total length of the fence and the total length of the electrified portions of the fence? Secondly, has there been any progress in the monitoring of the electrified portion of the fence by radio telemetry technology, which would reduce the need for on-site monitoring?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (16:06): I thank honourable members who have spoken on this bill and indicated their support for it. The major focus of the amendment bill is about ensuring that there are sufficient resources available to maintain the Dog Fence into the future and a minor administrative amendment which the Hon. Mr Dawkins explained adequately well to the house.

The Dog Fence protects the sheep industry from stock losses by preventing the entry of wild dogs to the southern pastoral areas. The Dog Fence Board, which administers the Dog Fence Act, requested it be amended by increasing the cap on the maximum amount payable to fence owners from $250 to $400 per kilometre of fence, and the cap on the amount that can be levied from $1.20 to a maximum of $2 per square kilometre of rateable land. Over the years the act has been in existence, inflationary pressures have driven the legislative caps in the legislation up to their limit, or close to their limit, thus necessitating us to revisit this legislation now.

These amendments will allow the board to make annual increments to payments in line with inflation for some time into the future, or until the act is next amended. As honourable members have said in their contributions, no issues were raised as part of the consultation with key stakeholders. I do welcome the support, and offers of support, from the opposition and minor parties for this legislation. The Hon. John Dawkins, in his contribution, reflected on the management of the lower house; there is nothing that I want to say about that situation.

The Hon. Robert Brokenshire has reflected on a few issues and asked the question, if the consultation was conducted in December 2014, why have we waited this five months to progress the legislation. It is because consultation is the start of the process; it is not the end point. It is the beginning of a process, and there are some procedural matters that need to be taken through in the form of drafting legislation, getting those drafts approved by stakeholders, governmental agreement and then taking it through cabinet necessarily. It takes a little bit of time, but I do not think the time from 2014 to now is too excessive to get legislation that, after all, finally no-one has an issue with.

The Hon. Mr Darley asked questions about the length of the fence and the length of the electrified portion and on the telemetry situation. I will have my advisers with me shortly. I will ask if that advice is easily at hand and I will give that in terms of our response at the committee stage. I look forward to the speedy passage of this bill.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. I.K. HUNTER: I can advise the Dog Fence is 2,178 kilometres long in South Australia, extending from west to Fowler's Bay on the cliffs of the Great Australian Bight north to above Coober Pedy and east to the New South Wales border above Broken Hill. It then joins with the New South Wales and Queensland dog fences for a total length of 5,400 kilometres.

My further advice is that the board continually aims to improve the management of the fence, and, where technology allows, the board will review and adopt the technology if it meets their requirements. That does not exactly answer the question the Hon. Mr Darley asked, so I will go back and seek advice about the electrified portion of the fence and the telemetry options that the board may have considered and not proceeded with.

Clause passed.

Remaining clauses (2 to 5) and title passed.

Bill reported without amendment.

Third Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (16:11): I move:

That this bill be now read a third time.

Bill read a third time and passed.

HEALTH CARE (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 April 2016.)

The Hon. S.G. WADE (16:12): I rise to speak on behalf of the Liberal opposition on the Health Care (Miscellaneous) Amendment Bill. The bill seeks to regulate stand-alone private day procedure centres through various licensing arrangements and setting standards for construction facilities and equipment. The state already issues licence of the private hospitals under part 10 of the Health Care Act 2008, but at present South Australia and the Northern Territory are the only two Australian jurisdictions which do not regulate stand-alone private day procedure centres.

Currently private day procedure centres are not unregulated: operators must obtain a provider number from the commonwealth Department of Health. They need to be accredited against the national safety and quality health services standards, and they need to be declared to be a hospital pursuant to the Private Health Insurance Act, but this legislation would bring them within the remit of a state regulatory regime.

There are approximately 30 DPCs in South Australia, and there has been substantial growth in the sector. Many procedures, which previously required overnight admissions, can now be performed on a same-day basis. As an indication of that growth, in the decade up to 2011-12 the number of private day surgery beds in South Australia has increased by more than two-thirds.

The government has brought forward this bill because it considers that licensing stand-alone private DPCs would provide a range of benefits including: first, the ability to impose specific licensing conditions; secondly, to ensure that potential safety risks are addressed; and, thirdly, to put in place a similar set of regulatory compliance requirements on private DPCs as those that apply to private hospitals.

The opposition has consulted a range of stakeholders, and in particular I acknowledge the engagement of the Australian Day Hospital Association, the Australian Nursing and Midwifery Federation and the Australian Private Hospitals Association. The stakeholders broadly support this bill and the state government's regulation of DPCs. The opposition too supports the bill.

The ADHA and the APHA did express concern about the retrospective application of previous versions of this bill. Ultimately their concerns were that, if the proposed licence conditions

were applied on existing DPCs, then the financial viability of such facilities could be put in jeopardy without any demonstrable benefit.

The government in large part alleviated these concerns with the amendment of section 89A(3) in the other place. Accordingly, under the bill licence conditions will not apply retrospectively to existing DPCs. The new licensing conditions will apply to existing DPCs if they alter or extend their premises or change the health services they provide. The opposition welcomes that amendment.

The ADHA also expressed concern about the absence of a definition for 'a suitable person whom the minister may appoint as an inspector under this act'. The ADHA suggested that an amendment be included which would require such persons to have relevant experience in the operation and management of private DPCs. The government rejected this suggestion on the grounds that existing inspectors were appointed on the basis of their skills, knowledge and experience. The opposition is not proposing an amendment in that respect. With those remarks, I look forward to the committee stage of the bill.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (16:16): I believe there are no other speakers, so I will close the debate. The Health Care (Miscellaneous) Amendment Bill 2015 amends the Health Care Act 2008 to enable the licensing of stand-alone private day procedure centres in South Australia, a sector that has grown substantially over the past 20 years.

Many complex, invasive and high-risk surgeries and procedures that have previously required an overnight hospital stay are being done now on a day-only basis, and the regulation of private day procedure centres provides a range of measures to ensure potential safety and quality risks are addressed. The bill also amends the act to remove the prescribed limit on hospital bed numbers, allowing the private hospital sector to expand and complement the public health system in meeting the demands of an increasingly ageing population.

The other change is around updating the standards of construction, facilities and equipment. Enabling private hospitals to provide services at approved off-site locations and providing for the inclusion of fees for licence variations on a cost-recovery basis all improve the administrative functioning of the act. In summary, these changes modernise private health facility licensing arrangements and bring South Australia into alignment with other state and territory jurisdictions.

The Hon. Tammy Franks in her contribution I think asked two questions, for which I will put on the record answers now. The first was: what arrangements have been made for this legislation with respect to the potential renal dialysis centre in community on the APY lands and Ernabella and whether or not work has progressed between SA Health and the money that is on the table federally to ensure that we see in community renal dialysis in Ernabella?

This legislation provides for specific health services or classes of health services to be prescribed in the Health Care Regulations 2008 under the act. Consequent to the Health Care Act 2008 being amended, it is planned to include renal dialysis as a health service prescribed by the regulations for the purpose of requiring private facilities offering these services to be licensed.

All stand-alone private day procedure centres that meet the criteria of a prescribed health service will be advised of the requirement to be licensed. SA Health will work with any new facilities meeting the criteria to be licensed to initiate an application process. The 31 DPCs that have already been declared by the Australian government for private health insurance purposes on the basis of a previous recommendation from SA Health will be deemed to be licensed in South Australia, I am advised.

It should be noted that not all existing DPCs currently operating in South Australia are in fact registered with the Australian government Department of Health. There are a number of other DPCs currently operating that charge full fees and have not sought to be declared and issued with a provider number for private health insurance purposes. A number of these undeclared facilities are within the cosmetic surgery field, I am advised.

An undeclared DPC operating outside of the Private Health Insurance Act 2007 (commonwealth legislation) is effectively able to avoid the requirement under the commonwealth

legislation to be accredited against the National Safety and Quality Health Service Standards. This is why the ability to implement a jurisdictional licence and regime in this state, including the ability to impose licence conditions, is so important in ensuring that potential safety and quality risks are addressed.

Her second question was: will this see that very worthwhile project going ahead in time to be captured by this legislation when it passes the parliament? The answer I have been provided with says that questions about particular projects that may or may not fall under the new regime are not relevant to agreeing to this bill. With those few remarks, I would like to thank honourable members for their contributions and their indications of support for the bill, and look forward to a speedy passage.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 9 passed.

Clause 10.

The Hon. I.K. HUNTER: Mr Acting Chairman, with your permission I might speak to government amendments Nos 1 to 3 standing in my name. I move:

Amendment No 1 [SusEnvCons–1]—

Page 4, after line 26 [clause 10, inserted section 89]—Before the definition of *declared day hospital* insert:

conscious sedation means the sedation of a person by the intravenous administration of one or more drugs such that communication with the person may be maintained during the sedation;

Amendment Nos 1, 2 and 3 relate to a minor change in terminology from simple conscious sedation to conscious sedation. This is a result, I am advised, of discussions held with the Australian Dental Association (SA).

The ACTING CHAIR (Hon. J.S.L. Dawkins): The minister has spoken to all three, but my advice is that you cannot move all three together. We are just clarifying as to whether we can do any multiples. I take it that you have moved amendment No. 1?

The Hon. I.K. HUNTER: Indeed.

The Hon. S.G. WADE: The opposition will be supporting amendment Nos 1, 2 and 3 in the name of the minister.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 2 [SusEnvCons–1]—

Page 4, line 39 [clause 10, inserted section 89, definition of *prescribed health service*, paragraph (b)]—Delete 'simple'

I move the amendment for the reasons I have already outlined.

Amendment carried.

The Hon. S.G. WADE: I move:

Amendment No 1 [Wade–1]—

Page 4, after line 39 [clause 10, inserted section 89, inserted definition of *prescribed health service*]—After paragraph (b) insert:

(ba) a health service that involves the administration of local anaesthetic; or

This amendment proposes to expand the definition of a prescribed health service for the purposes of requiring a private day procedure to be licensed to also include a health service that involves the administration of a local anaesthetic. Both the ADHA and the ANMF suggested a simple amendment to the definition of a prescribed health service under section 49A to include the term local anaesthetic.

SA Health agreed in principle that procedures of sufficient complexity, even where only a local anaesthetic is involved, should be included, but suggested that that should be by prescribed regulation. The opposition considers that the issue is such a significant one and agreed with the ADHA and ANMF that an amendment should be preferred. To facilitate the consideration of the house, we welcome the subsequent amendment from the government. The Hon. Gail Gago, on behalf of the government, indicated some of the concerns the government had with the workability of my amendment alone and we note we will be supporting the government's subsequent amendment No. 4.

