LEGISLATIVE COUNCIL

Tuesday, 20 September 2016

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:18 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.

Bills

STATUTES AMENDMENT (GENDER IDENTITY AND EQUITY) BILL

Assent

His Excellency the Governor assented to the bill.

HOUSING IMPROVEMENT BILL

Assent

His Excellency the Governor assented to the bill.

CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDERS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Register of Members, Interests, June 2016—Registrar's Statement [Ordered to be published.]
Legislative Council—Report, 2015-16
Members of the Legislative Council Expenditure, 2015-16
Report of the Auditor-General on the Adelaide Oval Redevelopment pursuant to section 9 of the Adelaide Oval Redevelopment and Management Act 2014
for 1 January to 30 June 2016

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

Petroleum and Geothermal Energy Act Annual Report 2015-16
South Australians Government Boards and Committees Annual Report 2015-16
Corporation By-laws—
Victor Harbor—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Roads
No. 4—Local Government Land
No. 5—Dogs
No. 6—Cats
No. 7—Foreshore
District Council By-laws—
Alexandrina—
No. 1—Permits and Penalties
No. 2—Local Government Land

No. 3—Roads
No. 4—Moveable Signs
No. 5—Dogs
No. 6—Foreshore
Kingston—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Roads
No. 5—Dogs
No. 6—Cape Jaffa Anchorage (Waterways)
Yankalilla—
No. 1—Permits and Penalties
No. 2—Local Government Land
No. 3—Roads
No. 4—Moveable Signs
No. 5—Dogs
No. 6—Nuisances Caused by Building Sites
No. 7—Foreshore
Regulations under the following Acts—
Fees Regulation Act 1927—Incidental SAAS Services—Revocation
Public Corporations Act 1993—
Australian Children's Performing Arts Company—General
TechInSA—General
Superannuation Act 1988—
Electricity Industry Pensioners—General
General

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

Regulations under the following Acts—
Advance Care Directives Act 2013—Interstate Advance Care Directives and Corresponding Laws
Family and Community Services Act 1972—Miscellaneous
National Parks and Wildlife Act 1972 National Parks—General
National Parks and Wildlife Act 1972 Wildlife—General
Primary Industry Funding Schemes Act 1998—
Adelaide Hills Winery Industry Fund
Apiary Industry Fund—General
Barossa Wine Industry Fund
Cattle Industry Fund
Clare Valley Wine Industry Fund
Langhorne Creek Wine Industry Fund—General
McLaren Vale Wine Industry Fund
Pig Industry Fund—General
Riverland Wine Industry Fund
SA Grape Growers Wine Industry Fund
Sheep Industry Fund—Contributions
Youth Justice Administration Act 2016—General
Select Committee on Land Uses on Lefevre Peninsula—Submission from the South Australian Government.

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

Leases Granted for Properties Held by Commissioner of Highways Annual Report 2015-16
South Australian Classification Council Annual Report 2015-16
Terrorism (Preventative Detention) Act, Annual Report 2015-16
Regulations under the following Acts—

Authorised Betting Operations Act 2000—General
Births, Deaths and Marriages Registration Act 1996—Miscellaneous
Controlled Substances Act 1984—Poppy Cultivation—General
Corporations (Ancillary Provisions) Act 2001—General
Criminal Injuries Compensation Act 1978—
Prescribed Scale of Costs
Scale of Costs
Development Act 1993—Diplomatic—General
Family Relationships Act 1975—Requirements Relating to Parentage Declarations
Harbours and Navigation Act 1993—Miscellaneous No. 2
Housing Improvement Act 1940—Section 60 Statements—General
Native Title (South Australia) Act 1994—General
Road Traffic Act 1975—
Expiation of Offences No. 2.
Ancillary and Miscellaneous Provisions No. 2
Strata Titles Act 1988-. Fees (No. 3)
Subordinate Legislation Act 1978—Postponement of Expiry
Tobacco Products Regulation Act 1997—Smoking Bans in Public Areas—Henley Square
Victims of Crime Act 2001—Statutory Compensation
Young Offenders Act 1993—Postponement of Expiry

Rules Of Court
District Court Act 1991—Civil
Amendment No. 33.
Supplementary—Amendment No. 5
District Court Act 1991—Fast Track Adoption
Amendment No. 2
Supplementary Amendment No. 2
Magistrates Court Act 1991—Civil—Amendment No. 14
Magistrates Court Act 1991—Criminal -Amendment No. 58
Supreme Court Act 1935—Civil—
Amendment No. 32
Supplementary—Amendment No. 6
Supreme Court Act 1935—Fast Track Adoption—
Amendment No. 3
Supplementary—Amendment No. 3

