

LEGISLATIVE COUNCIL

Thursday, 4 August 2016

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

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

Parliamentary Committees

PRINTING COMMITTEE

The Hon. J.M. GAZZOLA (14:18): I bring up the first report of the committee.
Report received.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Corporation By-laws—
Onkaparinga—
 No. 1—Permits and Penalties
 No. 2—Moveable Signs
 No. 3—Roads
 No. 4—Local Government Land
 No. 6—Foreshore

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

Regulations under the following Act—
Major Events Act 2013

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

Report of the Judges of the Supreme Court of South Australia to the Attorney-General for the year ended 31 December 2014
Report relating to Suppression orders for the year ended 31 December 2014
Regulations under the following Acts—
Firearms Act 1977—Exemption for Manufacturing and Possession etc. of Silencers
Rules of Court—
Magistrates Court —Magistrates Court Act 1991—
 Amendment No. 57
 Civil—Amendment No. 13

Ministerial Statement

PATIENT RECORDS

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:19): I table a copy of a ministerial statement made in the other place by the Minister for Health on patient privacy.

*Question Time***AUTOMOTIVE WORKERS COMMUNICATIONS CAMPAIGN**

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:19): I seek leave to make a brief explanation before asking the Minister for Automotive Transformation a question about the automotive workers communications campaign.

Leave granted.

The Hon. D.W. RIDGWAY: In 2015-16 there was approximately \$17.6 million allocated to the automotive transformation program. Sadly, the minister failed to spend just over \$10 million of this allocation, with only \$6.3 million being spent. The revised budget for the automotive transformation program for the 2016-17 period is now up to \$21.2 million. This includes rolling over the \$10 million underspend for the previous year. One of the plethora of programs and campaigns within the automotive transformation is the automotive workers communications campaign. The details released around this campaign have been scant, to say the least. My questions to the minister are:

1. What is the total cost of the automotive workers communications campaign?
2. Where was the campaign implemented?
3. Who did it target?
4. What did it achieve?

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) (14:20): I thank the honourable member for his question in relation to the government's thorough response to his federal colleagues ceasing funding and chasing Holden out of this country. He has a nerve and he continues to have a nerve to come in here and talk about issues with the automotive industry. He said nothing when his federal colleagues dared Holden to leave—

Members interjecting:

The PRESIDENT: Order! Let the honourable minister answer the question.

The Hon. J.S.L. Dawkins: He is not even anywhere near it.

The PRESIDENT: Well, it does not matter.

Members interjecting:

The PRESIDENT: The fact is that he is on his feet, he will answer it the way that he sees fit. I have no control over the way he answers questions, but I do want him to answer it in silence. Minister.

The Hon. K.J. MAHER: When his federal colleagues chased Holden out of this country. We all remember well Joe Hockey and Warren Truss daring Holden to come clean and go. The very next day, after being dared to leave by the Hon. David Ridgway's colleagues, that is exactly what Holden did. No-one is in any doubt that it is the Liberals who brought the end to automotive manufacturing in this country. We have talked about it before in this chamber, and all the benefits that brings to those economies that have been involved in the auto industry. And as usual, Mr President, we are left to pick up the pieces.

The federal government has almost \$900 million in the Automotive Transformation Scheme. The federal government has this money and it is not prepared to spend it on trying to pick up the pieces from its decisions, on the workers who are going to be affected, and it is, quite frankly, disgraceful. Here in this state this Labor government has instituted the Automotive Transformation Taskforce and we have the Automotive Workers in Transition Program. Outcomes of that, up until 27 June of this year, have included over 2,000 individuals attending information sessions, resulting in more than 1,000 registrations through that scheme.

There have been 543 individuals supported to access career advice and transition services, 65 individuals have accessed skills recognitions in Skillsbook and there have been 186 activities in training tickets and licences approved. As I have outlined to this chamber before, where we can increase those who access the scheme and make changes, we will do that, and that is what we have done to increase the eligibility, to increase the range of services provided. We have done that in the past and we will continue to do that.

In relation to the communications plan to which the honourable member refers, obviously there are elements of that that are working well. They have more than 2,000 individuals attending sessions. In relation to very specific costs, I am happy to take that on notice and bring back a reply about how we are fixing his federal colleagues' problems.

SAVE THE RIVER MURRAY LEVY

The Hon. J.M.A. LENSINK (14:24): I seek leave to make an explanation before directing a question to the Minister for Sustainability, Environment and Conservation about the water planning and management rip-off.

Leave granted.

The Hon. J.M.A. LENSINK: The Natural Resources Committee of the parliament wrote a fairly, I think we would call it in Sir Humphrey's language, 'brave letter' to the minister on 16 June in relation to its concerns with the NRM licensing levies for 2016-17, and one of its items being point 4 'The removal of the Save the River Murray Levy and how the subsequent appropriation is to be used towards WPM costs'. The minister's response says, and I quote:

The State Government has always intended that a certain proportion of activities that were previously funded by the Save the River Murray Levy, and now funded by State Government, would be cost-recovered from water users in the future.

Given that the minister did not outline this in the previous year's estimates, can he outline—and he may need to take this on notice to go and check his records in some detail—exactly when the government started to communicate that that would be the case?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:25): I thank the honourable member for her sensible question. The state government is committed to ensuring that the removal of the Save the River Murray Levy does not impact on the state's commitment to maintaining and improving the health of the River Murray. That is the first point and very important. We have long intended and communicated (to the point of her question) that a certain proportion of activities, previously funded by the Save the River Murray Levy and now funded by the state government, would be cost recovered from water users into the future. This cost recovery of water planning and management costs was presented in the 2010-11 state budget—so she can do her own homework—

The Hon. J.M.A. Lensink: I know that; I have said that on the record. I am well aware of that.

The Hon. I.K. HUNTER: —and go back and look at the budget papers and you will find it right there—

The Hon. J.M.A. Lensink: —but you didn't say that.

The Hon. I.K. HUNTER: —in 2010 and 2011.

The PRESIDENT: No debating.

The Hon. I.K. HUNTER: In the 2015-16 state budget, some activities that are water planning and management related, which may have been funded by the Save the River Murray Levy but are now funded by the state, do fall within the pool of activities that are to be cost recovered. But the Department of Water, Environment and Natural Resources has long protected irrigators since, of course, the 2010-11 budget in relation to this cost recovery.

The point came about five years' later when we decided we could not do that, and even then we protected the system by only taking half of the savings that we were projecting into the future. So

we have done our bit and we believe it is important there is a signal about the value of water. It is also very important—and I understand the Liberals actually signed up to this policy as well, at least in other parts of the country—that you must move to a system where there are transparent costs and they are passed on to the benefactor or the impactor. That is not controversial, as far as I understand it at least, and that is exactly what we are doing.

SAVE THE RIVER MURRAY LEVY

The Hon. J.M.A. LENSINK (14:27): Can the minister outline when the linkage from the expenses that were previously funded by the Save the River Murray Levy were to be linked to the water planning and management costs, because they certainly were not in last year's estimates when the minister was specifically asked about how those expenses would be funded. He said it was from appropriations and not from irrigators.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:28): I can only reiterate what I said earlier. These messages have been sent out since the 2010-11 budget and those messages have been sent out very plainly to the community that there would be water planning measurement cost recovery. It did take longer than we perceived at the time to implement that and that was to the benefit the community of course because they were protected from those increases, but they have been foreshadowed for a very long time, and even in the implementation phase we only in the first year recovered half of what we will be recovering into the future. So we provided that protection for a long time. It was in the budget papers, you can work it for yourself, go and look at them, do some work, have your staff look them up, 2010-11, you will find them right there.

The PRESIDENT: Supplementary, Hon. Ms Lensink.

SAVE THE RIVER MURRAY LEVY

The Hon. J.M.A. LENSINK (14:28): I have actually—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order! There's one person on their feet.

The Hon. J.M.A. LENSINK: Given that I have actually been through all of these documents in some detail, and even identified in this place before that the water and planning management costs were first identified in 2010-11, can he specifically—it is a very specific question—make the link from when the Save the River Murray Levy costs were linked with water planning and management costs, which he is refusing to do?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:29): The honourable member does not understand the question, I assume, and—

The Hon. J.M.A. Lensink: Well, I asked the question; I might understand what I asked.

The Hon. I.K. HUNTER: —she has no clue about this at all. These cost recoveries—

The Hon. J.M.A. Lensink: You're fibbing—

The Hon. I.K. HUNTER: —have been highlighted—

The Hon. J.M.A. Lensink: —and you know you are fibbing. Your nose is getting longer.

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —in the budget papers of 2010-11.

The Hon. I.K. HUNTER: I don't know how much clearer I can be—they have been in the papers in black and white since then. Communication with the community, ongoing, has always flagged that cost recovery, and we have delivered on it.

*Parliamentary Procedure***VISITORS**

The PRESIDENT: I would like to welcome our friends from the Sikh community, in particular those from Renmark. Welcome here.

*Question Time***PRISONER SUPPORT AND TREATMENT**

The Hon. S.G. WADE (14:29): My questions are to the Minister for Correctional Services:

1. What was the average length of time that forensic mental health patients were held in one of South Australia's correctional facilities, pursuant to section 269V of the Criminal Law Consolidation Act 1935, in the 2015-16 financial year?
2. What was the average daily cost of detaining one of these patients in a correctional facility in the 2015-16 financial year?
3. How much did it cost in total to detain forensic mental health patients in correctional facilities in the 2015-16 financial year?
4. How does this cost contrast with the costs incurred for the previous financial year, and what is the estimated cost for this financial year?
5. Does the Department for Health and Ageing reimburse the Department for Correctional Services for the costs in part, or in whole?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:30): I thank the honourable member for his question and his ongoing interest in forensic patients who are in the custody of Corrections. Being rather specific questions in nature I will have to take those on notice, and I will endeavour to get those answers back to him as soon as possible.

I note that there was a thorough examination of a whole range of different costs and questions that came out of the estimates process that we had earlier in the week, and such questions weren't raised, but I am more than happy to ask them of the department, and take them on notice, and get a response back as soon as possible. One other bit of information: I can advise that as at 29 June this year 2016, there were 15 forensic patients in prison.

PRISONER SUPPORT AND TREATMENT

The Hon. K.L. VINCENT (14:31): Could the minister also provide information as to how the cost of keeping these people in the corrections system compares on average to the cost of supporting them to have positive mental health in the community?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:31): Again, I am more than happy to take that question on notice and try to get some specific costings that are attached to having someone in custody, particularly if they are a forensic mental health patient.

PRISONER SUPPORT AND TREATMENT

The Hon. S.G. WADE (14:32): Supplementary question: in joining the Hon. Kelly Vincent, could I suggest it would also be of assistance to the chamber if it was contrasted with a custodial care facility, such as James Nash House—so community, or custodial.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:32): Again, I am happy to take that on notice.

COOPERATIVE RESEARCH CENTRES

The Hon. G.E. GAGO (14:32): My question is to the Minister for Science and Information Economy. Can the minister please advise how the Cooperative Research Centres program benefits the South Australian economy?

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) (14:32): I thank the honourable member for her question, and I know she knows these areas very well as one of the very highly regarded former ministers in this area.

The CRC program was established in 1990, to build critical mass between researchers and end users of research to tackle major challenges facing our nation. The most recent review of the program, Growth Through Innovation and Collaboration, highlights and confirms the importance and valuable contribution of CRCs to the economy and to the community.

The CRC program is known and highly regarded internationally, and occupies an important place in building scale, scope and industry-led collaboration. Investments in CRCs by the South Australian government have proved to be a success. CRCs provide considerable investment into the economy and support employment outcomes for the research sector.

In data collected in 2014-15, it was estimated that CRCs directly employed 246 individuals, equating to 131 FTEs. Further, the South Australian government's investment in CRCs generated over \$19 million in direct support, and \$25 million in-kind support, annually.

The South Australian government has supported eight existing CRCs in 2015. These have included one-off grants of \$500,000 to the four CRCs headquartered in South Australia, to create additional research capacity and activity, and employment opportunities in our state. These four CRCs include: the Deep Exploration Technologies CRC (DET CRC), Data to Decisions, the Pork CRC and the Cell Therapy Manufacturing CRC. The jobs created from the support provided by the state government is expected to lead to new jobs based in the CRC companies themselves or in partner organisations to the CRCs based in South Australia.

The Deep Exploration Technologies CRC was established in 2010 and was created to address challenges being faced in the future by the minerals industry in Australia: having the ability to explore to greater depths the vast areas of Australia's deep, covered prospective basement. Its research will provide for cheaper and safer ways to drill, analyse and target deep mineral deposits in Australia. Since 2010, the Deep Exploration Technologies CRC has received \$6 million in total investment from the South Australian government which has leveraged a further \$55 million from the Australian government and industry. The CRC estimates around \$31 million of this funding has been expended in South Australia, generating many jobs in mining services and advanced manufacturing areas not directly in the CRC.

The CRC collaboration is between research organisations, government, suppliers and companies including such well known companies as Heathgate, Investigator Resources, Minotaur Exploration, Monax Mining, OZ Minerals and Rex Minerals. Twenty South Australian-based suppliers have also been involved in the fabrication in South Australia of one of the world's first coiled tubing rig for mineral exploration.

Drilling costs, using the completed rig, are expected to be just one-sixth of conventional diamond drilling costs. The Premier's Research and Industry Fund has provided \$1.1 million over three years towards this project which has created further ongoing jobs and further research capacities which should benefit our industries in South Australia. I look forward to keeping the council updated about the ongoing successes of our CRCs.

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. K.L. VINCENT (14:36): I seek leave to make a brief explanation before asking the minister, representing the Minister for Disabilities, questions regarding the National Disability Insurance Scheme IT debacle.

Leave granted.

The Hon. K.L. VINCENT: I am sure members would be aware by now that the National Disability Insurance Scheme has recently been—I can't think of a better word than besieged, or at least a more polite word than besieged by IT concerns relating to the myplace portal which has resulted in service providers not being able to make claims for services that they have provided and, therefore, potentially leaving people with disabilities without services as well.