The Hon. I.K. HUNTER: The government accepts the amendment and will support the inclusion of local anaesthetic within the definition of prescribed health service in recognition of the fact that some specific procedures, although only involving the use of local anaesthetic, are of sufficient complexity, invasiveness and/or patient risk to warrant that they be subject to licensing. However, the amendment proposed by the shadow minister as currently drafted would be unworkable in practice, I am advised.

If the government were to licence all day facilities that provide a health service 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 become subject to regulation. This would clearly broaden the scope of the type of facilities to be licensed significantly and would be beyond current SA Health resources to effectively regulate. Consequently, the government has proposed government amendment No. 4. The Hon. Mr Wade has indicated that the opposition will be supporting it, and we are grateful for that. This builds on the Hon. Mr Wade's amendment and more effectively, we think, targets the scope of the licensing regime.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 3 [SusEnvCons–1]—

Page 5, lines 3 to 6 [clause 10, inserted section 89, definition of *simple conscious sedation*]—

Delete the definition of *simple conscious sedation*

I move the amendment standing in my name for the reasons I have outlined earlier.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 4 [SusEnvCons–1]—

Page 5, after line 6 [clause 10, inserted section 89]—After line 6 insert:

(2) Paragraph (ba) of the definition of *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 practice as a general practitioner;

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

(c) a health service, or health service of a kind, prescribed by the regulations.

Amendment No. 4, as I indicated earlier, builds on the amendment proposed and now carried by the shadow minister for health, Hon. Mr Wade, to expand the definition of prescribed health service for the purposes of requiring a private day procedure to be licensed to include '(ba) a health service that involves the administration of local anaesthetic.' The government amendment proposes that:

...the definition of *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 practice as a general practitioner;

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

(c) a health service, or health service of a kind, prescribed by the regulations.

It was not the intent to target simple or minimally invasive procedures using only local anaesthetic for inclusion within the licensing regime, such as dermatological procedures undertaken in office space, general practitioners' rooms, or restorations undertaken in general dental surgeries.

It is recognised, however, that some specific procedures, although only involving the use of local anaesthetic, are of sufficient complexity, invasiveness and/or patient risk to warrant they be subject to licensing. Cosmetic surgery procedures such as liposuction and breast augmentation are increasingly being done under high volumes of local anaesthetic only. As has been seen from recent high-profile adverse events in New South Wales, I am advised, as well as a case in South Australia a few years ago that was the subject of a coronial investigation, these procedures involve inherent risk.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 5 [SusEnvCons–1]—

Page 5, after line 10 [clause 10, inserted section 89A]—After inserted section 89A(1) insert:

(1a) In establishing standards under subsection (1) the Minister should consider any relevant codes, standards and guidelines.

Following the passing of the bill in the House of Assembly, the Australian Day Hospital Association remained concerned that the minister was not required to consider any relevant codes, standards and guidelines in establishing, by notice in the *Gazette*, standards of construction, facilities and equipment applying to the premises of a private day procedure centre.

At a meeting held in February 2016 with ADHA and attended by the deputy chief executive of SA Health, it was agreed that the government propose an amendment to this effect. In order to set the standards by notice in the *Gazette*, the government would, in the normal course of business, consider relevant existing codes, standards and guidelines such as Australasian Health Facility Guidelines and Building Code of Australia minimum standards widely accepted by the industry.

As has been noted in the house, the standards to be gazetted will not be applied retrospectively to private day procedure centres that have already been declared by the Australian government, 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.

The Hon. S.G. WADE: The opposition supports the amendment.

Amendment carried.

The Hon. S.G. WADE: I move:

Amendment No 2 [Wade–1]—

Page 6, lines 17 to 33 [clause 10, inserted section 89D]—Delete section 89D and substitute:

89D—Conditions of licence

(1) Each private day procedure centre licence will be taken to be subject to the conditions prescribed by the regulations.

(2) The Minister may impose such other conditions on a private day procedure centre licence as the Minister thinks fit.

(3) The Minister may, on application or the Minister's own motion, vary or revoke a condition of a private day procedure licence imposed under subsection (2), or impose a further condition on such a licence, by notice in writing given to the holder of the licence.

(4) If the Minister imposes a further condition under subsection (3) on the Minister's own motion, the condition will not, except with the agreement of the licensee, take effect until the expiration of the period of 30 days after service of the notice imposing the condition.

The ADHA indicated concern that the licensing standards and conditions are going to be established by *Gazette* and will not be subject to parliamentary scrutiny. The minister has very wide powers under section 89A, and although the minister may adopt standards, guides and codes, he or she is not

required to do so under the proposed bill. A suggested amendment by the ADHA was that the minister be required to liaise in good faith with relevant industry bodies such as the ADHA, the APHA, etc., before gazetting any standards. With all due respect, the opposition's view is that the best way to ensure the government negotiates in good faith is to put matters not subject to gazettal but subject to regulations. The amendment standing in my name is to that end.

The Hon. I.K. HUNTER: The government accepts the amendment. The conditions to be prescribed by the regulations will be of a similar general nature to the conditions listed in section 82 of the act relating to private hospitals, for example, conditions requiring that the licensee seek approval to alter or extend the licensed premises, or to change the kind of health services provided. It is also intended that there will be a condition of licence requiring facilities to be accredited against the National Safety and Quality Health Service Standards, and for those reasons the government is happy to accept the Hon. Mr Wade's amendment.

Amendment carried; clause as amended passed.

Remaining clauses (11 and 12) and title passed.

Bill reported with amendment.

Third Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (16:33): I move:

That this bill be now read a third time.

Bill read a third time and passed.

HOUSING IMPROVEMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 10 March 2016.)

The Hon. J.S. LEE (16:34): I rise to make a second reading contribution to the Housing Improvement Bill 2015 on behalf of the Liberal opposition. We have a Housing Improvement Act which has been around for more than 70 years. It currently makes provision for the protection of people who are living in substandard houses. The act requires certain upgrades and can make provision for demolition. It makes provision for cheaper rental if a dwelling is of a lower standard than is available. It makes provision for a public notice through the *Gazette* for what properties are subject to a housing improvement assessment order. It does all the things that are important to ensure that we provide protection for tenants in the accommodation that they have.

Following the Depression of the 1930s, South Australia had high demand and poor standards of housing due to inconsistencies in supply. South Australia implemented the Housing Improvement Act 1940 in an aim to ensure safe and appropriate housing standards in South Australia. A government review of the act has found that the provisions needed to enforce minimum safety standards and ensure owners carry out essential maintenance are not effective. Subsequently, some occupants continue to be at risk of being exposed to significant safety issues, health hazards and/or unfair rent in substandard homes.

A discussion paper was released in 2010 about changing the legislation. It then took this government six years from the original discussion paper in 2010 for this bill to come to parliament. In 2012, the Housing Improvement Bill consultation received 16 written submissions. So, here we are: the Housing Improvement Bill 2015 we are dealing with today, which will repeal the Housing Improvement Act 1940.

Our shadow minister and spokesperson for social housing, the wonderful and hardworking member for Adelaide in the other place, together with many members of the opposition, have made valuable contributions to debate the bill. I encourage other honourable members to read their contributions. I understand that the member for Adelaide worked very diligently to review the consultation papers, and she found that some of the suggestions from both the

Landlords' Association and the Law Society of South Australia were not included in the government's final draft of the bill.

Whilst the Liberal Party supports this bill in general, there are some areas which we believe can be improved upon. The member for Adelaide, the member for Bragg and other members in the other place quite clearly articulated many significant concerns, and that this bill could be used as a revenue-raising activity for the government as opposed to actually trying to ensure that rental accommodation is kept to a decent standard.

The first area of concern that we have is in relation to owner-occupier homes. We believe that the bill should only relate to residential properties that are tenanted or intended to be tenanted. This is because unsuitable and unsafe housing predominantly affects lower-income households, including new migrants, and international and local students. If it is the case, then why include owner-occupier homes?

When the member for Adelaide met with ministerial and departmental staff, she was assured that the act had never been applied to an owner-occupier in the last 70 years. With this in mind, we believe that owner-occupiers should therefore be excluded from the bill.

As the shadow parliamentary secretary for multicultural affairs, I am fully aware that we have a very diverse community residing in South Australia. Different people from different cultures and backgrounds will have different interpretations of what is suitable or acceptable to their needs, and this should be taken into account.

People should be given the freedom to live how they wish in their own house, on their properties, as long as they are causing no harm to their neighbours and do not pose any risk to others. All citizens should be empowered to take personal responsibility for their own living conditions and accommodation.

Many people start out buying their first home and renovating it as they can afford to, and many would have lived in conditions that would be in contravention of this act. This would most certainly impact on people's ability to purchase homes. What is the point of imposing fines on someone, or taking them to court, when the reason they are living the way they are is often due to the lack of money, or lack of time to get things fixed around their house because they are working full time to pay off their mortgage?

If the government was really serious about ensuring that we have safe and affordable accommodation for those in our community who are financially less well off then it should start thinking about the land tax on some of these properties. It should start thinking about the cost of subsidy on rental for these properties.

If the government was serious about dealing with low-cost accommodation it would meet with constituents who own these low-cost properties, identify what areas of capital input may be needed to upgrade or demolish and start again and/or work with them to make sure that they are not in a situation where they are forced to sell off or make improvements that then make it unattainable for the very people that this government claims it is supporting.

That is what the government should be doing, but it is not. It is bringing in a bill for us to consider that is going to affect the people who live in these homes themselves who are not seeking to make any financial gain from anyone else but who choose to live in accommodation that they may own or occupy. Why should we, as legislators, impose unfairly on disadvantaged members of our community? It is not just the people who I refer to here in the suburbs of Adelaide but the people who live in regional South Australia who are living in accommodation on farms, on council land and on other properties around towns in regional South Australia.

No doubt this accommodation may have a few undesirable characteristics, such as the plumbing might be a bit rusty, the electricity may be safe but with uneven distribution, it may have poor amenities in furnishings and may not have all the modern gadgets that go with what we could expect living in comfortable suburban areas in metropolitan Adelaide. However, these homes are providing accommodation to people who are looking for employment and who are willing to work in regional parts of South Australia.

These people want to find accommodation in towns spread across South Australia's country regions and to be provided with low-cost affordable accommodation in this state for both individuals and families. We wish to remind the government that the object of this bill is not just about appearances and the best presentation of accommodation; it is about keeping people safe in the suburbs as well as accommodation outside of metropolitan Adelaide, as pointed out by many of my colleagues in country regions in the other place.

Those places may look tired and run down and they are often unoccupied for long periods of time. They are certainly not fashionable and do not have the updates that a lot of other properties have but they are still providing safe, secure and affordable accommodation to many people in this state who are financially vulnerable.