Renewal SA (Urban Renewal Authority) Charter
Riverbank Authority Board of Management Charter
Section 74B of the Summary Offences Act 1953—Road Block Declarations for the period from 1 April 2016 to 30 June 2016
Section 63B of the Summary Offences Act 1953—Dangerous Area Declarations for the period from 1 April 2016 to 30 June 2016
Section 83C of the Summary Offences Act 1953—Return of Authorisation Issued to Enter Premises for the period from 1 July 2015 to 30 June 2016

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

Regulations under the following Acts—
Correction Services Act 1982—General

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

Pinery Fire Review—South Australian Country Fire Service—Findings of the Project Pinery Review including Lessons and Action Plan
Pinery Fire Review—South Australian Country Fire Service—Action Plan
Pinery Fire Review—South Government Radio Network (SAGRN) Review
Pinery Fire Review—South Government Radio Network (SAGRN) Action Plan

Ministerial Statement

ARRIUM

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:26): I table a copy of a ministerial statement relating to Arrium made earlier today in another place by my colleague the Treasurer.

ROYAL ADELAIDE HOSPITAL

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:26): I table a copy of a ministerial statement relating to the Royal Adelaide Hospital made earlier today in another place by my colleague the Minister for Health.

CHILD PROTECTION SYSTEMS ROYAL COMMISSION

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:27): I table a copy of a ministerial statement relating to the government response to 'The Life They Deserve' report made earlier today in another place by my colleague the Deputy Premier.

PINERY BUSHFIRES

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:27): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. MALINAUSKAS: Today, I table before the chamber the Noetic Solutions report into the operations of the CFS during the Pinery fire and the Mingara Australasian report into the South Australian government radio network during the Pinery fire, as well as their associated action plans. Memories are still fresh in the minds of those from the Mid North who witnessed the devastating fire that raged through more than 82,500 hectares and tragically led to the loss of two lives. Insurance losses from the fire exceeded $75 million, 91 homes were lost and more than 400 farm structures and thousands of livestock were destroyed.

Last Wednesday, I released both reports and their action plans to the public, which are already available to access on the SAFECOM website. By tabling this report in parliament today, the government is showing its commitment to the continuous improvement of the response of our emergency services during major emergency services events. These independent reviews both represent another step forward in strengthening our ability to respond to a catastrophic fire in the future.

One of the key findings which came out of the Noetic Solutions report into the operations of the CFS was that the conditions on 25 November 2015 prohibited any possibility of containing this ferocious and extremely fast-moving fire until those conditions improved. The Noetic Solutions report identified nine themes from which the CFS can draw learnings. These include incident management, public information, intelligence gathering and sharing, facilities, relocation and relief of persons, aviation, personal safety, interagency operations and fatigue management. In response, the CFS has developed a comprehensive 31-point action plan to address these nine lessons. Work is already underway, and many of these learnings have already been actioned or are in the process of being actioned.

Early in my time as minister, well before these reports were completed, I received reports of CFS volunteers confronted by a change of wind direction leading to their decision to engage burn over protection mode within their trucks. As a result of these reports, I made the decision early on to prioritise the upgrade of the CFS fleet with this life-saving technology and in the recent state budget $9.3 million was committed over the next four years to accelerate the program. The state budget has also brought in an additional $6.2 million to boost volunteer training through nine full-time training positions.

The Mingara report, which examined the capability of the South Australian Government Radio Network during the Pinery fire, reached the conclusion that there was no interruption to the government radio network during the fire. However, the review identified that traffic congestion and delays to radio messages experienced during the peak of the fire were caused by GRN sites in the Pinery vicinity being overloaded by unrelated radio traffic. Some examples of this user behaviour included using the GRN for non-critical purposes as well as unnecessarily dragging radio traffic from other locations.

The Mingara report provides 21 recommendations for an improved and more coordinated South Australian GRN, with the Attorney-General's Department, SAPOL and the CFS addressing a 16-point action plan. This is another area the government has responded to, with $940,000 to fund specialised training for operators of GRN, to ensure this world-class network service being used to its best potential during major emergencies. This additional funding is on top of the $154.5 million upgrade of the GRN which is on target to be complete by late next year.

As we look back on what was a devastating, traumatic and operationally complex fire, we look to the important learnings of independent reviews such as the Noetic and Mingara reports. We have a clear way forward in strengthening our response and capability, and a sector with a proactive and hardworking attitude, to be able to get on with the job of its continuous improvement.

Finally, Mr President, I would like to use this opportunity to thank all the volunteers who dedicated their time and expertise in protecting the lives and property of South Australians and all those affected in the Mid North region. We cannot thank them enough for their invaluable contribution, and we, as a government, will do what we can to support them both now and into the future.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

BORDERTOWN COMMUNITY EARLY FLOOD WARNING SYSTEM

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:35): I seek leave to make a brief explanation before asking the Minister for Environment, and possibly the Minister for Police and Minister for Emergency Services, a question about the Bordertown Community Early Flood Warning Monitoring System.