Interestingly, I noted that yesterday, 3 August, the Minister for Disabilities, the Hon. Leesa Vlahos in the other place, released a media statement in which she discusses concerns about the bilateral agreement between the commonwealth and the state government and the number of children and young people who are still to transition on to the scheme. What is interesting about that statement, though, is that it does not specifically mention, to the best of my knowledge, the IT issues that the scheme is currently facing. It does mention that there are issues with payment of service providers but it does not specifically mention the fact that there are underlying IT issues resulting in that lack of payment. My questions are:

1. Why does the media release not specifically mention that there are IT problems, given that I think the minister has a responsibility to make sure that people are aware of this?
2. What is the government doing to make representation to the commonwealth to ensure that everything is being done to fix this issue?
3. Does the minister realise that the current myplace portal fiasco is preventing plans from being renewed or approved both here in South Australia and nationwide?
4. What representations has she made to the federal government, if any, in order to work together to fix this problem?
5. Is the minister aware that it was her department that originally got the numbers of the eligible children wrong under the bilateral agreement in the first place, hence the new bilateral agreement having to be signed?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:39): I thank the Hon. Ms Vincent for her question, and I am more than happy to refer the question to the responsible minister in the other place for a quick response.

SOUTH AUSTRALIA POLICE

The Hon. J.S.L. DAWKINS (14:39): I seek leave to make a brief explanation before asking the Minister for Police a question about the continuing access to SAPOL officers by community groups.

Leave granted.

The Hon. J.S.L. DAWKINS: Honourable members will be aware of the mooted changes to policing in South Australia through SAPOL's organisational restructure. What has become apparent to a number of community groups that I am involved with throughout the state, such as Neighbourhood Watch, White Ribbon, Blue Light and Suicide Prevention Networks, just to name a few, is that the valuable access these groups have enjoyed to local SAPOL officers, and particularly those with a community policing focus, may be under threat.

In one recent example, a SAPOL officer communicated to members of a particular community group their unfortunate inability to serve on that body's committee. The officer indicated that due to the SAPOL organisational restructure, they were reluctant to put a hand up for a position, as they did not know how long their role would be continued. I will paraphrase what the officer then said, and it goes along the lines of, 'Given this, I do not believe I can give the position my all, as I will be forced into a new role that will not allow me the flexibility to attend any meetings.'

This is not an isolated example and this is concerning a number of members of local community groups and, of course, local SAPOL officers alike. Given this, my questions are:

1. Does the minister support SAPOL officers continuing to work closely with community groups such as Neighbourhood Watch, White Ribbon, Blue Light, Suicide Prevention Networks and many others?
2. Will the minister commit to enabling SAPOL officers who have served with local community groups on behalf of SAPOL, and who wish to continue to do so, with the support of those particular groups, the opportunity to continue to serve the local community in such a way?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:41): I thank the honourable member for his question. To get straight to the questions the Hon. Mr Dawkins has asked, I am not in the business—and this will not come as a surprise to you—of telling the police commissioner how to do his job in terms of allocating resources and so forth, but to the remarks in your question regarding the organisational reform what I can generally say is this. I think that everybody involved in policing, whether they be from the government or from SAPOL generally, more specifically the police commissioner, has acknowledged that community policing, which can take a number of different forms, does play an important role when it comes to community safety in South Australia.

You mentioned, in your list of examples, Neighbourhood Watch. Neighbourhood Watch is a very good example of an organisation that sits outside of SAPOL, that runs itself relatively independently, that performs an incredibly important function in elevating the issue of community safety and drawing the public's attention to the fact that when it comes to community safety we should all assume a degree of responsibility by ensuring we have mechanisms whereby we can engage with each other, report various acts of crime and the like. This helps SAPOL in getting on with the business of apprehending those people who do the wrong thing and indeed preventing crime in the first place, which is exactly why this government has committed to the Neighbourhood Watch reinvigoration project with a very substantial investment attached to it, of \$1 million, and potentially more.

We are committed to forms of community policing. Our commitment to Neighbourhood Watch I think is second to none, a very substantial investment to ensure that the reinvigoration project delivers outcomes which will preserve and indeed improve the role of Neighbourhood Watch going into the future, including as the organisational reform that the police commissioner is currently undertaking plays itself out. The elements of the organisational reform in particular include the district policing model, which is specifically designed to enhance what is currently called neighbourhood policing.

I understand that it is top of the police commissioner's mind to ensure that through this organisational reform process there are more front-line officers engaging directly with the community. In fact, that lies at the very heart of what the police commissioner is trying to do. That is an effort that I endorse. Of course, if you take resources from one place sometimes it may necessitate taking resources away from another. I think what is important is that the sole objective of this organisational reform effort is to improve SAPOL, make sure it is operating efficiently, not taking for granted the fact that this government has provided SAPOL with more resources than ever before in its history, not taking that for granted but instead making sure that what resources it does receive are allocated as efficiently as possible. That is something that all people in this chamber, including the Hon. Mr Dawkins, would want to see occur in order to make sure we have a safer South Australia.

The PRESIDENT: Supplementary, the Hon. Mr Dawkins.

BLUE LIGHT

The Hon. J.S.L. DAWKINS (14:45): Will the minister indicate whether the police commissioner intends to provide a reinvigoration program for Blue Light, which is significantly recognised throughout South Australia and in many areas is a youth development organisation that is regarded just as highly as Neighbourhood Watch?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:45): The honourable member is quite right. Blue Light discos and the like have been very effective in some respects regarding community policing in South Australia. The neighbourhood reinvigoration project was a government initiative. The investment by the government in the Neighbourhood Watch reinvigoration program is something that we are proud to support. I am not aware, and certainly cannot recall, any suggestion that the Blue Light program is being wound down. I am happy to make those inquiries to establish exactly what the future of Blue Light is, but I am sure the police commissioner, when he makes any decisions regarding the Blue Light program, as with all others, is taking into account community safety first and foremost.

*Parliamentary Procedure***VISITORS**

The PRESIDENT: I would like to welcome students and teachers from Immanuel College. Good to see you here today.

*Question Time***INTERNATIONAL CENTRE OF EXCELLENCE IN WATER RESOURCES MANAGEMENT**

The Hon. G.A. KANDELAARS (14:46): My question is to the Minister for Water and the River Murray. Can the minister inform the house about collaboration between the state government and the International Centre of Excellence in Water Resources Management and how our local expertise in water management is helping other nations in our region?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:46): I thank the honourable member for his most important question. The International Centre of Excellence in Water Resources Management, otherwise known as ICE WaRM, is an Adelaide-based research centre established in 2004 to support the development of nationally accredited training in water resources management. It has developed a highly successful and awarded program of international exchanges and visits, as well as formal partnerships with more than 40 water management and related institutions internationally, mostly in Asia but also in Europe, the Americas and southern Africa.

South Australian water agencies and our three universities have also been involved with ICE WaRM for some time. This has contributed to our state's history of excellence in water management which is earning a fantastic reputation overseas. South Australia is a national and international leader in managing water for the environment, for irrigation efficiency, for urban water security, for integrated natural resources management and for water planning. In April 2013, the state government entered into a grant agreement with ICE WaRM. The aim of the agreement was for ICE WaRM to work with AusAID to promote Australian expertise and experience in water management in developing countries.

Based on this latest interim report, ICE WaRM continues to be very proactive in promoting South Australian water management expertise and fostering relationships with other countries. ICE WaRM has been collaborating with the CSIRO for some time now, I am advised. This collaboration is producing high quality outcomes and also presents a unified, one Australia face to our south Asian partners and collaborators. For example, ICE WaRM held a high level study program for senior officials from Pakistan between May and June 2015, and are working with the CSIRO in Pakistan to build capacity amongst water managers and to raise awareness of the approaches to water management used in this country.

As I understand it, this program may be expanded to include the Indian state of Rajasthan following the strengthening of ties between its government and the South Australian government in the establishment of a sister state relationship signed into agreement in October 2015. ICE WaRM supported both the trade mission to Rajasthan in October 2015 and the follow-up mission in February 2016 in order to assist in the development of a program of cooperation focused on the water sector, which is of course important to both states.

ICE WaRM has also built on a significant track record of visiting international delegations, including a recent visit from South American officials and a further visit from Chilean delegations which is in the planning stages. On Monday 16 May, I had the pleasure of meeting with the joint secretary of the Nepalese Water and Energy Commission, Mr Keshav Dhoj, and other officials of the government of Nepal. The delegation was hosted by ICE WaRM with the aim of fostering closer ties between South Australia and the Nepalese governments, especially in the areas of natural resources management where South Australia has significant strengths.

ICE WaRM has also supported a separate agreement with the Department of Primary Industries and Regions regarding training with the redevelopment of the Loxton Research Centre that will concentrate on South Australian agricultural research and production. One of the great

benefits of this work is the strong relationship that can be formed between our local agencies, local organisations, industry and research bodies with both national and international counterparts.

South Australian government industry leaders gain considerable benefit from these relationships. They strengthen the reputation of the water sector in this state, which can only be good, particularly for our private-sector water industry. ICE WaRM continues to work very closely with officials in Pakistan, providing key opportunities to demonstrate South Australia's leadership in water management, with two missions from Pakistan planned in the near future, I am advised.

The future looks very bright for the continued strengthening and expanding of these very important relationships in these exchanges. They will grow our local water industry's expertise, we hope, also help countries in our region and beyond and foster important national and international collaboration. I would like to commend the work of ICE WaRM and all the agencies involved in these results and for the incredibly on-tempo question from the honourable member, who always has his finger on the pulse.

ILLICIT DRUGS

The Hon. D.G.E. HOOD (14:51): I seek leave to make a brief explanation before asking the Minister for Police a question on the seizures and arrests relating to illicit substances.

Leave granted.

The Hon. D.G.E. HOOD: Figures released by the Australian Criminal Intelligence Commission in their illicit drug data report have revealed that South Australia has the highest number of seizures and arrests in relation to amphetamines in the nation. Statistics show that the South Australian police have seized approximately 145 kilograms of amphetamines in the 2014-15 financial year, compared to just over 25 kilograms in 2013-14—a six-fold increase, approximately.

Drug-related seizures have correspondingly increased 67 per cent to 755, as opposed to 452 in 2013-14. As a result, there are on average more than four people a day being taken into custody for a drug-related offence, which represents a 10 per cent increase from the previous financial year. The report revealed police confiscations of amphetamines have overtaken seizures of other illicit drugs, including cocaine, cannabis and heroin, which is a first in South Australian history.

South Australia is now the only state in the country where amphetamines are the highest and most frequently detected drug, so I commend the police on their vigilance in this issue. My questions to the minister are:

1. Can the large increase in amphetamine seizures be attributed to a focus by SAPOL operations on this particular area?
2. How is information for reports such as the Australian Criminal Intelligence Commission's illicit drug data report utilised by SAPOL and the government in determining their strategies in order to combat illicit drug use in South Australia?
3. Are statistics from reports used to form investigations and specifically target operations?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:52): I thank the honourable member for his question. It is an important one because the data that came out—I think it was released only this morning—is significant and certainly noteworthy for all of us in the community concerned about the issue of illicit drug use generally, but particularly in a South Australian context.

The answer to the Hon. Mr Hood's first question is yes. A significant contributing factor to the spike that we have seen in seizures of drugs conducted by police, particularly methamphetamines, can be attributed to ongoing and, indeed, increased activity on behalf of SAPOL in trying to make sure that they are doing everything they can to rid our community of these awful drugs, particularly methamphetamine, otherwise known as ice. The Australian Criminal Intelligence Commission and the federal minister launched the illicit drug data report earlier today. SAPOL and Forensic Science SA provided key data to the report, including information about the issuing of cannabis expiation notices, along with illicit drug seizures, arrests and purity.

In 2014-15, SAPOL attributes the concentrated efforts against those who profit, manufacture and distribute amphetamine-type stimulants as resulting in this category of drugs accounting for 51 per cent of illicit drug seizures in South Australia related to ATS—the highest proportion reported by any state or territory. The drug data has assessed that methamphetamine, commonly known as ice, is highly addictive and poses a significant risk to the community, as we all know.

Taking on board the results of the data contained in the report that was released this morning, and in previous reports, SAPOL has proactively responded to the growing use of amphetamine-type stimulants by committing to a corporate action plan titled Operation Atlas. Operation Atlas, combined with Operation Mantle—and from memory Operation Mantle is focused on street-level drug dealing—has delivered substantial results in apprehensions and seizures on behalf of SAPOL, which we believe is making a significant contribution to reducing the supply of drugs on our streets that are available to those people who would otherwise use them.

Of course, it would be naive to assume that that was the only contributing factor to the statistics that were released this morning. I think we all have to accept, and we would find it hard to deny that there has been increasing awareness and indeed there have been suggestions of increasing use of some drugs within the community, particularly ice. That is something that certainly has me concerned. I know it has the police commissioner concerned and it has other police ministers and policymakers in this area around the country concerned. But I am confident that SAPOL is working overtime to do something about it. I mentioned both Operation Atlas and Operation Mantle, but also, I think importantly, SAPOL is working collaboratively with other police forces around the country and also with federal jurisdictions to try to share intelligence, share operational knowledge to do everything we can to minimise the likelihood of these drugs ending up on our streets.

Ministerial Statement

BRICE, CORPORAL C.A.

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) (14:56): I table a copy of a ministerial statement relating to the passing of Corporal Clifford Alwyn Brice made earlier today in another place by my colleague the Hon. Martin Hamilton-Smith.

Question Time

WATARRU COMMUNITY

The Hon. T.J. STEPHENS (14:56): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs a question regarding the Watarru community.

Leave granted.

The Hon. T.J. STEPHENS: Members may recall that I have asked a number of questions in this place regarding the status of the Watarru community on the APY lands. It has been reported to me that the school, which I have visited a number of times and which I thought was a very good facility, apparently has been totally trashed. My questions are: what is the status of the Watarru community and what is the damage bill to date of the school?