The second issue the opposition has is in relation to penalty. When you look at the fines that are part of this proposed legislation it is of significant concern: to introduce a regime of fines of tens of thousands of dollars, which currently are in hundreds of dollars in this old act, as some kind of penalty that is going to be imposed to make these bad landlords do the right thing to upgrade these properties—this cannot be seen as fair and reasonable.

The original proposed Housing Improvement Bill 2015 will increase the maximum penalty to $20,000 which is a severe increase from the low base of $100. So I am very pleased that the opposition, through the great work of the member for Adelaide, Ms Rachel Sanderson, was able to successfully move amendments to rectify and correct excessive penalties simply because the amount does not fit the offence.

The amendment by the member for Adelaide reduced the proposed government penalty by 50 per cent, from a $20,000 fine to a $10,000 fine, which is still a large amount but a more suitable charge for the breach of the provisions. The government, to its credit, accepted those amendments in the House of Assembly. I am pleased that the Liberal opposition has successfully moved those amendments to reduce the amount of hefty fines across the bill.

The third area we challenged the government to think about was in relation to SACAT. They should provide all decisions in writing. The reason for this is to encourage transparency and openness from the tribunal in line with other judicial bodies. The fourth area is that reasonable attempts should be made to serve all relevant parties, not just the owners.

The fifth area is about liability. Joint liability should not be applied if there is reasonable proof that the person was not aware of the situation. For instance, in a situation of a divorce or where property is held in trust, not all parties might realise what has been happening and, therefore, should not be held to account, unless there is proof that they had been notified and were aware.

The sixth area of concern is that the bill refers to who a qualified person is under the act. What is not made clear are the requirements of that person. Under the proposed act, such a person can enter premises, private properties, using reasonable force. We have the right to ask whether such forced entry into private properties is appropriate, or is it another attempt at red tape by a Labor government leading to breaking locks, doors or windows?

In this bill, the legislative authority and power to issue orders will be transferred from the South Australian Housing Trust, in conjunction with local government, to the minister. This is a very significant change in the bill, and we question whether the ministerial housing orders will now have longer processing times than under current arrangements.

Now that it is not only the metropolitan areas included in this bill but the whole state, we particularly see problems with how the minister will be best placed to make those decisions. Surely it would be the Housing Trust and the local government that have more people on the ground and that have a lot more knowledge about their local area and the houses that are within those areas.

At present, under the Housing Improvement Act 1940, reports need to be furnished to the minister in regard to capital expenditure by resolution of either house of parliament or, if required, by the minister under any other act. The minister's role, however, transforms from one of receiving the information in updates to now deciding and acting upon information received by authorised persons with the minister's delegated authority.

We have seen over the terms of this Labor government how many times ministers making decisions can end up in very controversial outcomes; so we question whether a minister is really the right person to be making these decisions.

So what does it do? It takes away, under this bill, the proposed scrutiny and measures with which we look at and ensure that the tenancies are spaces which are safe for tenants and the like; which is the objective of the act—in fact, the principal act is being repealed. It takes them away from local government and away from the South Australian Housing Trust, and gives them to the minister, who apparently is going to keep a register, and these people, the authorised officers, are going to have a job to do.

The authorised officers under this bill are to have the power to enter, to inspect premises, and to do all the things that currently, to a large degree, local government representatives do already; to issue the notices, to take photographs and to put the process through.

It is going to have some extra powers. As usual, when the government comes along with these authorised officers, they want to give them extra powers, particularly in protecting against anyone who dares to suggest to the authorised officer that they might be in breach of the powers. People are not allowed to hinder or obstruct an authorised officer, etc., and there are massive penalties if they do so. So my question would be: what additional powers, if any, would the minister require outside that which has already been prescribed within the act?

Division 3 talks about the rental control notices, and the previous act limits the application of rental control of substandard houses in the metropolitan area, and areas that the governor declares by proclamation. We believe that these are already listed in the *Gazette*, so it is very time consuming to find all these areas, because they are not in one place. Although we support this bill in principle, as I indicated, there are certainly some changes that should be made, as I have outlined, and I will be tabling some recommendations and amendments.

It has taken 14 years of a Labor government to get around to introducing this bill. Given the time that has been taken, it should be open to taking on the amendments that we propose to make this bill a much better legislation.

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! There is lot a conversation across the chamber. The Hon. Ms Lee has the floor.

The Hon. J.S. LEE: Thank you, Mr Acting President, for your protection. We will support improvements to the current legislation. Obviously, we are here on this side of the chamber to modernise the legislation. I will be urging all the honourable members on the crossbench to support the amendments I will be moving.

The Hon. J.A. DARLEY (16:50): The bill reworks the current Housing Improvement Act, which deals with unsafe and unsanitary housing. Currently, complaints about the condition of housing can be made to the housing improvements branch at Housing SA. These complaints are being triaged and assessed accordingly. If a house is deemed to be substandard, an order can be made which outlines the work that is required to be undertaken by the owner. In briefings, the housing improvement branch indicated that currently most complaints are received from tenants who are concerned about the rental property they are tenanting. They expect this to continue to be the case under the new provisions as well.

I understand that there is some contention over allowing the bill to include properties that are owner occupied. On the one hand, there are many circumstances where a person may be living in a property which many may consider to be substandard. The most obvious is if the property is being renovated, but there may also be circumstances where owners are living in a property while waiting for demolition approval, or they simply cannot afford to renovate the property.

In these cases, owners would be very unhappy to receive an improvement notice. However, I understand that this provision is more targeted towards matters which have been identified as dangerous, especially if they pose a risk to the general public or neighbours. For example, wiring may be dangerous and be at risk of starting a fire which could affect neighbouring properties, or a wall may be at risk of collapsing and could endanger those walking past on the street. In these

circumstances, the community expectation would be for some sort of intervention to protect their safety. However, there is an issue of balancing the overall needs of the community versus an individual's right to live in their property without interference from the government.

I understand that in cases where owners are unable to undertake improvement works, the improvement order remains against the property, that is to say that action is not necessarily taken against the owner for failing to comply with the notice. If this is the case, there may be an argument that government intervention into the homes of owner occupiers is not warranted. If the owner is unable or refuses to do the work, the public safety issue remains.

The bill provides additional opportunities for orders to be reviewed through SACAT. At the moment, owners are usually only made aware of the problem once a matter has been investigated and an order made. The new provisions allow for the housing improvement branch to contact an owner earlier and work collaboratively with the owner to find a solution. Allowing owners the opportunity to have the decision of the housing improvement branch reviewed by SACAT is an improvement on the current act. Personally, I would have thought that a more appropriate avenue for administering issues relating to owner-occupied properties would be local councils. As such, I would ask the minister if any consideration was given to this, particularly in view of the fact that there have been very minimal examples of intervention in the past.

I note that the Hon. Jing Lee has a number of amendments aimed at removing those provisions regarding owner-occupied properties from this bill, and I am certainly considering those in the context of this debate. Lastly, I am concerned that the bill takes away a person's right to remain silent. As honourable members would know, removing a person's right to remain silent has been a common theme in many of the bills presented to this place over recent years, based on the argument that, whilst a person's right to silence is removed, the information provided cannot be used to assist in prosecuting that person for an offence. I have not supported such provisions in the past and I do not intend to on this occasion either.

Debate adjourned on motion of Hon. J.M. Gazzola.

STATUTES AMENDMENT (HOME DETENTION) BILL

Committee Stage

In committee.

Clause 1.

The Hon. A.L. McLACHLAN: I should revisit or set out the Liberal Party position. The chamber is aware that the Liberal Party has filed an amendment, which it will seek to pursue. The Liberal Party supports this bill, but believes that it requires amendment. It takes the view that the amendments are necessary to ensure that serious criminals do not have the opportunity for home detention. The Liberal amendment restricts the opportunity of those sentenced or about to be sentenced for murder, serious sexual offences and offences relating to a terrorist act.

The Liberal Party acknowledges that there will be circumstances, potentially, in relation to serious sexual offences, for which sentences may have an option for a suspended sentence. The Liberal Party does not find this persuasive. It takes a more binary view that there may be extraordinary circumstances that require suspension, but if it is a serious sexual offence there should be imprisonment. It particularly draws the chamber's attention to the definition of 'serious sexual offence', which appears in the Criminal Law (Sentencing) Act 1988, and which comes within section 33(1), Interpretation, and comes under the heading 'Division 3, Dangerous offenders'.

In other words, the Liberal Party has not said that there should be a middle ground in sentencing options in relation to these type of offences. At the same time, out of an abundance of caution, we have included murder and offences related to terrorism, although we acknowledge that under the current construction of sentencing for murder it is virtually impossible, on my understanding, that there could be a suspension of a sentence. Therefore, the options under the government amendments will not apply.

I should add that the minister may comment that, in his summing up of the second reading, I asked again for the matters that were raised in the letter from the Law Society to be addressed in

his closing of the debate. I appreciate that he responded to the matters raised by the Law Society. I would add that not all those matters, as he indicated to the chamber, were addressed by the Attorney-General in the other place. The Attorney-General was responding to questions from the Liberal Party in that chamber, and not every question related to every aspect raised by the Law Society.

On a personal note, I find it encouraging that the government is arguing for unfettered judicial discretion in relation to this bill and home detention, which has not really been the philosophical approach of the government in recent years. I do not have to cast my mind that far back in relation to recent laws regarding serious and organised crime where one of the significant amendments in relation to that bill was to restrict the judicial discretion. Nevertheless, it is good to see the government taking that philosophical approach. However, it did not persuade the Liberal Party and we will be pursuing our amendments.

Clause passed.

Clauses 2 to 5 passed.

Clause 6.

The Hon. A.L. McLACHLAN: I move:

Amendment No 1 [McLachlan–1]—

Page 3, after line 22 [clause 6, inserted section 33BA]—Insert:

serious sexual offence has the same meaning as in section 33(1);

terrorist act has the same meaning as in the Terrorism (Commonwealth Powers) Act 2002.

(2) For the purposes of this Division, a reference to an *offence of murder* includes—

(a) an offence of conspiracy to murder; and

(b) an offence of aiding, abetting, counselling or procuring the commission of murder.

(3) This Division does not apply in relation to—

(a) a defendant who is serving or is liable to serve a sentence of indeterminate duration and who has not had a non-parole period fixed; or

(b) a defendant who is being sentenced—

(i) for an offence of murder; or

(ii) for a serious sexual offence; or

(iii) in relation to an offence involving a terrorist act.