Leave granted.

The Hon. D.W. RIDGWAY: I did note with interest in the *Border Chronicle*, the local newspaper there, a lovely photograph of the two ministers and some community representatives at the opening of the Bordertown Community Early Flood Warning System. This article states:

> This system was officially opened this afternoon by the water minister, Ian Hunter, and emergency services minister, Peter Malinauskas. It will monitor levels in the Bordertown to Tatiara Creek and surrounds, where some low-lying areas are susceptible to flooding.

It goes on to say:

> Water minister, Ian Hunter, said, 'This is an important project for the Bordertown community, who previously had no system in place to provide an early warning in the event of a flood.
>
> The new monitoring stations will provide close to real-time data that will greatly assist with the planning and response to flood management and help reduce their impact on the community.'

Not to be outdone, the emergency services minister, Mr Malinauskas, said:

> Early warning is vital to help our emergency services plan how to best protect people, homes, infrastructure and industry from the risk of flood.
>
> The new monitoring system will provide intelligence on flood risk that will inform the response of our emergency services.

My questions, firstly, to minister Hunter, and also minister Malinauskas might like to answer them, are:

1. What was the total cost of this particular early warning flood project?

2. Can they tell me how often Tatiara Creek flows to the township of Bordertown?

3. When was the last time Tatiara Creek inundated and flooded the Bordertown township?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:38): I thank the honourable member for his most important question and for the zeal with which he follows our press releases as we move around country South Australia, meeting with the community and talking about what they need from government. We are very happy to work cooperatively with local government, as you well know. Indeed, the Minister for Emergency Services and I were at Bordertown to officially open the flood warning system.

There has been a flood monitor in the creek in Bordertown for some time, of course, but that was it. I am advised that was the sole station and, in fact, that only reflected water that was in the town at the time, it did not give any warning, in fact, to the town, as I understand it. There will be several hours warning for Bordertown with the series of stations further upstream. I understand a few of them will be over the border in Victoria as well, in the catchment. As I said in my shared media statement, that the recordings will be—

The PRESIDENT: Minister, just one sec: it is the height of rudeness for the leader of the government to be talking while one of his fellow ministers is on his feet trying to answer a question.

An honourable member interjecting:

The PRESIDENT: It is also the height of rudeness to interrupt while I am speaking. The honourable minister, continue please.

The Hon. I.K. HUNTER: Thank you, Mr President, for your protection. I certainly need it from time to time. The rowdiness in this chamber is legend, and the Hon. David Ridgway leads in the rowdy stakes.

The Hon. D.W. Ridgway interjecting:

The Hon. I.K. HUNTER: I am pleased to hear it; I am very pleased to hear that he is not going to be rowdy today. In terms of the recordings which used to be done by hand, manually, they are now automated and linked, almost in real time, I am told, to the Department of Environment and Water and Natural Resources website, where you can look up the various scale readings on the various systems. It is a very attractive system indeed, in terms of giving information and early advice to those who might require it. I understand there are protocols programmed into the system so that, should certain limits be reached, SMSs are sent out to the council-designated officer or certainly to the SES as well and also to DEWNR officers.

It is a big improvement and, as I understand it, on the very day that we were there the creek was up and flowing quite well because, of course, as we all understand, we've had a recent rain event across the state which has been very much welcomed by our farmers, and to see the smile on their faces when there is water in the system is certainly great to see.

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

The Hon. I.K. HUNTER: The Hon. Mr Ridgway is not going to be rowdy today but the Hon. Michelle Lensink hasn't given that promise, Mr President. In terms of the expenditure on the stations, I will take that on notice. If the honourable member wants a historical flood mapping survey done, I'll go back and look over the last decade or so and try to provide that information for him as well. I understand from the Mayor, of course, who was there on the day, they used to say that, in fact, the streets used to be flooded on a regular basis, because the creek goes right through the centre of the town and alongside the main street. I will get that historical data for the honourable member over the last 10 years or so for his interest and bring it back.

BORDERTOWN COMMUNITY EARLY FLOOD WARNING SYSTEM

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:41): Supplementary question: can the minister—

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: Notwithstanding the $150,000 in the previous question, can the minister inform the chamber whether, given that the creek flows maybe 2½ years out of 10, and the last time it flooded the main street of Bordertown was 1956, it is a sound investment of taxpayers' money?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:41): Here we go, we've got a Liberal Party over here that doesn't believe in investing in early warning systems, flood systems, in country South Australia. He doesn't believe giving early warning advice to country people in South Australia is worth the investment of taxpayers' money. He will have to wear that comment for the rest of his life in this place. According to the Hon. David Ridgway—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —it is not worth our time investing in country South Australia, in Bordertown in the South-East, to give those towns early warning of flood. This is something the government is keen to do right across the state, working with local communities. Early warning of flood events is important for the SES, for local government to warn their communities to prepare for flood events. We will talk to all local governments across the state. The Hon. Mr Ridgway, on behalf of the Liberal Party, says, 'We don't care about that, we don't care about investing in country South Australia. We don't believe they should get an investment like the city does.' The South Australian Liberals will not stand up for country South Australia but the state government will.