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) (14:57): I thank the honourable member for his question. I know he has a very deep and longstanding interest in matters affecting remote Aboriginal communities. We discuss these issues often. The population in many communities on the APY lands changes quite significantly from year to year and within years. I know the Watarru community has at times been a substantial community. There are six main larger communities on the APY lands: Pipilyatjatjara, Amata, Fregon, the Kanpi Nyapari Murputja area, Pukatja, Mimili and Indulkana. Then there are a series of smaller communities, and certainly Watarru has at times been one of those bigger/smaller communities, and in recent times it has certainly been a much, much smaller community.

From the last time I had information about Watarru, and this is some months ago, it was described to me that, in the way that particularly assets like electricity generation have been set up, it is in a modular form so that parts of it can be decommissioned or re-engaged, depending on the size of the community, and certainly parts of that had been decommissioned. In relation to the Watarru school, I don't have information about the condition, or otherwise, of the school. I will seek an update from the Minister for Education, who is responsible for schools on the APY lands, and bring back an answer to the question very specifically asked about the Watarru school.

WATARRU COMMUNITY

The Hon. T.J. STEPHENS (14:59): Supplementary: are you aware that the school has been trashed?

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) (14:59): I don't have information before me. As I have said, the last update I had about Watarru was some months ago. I do not have information about the current status of the school, but I will take that on notice and find out what the status of the school is.

PRISONER SUPPORT AND TREATMENT

The Hon. T.T. NGO (14:59): I have a question to the Minister for Correctional Services. Can the minister tell the chamber about what the government is doing to support offenders to assist them to reintegrate back into mainstream society?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:59): Just as importantly, if not more importantly, I thank the Hon. Mr Ngo for a very good question. This is an important issue. I have not been backward in coming forward around some of the challenges that face our correctional services system in South Australia. All would share a desire to see reduced the rate of recidivism in our community. The Hon. Mr Ngo's question is an important and pertinent one when it comes to corrections reform in South Australia.

Earlier today it was my great pleasure to have the opportunity to be at the head office of OARS in Hindmarsh, a fantastic organisation, to launch the home detention integrated support services program. This is a new program that will be delivered by OARS Community Transitions to equip offenders on home detention with the skills and the support they need to positively reintegrate back into the community.

It has been funded following the state government's allocation of \$15.58 million to the expansion of home detention in the recent state budget. OARS Community Transitions has been a partner of the Department for Correctional Services for a number of years. It has demonstrated a strong capacity over a number of years to provide support programs to offenders that improve their long-term outcomes following release.

International evidence shows that investment in rehabilitation, which focuses on addressing social problems and increases family and community links, decreases the likelihood of reoffending. This leads to a wide range of long-term social and economic benefits to the state. Additionally, it is internationally understood that offenders on community-based orders have a lower rate of recidivism.

Coupling home detention orders with tailored programs that improve outcomes will lead to significant benefits for the broader South Australian community. The home detention integrated support services program first identifies the needs of an offender, with OARS then designing a tailored support plan to address their needs. The needs of an offender may relate to housing, employment, drug and alcohol services, mental health, gambling, financial budgeting, independent living skills and education, just to name a few.

The program offered ranges from four weeks to over three months, depending on the needs of the individual, and already a number of people within the organisation (in excess of 30) who are within the program, having been referred by Corrections. Of this year's additional funding for home detention, \$200,000 will be available to not-for-profit organisations for community-based programs.

The Department for Correctional Services works with a number of not-for-profit organisations, such as OARS, which are instrumental in the positive reintegration of offenders back into the community.

Finally, I congratulate OARS, in particular Leigh Garrett, the CEO of OARS, for their absolute passion for this area within our society. It is incredibly valuable work and often goes unrecognised. People tend not to get too much kudos within the community when they are working with people who have been released from gaol. It takes a degree of courage, I think—a lot of courage—to put up your hand and decide that you are going to help out or try to assist someone who has done wrong within our community. There is something incredibly powerful and generous about that act.

I wholeheartedly commend OARS and other not-for-profit organisations that are committed to transitioning people out of custody and back into the community, not just because it makes our community safer, not just because it means we have fewer victims, but also because I think that it is an inherently right thing to do.

ADELAIDE PARKLANDS

The Hon. M.C. PARNELL (15:04): I seek leave to make a brief explanation before asking the Minister for Police, representing the Minister for the City of Adelaide, a question about the Adelaide Parklands.

Leave granted.

The Hon. M.C. PARNELL: Under section 23 of the Adelaide Parklands Act 2005, if land within the Adelaide Parklands is no longer required for any of its existing uses, the minister must ensure that a report concerning the state government's position on the future use and status of the land is prepared within 18 months and tabled in parliament. This report must include information on the condition of the land and on 'the action, if any, that would be required in order to make the land suitable for public use as parklands'.

Back in 2007 the government committed to a new hospital, which is currently under construction, and as a result, the existing Royal Adelaide Hospital would no longer be required for use as a hospital. Then in November 2008 the then minister for environment and conservation, the Hon. Jay Weatherill, tabled a report in parliament which said that the government would 'explore opportunities and options to remove a number of buildings and give land back to all South Australians to enjoy'.

In particular, it was announced that 'investigations would occur into the possibility of returning part of the RAH site to the Adelaide Botanic Garden and the Parklands more broadly'. The report went on to say that no specific decision had been made as to which buildings would be demolished to return to public space or parkland. My questions of the minister are:

1. Will the minister be providing a further report to parliament that properly addresses the requirements of section 23 of the Adelaide Parklands Act in relation to the Royal Adelaide Hospital site?

2. What other reports will be prepared and tabled in parliament under section 23, in particular when might reports be available in relation to the change of use of Parklands, including expansion of the Casino onto Parklands, the Walker Corporation's proposed office block behind Old Parliament House and retail buildings on the Festival Plaza, the proposed new CBD high school and the O-Bahn project?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:06): Let me start by saying that I am really genuinely proud to be part of a state government that is committed to ensuring that the Parklands are accessible to all people, rather than an exclusive few. I am more than happy to take that question on notice and make sure that the responsible minister gets a proper answer back as soon as possible.

SOUTH AUSTRALIA POLICE

The Hon. R.I. LUCAS (15:06): My question is directed to the Minister for Police. Does the minister agree with the following statement made by the police commissioner on ABC radio on

Tuesday of this week when he said: 'Well, we had savings targets that we had to meet as well and part of the way we met that was to defer some of our recruiting activity and leaving it for later in the period.'

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:07): Mr President, I am not too sure what the context is of the Hon. Mr Lucas's remarks, but he mentioned the word 'recruiting', so I am happy to reiterate what this government's commitment is to recruiting. Mr President, this is a government that is committed—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: —to the largest police force, the most well-resourced police force, one of the most modern police forces that this state has ever seen. This state budget has provided for more resources for SAPOL than ever before in its history. This year there will be more money allocated to SAPOL than in any other year in the history of the South Australia Police Force. More than that, over the forward estimates, the government is committed to increasing SAPOL's budget in real terms. This represents a huge commitment to resourcing SAPOL. It is a commitment that I think we stand by and stands as consistent with our track record as a government in making sure that we have a well-resourced police force, a growing police force, to make sure that South Australia is as safe as it possibly can be.

SOUTH AUSTRALIA POLICE

The Hon. R.I. LUCAS (15:08): Supplementary question: why has the minister refused to support the police commissioner's statement that he had savings targets that he had to meet and that he had to therefore defer some of the recruiting activity and leave it for a later period?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:09): Mr President, any person who has paid attention to my remarks in this place will know that I consistently support the police commissioner. I think he is doing an outstanding job. Unlike those opposite and someone who often sits behind me over my right shoulder here, I do not believe that I can do a better job of being the police commissioner than the police commissioner. I believe we have the right person doing the job of police commissioner in this state and of course he has my support.

SOUTH AUSTRALIA POLICE

The Hon. R.I. LUCAS (15:09): Given the minister says he consistently supports the police commissioner's statements, does he support the statement that the police commissioner made on Tuesday on ABC radio?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:09): I sincerely thank the honourable member for asking a question relating to SAPOL's budget because it gives me another opportunity to reiterate the fact that our state government is committed to delivering the largest police force in our state's history. We are committed to delivering the largest amount of money to SAPOL in this state's history. It is a budget that is growing in real terms over the forward estimates. This is a government that is absolutely committed to SAPOL, absolutely committed to community safety and it is a record of which we are incredibly proud.

MUSIC INDUSTRY

The Hon. J.M. GAZZOLA (15:10): My question is to the Minister for Manufacturing and Innovation. Can the minister inform the council about what the government is doing to support industry development for the music sector; and, minister, will you inform the council about the debate that you and the Hon. Tammy Franks participated in last night and its relevance to the music industry?

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) (15:10): I thank the honourable

member for his question and his exceptionally longstanding interest and involvement in the music industry in South Australia. I do not agree with the proposition that some have put to me that he is not a musician because he is a drummer; I think that is false and that is not a fair thing to say. Drummers are musicians and I support that entirely!

It is a very important question. Music has long been an exceptionally important part of South Australia's cultural identity. In recognition of this, in December 2015 Adelaide received the prestigious three-year designation as a UNESCO City of Music. This places South Australia alongside 19 other international cities noted for their musical excellence. While music is often noted for its cultural contribution, it also needs to be recognised that it has distinct economic value, and this focus was acknowledged by UNESCO when awarding the City of Music designation.

For example, the University of Tasmania's report, *The Economic and Cultural Value of Live Music in Australia*, found that live music spending in Australia delivers a 3:1 benefit to cost ratio and in 2014 contributed some \$263 million to the South Australian economy. The Music Development Office (the MDO) is the government's dedicated office to support the development of the music sector. It is a collaboration between Arts SA and the Industry and Innovation Division of the Department of State Development and it intersects with other government agencies such as Events SA and the Department of the Premier and Cabinet.

The MDO facilitates a variety of initiatives aimed at supporting industry growth, activation, capability development, entrepreneurship and regulatory reform, and I know that on a number of occasions when I have had events or meetings at the Music Development Office, I have come across the Hon. John Gazzola helping the industry and liaising with people involved in the industry. A notable current initiative supported by the Music Development Office that aims to activate the city and support entrepreneurs and build capacity is *Umbrella Winter City Sounds*. The state government has partnered with Music SA to deliver this new series of events that runs from 15 July to 7 August, that includes an impressive 260 gigs across 60 venues with some 400 performers.

As part of the program, Music SA commissioned 18 entrepreneurs to showcase live music during winter in order to develop industry capacity amongst the future generation of festival and event managers. They attended workshops to learn about logistics, marketing, budgeting and promotion and were provided with the toolkit of merchandising and marketing materials. Many of the entrepreneurs chose to activate unusual places with live music, including car parks, laneways, trams, food courts and the Zoo, to name a few.

We also recently saw the release of the 2016 Adelaide Live Music Census. The census, which offers a snapshot of live music activity in Adelaide and outer suburbs, has found that both the number of gigs and the number of venues hosting live music increased in metropolitan Adelaide in May 2016, compared with May 2015. The census will be repeated in May next year, and the Music Development Office expects that the regulatory changes will have a further positive impact on the live music scene in Australia.

Very briefly, the second part of the honourable member's question related to an event that is occurring this weekend. The Hon. Tammy Franks, through a motion last year, informed the chamber about the fantastic work of the Reclink organisation that provides particularly music and sporting opportunities for Australians facing disadvantage. I saw the results of the fundraising football match—the Community Cup that was played in Adelaide last year. I was a proud participant, and took the field with the musicians' team last year.

That event raised approximately \$16,000. I have seen the great work it has done: it has bought kayaks that have been used, particularly by Aboriginal students around Murray Bridge. I have been on the kayaks on the Murray River and seen the great work, and the way that has helped Aboriginal students, particularly in that area of South Australia, to be involved in programs in which they would not otherwise have had the opportunity of being involved.

I would encourage anyone who has any interest in having fun, or seeing footy, or raising money for what is a fantastic cause, to get along to Norwood Oval at about midday this Sunday. The media team who is playing the musicians' team has the Hon. Tammy Franks as part of the coaching panel. It is a fantastic cause, and I am sure we will see more money raised and more

South Australians facing disadvantage being helped. I know the Minister for Police is playing on the day, and I will be assisting Tammy in her coaching duties.

SOUTH AUSTRALIA POLICE

The Hon. A.L. McLACHLAN (15:16): I seek leave to make a brief explanation before asking the Minister for Police a question.

Leave granted.

The Hon. A.L. McLACHLAN: In answer to questions in Estimates Committee A, in the other place, on Monday 1 August, the minister advised that SAPOL is currently undertaking a trial in which law graduates are being used in the place of police prosecutors. My questions to the minister are:

1. Are the law graduates employed during the trial by SAPOL, or another government department?
2. What practical training did the graduates receive prior to taking on their tasking?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:17): I thank the honourable member for his question. I am happy to take components of that question on notice. What I will say, though, is generally I am advised, and have been on a couple of occasions now, by SAPOL (including the police commissioner himself) that this program of employing law graduates to police prosecuting positions so far looks as though it has been rather effective.

There is a review in place to assess how that program has gone, but only lately I have been informed that this has been quite a good step by SAPOL. I have even had a chance to talk face to face to people within the prosecutions branch, just to get a sense of how they think it is operating. As I said, the police commissioner is undertaking a review into this, and of course that will give more certain outcomes as to the success or otherwise of this endeavour.

Regarding the specific training, of course being law graduates, presumably they would have a degree of law training through their law degrees. This is something that isn't necessarily the case for people within the police prosecutions branch otherwise. At this point in time, I am not aware of whether or not people who go into SAPOL in this capacity have completed their GDLP, or if they are people who have just done their law degree or not—I'm not sure. Presumably, though, if they have done their GDLP, there is a degree of practical training that is associated with that, as the honourable member would be well aware. I am happy to take the question on notice regarding whether or not there is any high-level specific training which is particularly practical orientated to the work that they will be undertaking in that role.