The Hon. J.A. DARLEY: I rise to indicate my position with respect to the amendment. Whilst on face value I would be inclined to support the amendment, it does pose some difficulties that seem extremely complicated to overcome. Those difficulties relate to what we have previously and somewhat loosely referred to in this place as 'young love' cases; that is cases involving young people who engage in sexual activity and, as a result, become the subject of criminal convictions.

Those honourable members who were here at the time may recall that I raised this issue in 2012 when we dealt with the Spent Convictions (Miscellaneous) Amendment Bill and in 2013 when we dealt with the Child Sex Offenders Registration (Miscellaneous) Amendment Bill. Indeed, I moved amendments to the latter bill aimed at addressing the sorts of issues that can potentially impact young people involved in relations which, at law, are considered inappropriate.

During one of my contributions, I highlighted a criminal case that involved a young man aged 19 who pleaded guilty to three counts of unlawful sexual intercourse with a person under the age of 17 years. The maximum penalty for that offence is 10 years imprisonment. I place on the record again the remarks of His Honour Judge Slattery because they encapsulate succinctly the difficulties that the opposition's amendments give rise to. In that case, His Honour Judge Slattery stated:

I have taken into account the fact that the age difference between you and the victim was a mere four years and that the victim was cooperative in enabling the offending to take place. I make that finding based on the text messages attached to the police statements as well as the factual basis agreed by counsel.

His Honour then went on to say:

> The legislation that you have been charged under exists to protect children like the victim from their own immature inclinations. Even at your young age, parliament has stated that you are old enough to know better than she did and has subjected you to the possibility of a lengthy period of imprisonment. Not only that, but whatever sentence I impose, you will be classified as a registrable offender under the Sex Offenders Registration Act 2006.
>
> Upon my interpretation of that Act, because you had your 19th birthday before rather than after the offending and because the unlawful sexual intercourse occurred over a period longer than 24 hours and on three separate occasions, you will be liable to report as a child sex offender for the rest of your life.
>
> This will have a deep impact on your future employment opportunities and the way that you are able to function within the community. It is likely to have a negative impact on your rehabilitation.
>
> I personally fail to see why such registration is necessary in the distinct circumstances of this case, but I have no discretion in the matter and unfortunately can do nothing about it and do not take it into account in formulating your sentence. You do not present a danger to society and I am satisfied that you will not offend in this manner again in the future.
>
> You are far from what the courts would usually describe as a sexual predator. Whether the current law is an appropriate fit for circumstances in matters like yours is a matter out of my hands. As I have said, I have no discretion in this matter.

There is no question that, without some degree of flexibility, some of the laws on our statute books can have wideranging, continual and extremely devastating ramifications on a young person's life, and this case certainly highlights that.

Turning back now to the opposition's amendments, my concern is that the current drafting does not enable those offences involving young love cases to be separated and treated differently to those cases involving more serious offending. In fact, my advice is that, given the way that serious sexual offence is defined in the Criminal Law (Sentencing) Act 1988, it would take an extraordinary amount of work to phrase the opposition's amendment in some alternative form that would enable the courts to exercise discretion in young love cases.

Unfortunately, this is just one of those areas of the law where no distinction is drawn between the sort of offending described by His Honour Judge Slattery on the one hand and serious sexual predators on the other. There is absolutely no question that sexual predators should not be afforded the opportunity to serve their periods of imprisonment on home detention; however, whilst I can sympathise with the opposition, the consequences of this amendment would be to remove a court's discretion in an area of the law that is clearly wanting and in urgent need of further reform.

Further, I think it is also extremely clear that the discretion proposed by the government is not intended to apply to the perpetrators of cruel and callous offences who deserve to be punished with the full force of the law. For those reasons, I cannot support that part of the amendment that deals with sexual offending. If there is any way of splitting the amendment, I would be more than willing to support the part that deals with murder and terrorist acts, although again, I would question whether there is, in fact, any real need for those changes as well.

The Hon. P. MALINAUSKAS: The government opposes the amendment moved by the Hon. Mr McLachlan because it seeks to limit the availability of the home detention sentencing regime. I understand this is based on a perceived need to exclude a certain category of offenders. The amendment removes judicial discretion as to who is an appropriate candidate to serve their sentence of imprisonment on home detention. As noted during the second reading, the bill does not exclude particular classes of offences. This is deliberate. It is not only appropriate but indeed necessary for the court to maintain judicial discretion when considering the imposition of home detention as a valid sentencing option.

The sentencing court must balance many different factors when undertaking the difficult task of sentencing an offender. It is well placed to and, indeed, must consider the circumstances of the offence, the personal circumstances of the victim, the personal circumstances of the offender (including any rehabilitation and contrition), the need to ensure the offender is punished, the deterrent effect of the sentence and a range of other matters.

It should not be forgotten that, in imposing such a sentencing option, the paramount consideration must be the safety of the community. This is an important safeguard. The government

and our community place great trust in our judiciary to take into account all of the relevant issues and circumstances when sentencing an offender. I have confidence that our judiciary is well able to assess whether an offender presents a risk of reoffending or poses a risk to the safety of the community. The discretion of the court should be maintained.

If passed, the amendment would have the effect that some offenders would be eligible to receive a suspended sentence, but would not be eligible to serve a term of imprisonment on home detention. This is plainly a ridiculous result. It would also have the effect of removing the option from the sentencing court in cases where a person could be regarded to be a prime candidate to serve a sentence on home detention.

The nature of criminal law is such that many offences are structured to capture a broad range of actions and consequences. The sentencing court is then entrusted to impose a penalty commensurate with the severity of the offence as well as the other relevant sentencing considerations, including the personal circumstances of the offender.

We consider that the court should have the option, in appropriate cases, to consider imposing a sentence to be served on home detention, rather than fully suspended or served in a prison. This is why it is our view that the sentencing judge, who is aware of the particular factors of the case and the particular facts of the offender, is best placed to determine where the offender falls on the scale, and indeed whether the offender poses an ongoing risk to the safety of the community.

Home detention is already available to the Department for Correctional Services as a means of managing offenders at the back end of their sentence. This is one of the department's most successful programs. Why should we not allow our judicial officers to sentence people to serve their sentences on home detention? This is what this amendment does for some offences. That is why the government opposes this amendment and urges the committee to likewise oppose it.

The committee divided on the amendment:

Ayes 8
Noes..... 10
Majority..... 2

AYES

Dawkins, J.S.L.	Hood, D.G.E.	Lee, J.S.
Lucas, R.I.	McLachlan, A.L. (teller)	Ridgway, D.W.
Stephens, T.J.	Wade, S.G.	

NOES

Darley, J.A.	Franks, T.A.	Gago, G.E.
Gazzola, J.M.	Hunter, I.K.	Maher, K.J.
Malinauskas, P. (teller)	Ngo, T.T.	Parnell, M.C.
Vincent, K.L.		

PAIRS

Lensink, J.M.A.	Kandelaars, G.A.

Amendment thus negatived; clause passed.

Remaining clauses (7 to 16) and title passed.

Bill reported without amendment.

Third Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (17:16): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Resolutions

STATEMENT OF PRINCIPLES FOR MEMBERS OF PARLIAMENT

Consideration of Message No. 88 from the House of Assembly, in response to which the Hon. K.J. Maher moved:

That this council—

1. Notes the resolution passed by the House of Assembly in adopting a statement of principles for members of parliament.

2. Adopts the following statement of principles for members of the Legislative Council—

   (a) Members of parliament are in a unique position of being accountable to the electorate. The electorate is the final arbiter of the conduct of members of parliament and has the right to dismiss them from office at elections.

   (b) Members of parliament have a responsibility to maintain the public trust placed in them by performing their duties with fairness, honesty and integrity, subject to the laws of the state and rules of the parliament, and using their influence to advance the common good of the people of South Australia.

   (c) Political parties and political activities are a part of the democratic process. Participation in political parties and political activities is within the legitimate activities of members of parliament.

   (d) Members of parliament should declare any conflict of interest between their private financial interests and decisions in which they participate in the execution of their duties. Members must declare their interests as required by the Members of Parliament (Register of Interests) Act 1983 and declare their interests when speaking on a matter in the house or a committee in accordance with the standing orders.

   (e) A conflict of interest does not exist where the member is only affected as a member of the public or a member of a broad class.

   (f) Members of parliament should not promote any matter, vote on any bill or resolution, or ask any question in the parliament or its committees, in return for any financial or pecuniary benefit.

   (g) In accordance with the requirements of the Members of Parliament (Register of Interests) Act 1983, members of parliament should declare all gifts and benefits received in connection with their official duties, including contributions made to any fund for a member's benefit.

   (h) Members of parliament should not accept gifts or other considerations that create a conflict of interest.

   (i) Members of parliament should apply the public resources with which they are provided for the purpose of carrying out their duties.

   (j) Members of parliament should not knowingly and improperly use official information, which is not in the public domain, or information obtained in confidence in the course of their parliamentary duties, for private benefit.

   (k) Members of parliament should act with civility in their dealings with the public, minister and other members of parliament and the Public Service.

   (l) Members of parliament should always be mindful of their responsibility to accord due respect to their right of freedom of speech with parliament and not to misuse this right, consciously avoiding undeserved harm to an individual.

And that upon election and re-election to parliament, within 14 days of taking and subscribing the oath or making and subscribing an affirmation as a member of parliament, each member must sign an acknowledgement to confirm they have read and accept the statement of principles.

(Continued from 14 April 2016.)

The Hon. R.I. LUCAS (17:17): I rise to speak on the issue of the statement of principles for members of parliament. In the first instance I note that, despite the kind invitation from the House of

Assembly that we should, in essence, agree to a decision that they have taken in relation to the statement of principles for members of parliament, we in this chamber will alternately be noting the resolution that was passed by the House of Assembly in adopting a statement of principles for members of parliament in the House of Assembly.

Appropriately, as a separate house, members of the Legislative Council will adopt (or not adopt) a statement of principles which apply to the Legislative Council. That is, indeed, appropriate. Certainly, Liberal members support that aspect of the motion that is before the house and moved by the Leader of the Government on behalf of government members.

Given that it has been moved in that way, clearly the Leader of the Government at the very least, if not all the members of the government in this chamber, also accepts that that is the appropriate course of action to be followed in terms of any resolution that this chamber might wish to adopt in relation to the way members should or should not behave.

I have to say at the outset that, over my period in this parliament, I have not been a strong supporter of codes of conduct or statements of principles for members of parliament. The history of the debate about the statement of principles, which was championed by the late Dr Bob Such, and some other members of both the Liberal and Labor parties over the years, has been canvased in the debate of the House of Assembly.