Parliamentary Procedure

VISITORS

The PRESIDENT: I would like to welcome our students and teachers from the Nazareth Catholic College, welcome here today.

Question Time

STORMWATER MANAGEMENT

The Hon. J.M.A. LENSINK (14:43): My questions are to the Minister for Water and the River Murray regarding recent storms and flooding events. Firstly, given agencies under his control are responsible for the management of assets, including the Barcoo outlet and Sturt River flood control dam and releases from reservoirs, will he table the protocols they used to determine when to release floodwaters? Secondly, has he received a full report from SA Water yet, including whether there is any liability on his agencies for stormwater flood damage? And, thirdly, has he received any advice as to whether there are pollutants which have flowed during storm events which pose a risk to human health?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:44): I thank the honourable member for her most important questions. In terms of stormwater events, I am advised that, of course, SA Water does have very significant and quite complex protocols in place in terms of managing rainfall events, managing the dams and managing that the level of those dams are kept, and, of course, how much water is pumped out of the River Murray to prepare for summer.

Those protocols are indeed complex, but I will certainly ask SA Water if they have something they can provide me that I can provide to the honourable member to explain them to her. If she wants a further briefing with the technical experts, that can be arranged as well. I have, of course, asked SA Water, and it is not unusual for it to talk to me about its review of that process. It undertakes

regular reviews after any major rainfall event to see how the protocols stood up and certainly how the assets stood up, and I am still awaiting that response.

In terms of this recent event, it is important to put a few things on the record. I only have to remind people in this place that they were asking questions just a few short weeks ago about the early opening allocation for irrigators in the River Murray, in April this year, of about 36 per cent—36 per cent. Why was that? Why was that early opening allocation at 36 per cent? Because it was an incredibly dry year.

We received more water into our reservoir catchments this July than we received in the whole 12 months prior. The whole 12 months prior to July we received slightly less water than we actually got in July of this year. So, when you have very large events like this, of course they test your systems, but let's remember that back at the beginning of this year we were looking at a dry rainfall year.

The Hon. D.W. Ridgway: That's not what the weather bureau said.

The Hon. I.K. HUNTER: It is what was present at April—you all knew, and you were asking questions about the 36 per cent allocation on what the water resource was like. It is important that we have this context, because all of you over there are posturing, 'Well, we should have known about this six months ago; we should have known about this eight months ago.'

The member for Chaffey was predicting there was going to be massive rainfall events. In fact, the member for Chaffey was coming into my office asking me to turn on the desal plant so Adelaide water customers would pay more for their water so these jokers over here could get away with offering free water to the irrigators. That was their water plan—that was their water plan: turn on the desal plant and charge customers more.

They don't care about the cost of living pressures on the ordinary person in Adelaide—they don't care at all. All they want to do is turn on the desal plant, drive up the cost to SA Water customers, and that is the Liberal plan for SA Water and Adelaide. Contrast that to what we have done in government by instituting regulation of SA Water and driving down the cost of water bills, on average.

Over the last two regulatory periods we have driven down costs by over $130 on the average water bill. The Liberals' plan, conversely, is to drive up bills by turning on the desal plant. They pretend the desal plant isn't already operating. They are still out there telling people it has been mothballed. Of course, the desal plant has been producing water at a minimum level ever since it was turned on and commissioned, except for those minor outages we have every winter when we flush out the membranes.

All I can say is this: the Liberals have absolutely no plan for water in South Australia. When they were in government they slashed everything they could, they privatised everything they could, and that is their only plan for the future.

STORMWATER MANAGEMENT

The Hon. J.M.A. LENSINK (14:48): By way of supplementary question arising from that very defensive answer from the minister, will he provide the advice that SA Water had from the Bureau of Meteorology for the first half of this calendar year?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:48): I am sure the Bureau of Meteorology put that up on its website, and the honourable member can look that up for herself.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Wade has the floor.

APY LANDS, REGIONAL PARTNERSHIP AGREEMENT

The Hon. S.G. WADE (14:49): I seek leave to make a brief explanation before asking a question of the Minister for Aboriginal Affairs and Reconciliation in relation to the APY Lands Regional Partnership Agreement.

Leave granted.

The Hon. K.J. Maher interjecting:

The PRESIDENT: The honourable minister, please refrain from talking: we want to hear the Hon. Mr Wade's question.