AUSTRALIAN WATER QUALITY CENTRE

The Hon. G.E. GAGO (15:19): My question is to the Minister for Water and the River Murray. Will the minister inform the chamber about the recent opening of the Australian Water Quality Centre—Melbourne Laboratory, and how South Australian water expertise is attracting growing attention?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:19): I thank the honourable member for her most important question. The Australian Water Quality Centre is a business unit of SA Water established over 80 years ago with the primary focus of maintaining public health. It is a world-class laboratory with a strong national and international reputation. The centre carries out important sampling and analysis of water and wastewater as part of SA Water's quality control programs and health and environmental management.

The Australian Water Quality Centre also performs testing and other services for a number of external customers on a commercial basis. This brings in revenue to SA Water and secures employment for many scientific and technical staff. In 2015-16, the Australian Water Quality Centre's commercial laboratory services activities generated over \$5.7 million in revenue, I am advised, from external customers. The centre has a total of 80 staff within its commercial laboratory service operations.

The Australian Water Quality Centre's specialist expertise and many years of experience in supporting the national water industry and monitoring and solving water quality challenges means that its services are very highly sought after indeed. For example, the centre has been delivering specialist services and sharing its expertise with Victorian water industries for over 30 years. I am pleased to announce that, in response to demand from the centre's customers in Victoria, an Australian Water Quality Centre laboratory opened in Melbourne on 29 February 2016. The laboratory is located within the Royal Melbourne Hospital's Centre for Medical Research in Parkville and enables the Australian Water Quality Centre to better respond to time-critical testing.

In line with the terms of SA Water Corporation's charter, the Treasurer and I, as Minister for Water and the River Murray, approved SA Water pursuing this interstate business opportunity. Having a Melbourne base supports the expansion of the Australian Water Quality Centre's non-regulated business, some of which is directed back to the Adelaide laboratory to generate further employment opportunities for this state. The Australian Water Quality Centre has promoted its Melbourne laboratory through various communications, media and events, I am advised. It is very pleasing indeed to have the feedback from the Victorian water industry which has been very positive. There are currently a large number of potential opportunities being pursued as a result of this engagement.

The aim is to grow the business across both the Adelaide and the Melbourne laboratories initially. It is a major employer of scientific and laboratory staff. This will support further job growth opportunities for scientists for the Australian Water Quality Centre's activities in South Australia and Victoria. I just highlight that point for the honourable member, in response to her question, because of course it is only a Labor government that will keep SA Water in public hands to drive employment opportunities for our technical and scientific expertise in this state. Only Labor will commit to that. The Liberals, it is in their DNA; they will privatise it as soon as they get their hands on it.

Bills

ANANGU PITJANTJATJARA YANKUNYTJATJARA LAND RIGHTS (MISCELLANEOUS) AMENDMENT BILL

Committee Stage

In committee.

Clause 1 passed.

Clause 2.

The Hon. T.A. FRANKS: I move:

Amendment No 1 [Franks-1]—

Page 2, lines 6 and 7—Delete clause 2 and substitute:

2—Commencement

- (1) Subject to subsection (2), this Act will come into operation on a day to be fixed by proclamation.
- (2) Section 12A will come into operation on 1 July 2017.

This addresses an issue that arises from the previous debate on this bill in December 2014. At that point there was a range of sunset clause options moved, and while mine was a 12-month sunset clause, the opposition, I believe, moved a three-year sunset clause. My advice at the time in moving that sunset clause for the provisions that we changed in December 2014 was that within the 12 months I would have to come back with further amendments. My advice would, I believe, translate to mean that, given the three-year sunset clause, before the expiration of the three years from the implementation of that sunset clause, similar amendments would need to come back to this place.

I have a question of the government: on which date does the current sunset clause of three years lapse, and does the government intend to bring back a restorative amendment bill at that time, or at what date? Certainly, my amendment seeks to ensure that we do not have to reopen this legislation and come back to this place with a single bill to address that sunset clause issue. My understanding also—and I ask the minister to respond—is that what will happen when section 13O(1)

expires is that the act will not revert back to what is currently the case, that is, the suspension on specified grounds of the executive, but indeed due to the operations of the Acts Interpretation Act there will be nothing there to replace it. My amendment simply replaces the previous criteria by which the minister could suspend the executive and restores those conditions.

The Hon. K.J. MAHER: I can indicate that I think the first two amendments go to the same issue. I have had a number of discussions with the honourable member about this and I thank her for it. As I understand it, it essentially puts what used to be in the act prior to the changes back into the act, so that it does not leave us with nothing once the sunset clause finishes. I can indicate that the government will support the amendment. However, I think I should place on the record that the issue about perhaps extending the sunset clause is something we will want to think about and perhaps revisit next year. We will support the amendments as they are stated, but it is something that we will want to discuss and potentially revisit next year to see if that should continue in the form that is currently in the act.

The Hon. T.J. STEPHENS: I just want to put on the record that we are prepared to support your amendment, but it is very much the Liberal Party's position that we do believe that the minister has the ability to have this valuable tool to try to ensure that there is the best possible governance on the lands. We do not want to see it fall back into a situation where a recalcitrant APY Executive drags the chain on performing the duties that they are supposed to perform to ensure the wellbeing of Aboriginal people on the lands without the ability for the minister to act, and reasonably quickly, to make sure that we do get the best possible outcome.

I also will be very keen to revisit this particular issue. I thank the honourable member for her amendment and indicate that we will support it. We are very keen to ensure that the minister absolutely keeps this particular power, which he has not used, but over the last couple of years I am led to believe it has been a valuable tool in the minister's negotiations with the APY Executive. I also flag that we really want to see these powers perhaps enshrined long term.

The Hon. R.I. LUCAS: As one member who is not a member of the group that has been discussing this for some time, my question to the minister is: the government of which he is a member brought urgent legislation through the parliament to say that the previous arrangements for dismissal or suspension of the board were unsatisfactory and they needed tougher powers to suspend the board for any reason the minister sees fit, which is what is currently in the act.

My recollection was that, in the last week of parliament, the government came to the chamber and there was a lot of concern expressed at the time about the rushing of the legislation through, but the minister and the government said the current provisions were unsatisfactory and the government needed greater powers. Can the minister outline why, in the subsequent period, the powers have not been used?

The Hon. K.J. MAHER: I thank the honourable member for his question. I think I have said a number of times in this chamber—and I have certainly made this clear in discussions with members of the executive of the APY and in other discussions I have had, and in answers to questions from the media—I am not opposed to an administrator being appointed. There have been significant improvements in accountability and transparency in governance on the APY lands. While those improvements continue, and continue to improve, there is no need to appoint an administrator, but I agree with the Hon. Terry Stephens: it has been a useful tool in making sure we can see those continued improvements. I think that having that ability has been a very useful tool to seeing those improvements happen. I am not opposed to that power being used should it be necessary.

The Hon. R.I. LUCAS: Are members of parliament to interpret from the response by the minister to the Hon. Tammy Franks' question that at this stage he and the government have given no commitment to definitely come back and reintroduce those powers prior to the expiration of the period, only that he is prepared to discuss it and to consider it?

The Hon. K.J. MAHER: That is exactly what I have said. It is something we will revisit next year, whether we look at extending, enshrining or otherwise the provisions that have been changed. I am not going to pre-empt anything that this chamber might do, and I do not think that would be a proper thing for me to do, but I have flagged that, while we support the Hon. Tammy Franks' amendments to make sure that it does not go to a situation where there is nothing at all left in relation

to administrators, so we are prepared to support this, I want to be clear that this is something we will be looking at, revisiting, next year.

The Hon. R.I. LUCAS: That is what I am trying to clarify. A minister saying he is prepared to have a look at it is no commitment at all. I am just clarifying that he is giving no commitment to making changes. It may well be that he looks at it and whatever amendment passes today—which is, in essence, going back to the old situation, pre the urgent legislation being rushed through because of the terrible things that were going on in the APY lands at the time—it may well be that the minister, after discussing and reflecting on it, makes no change at all. Is that fair to say that the minister, having discussed it and reflected on it, may well not come back and make any further changes subsequent to the changes that will now go through the house, potentially this afternoon?

The Hon. K.J. MAHER: I am not going to be drawn into some hypothetical about what I would do in certain circumstances. I have flagged this as something we will have a look at and address. I think quite rightly with APY legislation we have looked at what the circumstances are for the time, had consultation and made amendments where necessary. As I have said, this is something that we certainly will look at next year and I undertake to discuss it with the opposition and with the honourable member, who has a great interest in this area. I am not going to be drawn into hypotheticals about what may or may not happen. I think that answers the question.

The Hon. R.I. LUCAS: The minister may well not want to be drawn on hypotheticals; that is a decision for him. But as a member of the committee, let me say that my judgement is that the minister is unlikely to come back to the chamber prior to what was going to be the expiration of the current power, and that this is, in essence, an organised retreat from the government's position when they came before this parliament and said that the situation was so dire and so urgent that they had to have the power which exists under section 13O:

The Minister may, for any reason he or she thinks fit, by notice in the Gazette, suspend the Executive Board...

That was not something that the Liberal Party brought to the chamber. It was something that the government, the minister, supported and brought to the chamber. He voted for it, and said this was important and it was required. As I said, I have not been involved in the discussions, I am not a member of the Aboriginal Lands Committee, so I can see that therefore I am not privy to the detailed discussions that have ensued in getting to this particular point. To me it just appears to be a device that is being used for the government to retreat on the position it put to the parliament at that particular time.

My question to the minister, given that he has said that he is going to support this new package of amendments, is: can he just clarify for me, or can the Hon. Ms Franks clarify for me—and I might not have understood the package of amendments, but, as I understand it, under the current act, up until a cut-off period, which I assume is July 2017 (although the minister did not answer the Hon. Ms Franks's question as to when the expiry date was, but given that her amendment is July 2017, I am assuming that is the case)—if under the current act the minister, up until July 2017, has, the unlimited power to suspend for any reason he or she thinks fit. So it is quite clear that in the period from now up until July 2017 the minister has the power to suspend the board for any reason.

The package of amendments the minister is now supporting says, as I understand it, that after July 2017 the minister will have lesser powers—that is, the old powers; he has to go through various hoops, etc.—and that section 12A is suspended until 1 July 2017 and the unlimited powers are actually removed. So, in the period between now and July 2017, is there no power to suspend the board? That is, the limited power the Hon. Tammy Franks is introducing commences after July but the current existing power appears to have gone prior to the period of July 2017.

The Hon. K.J. MAHER: I can simply answer that question; that is, if I seek the indulgence of the mover of the amendment. My advice is: no, as it stands, right now, it will remain—it does not remove the current power.

The Hon. R.I. LUCAS: How is that the case, because the amendment that he is supporting now says that section 12A will come into operation on 1 July 2017? If you look at section 12A, which is the companion amendment, it says:

- (1) Section 13O(1)—delete 'The Minister may, for any reason he or she thinks fit' and substitute:

Then it goes through the new provisions, and then says 'delete subsection (1a)'. Subsection (1a) is the one which says it will expire three years after the day on which it comes into operation. Can the minister explain how this package of amendments works for the period between now and 30 June?

The Hon. T.A. FRANKS: I can respond to the Hon. Rob Lucas's questions, and with the advice of parliamentary counsel, who of course assisted in drafting this and, indeed, provided those previous drafting notes from the sunset clause, and I imagine that the opposition, who brought the sunset clause to this place, into the debate and into the act in December 2014, also received similar advice.

What this does is it actually addresses the issues that the opposition introduced into this bill. It does not create any new clauses, it actually simply affects the opposition's sunset clause. In terms of parliamentary counsel's advice on the wording of Amendment No. 2 [Franks-1], specifically to section 130(1a)—delete subsection (1a), that takes effect as of 1 July 2017. So until 1 July 2017 the status quo exists, which is that the minister has the power for any reason he or she thinks fit. At that point of 1 July 2017, which is, I think, a couple of months before the three-year sunset clause would expire, leaving no provisions for the suspension of the board, it ensures that the previous act is reinstated.

That act was done with consultation at the time. I certainly did not see any reason to create any new criteria. The minister would have to follow due process. Given that we are actually looking at good governance, I think this council should be supporting the minister, also following good governance, having to give appropriate directions under section 9D(4), 13A(3), 13G(4) or 13N. It certainly leaves the minister with many options to pursue, suspension of the board, if he or she has reasonable grounds to do so, and follows that process.

Amendment negatived; clause passed.

Clause 3 passed.

Clause 4.

The Hon. K.J. MAHER: I move:

Amendment No 1 [AborAffRec-1]—

Page 3, lines 20 and 21 [clause 4, paragraph (h) of inserted definition of *serious offence*]—

Delete paragraph (h)

There are a series of government amendments and, as we progress through those, I wish to place on the record my gratitude to honourable members in this chamber and also in the other chamber, particularly the shadow minister for Aboriginal affairs, with whom I have spent many hours discussing issues in general but in particular the changes that we put forward. I thank honourable members for their willingness to work towards these changes which are aimed at bringing about better governance on the APY lands. As I said, in particular I thank the shadow minister in the other place for his help in looking at these issues and being part of the process of drafting many of these amendments.

This clause relates to eligibility criteria for APY Executive members as amended in clause 16(7) which states:

- (2) An Anangu is not eligible to nominate for an office of member of the Executive Board in an election, or to hold office as a member of the Executive Board, if he or she has been found guilty of a serious offence within the preceding 10 years.

This clause defines these offences, which include a serious offence against a person, sexual offences, serious criminal trespass, serious dishonesty offences, serious drug offences and offences against the APY act and bylaws. What this amendment does is it deletes paragraph (h) relating to the APY by-law re petrol from the definition in 'serious offences'. Two serious offences are listed in the definition when covering the same type of offending, so this recognises the fact that the two serious offences listed covering the same type of offending are just the one.