But, put simply, a number of years ago now there was a select committee that looked at the notion of a code of conduct or statement of principles and in the end it came back recommending not for a code of conduct but for a statement of principles. I know that my former colleague, with whom I had and still have very high regard, the Hon. Rob Lawson, sat on that particular committee. He had a very strong view that it should not be a code of conduct, it should be a statement of principles, if we were to have anything at all, in relation to governing our behaviour.

As I said, my position in the past has been that ultimately the behaviour of members of parliament is judged with or without a statement of principles or a code of conduct in the first instance by our electors. In the House of Assembly it is obviously the small number of electors in the individual electorates and in the Legislative Council we are judged by a statewide vote.

However, more particularly in terms of allegations of poor behaviour or bad behaviour or improper behaviour, we are judged ultimately by our peers and our processes in this place. There are opportunities for privileges committees, more common in the House of Assembly than in the Legislative Council, and also censure motions, no-confidence motions—particularly in relation to ministers—where members can express a point of view about the behaviour of an individual member of parliament.

Equally, of course, members are entitled, through various opportunities, to stand up and place on the public record their individual concern about the behaviour of any other member in the chamber or, indeed, in another chamber, by way of motion or discussion on a bill, for example, if it is appropriate, but more particularly in relation to a specific motion, if you were expressing concern about the behaviour of an individual member.

That has been the position that I have adopted over many years. However, the select committee that supported a statement of principles, which included both Liberal and Labor members, and discussions my party room and the government party room have had over a number of years have meant that there has been this emerging consensus, a majority view that has overwhelmed many of us that says that, whether or not these things in practice will mean much (and I will discuss that in a moment), the reality is that there is a public clamouring—perhaps that is too strong a phrase—a public acceptance that it is a good thing that members of parliament are governed in some way by a code of conduct or a statement of principles.

To that end, our party room and the government party room and, in particular, those who negotiated on these issues as part of a range of other discussions which transpired last year between the government and the opposition on a range of issues, some of which have been made apparent and others which are still to emerge, it was certainly the strong view of the Premier and the Attorney-General that as part of that package of measures they believed that acceptance from both the major parties and all members in the end, of a statement of principles, was an important part of that negotiated package.

It was within that context that those lingering doubts that I had as an individual were overwhelmed by the greater good that was expressed in those discussions and negotiations between the government and the opposition. The final view that was taken by our Liberal Party party room was that as part of that negotiated package, as part of that range of issues that was discussed, we should all adopt a statement of principles and a code of conduct. So I am now a card-carrying, flag-waving advocate for the statement of principles that is before us today and, on behalf of Liberal members, will be indicating our support for the statement of principles.

One of the issues that concerned me and a number of my colleagues, I have to say, and which did delay these issues somewhat, was a very strong view that I had, and some of my colleagues had, as I said at the outset, that our behaviour in my view ought to be governed, firstly, by our electors and, secondly, by our peers and colleagues, in terms of the processes of our house.

Certainly, when it came to the issue of the code of conduct, one of the concerns that I and some other members had was the way the ICAC was being utilised to investigate and to take action in relation to breaches of codes of conduct by public servants. I have previously—and I will not waste the time today to provide the detail—given the indication where public servants who had provided information in the public interest, they believed, to members of parliament were being pursued by the ICAC on the basis that they had breached a code of conduct.

Certainly, I and a number of my colleagues trenchantly opposed any notion that if this was to be a code of conduct any day of the week a claim could be made to the ICAC to say that an individual member of parliament had breached a code of conduct and that the ICAC should be investigating a breach of a code of conduct as they do investigate breaches of codes of conduct for public servants.

I can happily outline that the Attorney-General shared those particular views. In the discussions that ensued it was made quite clear, and other legislative changes which are to be taken have made it quite clear, that any claim about a breach of a statement of principles in this case from members will not be an issue to be investigated by the ICAC. It will be an issue to be resolved by the individual chambers. If there is to be a claim of a breach of the statement of principles in this house, it will be for an individual member to prosecute that case. As I said, there are a number of opportunities for that by way of motion and speeches, and ultimately censure or no-confidence motions, but there is also the capacity for a privileges committee in this particular chamber as well.

With that issue having been clarified, that is, that this remains an issue for members and their colleagues to, in essence, oversight and police, that took away some of the concerns that many of us had in relation to the issue. The only other comments I would make are in relation to the usefulness or not of a statement of principles in the first case. I guess I would return to some of some of the concerns I had over a number of years about these things.

When one looks at the statement of principles, clearly a number of elements of this are simply unarguable. Some are already covered by either our standing orders or legislation in relation to conflicts of interest, for example. Other elements of this particular statement of principles are clearly just common sense, that members have a responsibility to maintain the public trust placed in them by performing their duties with fairness, honesty and integrity subject to the laws of the state and rules of the parliament and using their influence to advance the common good of the people of South Australia.

I am not sure that there will be too many people who can argue against such a lofty statement of high principle. Whether all of us will, either in our own judgement or in the judgement of our colleagues and peers, ever meet that lofty standard, is a moot point. Nevertheless, it is hard to argue against some of those elements of the statement of principles which are so broad and so lofty in their goals as to be, in my view, unarguable.

It is also interesting that—and the government drove this particular process—element (c) of the statement of principles says:

> Political parties and political activities are part of the democratic process. Participation in political parties or political activities is within the legitimate activities of members of parliament.

This impinges in part on a debate that has gone on and will continue in relation to, for example, use of global allowances. When one looks at the global allowances, it applies to House of Assembly members and in particular it applies to federal members. It acknowledges that an individual member of parliament is also a member of a political party and has some activities that he or she needs to undertake which will involve the use of some of the resources that are available to the member's office.

If it is just as simple as the telephone that is paid for by the taxpayers, and one takes a telephone call from a party member in relation to a party issue, on a strict legal interpretation there might be some argument in relation to whether or not that is appropriate if the guidelines for the global allowance say that you cannot use any public expenditure of your global allowance, in essence, on political activities or campaign activities or activities that relate to your political party.

It is interesting that in this particular statement of principles, the government has asked us, and we are prepared to support, that we are acknowledging that participation in political parties is an important statement of principle in terms of the behaviour of members of parliament. I suspect this particular element (c) will be part of an ongoing debate in relation to the appropriate use of resources through global allowances and other areas as well.

The conflict of interest provisions are, in my view, hard to argue with and in many cases are already required of us, as I indicated earlier. Although there is one, element (h) of this particular statement of principles, which says: 'Members of parliament should not accept gifts or other considerations that create a conflict of interest.' That is a very broad statement. Under the other restrictions that apply to members of parliament, there is generally some sort of value placed on gifts above a level, whether it is $500 or $700 or something. It tries to get across the notion that if someone buys you a sandwich at the Myer food court, or gives you an inexpensive bottle of red wine—not Argentinian and not Grange—for speaking at a particular event, that, whilst it is a gift, it is not of high value and therefore unlikely to influence your behaviour.

It is interesting that this statement of principles does not put a monetary limit on gifts. It just says 'should not accept gifts…that create a conflict of interest.' So I guess the argument would be whether a gift that is worth $100 or $200 or $400 creates a conflict of interest. Some may assert that it does and seek to use the statement of principles as an argument to say this created a conflict of interest, and I am sure the person who the assertion is made against would deny that it involved a conflict of interest at all. But there is some looseness in terms of the language in this which is different from our requirements to declare gifts under our pecuniary interests register each year. So there is a difference there.

As I summarise my comments on this, the point that I am going to make is that this should be an evolving document. It may well be, with the passage of time, we look at various elements and decide that, as wonderful as we thought they were at the time, maybe it makes more sense for them to be amended. It will be the purview of this chamber, if it so chooses, to amend the statement of principles in the future. It is not as if this particular decision that we take in 2016 need bind us forever and a day. It is an issue that can evolve and, with experience, I hope would evolve. We can improve it if need be in some areas.

Element (k), which is one which a number of members will have some challenge abiding by, I suspect, is: 'Members of parliament should act with civility in their dealings with the public, minister and other members of parliament and the Public Service.' Recent evidence to the Gillman ICAC inquiry, which documented the relationship between minister Koutsantonis and senior public servants and the language that was used in every day meetings between the minister and public servants, would seem to indicate that someone could, under this statement of principles, lodge a complaint that they had not been treated with civility from their minister to the public servant.

Many members have complained or squealed about other members of parliament who have been mean to them in terms of their use of language. I say that advisedly, looking at some members of the Labor Party across the chamber at the moment. There are some members in this chamber who squeal more often than others in terms of people being mean to them, with accusations of incompetence, negligence or poor performance.

How will that be policed as a statement of principles because, with the greatest of respect, it is in the eye of the beholder or the receiver in what is the bear pit, in my view, of public office and the particular language that is used in terms of one member against another member. I am sure some members would feel that that breaches element (k) of the statement of principles because they have not been treated with civility by another member and might seek to take some action. I cannot see that it will ever get anywhere. It again raises some interesting questions, but in the end I cannot see that there will be any useful resolution of those complaints at the end of any process that someone might wish to initiate.

There are a number of other elements on which I could comment, but I do not intend to. I just briefly highlight those four or five to indicate again, in conclusion, that whilst Liberal members, as part of the discussions we had with the government last year, have indicated our willingness to support a statement of principles for members of parliament, in my view we should do so with an open mind. In my view, we should do so with the willingness to monitor how this statement of principles operates over a period of time and, in my view, after that appropriate period of time we should revisit the wording with sensible discussions between the government and the Liberal Party and other parties represented in this chamber.

It makes sense with these things to get the greatest degree of consensus as is possible on these particular issues, and it may well be that more appropriate wording can be developed with the passage of time. With that, I indicate on behalf of Liberal members our support for the motion to adopt a statement of principles on behalf of members in this chamber.

The Hon. M.C. PARNELL (17:38): This motion is a nonsense. It is an absolute nonsense and I will not be voting for it. What I can tell you is that I have signed it and, shortly, I will present the Clerk with a copy of the statement of principles with the last four lines removed, and I will explain why I have done that. The actual merits of most of the various items that are included in this statement of principles, as the Hon. Rob Lucas has said, are either a statutory requirement, part of our standing orders or sheer common sense and rules of courteous behaviour.

I will not go through all of them, but I do agree with the Hon. Rob Lucas that they could do with some work; I think they could be cleaned up. For example, the honourable member referred to the conflict of interest provision which, on the version I have, is paragraph (viii): 'Members of parliament should not accept gifts or other considerations that create a conflict of interest.' I agree. My favourite conflict of interest was the Hon. Russ Hinze, a larger than life character in the Queensland parliament. He was known as the colossus of roads; he was in fact the minister for roads. He was also the minister for racing. He was approached and it was said, 'But, minister, you own racehorses. How on earth can that not be a conflict of interest?' He said, 'No, it just proves how much I know about the industry and why I am the best-qualified person to be the minister for racing. I am a racehorse owner.' He was someone who made or lost money as a result of his private activities and yet he was the minister for racing.