The Hon. S.G. WADE: On 7 August 2013, a three-year Aboriginal APY Lands Regional Partnership Agreement came into effect. The agreement aimed to address social and economic challenges on the APY lands. There were three parties to the agreement: the APY Executive Board, the Commonwealth of Australia and the government of South Australia.

The then Minister for Aboriginal Affairs and Reconciliation, the Hon. Ian Hunter, signed the agreement on behalf of the state. Under the terms of the agreement, schedules were to be developed 'in line with the priorities identified by Anangu and the Regional Partnership Authority.' These schedules were to be 'formally created under this agreement by approval of the Regional Partnership Authority.' The term of the agreement was for three years, that is until 7 August 2016, unless all parties agree to an extension. My question to the minister is: how many schedules were created and formally signed off on under the agreement?

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) (14:50): I thank the honourable member for his question. There is a huge range of different ways in which not just the state government but the federal government interacts with APY and supplies services to APY, ranging from the federal government's Empowered Communities program through to NPY Women's Council and the agreements we have with organisations like Nganampa Health and the programs that they roll out. In relation to this particular partnership, I don't have the details in front of me about particular schedules to a particular partnership, but I am happy to go away, find answers to those and bring them back very quickly.

APY LANDS, REGIONAL PARTNERSHIP AGREEMENT

The Hon. S.G. WADE (14:51): I ask the minister: is he able to confirm that no schedules were created and formally signed off on and, if so, is this an example of a mechanism that proved totally useless?

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) (14:51): As I said, I don't have information before me about the schedules to an agreement, but I am happy to go away and bring back an answer for the honourable member.

NORTHERN SOUND SYSTEM

The Hon. J.M. GAZZOLA (14:51): My question is to the Minister for Automotive Transformation. Can the minister provide details about the state government's significant financial boost for the successful Northern Sound System at Elizabeth?

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) (14:51): I thank the honourable member for his question and his continuing support for the local music industry and South Australian artists in general. I was delighted to join the Premier on a visit to the Northern Sound System earlier this month to provide more details about the state government's $100,000 contribution to what has become a very valuable resource for young people in northern Adelaide.

Many honourable members would be aware of the Northern Sound System that was established in a redeveloped basketball stadium by the City of Playford around 10 years ago. It is a professional standard recording and performance facility where young people in Adelaide's north can create, perform and record their music. The building features a 300-person performance venue, along with rehearsal space and a training room.

Perhaps some of the best-known graduates out of the Northern Sound System include people like Tkay Maidza. As a 17 year old, Tkay took part in the Northern Sound System's artists' development program, and in 2015 she released her first single. Her first song was played on Adelaide commercial radio. She swept the South Australian Music Industry Awards last year. The Zimbabwean-born artist released her debut album, *Tkay*, which has been a great success.

The Premier and I, when we were out there recently, met another great musical prospect when we visited in September, South Sudanese rapper, Kuol Kuol, better known as KK or K to K. He is a regular at the Northern Sound System studios and looks set to be the next big thing out of there. Also, $70,000 of the state government's recent funding will be used to deliver extra resources through the Northern Sound System to support local artists, as well as increasing the frequency of live music events at the venue.

Importantly, each live music event at the Northern Sound System creates at least eight jobs for young people in Adelaide's north and provides the artists with a professional performance venue so that they can showcase their music and their talents. The other $30,000 will be used for a grant scheme for young musicians based in northern Adelaide. They will be able to apply for a grant to help them with new recordings, video production, live performances and other projects which will help foster and further develop their talents. This is an important funding boost for the City of Playford's Northern Sound System and one that we are very proud to deliver and partner with the Playford council in doing so.

PUBLIC SERVICE PERFORMANCE

The Hon. J.A. DARLEY (14:54): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about the Public Service.

Leave granted.

The Hon. J.A. DARLEY: The Premier recently outlined at least three times in the media that he wanted to improve the performance of the public sector. At a Budget and Finance Committee meeting recently, the head of DPC outlined some of the things being done in their department to improve Public Service performance. Can the minister advise what is being done to improve Public Service performance in the minister's agencies and departments?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:55): I thank the Hon. Mr John Darley for his excellent question. In fact, my agencies—I will speak about DEWNR in the first instance at least, but also SA Water and a couple of others—have been assiduous in trying to determine how they can better serve the public of South Australia.

I think I have spoken in this place previously about how we have instituted a really novel approach of asking people what they want to see in their national parks in terms of the government expenditure of about $10 million, which was promised at the last state election, on our peri-urban national parks. Rather than having the agency just go off and do what they think is best in terms of upgrading the parks with that money, we actually instituted a very comprehensive system, I suppose, of conducting surveys and forums for local members, local members of the community and local stakeholders, essentially asking them, 'What would you like to see in the parks? What would encourage you to use parks more and what sort of facilities should that money be spent on?'