The Hon. T.J. STEPHENS: I indicate the opposition's support and acknowledge the fact that our shadow ministers worked quite closely with the minister with regard to the government amendments. We will be having a discussion about government amendment No. 2 regarding the

Electoral Commissioner when the time comes, but I will put on the record that we support this government amendment.

Amendment carried; clause as amended passed.

Clauses 5 and 6 passed.

Clause 7.

The Hon. T.J. STEPHENS: I move:

Amendment No 1 [T Stephens-1]—

Page 4, lines 17 and 18 [clause 7(3)]—Delete subclause (3) and substitute:

- (3) Section 9(8)—delete 'Minister must cause the electorates constituted by' and substitute 'Electoral Commissioner must review the electorates constituted in accordance with'

Basically this amendment empowers the Electoral Commissioner to conduct the review in lieu of the minister. We believe that this is a common-sense amendment in that it empowers the experts in this field, the Electoral Commission, to conduct reviews of APY electorates before each election. Under the current provisions the minister must cause the review of electorates.

As we have seen in the past, perhaps, a gross malapportionment has been maintained for the last 10 years, despite three reviews having been conducted. Clearly these reviews have not been what we would deem successful. The Watarru electorate had three residents, or fewer, for three consecutive elections. If the state's pre-eminent body in drawing electoral boundaries is not best placed to conduct these regular reviews, we wonder who is.

We know that, with the transient nature of the population, as well as the changing geography of services and their providers, these boundaries should be reviewed regularly. I commend the amendment to the council.

The Hon. K.J. MAHER: I indicate that the government will be supporting the opposition's amendment and supports the general thrust of what the opposition is doing with this amendment. I will flag, however (and I flagged it with the honourable member earlier today), that we will, between the houses, have further discussion, particularly involving the Electoral Commissioner, just to talk about the practicalities.

If further changes are required, we will work with the opposition and keep the Hon. Tammy Franks informed and involved in the discussions about any changes in consultation with the Electoral Commissioner, if needed, to make this more workable or what, from the Electoral Commissioner's viewpoint, is necessary to ensure that. We support the amendment and the thrust of what is trying to be achieved, but flag that we are keen to consult further about this between the houses.

The Hon. T.A. FRANKS: I rise briefly on behalf of the Greens to say that we will be supporting this amendment. Certainly we will be looking forward to the upcoming briefing from the Electoral Commissioner on this bill. Should there be any problems with the implementation of this particular element, we would certainly be open to revisiting that, but at this late stage it seems that the most appropriate course is to put the Electoral Commissioner in that role.

The Hon. T.J. STEPHENS: I thank the Hon. Ms Franks and the minister for their indications of support. We have worked hard to try to rush this bill again, and we have only just filed this amendment today, so I appreciate the minister's indication of support, and I understand that further discussions will be had. I acknowledge that this has only been relatively newly flagged.

Amendment carried; clause as amended passed.

Clauses 8 to 12 passed.

New clause 12A.

The Hon. T.A. FRANKS: I move:

Amendment No 2 [Franks-1]—

Page 6, after line 16—Insert:

12A—Amendment of section 13O—Minister may suspend Executive Board

- (1) Section 13O(1)—delete 'The Minister may, for any reason he or she thinks fit' and substitute:

If the Executive Board refuses or fails to comply with a direction of the Minister under section 9D(4), 13A(3), 13G(4) or 13N, or not less than 4 members of the Executive Board refuse or fail to attend a meeting called by the Minister under section 11, the Minister may

- (2) Section 13O(1a)—delete subsection (1a)

This simply inserts the previous provisions and is consequential on that first amendment of the start date of 1 July for the reinstatement of the previous provisions for suspending a board.

The Hon. K.J. MAHER: I indicate that for the reasons we previously foreshadowed the government will support this amendment, but I again place on record that this is something we will want to revisit in the first half of next year.

The Hon. T.J. STEPHENS: We also support the amendment and I echo the government's sentiments.

New clause inserted.

Clause 13.

The Hon. T.A. FRANKS: I move:

Amendment No 3 [Franks-1]—

Page 6, line 20 [clause 13, inserted section 35(1)]—Delete 'may' and substitute 'must'

This amendment goes to the appointment of a conciliator and so opens new territory in this debate. This amendment simply changes the word 'may' to 'must appoint a conciliator'. The reason I have taken this step is due to previous examples where, under three consecutive ministers, a conciliator or a conciliation panel was not appointed and certainly there were many issues brought, particularly to the Aboriginal Lands Parliamentary Standing Committee as a result of there being no conciliator in place. Certainly to address this situation ever occurring again I think the word 'must' is vital to ensure that there is a conciliator panel as part of the potential mediation processes where disputes arise.

The Hon. K.J. MAHER: I thank the honourable member for her amendment and her explanation of her amendment. I can indicate I do not disagree with the thrust of what the honourable member is putting forward. There are a number of amendments later on filed by the government that seek to address the same thing. I think there are essentially two packages: it is the Hon. Tammy Franks' amendments about conciliators, and then there are government amendments about conciliators.

Whilst I do not disagree with the thrust of what she is saying, the government amendments take care of this particular one and put the word 'must' back in. They do it in a slightly different manner. Again, I want to thank the shadow minister in another place who was instrumental in helping develop the suite of amendments that the government has put forward. Whilst we will not be supporting her amendment, it is not that we do not agree with what the amendment is trying to do, it is that we have it in a slightly different fashion in government amendments.

The Hon. T.A. FRANKS: Could the minister point out where the minister 'must' appoint a conciliator under the government amendments? Certainly you must refer an application under the section, but where do you have that the conciliator must be appointed?

The Hon. K.J. MAHER: I thank the honourable member for her further explanation and again thank the willingness of members of this chamber who, I think it is fair to say, are at one with trying to create the best outcomes from what we are doing with this legislative process. I can indicate that, after having had discussions with the Hon. Terry Stephens, who has the lead for the opposition and with the Hon. Tammy Franks, the government is prepared to support this amendment that goes to just the establishment of the panel. It is not inconsistent with everything else that we are doing in terms of once the panel is established, and how matters are referred. So we are happy to support

this amendment but, again, we will be indicating that what flows on from this, we will be supporting our suite of amendments rather than the Hon. Tammy Franks'.

The Hon. T.A. FRANKS: I indicate that I will be progressing with this amendment but I am actually more attracted to the wording of the government amendments with regard to process once there is a conciliator in place and that that is ensured. I am certainly happy to indicate that I will be supporting and pursuing this amendment on the 'must' of the conciliator being appointed, but I actually was more attracted to the language and the process that the government has foreshadowed in its amendments about dealing with any applications made to the conciliator.

The Hon. T.J. STEPHENS: I indicate that we are prepared to support the amendment, but my understanding is that, with the reasoning in the government's suite of amendments that we certainly had input into, we were concerned about frivolous and vexatious claims. I understand that we are still going to take care of that in the government's amendment. So we will support the Hon. Tammy Franks' amendment but, obviously, are very supportive of the government's amendment.

Amendment carried.

The Hon. T.A. FRANKS: I move:

Amendment No 4 [Franks-1]—

Page 6, lines 29 and 30 [clause 13, inserted section 35(5)]—Delete 'for any reason the Minister thinks fit' and substitute:

with the approval of Anangu Pitjantjatjara Yankunytjatjara (and, if a member of the panel is removed, the Minister must cause a report setting out the reasons for the removal of the member to be laid before both Houses of Parliament within 6 sitting days after the removal)

The Hon. T.A. FRANKS: To clarify, this is simply also about the actual appointment of the conciliator so I will be progressing with this. The government's amendments about the process of an application to the conciliator do not cover this ground. This amendment ensures that should a conciliator be removed, then the minister would have to consult with the APY and table a report to alert the parliament to this action taken to remove a conciliator.

Again, I do so because for three successive ministers there was no conciliator and the parliament was not aware, even though under the act that should have been the mechanism for dealing with disputes which, of course, as I say, ended up before the Aboriginal Lands Parliamentary Standing Committee. So ensuring that very small mechanism of, again, good governance should there be no conciliator in place, it would come to the attention of the parliament and that is what this amendment seeks to do.

The Hon. K.J. MAHER: I thank the honourable member for her explanation of her amendment and I do appreciate that this does not necessarily cut across the process contained in the amendments that the government has; however, the government will not be supporting this amendment. There are similar reasons and similar language around the appointment of an administrator, which was an issue that was agitated in late 2014, and for very similar reasons the government is keen for the minister to retain that ability, for reasons the minister thinks fit, for the removal of the conciliator.

The Hon. T.J. STEPHENS: Minister, is it not because you are concerned about the possibility of, to use colloquial words I suppose, a rogue conciliator. If there was somebody who had been appointed to that sort of position that you thought was acting in, let's say, an interesting or improper way, you want the ability to be able to remove them?

The Hon. K.J. MAHER: What the Hon. Terry Stephens puts on the record is essentially correct. It is a much more complicated process. While I understand the motivation and thrust of what the Hon. Tammy Franks is moving—similar to the debate that was had in 2014—it is not something that we support. As outlined quite succinctly by the Hon. Terry Stephens, this is an area in which it is our view that it is important for the minister to retain that ability, rather than have this further process put in place.

The Hon. T.A. FRANKS: Given the government's opposition to this amendment, what I would indicate is that if the government's issue is with the process of insertion of 'with the approval of Anangu Pitjantjatjara Yankunytjatjara', certainly the intent here is to ensure that a report is tabled to parliament should a conciliator be removed by the minister. So I ask the minister, between the houses, to look at that issue because I think that in terms of good governance it would be appropriate for the minister to alert the parliament should he or she remove a conciliator.

The Hon. K.J. MAHER: I thank the honourable member for her comments, and I am concerned that she has some sort of mind-reading device because that is exactly what I was about to say. This is an area that I am happy to continue to discuss with the honourable member, and if there is some change, to make that between the houses.

The Hon. T.J. STEPHENS: I indicate that I will not support the amendment on behalf of the opposition, but I am pleased that those discussions will take place because I also appreciate the intent of the Hon. Tammy Franks's amendment.

Amendment negatived.

The Hon. K.J. MAHER: I move:

Amendment No 3 [AborAffRec-1]—

Page 6, after line 36 [clause 13, inserted section 35(6)]—Insert:

and

- (c) should, as far as is reasonably practicable, endeavour to appoint conciliators who have qualifications and experience in law or mediation.

This is the start of the suite of amendments that relate, essentially, to the process of how conciliators will work. This one is about the standards, qualifications and experience needed for conciliators. Again, there are a number of these—and I have to give credit—and they are as much a result of the work of the opposition as they are of the government, although they are filed in my name. I commend the amendment to the chamber.

The Hon. T.A. FRANKS: I indicate the Greens will be supporting this amendment.

The Hon. T.J. STEPHENS: The opposition will support the amendment.

Amendment carried.

The CHAIR: The next amendment is amendment No. 5 [Franks-1], clause 13, page 7, line 3.

The Hon. T.A. FRANKS: I indicate I will not be pursuing this amendment.

The CHAIR: The next amendment is amendment No. 6 [Franks-1], clause 13, page 7, lines 5 and 6.

The Hon. T.A. FRANKS: I will not be pursuing this amendment.

The CHAIR: The next amendment is amendment No. 7 [Franks-1]. Are you going ahead with that?

The Hon. T.A. FRANKS: No, that is also consequential. The government has outlined an appropriate conciliation process to ensure that matters are dealt with, and the Greens are certainly comfortable with supporting the government's amendments.

The Hon. K.J. MAHER: I move:

Amendment No 4 [AborAffRec-1]—

Page 7, lines 7 to 14 [clause 13, inserted section 35A(3) and (4)]—Delete inserted subsections (3) and (4) and substitute:

- (3) On receiving an application under this section, the Minister—
 - (a) must refer the application to a member of the panel of conciliators to determine whether or not the matter is frivolous or vexatious, or otherwise lacks merit; and

- (b) must, if that member determines that the matter is not frivolous or vexatious or lacking in merit, appoint a conciliator (not being the conciliator who made the determination) from the panel of conciliators to hear the matter.

Briefly, this is further to the suite of amendments that deal with the process. This goes to the point the Hon. Terry Stephens raised earlier in this committee about some way to make sure there are not vexatious or frivolous claims that require a great deal of energy and resources to be investigating. Essentially, what it does is have one of the panel of the conciliators that the government must appoint—after the Hon. Tammy Franks's amendments—basically prima facie determining if there is merit in the issue that is being raised and, if there is, then referring it to one of the fellow conciliators to look at the merits of that issue.

The Hon. T.J. STEPHENS: I indicate the opposition's support for the amendment.

The Hon. T.A. FRANKS: The Greens also support the amendment. It is actually a superior process.

Amendment carried; clause as amended passed.

Clauses 14 and 15 passed.

Clause 16.

The Hon. K.J. MAHER: I move:

Amendment No 5 [AborAffRec-1]—

Page 8, lines 25 to 28 [clause 16(3), inserted clause 2(3)]—Delete inserted subclause (3) and substitute:

- (3) The regulations—
- (a) must specify each of the community groups that comprise a particular electorate (and, to avoid doubt, each community group on the lands must wholly or partly comprise an electorate); and
- (b) must, for ease of reference, include maps of the electorates setting out the community group or groups comprising the electorate.

It is self-explanatory. Again, this was as the result of a suggestion that was worked on between the shadow minister and the government to make sure that there was provision in the act for provision of maps in terms of the electorates that comprise the areas that will be the electorates that people are elected to under the new elections.

The Hon. T.J. STEPHENS: The opposition will be supporting the amendment.

Amendment carried; clause as amended passed.

The Hon. K.J. MAHER: I move:

Amendment No 6 [AborAffRec-1]—

Page 9, lines 5 to 10 [clause 16(7), inserted clause 6(1)]—Delete subclause (1) and substitute:

- (1) A person is eligible to nominate for an office of member of the Executive Board to be elected from an electorate if—
- (a) he or she is Anangu; and
- (b) on the closing date in relation to the election—
- (i) he or she is an elector enrolled on the State electoral roll in respect of a place of residence within the electorate; or
- (ii) he or she is provisionally enrolled on the State electoral roll in respect of a place of residence within the electorate and will attain 18 years of age on or before the polling day for the election.