We could look at issues such as not accepting gifts and donations. What about political parties? Is it appropriate for the Labor Party to take a couple of million dollars from Mr Lang Walker and then deliver him on a platter the Buckland Park development or the exclusive rights to develop the Festival Plaza and build the second-tallest building in Adelaide on public land? Is that something we should put in this code of conduct?

Members interjecting:

The Hon. M.C. PARNELL: That has got the members opposite worked up. The reason that I say this—

Members interjecting:

The Hon. M.C. PARNELL: No, if you want to deny the facts, it has been raised in this point. I have raised it and the Hon. Rob Lucas has raised it. The Walker Corporation is a major donor to the Labor Party and—

The Hon. P. Malinauskas: Two million dollars?

The Hon. K.J. Maher: What year was the $2 million?

The Hon. M.C. PARNELL: No, it was over a 10-year period and it was Australia-wide. I am not saying it was $2 million to South Australian Labor; I did not say that. You need to listen more carefully. The point I am making is that here we are saying that members of parliament should not accept donations that create a conflict of interest, but what about political parties? Why do we not include that? The reason that I have struck out the last four lines is that they read as follows:

> And that upon election and re-election to parliament, within 14 days of taking and subscribing the oath or making and subscribing an affirmation as a member of parliament, each member must sign an acknowledgement to confirm they have read and accept the statement of principles.

That is an absolute joke and it is unconstitutional. It is not possible for this parliament to pass a motion which purports to rewrite the constitution so that the constitution now says: 'not only do you have to be elected, not only do you have to come along and subscribe in the book, and take an oath or an affirmation, but you must also agree with a motion that the previous parliament thought was a good idea and, if you don't, then you are in breach of something.' What are you in breach of?

The Hon. R.I. Lucas: You are not in breach of anything.

The Hon. M.C. PARNELL: No, you are in breach of a motion that the previous parliament thought was a good idea. Why is it appropriate for this parliament to suggest that we put words in a motion which says that future members of parliament must sign it, and that signature says that they have read and accept the statement of principles?

If the government wants to bring an amendment to the Constitution Act, which basically changes the eligibility for members of parliament so that the eligibility is not just getting voted in and is not just subscribing on swearing in day but you also have to sign off on all these other documents, then let them bring a bill forward. Let them bring a bill forward to amend the constitution. They have not done that.

What would the consequences be? There are two things. The consequences of not complying with the actual paragraphs (a) to (l) of the statement of principles would be what they have always been: if it is a breach of the law, it might involve the police; if it is a breach of parliamentary processes, it might involve a privileges committee; but the ultimate sanction is that at the next election people do not vote for you because you have not behaved properly. They are the sanctions, and yet this motion purports to suggest that you have to sign and you have to agree to it.

If we accept this motion and if a newly-elected member of parliament has not signed this document within 14 days, what are we going to do about it? Is the President going to growl at them? Will the President put out a press release saying, 'The following newly-elected members have refused to sign the statement of principles.' What is the consequence of it?

What I find most remarkable about this whole exercise is that the original version that we have came from the House of Assembly, and I will acknowledge that the late Hon. Bob Such was a champion for these statements of principles and codes of conduct, and good on him, that is fine. However, what is remarkable about this is that it bears the signature 'M.J. Atkinson, Speaker, House of Assembly'. Why does the Speaker of the House of Assembly sign a document like this?

There are a couple of reasons. First of all, because that is what they voted for and his job is just to sign it. I would have thought, though, that as a former first law officer, as a pedantic former first officer, whose hobby is checking the spelling mistakes of rival parties' webpages and Twitter posts, how on earth could the Speaker of the other place, the former first law officer, have put his name to something that is unconstitutional? How could that have happened? I really do not know. I find it quite remarkable.

The Hon. R.I. Lucas interjecting:

The Hon. M.C. PARNELL: I am at a disadvantage, not having seen earlier drafts of what might have been in here. However, the point I make is that I am happy to subscribe my name to paragraphs (a) to (l) of this statement of principles. I think some of them are poorly worded and many of them do not go far enough. They are either law, standing orders or common sense, and I will present the Clerk shortly with a version which, having deleted those last four lines, basically says, 'I confirm and accept the above statement of principles. M. Parnell, 13 April 2006.'

It has taken a while to get this on the agenda. I do not want anyone to say, 'Oh, Parnell is trying to worm his way out of his responsibilities as a member of parliament.' I am happy to put my name to it, but I will not be voting for this motion as it is worded. I think it gives us no credit at all to be suggesting unconstitutionally that we have within our power the ability to bind the behaviour of future members of parliament. They will be judged according to the law and according to the standing orders, their peers and the electorate. It is completely out of line for this parliament to be passing a motion such as this and I will not be voting for it.

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

Bills

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Introduction and First Reading

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

SUMMARY OFFENCES (FILMING AND SEXTING OFFENCES) AMENDMENT BILL

Introduction and First Reading

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

Ministerial Statement

MENTAL HEALTH COMMISSIONER

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (17:48): I table a copy of a ministerial statement relating to the appointment of a new mental health commissioner made earlier today in another place by my colleague the Minister for Mental Health and Substance Abuse.

SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (17:49): I table a copy of a ministerial statement relating to the South Australian Civil and Administrative Tribunal made earlier today in another place by my colleague the Deputy Premier.

At 17:49 the council adjourned until Wednesday 18 May 2016 at 14:15.

Answers to Questions

SA WATER

In reply to **the Hon. J.A. DARLEY** (10 February 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 Water and the River Murray has received this advice:

1. SA Water's billing system is based on property assessments created by the State Valuation Office. In 2014 the Valuer-General applied a policy for the implementation of separate assessments of Independent Living Units (ILUs) within the Para Vista Retirement Village. In accordance with SA Water's normal billing practices SA Water created and issued individual accounts for the 26 ILU's within the village.

In March 2015, following across-government working group established to consider the impacts of separate ILU assessments SA Water agreed to implement a Retirement Village Discounted Single Assessment (RVDSA) which will allow SA Water to continue to bill the Para Vista Retirement Village as a single entity and not issue individual bills for the 26 ILUs.

2. Effective 1 July 2015 SA Water introduced a limited period RVDSA charge to apply to the Para Vista Retirement Village and other retirement villages that will be impacted by the Valuer-General's policy.

The RVDSA will run for a period of ten years ending on 30 June 2025.

The RVDSA ensures that current residents of impacted retirement villages will not be worse off as a result of individual assessments of ILUs.

3. Investigations have been finalised. The RVDSA was published in the South Australian Government Gazette dated 9 July 2015 and implemented by SA Water. This will ensure that retirement villages are not disadvantaged by the implementation of the Valuer-General's policy.

4. The 26 accounts were on hold until investigations were completed. Effective July 2015 SA Water applied the RVDSA to the Para Vista Lutheran Home and revised bills were issued. SA Water contacted the Para Vista Lutheran Home to discuss the billing arrangements.

5. The RVDSA will be applied to other existing retirement villages impacted by the Valuer-General's policy to ensure they are not disadvantaged. The Valuer-General has agreed to not conduct any further ILU assessments on existing retirement villages until 2016-17.

SOUTH EAST DRAINAGE NETWORK COMMUNITY PANEL

In reply to **the Hon. R.L. BROKENSHIRE** (26 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 Water and the River Murray has received the following advice:

1. & 2. On Saturday 28 March 2016, I travelled to Naracoorte to attend the final meeting of the South East Drainage Network Community Panel. I note there were approximately 50 people in attendance.

At the meeting I discussed its recommendations and discussed their experiences as members of the Community Panel.

The report of the Community Panel was tabled in Parliament, along with the government's response, on 29 July 2015.

The South East Drainage Board is continuing to work with the South East community to partner with other organisations to leverage funds to further invest in the network.

The South East Drainage Network is an asset which benefits private landholders and the general public of the South-East, and as such, the government's believes that maintenance should be met through both public and private investment.

The state government is dedicated to the continuing maintenance and operation of the South East Drainage Network, on behalf of the broader South Australian community, with an annual commitment of $2.2 million.

LOWER LIMESTONE COAST WATER ALLOCATION PLAN

In reply to **the Hon. J.M.A. LENSINK** (22 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 Sustainability, Environment and Conservation has received this advice:

1. This change of policy was made by the South East NRM Board when developing the Lower Limestone Coast Water Allocation Plan. Until volumetric conversion occurred in this plan, which I approved on

26 November 2013, there was no policy on how delivery supplements would be allocated in the Lower Limestone Coast Prescribed Wells Area.

LOWER LIMESTONE COAST WATER ALLOCATION PLAN

In reply to **the Hon. D.W. RIDGWAY (Leader of the Opposition)** (22 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 Water and the River Murray has received this advice:

1. Eligibility for a delivery supplement component was ascertained through the process of application, therefore an exact number cannot be determined. Some licence holders who may have qualified for this component did not apply.

2. This change of policy was made by the South East NRM Board when developing the Lower Limestone Coast Water Allocation Plan. Until volumetric conversion occurred in this plan, which I approved on 26 November 2013, there was no policy on how delivery supplements would be allocated in the Lower Limestone Coast Prescribed Wells Area.

CONCORDIA DEVELOPMENT

In reply to **the Hon. M.C. PARNELL** (13 October 2015).

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety): The Minister for Planning has been provided the following advice:

No. The department is not fast tracking urban development at Concordia.

As part of the requirements to review the Planning Strategy for South Australia, and in particular the 30-Year Plan for Greater Adelaide, all areas of land identified as growth areas will be reviewed.

It should be noted that the government has been working with the Town of Gawler and the Barossa Council to consider the strategic repercussions of current and planned growth in the regional township of Gawler. In particular, this work has considered the infrastructure issues that need to be resolved to accommodate the needs of existing and future residents.

Representatives of the Department of Planning, Transport and Infrastructure presented to council meeting at the Town of Gawler on 16 December 2014 and 18 February 2015 and to council workshops at the Barossa Council on 3 December 2014 and 4 March 2015.

The government welcomes the input from the elected members, who represent members of the community in the Town of Gawler and the Barossa Council. Insights gained from working with these councils on these strategic issues will be used to help inform the update to the 30-Year Plan.

CYCLING REGULATIONS

In reply to **the Hon. D.G.E. HOOD** (14 October 2015).