This process was really quite eye-opening for the agency members, as I understand it. They very much enjoyed it, to the extent that we are rolling out this sort of engagement process with the community over many, many areas of what we do as a Public Service. Indeed, in the establishment of the Adelaide International Bird Sanctuary, for example, I believe we have over 700 people on the contact list or the mailing list for that.

There are a huge number of community groups, including local government, the Vietnamese Farmers Association, various other community groups and environmental groups, of course. They have all come together to form a group called the Collective to actually guide the development of the national park around the Adelaide International Bird Sanctuary. That is, again, a very novel approach. Normally, an environment agency would go off and use its expertise as park managers to design the park itself and present it as a fait accompli to the community, but in this

instance we turned it around and said, 'No, in fact, we are going to talk to the community and see what they have to offer us in terms of how we should design this area of the Adelaide International Bird Sanctuary and turn it into a national park.'

Lo and behold, when asked, community members came forward in large numbers, many of them with incredible areas of expertise, and offered themselves up to be part of this process. Many community members see some economic advantage for them, because over winter the birds from the Adelaide International Bird Sanctuary fly all the way up through the East Asian-Australasian Flyway, through South-East Asia, Vietnam, China, Russia, and some of them even to Alaska.

The ability for some of the businesses in the north of Adelaide to build on that international connection with the bird sanctuary and the birds that fly—some of them are tagged so you can watch them fly up through Siberia. Some of those businesses see an advantage in terms of their export markets and employment prospects as well. If you can badge yourself as a business that is being supportive of sustainable development and supportive of the Adelaide International Bird Sanctuary right next door to your business in the north of Adelaide, they see some potential there to increase their export abilities.

It is a remarkable set of achievements in terms of changing the way a Public Service agency sees itself as being the holder of the expertise into an agency which now goes out of its way to collaborate with community, to ask community how they would like to see money expended and what sort of initiatives they would like to help us with in terms of the Adelaide International Bird Sanctuary. We are changing the whole impact of this collaborative approach into everything that we do in the environment agency.

In terms of SA Water, honourable members will recall that SA Water has changed dramatically its customer approach. Since the incident out at Paradise where there was that major flooding event from some broken water mains, which got captured by a retention bank that had been built by council along the Torrens and flooded out several homes, SA Water has turned around its customer focus and has now instituted a customer liaison team that goes out doorknocking in collaboration with the technical team.

So the technical team is out to fix the problem, the physical problem of the pipe, but the customer support team is out there knocking on doors more broadly than just the immediate street where the pipe is being fixed to advise customers about the water outage, how much time it is expected it will take to fix the problem, and advising them of what they can make available to those people, be it in terms of a voucher—a $100 voucher in some circumstances—or packaged water that can be provided, or in more severe cases, as we saw in Paradise, how we can assist them with their insurance companies to make claims and also for temporary accommodation. So, again, the Public Service, including SA Water and my other agency, the environment agency, is doing fantastic work in terms of changing the way in which it thinks, and changing the way in which it sees the customer they need to respond to.

I will finish with the EPA. The EPA has gone through a dramatic change in how it deals with stakeholders and it has been conducting forums this year and last year with community stakeholders right around the state. I think recently they were over in Port Lincoln on the Eyre Peninsula talking to fisheries stakeholders about wastewater discharge and SA Water's sewer network which could compromise the water that is being reused there by local councils to water their ovals and parks. So, again, the EPA is out there engaging with stakeholders, holding community forums, talking about its way forward, and actually setting up a very good relationship with local businesses.

One business springs to mind that came to see me in my very early days in this portfolio who were having terrible problems with their wastewater management in terms of their meat industry causing hugely offensive odours for the local community and really impacting on their business. The EPA sat down with them and worked through a process of how they could actually help them with the treatment of their water programs and now that industry is thriving and it is getting awards for the quality of its environmental systems and its sustainable use of water. It is hiring more people and putting more people into work and advancing export markets on the back of its fantastic sustainable development.

I can say that my agencies at least have taken the leadership of the Premier in this matter very seriously. They have been engaging with communities very seriously to design either a park or the way that they propose to engage with businesses and stakeholders, and I think that is going to spread like wildfire through the Public Service because those public servants who are engaged in this are finding it incredibly rewarding.

PUBLIC SERVICE PERFORMANCE

The Hon. J.A. DARLEY (15:02): Can the minister advise whether these departments are looking at their middle and upper management structures to improve the performance?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:02): I'm not quite sure what the honourable member's question pertains to. Public Service organisation is a matter for the chief executive but I will inquire of her, in terms of DEWNR, as to what her plans are in that situation and I will bring back a response.

ENVIRONMENTAL LIABILITIES

The Hon. R.I. LUCAS (15:02): I seek leave to make a brief explanation prior to directing a question to the Minister for Environment on the subject of environmental liabilities.

Leave granted.

The Hon. D.W. Ridgway: Aside from the minister?