There are a number of amendments now that deal with essentially the eligibility for voting on the APY lands. There was a great deal of discussion and what these amendments do is create a system for the basis for the roll to vote on the APY lands—and I note that up until now and in elections for the APY Executive previously, there has been no voter roll. I know in a challenge that was taken, and heard by Chief Justice Kourakis I think after the last APY elections, that was certainly something that

the court commented on, the difficulties when there is no roll in determining eligibility. What this seeks to do is to effectively regularise the roll and treat APY, quite reasonably, like any other place or council in South Australia that elects people, in terms of using the state electoral roll as the basis for the roll for who can vote and nominate in these elections.

The Hon. T.A. FRANKS: I indicate that the Greens will be supporting this but I do have a couple of questions at this point. If the minister could address how particularly those on dialysis, who are not in their communities, will be treated with respect to the three-month residency requirement, and also what will be the treatment of people without identification documents and also residential addresses. What thought has been given to that?

The Hon. K.J. MAHER: I thank the honourable member for her questions. They are good questions and I know have formed some discussion. In relation to dialysis, if your enrolled address is a community on the lands, then that is the cut-off: because of your enrolled address you will be able to vote. The Electoral Commissioner has been of assistance in making sure that the processes that are in this act have been looked at and had some degree of thought put into them to make them as workable as they can be, but I do not rule out the possibility that we will come back at some stage to improve the system if necessary. Similarly to state elections, if someone's place of residence is on the lands, then for a state election if that is where their enrolled electoral address is, they will vote for that state electoral district for where they are enrolled, regardless of where they might be getting treatment at the time. That will be the case under this. It will be based on your enrolled address.

In terms of ID, I am advised that it will be managed as it is for state elections. For people coming to vote, it has been managed well for many state and federal elections on the APY lands by the teams that go from the Australian Electoral Commission and the state electoral office conducting those elections. It will be similar to any state or federal elections, to make sure that people can vote. In terms of street addresses, I know there is a process that the transport department is going through now to try to make sure that there are more street addresses, but I am advised that there are many people who do not have street addresses but are on the electoral roll, as in the Ernabella community or in the Pipalyatjara community, without necessarily having a number and the name of a street.

The Hon. T.A. FRANKS: Thank you for that clarification. Certainly, I appreciate those responses. There is a slight additional element to the dialysis, which is that family members are also often dislocated while the patient is receiving treatment. I just want to seek assurances on their behalf as well. With the ID, I was not specifically meaning when somebody turns up to vote, but getting on the electoral roll at the start of the process.

The Hon. K.J. MAHER: Again, in terms of family members, it will be very similar to if it was a state election. If they are entitled to and are enrolled on the APY lands, then they are on the electoral roll and that forms a basis for this. In terms of getting on the electoral roll, I think similar numbers have voted in state elections as have voted in APY Executive elections in the past. They have been quite similar numbers; the turnout has been very similar. There has been discussion already, and the department and particularly the Electoral Commission will run an information and education program to make sure before the next election that people are aware of these changes and have an opportunity, should they not be on the electoral roll, or not correctly enrolled, where they should be enrolled on the electoral roll, to fix that.

The Hon. T.J. STEPHENS: In previous elections, there has been a voters' roll that is different from the electoral roll. Is that correct or not?

The Hon. K.J. MAHER: I can advise the honourable member that in previous elections there has been no roll. I am advised now, and certainly that has been raised with me a number of times, in communities right from Pipalyatjara to not as far as Indulkana but certainly the central APY lands, that there has been no electoral roll. I think the processes here improve that, and I think it is something we expect in terms of proper process and transparency in voting, to have a roll. In previous APY elections there has been no roll, and that was certainly some of the commentary from the decision that involved the Pipalyatjara/Kalka election that was in court after the last elections.

The Hon. T.J. STEPHENS: In the past, you did not need to be on the South Australian electoral roll to vote in APY elections. My question is: what education process are you going to run

so that people do not front up to an APY election and find out they cannot vote because they are not, and have never been, on the electoral roll? That could be a major problem, I suspect.

The Hon. K.J. MAHER: I have been able to consult with the Electoral Commissioner. Prior to the election, where there will be a roll for the first time, education campaigns will be run across the lands that will include information in languages to inform people of these changes, education campaigns with APY in communities and with community councils. Because there is no roll at the moment, we cannot cross-reference to see if the ones who voted in state elections are the same ones who voted in APY Executive elections in the past.

My guess is they are probably very similar individuals who have voted in state elections and in APY elections, but we do not know because there has not been a roll in the past. Certainly there will be an information and education campaign run to inform people of the changes before the first election under this legislation, and it will be translated into languages to make sure that people are aware that for this election, if they are not on the roll, then they will not be able to vote.

The Hon. T.J. STEPHENS: While the Electoral Commissioner is here, I would just like to wish him well because I can imagine the screams and allegations of corruption if long-term residents front up to vote in the APY elections and cannot vote. The importance of trying to get everybody on the electoral roll is obviously paramount, and I wish the Electoral Commissioner well in his efforts, because it is going to be a monumental job, I think.

The Hon. K.J. MAHER: I move:

Amendment No 7 [AborAffRec-1]—

Page 9, lines 31 to 33 [clause 16(7), inserted clause 6(4)(c)]—Delete paragraph (c)

Amendment No 8 [AborAffRec-1]—

Page 10, after line 10 [clause 16(7), inserted clause 6]—After inserted subclause (9) insert:

(10) In this clause—

closing date, in relation to an election, means the day fixed by the returning officer for the close of the voters roll for that election (being a day falling not less than 3 months prior to the polling day for the election);

State electoral roll means the electoral roll kept under the *Electoral Act 1985* relating to the relevant district (within the meaning of that Act).

Amendment No 9 [AborAffRec-1]—

Page 10, lines 11 to 37 [clause 16(7), inserted clause 6A]—Delete clause 6A and substitute:

6A—Voters roll

- (1) There will be a voters roll prepared for the purposes of each election under section 9.
- (2) A voters roll is to be prepared by the returning officer.
- (3) A voters roll may differentiate the persons enrolled on the voters roll according to the electorates in relation to which they are entitled to vote.
- (4) A person is entitled (without application) to be enrolled on a voters roll in relation to an electorate if—
 - (a) he or she is Anangu; and
 - (b) on the closing date in relation to the election for which the voters roll is prepared—
 - (i) he or she is an elector enrolled on the State electoral roll in respect of a place of residence within the electorate; or
 - (ii) he or she is provisionally enrolled on the State electoral roll in respect of a place of residence within the electorate and will attain 18 years of age on or before the polling day for the election.
- (5) The voters roll must, in relation to each enrolled person, contain—
 - (a) the person's full name; and
 - (b) the person's residential address; and

- (c) the name of the community group (if any) of which the person is a member, and may contain such other information as the returning officer thinks fit.
- (6) The returning officer may appoint such number of electoral registrars as he or she thinks appropriate.
- (7) The electoral registrars must assist in the preparation of a voters roll in accordance with any requirement of the returning officer.
- (8) If—
- (i) an Anangu is, on the closing date in relation to an election, enrolled or provisionally enrolled on the State electoral roll in respect of a place of residence that is on the lands; but
- (ii) he or she is not entitled under subclause (4) to be enrolled on a voters roll prepared for the election because his or her place of residence does not fall within a community group forming a part of an electorate,
- then, for the purposes of the election, he or she and his or her place of residence will be taken to be part of the community group specified by the returning officer.
- (9) In specifying a community group under subclause (8), the returning officer should, unless he or she does not consider it appropriate to do so in all the circumstances of the case, specify the community group (being a community group that forms part of an electorate) that is located closest to the place at which the Anangu concerned resides.
- (10) The returning officer may make such other rules or determinations in relation to a voters roll as he or she thinks fit.
- (11) In this clause—
- closing date*, in relation to an election, means the day fixed by the returning officer for the close of the voters roll for that election (being a day falling not less than 3 months prior to the polling day for the election);
- State electoral roll* means the electoral roll kept under the *Electoral Act 1985* relating to the relevant district (within the meaning of that Act).

Amendment No 10 [AborAffRec-1]—

Page 10, lines 38 to 41 [clause 16(7), inserted clause 6B]—Delete 'the electoral roll in respect of' and substitute 'a voters roll under clause 6A in relation to'

Amendments carried; clause as amended passed.

Schedule.

The Hon. K.J. MAHER: I move:

Amendment No 11 [AborAffRec-1]—

Page 12, line 29 [Schedule 1, clause 3(1)(a)]—Before 'the electorates' insert 'Subject to this clause,'

This is an amendment that was a matter of drafting that was recommended by parliamentary counsel to make it subject to this clause. This is not a substantive amendment and does not affect the operation in any way of what we are seeking to do, but is a drafting amendment recommended by parliamentary counsel. I commend the amendment to the chamber.

Amendment carried.

The Hon. K.J. MAHER: I move:

Amendment No 12 [AborAffRec-1]—

Page 13, after line 3 [Schedule 1, clause 3(1)]—Insert:

- (ba) the *closing date* for the purposes of clauses 6 and 6A of Schedule 3 of the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981* in relation to the election will be taken to be the day fixed by the returning officer for the close of the voters roll for the election (being a day falling not less than 1 month prior to the polling day for the election);

This amendment is to try to facilitate an election being held by the end of this calendar year, allowing for one month for that first election prior to polling day for people to be coming onto the roll. There is

a chance we will have time to do it by the end of this calendar year, but I do accept that if the bill is held up for any reason—and there may be good reason to do that, as we go between houses—the election may be pushed into the early part of next year.

The Hon. T.J. STEPHENS: I am sure it is not appropriate for us to make small wagers during the committee stage of a bill, minister, but I am happy to have a side bar, small wager with you. The Electoral Commissioner is obviously incredibly competent, but whether he is Superman or not I am yet to see. If you can progress and have an election, so be it, but I would prefer to have a proper election with everybody having the opportunity to participate, and I am sceptical about whether you would see one this year

Amendment carried.

The Hon. K.J. MAHER: I move:

Amendment No 13 [AborAffRec-1]—

Page 13, after line 6 [Schedule 1, clause 3(1)]—Insert:

- (ca) the Minister must, for ease of reference, publish maps of the electorates setting out the community group or groups comprising the electorate for the election;

This is a matter we spoke about earlier. This amendment provides for this first election and for subsequent elections that maps must be published showing the boundaries of those electorates.

The Hon. T.J. STEPHENS: I think the shadow minister obviously had a hand in this. I think it is very sensible. We support it. With those few words, I wish a speedy passing of this bill.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

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) (16:23): I move:

That the bill now be read a third time.

The Hon. T.J. STEPHENS (16:24): I would like to thank the minister for the many discussions that he and his department have had with the very good people, Dylan Turner and Jonathan Nicholls, who have been assisting in this. It has been a very arduous process. It has been rushed and I would prefer that the next time we do something we give ourselves a little bit of time. I also thank the Hon. Tammy Franks for her input and wise counsel over the journey. We all have the same intent, we want the best outcomes, but I would ask the minister that he gives us plenty of notice and plenty of time for the next one he brings.

Bill read a third time and passed.

RETIREMENT VILLAGES BILL

Second Reading

Adjourned debate on second reading.

(Continued from 7 July 2016.)

The Hon. A.L. McLACHLAN (16:25): I rise to speak to the Retirement Villages Bill 2016. My comments on this bill are in support of those of the Hon. Stephen Wade, who is the lead speaker on this bill for the Liberal opposition. 'The afternoon knows what the morning never suspected'—cogent words from the American poet, Robert Frost. The ambitions that gave birth to this bill have a patina of nobility. It is an attempt to improve the regulation of retirement villages. There will—

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The Hon. Mr McLachlan has the floor.

The Hon. A.L. McLACHLAN: And the flu. There is a will to divine a better and more just balance between the rights of the operators and the rights of the occupants of these villages. Those conceiving of the bill have thoughtfully taken some guidance from the considerations and recommendations of the select committee review of the Retirement Villages Act 1987. My own comments are informed by my service on a not-for-profit board of a company that used to own and manage a suite of retirement villages in this state and the Northern Territory. Before that, as a lawyer, I had occasion to advise those seeking to enjoy their retirement in the same.

Individuals or couples attracted to the community of village life 'buy in' to home units. The contractual arrangements vary between villages. Those seeking a unit are not in most instances simply renting the home or purchasing some form of title; rather, they are entering into a complex financial arrangement which often only becomes apparent when they wish to or have to leave and a financial reconciliation of their interest in the unit takes place, usually after their interest is sold on to another party. Delays in selling an interest in a unit are in most instances the fault of no one individual.

However, delay invokes stress in the elderly and their families, especially when they need to enter a new place of accommodation and level of care and support. Market conditions and increased choice of accommodation may impact the netting of any school of potential purchasers. There can be considerable delays in finding people who wish to live in a retirement village. It can be a difficult decision for a person, or a couple, to leave their longstanding home, where children have been loved, nurtured and raised, and the place of countless celebrations and happy moments. At the same time, they nervously look to establish themselves in a new phase of their lives. They are confronted with the approach of the twilight of their lives and the ending of their middle years. The purchasing decision is emotion laden and rarely quick. It is an uneasy time for potential purchasers.

Not all relish the thought of living in a closed community with shared facilities and some struggle against a sense of the inevitability of change as one grows old. This is the inherent nature of this sector of the real estate market. Retirement villages have traditionally been built and run by not-for-profits. They remain in the majority. However, there are increasing numbers of for-profit players in the marketplace.

In my experience, to ensure regularity of cash flow, whether for-profit or not-for-profit, there is an increasing commercial imperative for sizeable providers to have a sufficient scale of operation, that is, as many units as possible, and this probably can only really be achieved by being national. There is still a place for small providers, but medium providers are feeling the pressure of increasing costs and the need to find residents, while also accommodating irregular cash flow.