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety): The Minister for Transport and Infrastructure has been provided with the following advice:

1. The following is taken from the Regulatory Impact Statement, which is available on the website of the Department of the Premier and Cabinet:

'The Department of Planning, Transport and Infrastructure (DPTI) undertook public consultation on the legislative detail for the two proposals. The consultation process, which ran from 4 to 20 March 2015, generated 1,584 submissions from the general public and stakeholder organisations. Not all respondents commented on both proposals.'

Both proposals were supported by a clear majority of respondents (over 70%).

The consultation process was promoted through:

- DPTI media release issued on 3 March 2015.
- Consultation with stakeholder organisations especially organisations representing the interests of people with disabilities. Submissions received included those from Blind Citizens Australia (Adelaide and National Branches), Council of the Ageing South Australia, Health South Australia, Heart Foundation, Royal Society for the Blind and Vision Australia.
- DPTI social media: I Bike I Like Facebook page, DPTI Facebook page and twitter account.
- Email announcement to DPTI and SAGEMS addresses.
- SA Government YourSAy community engagement.
- Disability SA—Disability Services Information Update, and Disability Register.

- National Heart Foundation online newsletter.
- Bike SA social media.
- Motor Accident Commission social media.
- Amy Gillett Foundation social media.
- Information provided at meeting of DPTI's Transport Accessibility Advisory Group.'

2. The Australian Road Rules treat riding on footpaths as the norm. Jurisdictions can ban it if they wish, which SA has partially done until now. Therefore, there already exists a framework for dealing with cyclists' behaviour on footpaths, such as keeping to the left, giving way to any pedestrian, enforcement and liability. Riding with due care has also been a common element along with the same requirement for drivers of motor vehicles.

For some time this framework has been applicable to cyclists under 12 and adults accompanying them, and people with a medical certificate permitting them to ride on the footpath. As with all other road users, cyclists will be required to ride with due care and attention under section 45 of the Road Traffic Act.

3. The matter of compensation and insurance relies upon the common law. The current practice is that liability in the event of damage from collisions is dealt with as a civil matter. Many adult cyclists may already hold appropriate insurance through household cover policies. Other insurances are available through being members of sporting or cycling clubs.

A local council will not be liable unless the loss, damage or injury suffered by the pedestrian is attributable to the negligence of the council and the alleged negligence by the council does not fall within the 'highway immunity rule'.

4. 'The changes have been put in place via regulation because they pertain to the Australian Road Rules. Matters pertaining to behaviour on the physical infrastructure properly belong in the Road Rules, as opposed to higher-level requirements such as drink and drug-driving, which belong in the Road Traffic Act. However, the minimum passing distance rules at least are not, at present, nationally consistent and therefore properly belong in SA's Ancillary and Miscellaneous Regulations, which contain state variations to the Road Rules. The changes regarding cycling on footpaths simply repeal the partial ban that is already a part of the Ancillary and Miscellaneous Regulations.

COBBLER CREEK

In reply to **the Hon. J.S.L. DAWKINS** (15 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. Staff from Natural Resources, Adelaide and Mount Lofty Ranges (NR AMLR) have met with officers from the City of Salisbury and the City of Tea Tree Gully.

2. To address some of stormwater impacts on the creek, NR AMLR staff, the Adelaide and Mount Lofty Ranges Natural Resources Management Board, and the Stormwater Management Authority (SMA) are working with the two local governments to develop a Stormwater Management Plan (SMP).

A SMP will address some of the impacts of stormwater flows on the creek, including erosion of its bed and banks, the quality of stormwater runoff, and stormwater harvesting. Once the SMP is approved by the SMA, the Cities of Salisbury and Tea Tree Gully will be eligible to apply for funding from the Stormwater Management Fund.

3. The SMP includes provisions to harvest stormwater for reuse by local councils. I am aware that the City of Salisbury is already harvesting stormwater from Cobbler Creek, and that it intends to continue to do so as part of sustainable stormwater and creek management. I am also aware that the SMP is likely to make recommendations regarding the provision of incentives to private landholders in regard to harvesting rainwater on site.

CYCLING REGULATIONS

In reply to **the Hon. K.L. VINCENT** (28 October 2016).

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety): The Minister for Transport and Infrastructure has been provided with the following advice:

1. The Motor Accident Commission is running a campaign to inform and educate people about the new cycling laws. The campaign consists of:

- Bus shelter ads
- Online videos and information
- Radio ads
- Informational flyer in motor vehicle registration renewal reminders.

The Department of Planning, Transport and Infrastructure (DPTI), the RAA, Bicycle SA and other community groups have helped spread information relating to the new cycling laws to their members and followers.

The main messages in the campaign for people considering riding on the footpath are:

- Keep to the left unless it is impracticable to do so,
- Give way to any person walking on the footpath or shared path,
- Ring a bell or provide a verbal warning to alert people walking, if necessary, to avert danger. This could be just a friendly 'hello' to make sure the person walking is aware that you are nearby; and
- Exercise due care by travelling at a safe speed and be prepared to stop, if necessary.

For more information, visit mylicence.sa.gov.au/road-rules/newcyclinglaws

2. DPTI has been in the process of moving all websites across to a new accessible template that is Web Content Accessibility (WCAG) AA compliant. My Licence is due to be moved across soon. Other DPTI websites such as the DPTI internet website, Infrastructure, On Deck and On Road have already been transferred to this compliance.

The My Licence website has a responsive design which means it can be accessible from all smart phones, tablets and PC's and in all internet browsers. DPTI strives to meet the WC3 guidelines as that is the standard for an SA government website. Colours and contrast with the website meet standard guidelines.

The current campaign's videos have been closed captioned to ensure the deaf or hard of hearing can turn on the captioning, the page is also available for computer on screen readers to assist the vision impaired.

It is state government policy that all web pages are readily available to a broad audience as soon as possible and this includes people with disabilities. DPTI in the future is also working towards a translation service for customers that do not speak English. DPTI is always striving for WCAG AA compliance with all websites and content and looks to improve their techniques and content to meet industry requirements.

3. By law, a person cycling on a footpath is required to give way to people walking and to exercise due care by travelling at a safe speed and being prepared to stop if necessary. Although the speed limit that applies to footpaths is that of the adjacent road or the default speed limit, cyclists moderate their speed (for their own safety as vulnerable road users) based upon the local conditions and environment.

For example, people ride more slowly around pedestrians and when driveways are obscured. A common sense approach to enforcement is preferable to assessing and posting speed limits on all paths and is consistent with the approach used in other states and territories.

People using powered mobility aids, for example a motorised wheelchair are classed as pedestrians if the maximum speed of the motorised wheelchair on level ground cannot exceed 10 km/h. This is not a speed limit for paths or wheelchairs but rather a restriction on the governed motorised device to be classified as a pedestrian rather than a motor vehicle. Motorised wheelchair riders have the same rights and responsibilities as pedestrians. Unladen motorised wheelchairs can weigh up to 110 kg, significantly more than a bicycle.

4. Other jurisdictions that allow all-ages footpath cycling, which include Queensland, Tasmania, the Australian Capital Territory and the Northern Territory – were contacted in the assessment of regulatory options and each stressed that all-age cycling on footpaths does not present a regulatory, compliance or enforcement problem and there is very little evidence to suggest cyclists pose a safety risk to other path users.

More information is contained within the Regulatory Impact Statement:

http://www.dpc.sa.gov.au/sites/default/files/pubimages/documents/RIS_Cycling%20on%20Footpaths%20and%20Minimum%20Overtaking%20Distance.pdf

5. The Office for Recreation and Sport currently funds the delivery of cycling to people with a disability. This program is conducted by Cycling SA (Road to Rio Phase III) which continues to build an underpinning program for developing athletes with a disability to ensure Cycling SA feeds quality riders into South Australian Sports Institute and Cycling Australia programs.

Eligible organisations are able to apply for funding through the Sport and Recreation Development and Inclusion program. To be eligible for funding through this program, an organisation must be:

- Not-for-profit
- Properly constituted and incorporated under the Associations Incorporation Act (1985) or have another comparable legal status
- A sport or active recreation organisation; or
- A non-sport or active recreation organisation when the project outcomes deliver significant benefit for sport or active recreation organisations or when the project benefits targeted populations and does not duplicate a program delivered by sport or active recreation organisations.

Active recreation and sport is defined as:

Active Recreation is where:

- the primary purpose and primary focus of the activity undertaken, is to engage in human physical activity for its own sake
- the physical activity gained is not an indirect benefit of the primary activity
- organisations delivering these activities do so for the primary purpose of human physical activity.

Sport is where:

- A human activity capable of achieving a result requiring physical exertion and/or physical skill which, by its nature and organisation, is competitive and is generally accepted as being a sport.

Other organisations such as Disability Recreation and Sports SA (hand cycling), Blind Sports SA (tandem cycling) and Inclusive Sport SA, offer sport and recreation opportunities for people with a disability to cycle in competitive and recreational events, and cycling organisations and coaches can teach people with disabilities to cycle for transport, fun and fitness.

6. To ensure data reliability and accuracy the DPTI has limited the analysis to 20 years from 1995 to 2014 inclusive, for the following answers relating to crash history. A 'road' or 'road related area' mentioned below are as defined in the Australian Road Rules and Australian Transport Safety Bureau guidelines for inclusion in the national crash database.

In South Australia, in the last 20 years between 1995 and 2014, 24 pedestrians have been seriously injured, and one pedestrian killed as a result of a collision with a cyclist on our roads and road-related areas. The pedestrian fatality occurred on a road.

7. In South Australia, in the last 20 years between 1995 and 2014, 2,155 pedestrians have been seriously injured, and 350 pedestrians killed as a result of a collision with a vehicle on our roads and road-related areas.

8. In South Australia, in the last 20 years between 1995 and 2014, no powered or manual wheelchair users or gopher users have been seriously injured or killed as a result of a collision with a cyclist on our roads or road-related areas.

9. In South Australia, in the last 20 years between 1995 and 2014, 28 powered/manual wheelchair users or gopher users have been seriously injured, and 12 powered/manual wheelchair users or gopher users killed as a result of a collision with a vehicle on our roads and road-related areas.

10. In South Australia, in the last 20 years between 1995 and 2014, 1,005 cyclists have been seriously injured and 67 killed as a result of a collision with a vehicle on our roads and road-related areas.

ENVIRONMENT, WATER AND NATURAL RESOURCES DEPARTMENT

In reply to **the Hon. J.S.L. DAWKINS** (17 November 2015).