The Hon. R.I. LUCAS: Yes. The government today, through the Treasurer, issued a ministerial statement which says, and I quote:

> The meetings progressed discussions on South Australian Government support for the sale in terms of our $50 million in financial assistance and ways of providing some certainty for potential buyers towards the past environmental liabilities of the Arrium Whyalla steelworks site.
>
> The State Government is providing a letter to the Administrators outlining our support which will be communicated to bidders in the Indicative Bid stage of the sale process by inclusion in an 'Information Memorandum'.

My questions to the Minister for Environment are:

1. What discussions has the Minister for Environment, or any officer for which the minister is responsible, had in relation to, and I quote, 'ways of providing some certainty for potential buyers towards the past environmental liabilities of the Arrium Whyalla steelworks site'?

2. What assurances, if any, were provided by the government to bidders in their letter as part of the information memorandum on this issue?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:03): I thank the honourable member for his question on the subject of environmental liability. The honourable member has been around long enough to know that the lead minister in this matter is the Treasurer and he should be directing his questions to him. In relation to discussions I have in cabinet about these matters, of course, the honourable member also knows that we do not discuss cabinet discussions. In terms of environmental liabilities, let me point to one. It was on the front page of the paper, I think, on Monday, 'Majority say privatisation sparked our power crisis. We blame ETSA sale.'

The only environmental liability around the place at the moment is the Hon. Mr Lucas. Who was it that shepherded through this parliament the sale, the privatisation of ETSA in South Australia in the 1990s? It was the Hon. Mr Lucas. Who was it who closed down the proposal to build an interconnector with New South Wales? It was the Hon. Mr Lucas. He was the one who said, 'No, no, let's not build the interconnector with New South Wales. It will drive down the price that we can get for privatising ETSA. Let's scupper that. We'll send that one to the back room. We won't build that, even though it will drive down electricity costs to our consumers. We want to sell ETSA. We'll scupper that. We won't build that interconnector, because it means that we will get a bigger price for ETSA.'

The only environmental liability that is anywhere near my horizon is the Hon. Mr Lucas, who sold this state down the river for a few dollars and then peddled it away. What do we have to show for it? What do we have to show for the privatisation? We have higher prices for SA customers,

higher prices for SA citizens, all due to the Liberal Party and their privatisation. That's the environmental liability we see facing us. The whole state blames Robert Lucas for this.

The PRESIDENT: Supplementary, Mr Lucas.

The Hon. T.J. Stephens: Shame! Resign!

The PRESIDENT: Order! The Hon. Mr Lucas has the floor.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! Will the Leader of the Government desist.

ENVIRONMENTAL LIABILITIES

The Hon. R.I. LUCAS (15:05): Thank you, Mr President. I am surprised the minister didn't refer to today's *Advertiser* rather than yesterday's. My supplementary question to the minister is: I am not asking for cabinet confidentiality, but have any assurances been provided to potential bidders in the government's letter which was part of the information memorandum in relation to environmental liabilities at the Arrium site?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:06): The article stated:

> Simmering public anger at ETSA's long-ago privatisation is revealed as the major source of public blame for soaring power prices in an exclusive *Advertiser* poll…The exclusive Galaxy poll of 869 respondents also revealed only 18 per cent blamed high power prices on insufficient high-voltage connections…Mr Koutsantonis in July—

Members interjecting:

The Hon. I.K. HUNTER: I can read the whole article—

Members interjecting:

The Hon. I.K. HUNTER: Well, here we are with the hubris of the Liberal Party. They see a poll in the paper and they think, 'You beauty. We won't have to do anything. We just have to go and badger the Electoral Commission's Boundaries Commission to give us two or three free seats in the redistribution. That's what we want. We don't want to have to work for it. We don't want to have to go out to the community and campaign and talk to people about why they should support the Liberal Party.' They go and badger the independent Boundaries Commission and say, 'Give us free seats. Make Labor seats into Liberal seats, because quite frankly we are hopeless jokes.' The Liberal Party—

Members interjecting:

The PRESIDENT: Order! The minister and the Hon. Mr Stephens are totally disrespectful to be screaming at each other across the chamber when the minister is trying to answer a question, so desist. Minister.

The Hon. I.K. HUNTER: The Liberal Party in this state is a bunch of losers. They have been losing every year consistently and now they have to go begging or badgering the independent Boundaries Commission, saying, 'Please make three more seats Liberal seats. Take them away from Labor because we are hopeless and useless at campaigning.' It is no wonder, when you see headlines like this. South Australians will not forget that you privatised ETSA. You privatised ETSA. You drove up electricity prices. They will punish you, because—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —the bloke who privatised ETSA is still on your benches.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Stephens, from where I am sitting your behaviour is very undignified. I don't take any pleasure in telling you this. Please desist from that behaviour. You might not like hearing what the minister has to say, but he is answering a question. Minister, continue with your answer.