While the operation of the marketplace is subject to change, it is my experience with the sector which gives rise to my reservations about the retrospective effect of certain provisions in this bill. The reasons expressed to justify the need for this bill have largely been couched in terms of ensuring an appropriate balance between the rights of the consumer and the provider, yet the effect of the buyback clauses, especially their retrospectivity, means that this bill is, in effect, a very significant market intervention by the executive.

The proposed clause 26 of this bill forces operators of retirement villages to pay residents their exit entitlements after 18 months if the resident has ceased to reside in the village for this period or the property has been unable to be sold. The extant contractual rights and entitlements of our citizens are overridden by statute. Future operators of villages are being impacted and shaped.

At the same time, no evidence has been tabled to assure this chamber that there will be no adverse impacts on the operation of the market or the viability of some of the smaller and regional villages and their operators. One possible scenario is that small and medium operators are pushed out of the market, and most, if not all, villages are operated by large investment funds, which have invested in the sector to derive long-term yields, much like purchasing a bond. I am not suggesting to honourable members that this is good or bad; rather to say that we do not know, and before we legislate we should at least have before us an assessment of the market impact of passing this bill.

It does not come as a complete surprise to me, when we are being asked to legislate in a vacuum of economic considerations. The Labor benches have no inherent understanding of the

importance of cash flow and the principle of investment return for risk. They have lived their lives comfortable in their union sinecures, their hands soft from having being saved from the rigours of labour. Their lifestyle has been supported by the hard work of their members dutifully paying their dues, communing only with their friends and the bureaucratic elite, whose sinecures are underwritten by the ever-burdened taxpayer, wilfully ignorant of the realities of the marketplace and what is required to attract and retain private capital.

Unless we wish as a state to build accommodation for our ageing community at the expense of the taxpayer, we need private investment. This is not to suggest the rights of the ageing and vulnerable should be abrogated. Rather, the intervention in the market needs to be well understood, measured in its nature, with the rights of competing interests sensibly balanced. Even if the provisions of this bill have a minimal impact on the operation of the market going forward, there appears to be little justification for the retrospective application.

A core principle of the rule of law is that the law must be known and available, as well as certain and clear to those who must obey it. Mr Crowe, in his work titled 'The Morality of Retrospective Legislation' says:

Retrospective law is not necessarily immoral—but bearing in mind the distinctions that must be made, the presumption is strongly against it.

By the use of the term 'distinctions' I understand him to mean the special cases where retrospective operation may be justified. He goes on to say:

Whether a given retrospective law is conformable to the common good is a matter that demands the closest scrutiny. It cannot be said that it is a bad piece of legislation simply because it is retrospective, but if the common good does not clearly require it, it is bad as law which unnecessarily confiscated an individual's goods.

In other words, any proposed legislative initiative that seeks retrospective justification must be carefully considered, properly argued and be for the common good of the society.

On what we have before us, I do not believe the government has, at this stage, made out the case that retrospectivity is for the common good. There has been consultation, which amounts to collecting the views of the community, but it seems no analysis of the same—no business case, no cost-benefit analysis. As Plato contemplated, the provision against retrospectivity is one of the immortal rules that should constrain mortals who create law.

The retrospective operation of certain clauses offends the rule of law principle that laws should aspire to operate generally and not specifically to certain individuals or groups. Individual citizens should have the right to plan, safe in the knowledge that compliance with the law of the day will not result in unreasonable consequences resulting from the heavy hand of the state.

This bill impacts a class of citizens and violates their rights. Indeed, and what is particularly significant, is that the retrospective elements were not proposed in the report of the select committee in 2013. This bipartisan committee seems to have had greater wisdom in these matters than the minister in the other place, who has responsibility for this bill.

Retrospective laws such as these can disrupt business planning processes, resulting in high compliance costs and unintended consequences, such as responsible market players being adversely impacted. The Property Council noted in their submission that the statutory provision to buy back the properties is not necessarily in the interest of residents. They argue operators will most likely need to sell the housing at a reduced rate in order to meet the buyback provision, which will result in current properties and the housing market, in general, to compress. In other words, there will be a fall in capital value. This will result in a less than satisfactory outcome for the residents, who may need as much capital as they can muster.

During the committee stage in the other place, the minister stated that a regulatory impact statement had been completed. However, when asked whether this would be placed in the public domain she stated that she would take that under consideration. I note that this is in clear contradiction to the statement published on the Department of the Premier and Cabinet's website. Under the section entitled Regulatory Reform it says:

To enable public scrutiny of regulatory decisions, agencies must publish the final RIS [regulatory impact statement] on DPC's [Department of the Premier and Cabinet] website...

It is disappointing to discover that an RIS for this bill is not on the DPC's website. The minister also considered, in the other place, that to date no cost analysis or risk assessment has been conducted in relation to this bill. I call on the government to make the case that the common good is being served by making this bill retrospective in operation. I call on the government to provide us with assurance that there will not be adverse market impacts as a result of this bill being made law.

We have an ageing population in South Australia; our citizens are living longer. We need plentiful accommodation options that are affordable for our retirees and elderly. The provisions of this bill may work inadvertently against the shared ambitions of all sides of politics in this state. I look forward to light being shed on the potential impact of this bill in the committee stage. It would be a tragedy if this bill restrained investment in this sector and contributed to people missing out on this way of living. In the words of the author James Douglas, 'The care of the old is a vocation as delicate and difficult as the care of the young.'

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

ASER (RESTRUCTURE) (FACILITATION OF RIVERBANK DEVELOPMENT) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 23 June 2016.)

The Hon. A.L. McLACHLAN (16:38): I rise to speak to the ASER (Restructure) (Facilitation of Riverbank Development) Amendment Bill 2016. I speak on behalf of my Liberal colleagues. The Liberal Party is seeking information on the Riverbank project. It has not been provided to date. As a consequence, the Liberal Party has formed the view that it cannot support the passage of the bill at the third reading without it having had an opportunity to consider the information requested. The Liberal Party will support the second reading and going into committee.

The bill seeks to amend the ASER (Restructure) Act 1997 to enable the initial construction works for the redevelopment of the Festival Plaza Precinct to commence. The original act was passed by the former government to create specific arrangements for the ongoing management of the site. In particular, the act allows for individual leases and commercial interests on the site, as well as shared management and common facilities and services. Just prior to the 2014 state election, the government announced a commitment to redeveloping the precinct. The government also announced that an agreement had been reached between the state government and the Walker group.

The government asserts that the passing of this bill is required to allow the redevelopment to proceed, thereby allowing the government to fulfil its contractual commitments to the Walker group. The government is to contribute \$180 million and the Walker Corporation is to contribute in the order of \$430 million to the development. The government contribution comprises of \$90 million to the Adelaide Festival Centre upgrade, \$30 million to the Adelaide Festival Centre car park, and \$60 million to the public realm and surroundings.

As I understand it, the Labor government has entered into a contractual arrangement with the Walker group, which has previously been granted certain rights as the government's preferred partner for the redevelopment of the plaza site. The Walker group has the right to build a new commercial office tower and a retail development. The Riverbank Authority has been tasked with facilitating the design, engaging with stakeholders and taking oversight of the project. There is also an agreement with the Casino operators SkyCity regarding the Casino expansion.

I have reviewed the concept visuals and we were advised that there has been some positive feedback. Given the government's notorious record on public engagement, I do not place much faith in the processes capturing the public's mood. The project envisages a complete redevelopment of the Festival Plaza and Station Road precinct. The development includes a plaza and a uniting footbridge (I am not sure what other type of bridge there is given that a bridge must span two sides), a public realm with artwork, water features and interactive spaces, restaurants, and cafes and bars (perhaps an area where there can be the potential to be a declared public precinct, something we

will debate later when we reconvene), the redevelopment of the Elder Park frontage of the Festival Centre and a 24-storey office building.

Some of the words used to describe the design concept for the proposal upon completion are 'a place of discovery'; it will contain 'delights and divisions and showcase the best SA has to offer'; 'a compelling destination'; 'an engaging place that welcomes people from all walks of life'; 'an event-ready space—a place that offers a different experience every time, that celebrates the seasons, and is brought to life by a balance of curated and spontaneous activities.'

Yet amongst all these wonderful epitaphs, commercial realities will prevail as they always inevitably do. A large office tower will overshadow the precinct and this parliament. Land will be made available to expand activities to facilitate gambling. It is ironic that the commercial necessities of making available prime real estate to developers will result in a tower that overlooks the house of the people. If built, it will be a symbol of this government placing the commercial needs of developers over and above the needs of the people it serves. It will be a temple to poor public accountability and poor development and a perverted vision of what is in the public's interest.

From the recent examples of pitiful public architecture in this city, I personally find it difficult to believe that the stated aesthetic ambitions will actually be achieved. Public architecture in this state in recent memory is firmly founded on mediocrity and has in recent tradition given birth to creations that are scarred with an uninspiring and unimaginative aesthetic. Let us hope that beyond the conceptual drawings what will actually be created will be world class rather than a poor copy of a soulless Melbourne outer suburb shopping mall.

The designs appear to have been conceived in the abstract without any homage to the cultural and historical heritage or the traditions of the city. There appears to be no concession in the design to meet the needs of the society that the area is meant to serve. This is made abundantly clear from the trite and overused expressions used to describe the concept design. There is no heart and soul in the design. The only design concept that is clearly apparent is the economic calculations of the developers.

There is no worship of beauty and the best our society has to offer. The design is not culturally rich, inclusive or relevant to the state and its past and future peoples; rather, it is sterile and reminds me of shopping precincts the world over. There appears to be no ambition to make it distinct and embody all that is excellent in South Australia. When completed, it is unlikely to be a Gestalt; it is global but it is not timeless.

In order to enable the construction works on the site to commence, the bill will permit increasing the development site to accommodate the SkyCity expansion and plaza; temporary suspension of ancillary rights to allow works to proceed; restructuring of leases and ancillary property rights in the area following completion of the project; and renaming the act the 'Riverbank Act' because it will encompass a much larger area of ultimate consideration in precinct master planning and the like.

The opposition accepts that the amendments to the act as contained in the bill will, if enacted, facilitate the development of the proposal. At the same time, the development could proceed with each party to the development entering into a series of contractual undertakings. I note therefore that the legislation is not technically necessary, but the various stakeholders consider it desirable and have requested the same.

The Liberal opposition has requested certain information contained in the development. This information has not been forthcoming. The Liberal opposition does not believe the bill should pass into law until the release of this information and an opportunity to digest and debate the same. Until this information is provided, we will oppose the passage of the bill. Our position has not changed since it was articulated in the other place by the shadow attorney, the member for Bragg. The government has failed to disclose three significant pieces of critical information:

- the contract between Walker Corporation and the government;
- particulars of the proposed announcement by the Premier of a new art gallery; and

- correspondence between Mr Walker and the former minister for planning and urban development.

The last item has been the subject of an initially successful FOI application by the member for Bragg in the other place, yet it is still to be released.

This project is an important endeavour by the state. It involves the giving up of uniquely located state land, as well as a considerable monetary investment in the name of the people. The project involves contractual relationships with the Walker Corporation and the Casino. Full and frank disclosure of the arrangements should be made to the parliament to ensure that principles of transparency and accountability are upheld. It cannot be said that in recent memory the government has had a good record on large commercial arrangements.

One only needs to consider, more recently, the Gillman transaction and the difficulties surrounding that transaction, and the fact that the ICAC commissioner made findings in relation to two bureaucrats for maladministration. This does not provide the opposition with a great deal of faith in the government's management of large projects, particularly those approvals that it wishes to hurry through this place. With those comments, I complete my remarks.

The Hon. R.L. BROKENSHIRE (16:47): I rise to put a different point of view on the debating table in the Legislative Council to the last speaker, the Hon. Andrew McLachlan. Family First has considered this particular piece of legislation in quite a bit of detail, and I will go through some of that in a while. The fact is that, after due consideration and consultation, Family First will be supporting the government with this legislation. There are of quite a few reasons for that.

Back when the last Liberal government was in office, the Liberal government worked hard to do the first stages of the North Terrace upgrade and, at the same time, were doing some work on the Riverbank Precinct, including another staged expansion of the Adelaide Convention Centre and, of course, the education precinct of the University of South Australia, close to the new RAH and medical research centre. The point is that, up until this point in time, I thought there was quite a bit of bipartisan support in the parliament—

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The honourable member has the floor. He should be able to speak uninterrupted, because I know he does all the time.

The Hon. R.L. BROKENSHIRE: Thank you for your protection, sir. If the Leader of Government Business takes me away from my thought patterns again, I would seek your protection again so that I can concentrate on the debate.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): I give the honourable member all the protection he deserves. I suggest you proceed.

The Hon. R.L. BROKENSHIRE: Thank you, sir, and do I need some protection!

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): I suggest you proceed.

The Hon. R.L. BROKENSHIRE: Thank you, sir; I appreciate your advice. The point is that, in a multipartisan way, up until this point in time, I was under the impression and so was the Family First party that there was general agreement as to the upgrade of North Terrace and the reinvigoration of the Riverbank Precinct. If you have a look at what happens now at Southbank in Melbourne, it is a wonderful asset for the City of Melbourne. It is an exciting place to be and there has been hundreds of millions of dollars of investment over there, probably billions, and there are many jobs being created.

We see the same thing occurring as the continued reinvigoration of North Terrace happens and also now with the situation around the reinvigoration of the Riverbank Precinct to the immediate north of Parliament House and to the west of Parliament House. Several years ago, I appeared on what was then an ABC program called *Stateline* with Leah MacLennan. I can well remember her interviewing me when I was asking, 'When is the government going to focus on utilising this wasted, tired old space at the back of parliament?'—and it is a wasted, tired old space.