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

1. The number of properties owned and leased out by DEWNR that are located in reserves is 36.

The properties are:

Location of DEWNR property	Number of leases
Belair National Park	2
Brownhill Creek Recreation Park	1
Chowilla Game Reserve	2
Cleland Conservation Park	3
Deep Creek Conservation Park	2
Dingley Dell Conservation Park	1
Flinders Chase National Park	2
Flinders Ranges National Park	2
Fort Glanville Conservation Park	1
Goose Island Conservation Park	1

Location of DEWNR property	Number of leases
Horsnell Gully Conservation Park	1
O'Halloran Hill Recreation Park	7
Onkaparinga River Recreation Park	4
Para Wirra Recreation Park	1
Shepherds Hill Recreation Park	2
Sturt Gorge Recreation Park	1
Troubridge Island Conservation Park	1
Witjira National Park	1
Wyndgate	1

The number of properties owned and leased out by DEWNR that are located on crown land and that earn a lease income greater than $10,000 per annum is 4.

The properties are located in:

Location of DEWNR property	Number of leases
City of Port Adelaide Enfield	1
City of West Torrens	1
Berri Barmera Council	1
Unincorporated Area (UIA) Northern	1

2. The total value of the lease income earned from the properties located in reserves is $538,842.

The total value of the lease income earned from the properties located on Crown land is $305,150.

The total value of the lease income earned from all properties is $843,992.

GOVERNMENT RADIO NETWORK

In reply to **the Hon. R.I. LUCAS** (9 February 2016).

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety): I am advised:

The MFS is currently undertaking an operational trial of mobile computer terminals (MCT). An Intergraph application named 'Mobile Responder' is being trialled as the primary tool to provide incident and dispatch information to MFS appliances.

Mobile Responder is reliant on mobile coverage and all MFS stations are located well within mobile coverage zones.

Connectivity issues may be experienced when appliances travel outside of their area, or where there are mobile data outages. Should this occur, crews may rely on the South Australian Government Radio Network (SAGRN). The current use of the SAGRN has proved reliable and the MFS is comfortable that it is a suitably robust network which will be further enhanced by the continuing significant upgrade.

No radio communications system will be able to guarantee that it will be available everywhere 100% of the time, especially when under the extreme conditions and demands like those experienced during the Pinery Fire.

The MFS, the Police and all other Emergency Services agencies are well aware that access to commercial mobile phone and data services is often unreliable in the vicinity of emergencies and major community events. To account for that, the MFS has put in place fall-back arrangements it can quickly switch to in the event that the mobile responder/mobile phone system is not available for any reason.

The MCT being introduced by the MFS will complement the state's SAGRN and, therefore enhance the ability of the MFS to ensure its best possible response to emergencies.

COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

In reply to **the Hon. T.A. FRANKS** (9 February 2016).

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 Education and Child Development has received this advice:

1. The government's Child Development and Wellbeing Bill, including provisions for a South Australian Commissioner for Children and Young People, was introduced into parliament on 19 June 2014 and passed the House of Assembly on 25 September 2014. The bill was subsequently introduced in the Legislative Council in late 2014 and restored to the Legislative Council's *Notice Paper* in 2015, following the prorogation of parliament at the end of 2014.

In March 2015, the Minister for Education and Child Development announced that the bill will be put on hold pending the outcomes of the Child Protection Systems Royal Commission. This was also reported in the media on 25 March 2015.

This decision was made in order to ensure the functions of a South Australian Commissioner for Children and Young People align with, and do not duplicate, any proposed legislative change about the child protection system to be recommended by the royal commission. The royal commission's report is due by 5 August 2016.

SUICIDE PREVENTION

In reply to **the Hon. J.S.L. DAWKINS** (10 February 2016).

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety): I am advised:

1. In January 2009, SAPOL adopted a range of initiatives emanating from the Mindframe program. A comprehensive training program is undertaken by all police recruits, spanning a broad range of topics relating to police dealing with people with mental health issues and police dealing with their own mental health management. This training was designed to capture new recruits since the adoption in 2009 of the Mindframe initiatives. This training also extends to managing communications with persons threatening suicide, particularly in high risk situations.

SAPOL do not release details of any police suicides unless there is critical reason to do so. This policy is in line with a nationally agreed position emanating from the October 2015 National Police Media Managers Conference. This policy and procedure is included in all media training throughout SAPOL and has been since 2009.

2. In addition to the training delivered on the approved recruit training program, all appointed police officers receive additional suicide-related training when attending promotional and developmental training course.

Operational members are required to attend corporate training on a rotational basis. 'Suicide Awareness' and 'Prevention and Building Resilience' are compulsory subjects forming part of the corporate training cycle.

The current Advanced Diploma of Policing has an element on managing behaviour in the workplace. From January 2017, the advanced diploma will have a human resource management element relating to the management of employee welfare.

BODY IMAGE CAMPAIGN

In reply to **the Hon. A.L. McLACHLAN** (23 February 2016).

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 the Status of Women has received this advice:

1. The Body Image SA project was launched on International No Diet Day on 6 May 2015. The social media campaign aimed to inspire girls aged seven to 12 years, to build their self-esteem, love their bodies, and realise that their value comes from their character, skills and attributes, not their weight and shape. Given the age of the target audience, the campaign did not focus on the sexualisation of women.

2. The sexualisation and 'sexploitation' of women is a key issue in sport. The Minister for Recreation and Sport has indicated that the government will not continue to support the grid girls after the 2016 Clipsal race.

SA WATER INFRASTRUCTURE

In reply to **the Hon. J.A. DARLEY** (9 March 2016).

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 Water and the River Murray has received this advice:

1. I am advised that SA Water's maintenance program follows both preventative and breakdown maintenance methodology.

2. I am advised that SA Water maintains an asset register of the location and asset attributes of every pipe, valve, fireplug and water meter in the network.

The condition and performance of individual pipes within the water network are also monitored and recorded every day by SA Water. A large detail desktop review of the total water network is conducted between February and March each year to set the following financial years capital works programme. Outside that period SA Water investigates individual pipes under individual projects and set priorities for either replacement or inspection.

3. As per the previous point, the entire water system including the suburbs of Campbelltown, Newton and Paradise are analysed between the months of February and March to set the capital programme. Outside that period SA Water investigates individual pipes and set priorities for either replacement or inspection.

4. Within the suburb of Campbelltown, there is 53.1 km of water mains laid between 1880 to 2014. The Campbelltown water network has an average age of 55 years.

Within the suburb of Newton, there is 35.5 km of water mains laid between 1889 and 2015. The Newton water network has an average age of 50.

Within the suburb of Paradise, there is 55.3 km of water mains laid between 1889 and 2014. The Paradise water network has an average age of 51 years.

5. A State of the Assets Report is tabled in parliament twice a year which reflects the performance of water main assets.

6. Within the metropolitan area, SA Water uses soil data that was collected and tested by the Department of Mines and Energy in 1996. Between 2006 and 2009, SA Water undertook an extensive investigation into soil movement and water main failures. This relationship between soil and pipe failures is still monitored by SA Water today with failure patterns observed in 2009 consistent in 2016.

Soil within metropolitan Adelaide is separated into two horizons. The A horizon is the higher level and the B horizon is the lower level.

There are 21 soil classification categories identified within the A soil horizon, which ranged from sandy alluvial material to the aggressive red brown and black earth clays and a variety of clays types within the lower (B) horizon. They include the Keswick clay and Hindmarsh clay to name a few.

Across Adelaide, Gilgai formations commonly occur when the increase in moisture content of a lower soil horizon (B) causes the soil to swell and heave itself upwards through the upper soil horizon (A) to provide micro relief. Within Adelaide the most significant occurrence of Gilgai formations would occur within a Keswick or Gley clay B horizon and a black earth A horizon.

Unfortunately the suburbs of Paradise, Newton and Campbelltown are predominately located within Black earth soils as an A horizon and Keswick clay as a B horizon. As a result, the majority of failures within this region are attributed to circumferential cracking and ground movement.

The influence of aggressive soil movement, due to changes in moisture content in both horizons, has the potential to apply multiple forces on the water main. First frictional forces from soil cracking can pull against the main, and second, swelling of soils can cause uplift and result in negative bending moments applied to the main. This supports the monthly failure trend within the network and sees peak number of water main failures in March to June and significantly lower number of failures in October and September.

SA WATER INFRASTRUCTURE

In reply to **the Hon. S.G. WADE** (9 March 2016).

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 Water and the River Murray has received this advice:

1. SA Water have made a commitment to those residents affected by the recent water mains burst in Paradise to reimburse costs associated with damage to property caused by the water main burst.

2. On March 18 2016 I announced publicly that the cause of the mains failures has been investigated internally by SA Water and has concluded that an operational issue at Hope Valley water treatment plant caused a pressure surge in the water main and was the likely cause of the mains failures.

The Essential Service Commission of South Australia (ESCOSA) and the Office of the Technical Regulator are also performing independent reviews of the recent water mains failures in Paradise.

3. The metropolitan water network has a failure rate target of 21 failures/100 km/year. For:

- 2014-15 the metro failure rate was 19.6 failures/100 km/year
- 2015-16 the metro failure rate currently is 19.8 failures/100 km/year.

CHILD DISCIPLINE

In reply to **the Hon. D.G.E. HOOD** (24 March 2016).

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety): The Attorney-General has provided the following advice:

The interpretation of the law is a matter for the courts. There is no further comment.

SA WATER INFRASTRUCTURE

In reply to **the Hon. R.I. LUCAS** (17 April 2016).

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 Water and the River Murray has received this advice:

1. Since 2012 SA Water has been conducting a tracking survey with residential and business customers who have contacted SA Water with an account or general enquiry; to report a service fault; or to apply for a new water main connection.

SA Water contracts Newfocus, a qualified research company with an office in Adelaide, to conduct its customer satisfaction tracking research. This financial year approximately $100,000 has been spent on the survey.

2. The results of the customer satisfaction tracking research are reported internally to SA Water, including its board, and are used to track service delivery performance and identify areas for service improvement.

3. 69 per cent of customers who reported a service fault in quarter 3 of this financial year rated their experience with SA water with a positive rating (providing a score of 8 through to 10).

WATER METERS

In reply to **the Hon. S.G. WADE** (14 April 2016).

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

1. Select Solutions, the water meter replacement program contractor, has a local office located at Cavan in the northern suburbs of Adelaide. Select Solution's head office is located in Victoria. All of the water meter fitters currently working on the SA Water project are South Australian.

The public tender for this work was released on 23 April 2014 and closed on 27 May 2014. All opportunities to engage South Australian workers are taken into account during the tender evaluation process.

2. Select Solutions was awarded the contract under the weighted criteria method of tender evaluation that considers opportunities to engage South Australian workers.

SA Water now has an 'Industry Participation' weighting in its request for tender templates.

Ad hoc meter replacements (breakdowns/customer complaints) are undertaken by Allwater (Alliance partners in metro) and internal SA Water staff (in country). In both instances South Australian workers are engaged.