The fact is that this is going to become a very vibrant public space. Whilst Family First does not generally support intrusion into our open Parklands areas and our green belt areas that Colonel Light set the boundaries for in the Adelaide precinct, this space at the moment is, to an extent, not utilised as it could be. I believe that this is a good opportunity to utilise this space which is very tired and underutilised. One of the things that we did have quite a debate about was not the reinvigoration and upgrade of the Festival Theatre and the issues around cafes and public open space areas behind Parliament House but the 28-storey proposal of the Walker group.

I have to say, to be fair, that I was more concerned about that than other executive members of Family First. However, having now seen the artist's impression of the northern works of the promenade, it does seem to me to fit in better than I thought it would, and it does not take away from the historical facade of Old Parliament House and the railway station to the extent that I thought it would. When you go down to Grenfell Street and places like that and look at the facades, they are still interesting for their history and they are still interesting to look at and they still add character to that part of Adelaide, but they have multistorey office apartment blocks right behind the facade. In fact, I worked in one of them when I was David Wootton's parliamentary secretary.

The point is that Adelaide does need a lot of reinvigoration. There is quite a lot of private money being committed by the Walker group to the tune of \$460 million, I am advised, or thereabouts, and a total private sector estimate of \$810 million. Based on the briefing we had, the government contends that for every \$1 of taxpayer spend the private sector will contribute \$5. To me, that stacks up to what the economists would say is good public expenditure—when you can spend \$1 of taxpayers' money and get \$5 from the private sector.

We are still doing quite well as a state when it comes to our arts, festivals and cultural heritage, but compared to other states I think it is true to say that we have slipped behind. This is an opportunity to crank that up so that we can get back into the competition of being a real city of festivals and cultural heritage and also the arts and opportunities for public space. I believe the parliament has, in a sense, already given a head nod to the Casino, whether you like gambling or not. Clearly, Family First does not like gambling, but the fact is that the parliament already gave approval a few years ago for the Casino to have a lot more poker machines and other gambling opportunities.

I will be asking questions about the developments that the Casino is proposing in particular when we get into committee and when we come back after the winter break and holiday period (for some). I am advised that there will be a six-star hotel development with the Casino. I am also advised by those in tourism convention that Adelaide is crying out for some six-star accommodation. The only point that has been raised with me about it is whether or not they are going to actually be building sufficient six-star accommodation when it comes to the number of beds that will be provided.

If this was happening on South Terrace or in the East Terrace precinct of Adelaide, where we still do have our open space and our Parklands proper, then we would have had a different attitude to it, but this is happening in an area that is already full of concrete and bitumen. The bottom line is that there is an economic opportunity here to reinvigorate that and give a lot of people a lot of enjoyment. I would suggest that if this does go ahead I would expect to bump into quite a few of my parliamentary colleagues enjoying the new cafes, enjoying the new restaurants, enjoying the new arts opportunities and enjoying the fact that we will also probably get better quality theatre again because of those upgrades. It will bring in different groups of people internationally to participate in arts and theatre in South Australia.

The other couple of points that I just want to finish on are that when it comes to the contract and the debate by the opposition about the contract, we do have a Public Works Committee. I am not sure how well it works, but the fact is that there is a Public Works Committee. There can be absolute scrutiny there, and you can bring people in under privilege to cross-examine them on matters relevant to this project, including any agency or department heads who you may feel you need to bring in.

Whilst I am often concerned about commercial in confidence, whoever is in government will protect contractual agreements that could actually work against this and other opportunities for private sector investment in the state. The reality is that, whether it is a Liberal government or a Labor government after the election on the third Saturday of March 2018, I would suggest that whatever

contractual arrangements similar to this with the Walker group occur they will not be not made public. They will not be made public, and frankly I would not expect them to be made public. We will become a ghost town for investment if that occurs, because you set up a precedent for a situation where there is no commercial confidence.

You have to have some trust in the government. We do have standing committees for that. If the contractual arrangements are not in the best interests of South Australians, over time they will be exposed, and that is when the opposition can capitalise on that, and people then will vote with their feet on election day. We will be trusting the government on this. We put that on the public record. The government has said that this is a good contract. The government has said that this is a contract that will return \$5 of private investment money for every \$1 of taxpayers' money, and the government has also said that there will be thousands of jobs during construction and hundreds and hundreds of jobs ongoing once the project is completed.

We do not have a lot of areas around Adelaide where we can capitalise on the River Torrens. I was one of those who was opposed to the Adelaide Oval upgrade, but I have had egg on my face over that from my own family. I have had egg on my face over that from most people. I have to admit that it is a heck of a lot better than I thought it was going to be.

It is there now. It is a big investment, and now it is there I think we have to capitalise on what has been spent already and actually get this state and this city humming. That is what we need. It is not humming at the moment, but it could. A lot of money has been spent. You cannot take away what is already there. Look at what has happened in Melbourne with the MCG, with Southbank, with the Rod Laver tennis arena—and hopefully we are going to see some upgrades for tennis in South Australia adjacent to the Adelaide Oval sooner rather than later.

The fact is it is a hub that can hum. It is on its way. There is a piece of legislation here that is going to give some certainty and continuity to the ongoing development, and I would suggest that, come a Liberal government into the future, they will continue on with other expansion and opportunities based on what the current Labor government is doing here with this legislation. With those few words, we, for one, will be supporting the government's bill.

The Hon. M.C. PARNELL (17:00): In the 1980s, the Adelaide Station and Environs Redevelopment, or the ASER project, led to unprecedented changes in public land use in Adelaide. Of course, over many years, the Parklands had previously been redeveloped in some areas for public use, particularly the institutional uses along North Terrace. The minister makes this point in his second reading speech, but I will refer to that later. What made the ASER project so controversial were the major and overt commercial activities that were allowed on the public Parklands. This included the long-term alienation of public land and public buildings for the Adelaide Casino, the Hyatt Hotel, the Riverside office complex and the Convention Centre.

The government is now proposing for that trend to continue, with further alienations and effective privatisations. The bill before us purports to be a fairly routine suite of practical measures that will make the redevelopment of the Riverbank Precinct proceed more smoothly. The bill will clarify the complex web of access and other property rights that exist amongst the various lessees and stakeholders. However, despite that fairly benign purpose, the elephant in the room is the redevelopment of the Festival Plaza Precinct itself and whether this is in the best interests of the people of South Australia. In my view, it is not.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The Hon. Mr Brokenshire sought the protection of the Chair. I think he ought to respect the speaker on his feet. The Hon. Mr Parnell has the floor.

The Hon. M.C. PARNELL: Thank you, Mr Acting President. That is not to say that elements of the Festival Plaza redevelopment are not without merit. Like the curate's egg, parts of it are quite good. I, for one, have said to anyone who will listen that I welcome the bulldozer down on the Festival Plaza. I think it is an area that is underused, poorly designed and could be greatly improved. However, the good elements of the redevelopment are overshadowed by the dodgy deals and the inappropriate privatisation of some of the most important public spaces in Adelaide.

I will say that I am not a Johnny-come-lately to this issue. In fact, I think I am the only member of parliament who has made public submissions in writing and in person to the Development

Assessment Commission in relation to this development. It is something that I have followed very closely. The Greens do not support the further alienation of the Parklands for exclusive private development. We do not support the Walker Corporation office tower proposed for the land behind Old Parliament House. We do not support giving yet more public land to the Casino. So, why would we support this bill?

I would like to explore the Casino issue first. The bill proposes to expand the area of public land available to the Casino for its proposed expansion. The area of land involved is an irregularly shaped piece to the north of the existing Casino and railway station building heading towards Torrens Lake. This is additional public land which is part of the Adelaide Parklands that is being alienated for the Casino.

As members would recall, the Casino expansion will include 500 new poker machines and 110 extra gaming tables. This is particularly concerning when one considers that casino gamblers are three times more likely to be problem gamblers and moderate-risk gamblers than other punters. Furthermore, the prevalence of problem gambling associated with electronic gaming machines (pokies) is directly related to the accessibility and availability of pokies.

The question for the Greens is whether or not we should vote for measures that make the Casino expansion more likely to proceed, with all its inherent community harm. I think the point is well made by the Adelaide Park Lands Preservation Association, who make the very simple but telling point that there are thousands of casinos around the world, but only one city surrounded by a park. Not surprisingly, the government has anticipated this objection, which is why the minister, in his lengthy second reading contribution, listed all the existing alienations of the Adelaide Parklands. I will not go through them all but the minister says:

...it is important to address arguments put by some that this represents an alienation of Parklands to commercial interests. Nothing about this project represents anything extraordinary in terms of the institutional zone in the Parklands.

All along North Terrace, what was once open park lands has been developed to support a range of public and private interests. All of this is entirely consistent with the park lands legislation and with the long-term patterns of use of this part of the park lands.

The minister goes on to read an extensive list:

Two universities, a hospital and new health care precinct, an office building, a convention centre, a gym, a zoo, a cemetery, two railway stations, a school and soon to be another, two major sporting arenas, a wine centre complex, an organic nursery...

And it goes on. I think the point to make about that is that effectively what the government is saying is that the future direction of the Parklands should be a continuation of the past, with each generation alienating yet a little bit more. Every few years we privatise a little bit more. In my view, that is a recipe for the ultimate fragmentation and dismantling of the Parklands.

It is only through strong legal protections, a supportive local council and a vigilant community sector that this process has slowed over the decades. Again, I am not sure whether any other members of parliament were in attendance in Rundle Mall on that infamous day when former minister Kevin Foley—a great advocate for building new buildings in the middle of the Parklands—had his famous altercation with protesters. Again, it is an issue where I am just making the point that I have been involved with it for many years.

In relation to the Walker Corporation development, the Greens' position is that the Walker development is the wrong approach to developing this important public land. In his second reading speech, the minister said:

The integrity of the process by which Walker became the government's preferred partner and the value-for-money proposition that this project offers cannot be seriously questioned.

Mr Acting President, I question it and I know I am not alone. I am not just talking about the millions of dollars that the Walker Corporation has given to the Labor Party—and the members opposite usually arc up when I say that; it is a nationwide figure not a South Australian-specific figure. They are big donors to the Labor Party. I am talking about the more mechanical aspects of tendering and the contract that resulted.

As members might recall, I was dragged into the District Court by the Walker Corporation, who were desperate to keep their plans for the Festival Plaza secret. They objected to the release of the documents under the Freedom of Information Act, and they even appealed against the Ombudsman's finding that documents surrounding this development were in the public interest and should be released. Using their appeal rights under the Freedom of Information Act, the Walker Corporation delayed the process with legal tactics until they deemed the documents to be old and stale enough to be of no great interest, and then they dropped their appeal just days before the trial was due to begin.

I understand that the member for Bragg, in another place, has had similar experiences in trying to access documents concerning this development, this alienation of public land. According to the minister's second reading speech he says:

The legislation is essential to allow for the redevelopment project to proceed on time and for the government to fulfil its contractual commitments to Walker Group Holdings Pty Ltd for the upgrade.

It goes on:

In addition, the legislative changes will also support the mooted casino expansion by SkyCity Entertainment Group Ltd should it proceed.

In relation to Walker Corporation, the question then is: what about these contractual commitments?

The member for Bragg, as I understand it, has been through the wringer with Walker and still does not have access to those documents. The Liberal Party position, as I understand it, is that they are not going to allow this bill to proceed until they get access to the documents, and I can tell you that the Greens will join them in that call.

These are important accountability documents. There is no question of commercial confidentiality. There is only one company that is dealing with the government on this. There is no competition. Why should we not see the deal that was struck between the Walker Corporation and the government? Again, the Greens do not support the Walker development so why would we support the bill that facilitates it?

I suspect that the government knew that it would have a fight on its hands in relation to this bill. I do not think I have seen such a long second reading speech for a bill like this for a long time. It goes to over 10 pages. I think the language in the second reading speech is bordering on the desperate. The government basically exhorts us to support this bill which it claims is a no-brainer. I think there are plenty of people with plenty of brains who take a different view, but I think the government's overreach is best exemplified in the remarkable claim by the minister in his speech where he said, and I quote:

...we in the government would argue it is entirely consistent with the values expressed in the national heritage listing for the park lands which reflects Colonel Light's original vision for this uniquely Adelaide asset.

I looked pretty hard but I could not see any reference in the official record, or in any of Colonel Light's writings, that identified that a Casino hotel or a 26-storey office tower was an integral part of his vision for Adelaide. I could not see it. However, I do want to put on the record what the official record does say about the Adelaide Parklands. As members would recall, the Adelaide Parklands are nationally heritage listed. If you go to the Australian Heritage Database—it is a lengthy listing—I will read the bit under criterion (g) social value. The record reads:

The Adelaide Park Lands has outstanding social value to South Australians who see it as fundamental to the character and ambience of the city. The Park Lands with their recreation areas, sports grounds, gardens and public facilities provide venues for individual and group activities and events, meetings and passive and active recreation. The Park Lands also have significant social value due to the range of important civic, public, and cultural assets and institutions within it.

It does not say anything about casinos, casino hotels or effectively private office towers. That does not get a guernsey in the Australian heritage record. The record goes on:

The present Adelaide Parklands Preservation Society—

I think it is actually 'Association'—

is the latest in a long history of community groups dedicated to protecting the Adelaide Park Lands. These have included the Park Lands Defence Association (1869-87), the Park Lands Preservation League (1903, 1948) and the

National Trust of South Australia. The longevity of the involvement of community groups in campaigning for the protection and safeguarding of the Park Lands is exceptional.

That is what is in the record. These very groups who seek to protect the integrity of Adelaide's Parklands are the ones who are now being criticised as having no brain by the government and no vision for the future.

We have a unique heritage and history here in South Australia that is being put at risk by this development. Our public land, and our Parklands in particular, are increasingly being lost to private and commercial interests, despite protections that were supposedly put into legislation, such as the Adelaide Parklands Act 2005. The Greens are not prepared to vote in favour of continuing this trend and, as a result, will be voting against this bill.

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

CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDERS) AMENDMENT BILL

Conference

The House of Assembly, having considered the recommendations of the conference, agreed to the same.

At 17:16 the council adjourned until Tuesday 20 September 2016 at 14:15.