The Hon. I.K. HUNTER: I will just finish by saying this. The environmental liability that is the Hon. Rob Lucas will hang around the neck of the Liberal Party until he leaves this place.

STORMWATER MANAGEMENT

The Hon. T.T. NGO (15:09): My question is to the Minister for Water and the River Murray. Will the minister provide the chamber with details around this government's commitment to funding stormwater management?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:09): What an excellent question from an excellent member; I thank him for it. The events we saw last week in Keswick and Brownhill Creeks, and indeed across the metropolitan area, demonstrated the destruction and loss that can occur—

The Hon. T.J. Stephens interjecting:

The PRESIDENT: Order! The minister has the floor.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: The Leader of the Opposition. I think members, and ministers in particular, should realise that they do have a responsibility, being in the government, to ensure that question time can flow along to allow people to ask questions unabated. I do not need them to feed in to any interjections or to create interjections while the minister is talking.

The Hon. I.K. HUNTER: The events we saw last week in the Keswick and Brownhill catchments, and indeed across the metropolitan area, demonstrated the disruption and loss that can occur as the result of flooding. That is why, in the wake of these floods that have turned the lives of those South Australians affected upside down, it is so disappointing to see councils and the Liberal opposition blatantly seeking to grab a headline over this issue.

The opposition has provided absolutely no substantive policy, or even funding commitments, to the area of stormwater management. Mr Marshall has no plan for stormwater, and he actually has no plan whatsoever for floods, either. Even Mr Marshall's plan for 20 years does not have a commitment to stormwater or addressing flood risk, no plan for addressing stormwater or addressing flood risk. That is probably why he has not come out and stood up for South Australia when we were asking both federal parties, at the last federal election, to come out and support the comprehensive Brownhill Keswick Creek Stormwater Management Plan that we have now got councils to sign up to.

The state Liberals have been an absolute failure in the area of stormwater management. They have a very short memory; when they were last in government it might have been the Hon. Rob Lucas (who has now skulked out of the chamber) who slashed the funding for stormwater management to $2 million. We came into government and we immediately doubled it, and, because it is indexed, we are currently providing $5 million to the Stormwater Management Authority.

With this funding the authority has developed projects that benefit South Australians everywhere. I am advised that the authority has approved 112 projects across South Australia worth approximately $36 million to date. These include funding towards 33 metropolitan and 28 regional floodplain mapping and planning projects. Of course, the Liberal Party is not interested in any of these flood issues in the country; they only have an interest in the city, because that is where they need to win seats, they conclude, and they can ignore country South Australians. Well, we will not. That is why it includes, from us, 33 metropolitan and 28 regional flood plain mapping and planning projects and 37 metropolitan and 14 regional infrastructure work projects.

When we are able to have a productive collaboration between state, federal and local government we are able to achieve excellent results. Some of these projects over the last five years, where we have had this outstanding partnership, include:

- Waterproofing the West, Stage 1 ($68.6 million);
- the Adelaide Airport Stormwater Scheme ($9.8 million):
- the Unity Park Biofiltration Scheme ($13.9 million);
- Waterproofing Playford, Stage 2 ($20.5 million);
- Waterproofing the South, Stage 2 ($29.9 million);
- the Adelaide Botanic Garden First Creek Wetland and Aquifer Storage and Recovery Scheme ($10.4 Million);
- the Barker Inlet Stormwater Re-use Scheme ($8.8 million); and
- the Oaklands Park Stormwater Re-use Scheme ($9 million).

Through the efforts to deliver these projects across state and local governments, stormwater will be captured, cleaned and distributed for irrigation of reserves and parks and for other non-potable uses that would otherwise rely on precious drinking water. These projects address local flooding issues and remove pollutants from stormwater that would otherwise flow into urban waterways and the coastal environment.

That is why it has been very disappointing to hear, in recent days, the senseless politicisation of the $140 million Brownhill Keswick Creek project. Comments from the Mayor of Unley, Mr Lachlan Clyne (who I understand is seeking preselection soon for Isobel Redmond's seat, the seat of Heysen, I think) that 'The state government has very cleverly abdicated their responsibility far too much to local council,' are completely unhelpful and ignore the reality that stormwater management is fundamentally a council responsibility, as outlined in the Local Government Act, chapter 2, parts 7(d) and (f).

For many years the state government has been working to bring the five metropolitan councils together in order to gain agreement on the project. This is a complicated project—

The Hon. J.S.L. DAWKINS: Point of order. I am very keen to listen to the minister, but his two ministerial colleagues seem to be having a conversation with each other and with other members, I might add. I would ask you to stop that so that I can hear the minister.

The PRESIDENT: I think it is not only members from this side; it is members from both sides.

The Hon. J.S.L. DAWKINS: I said that.

The PRESIDENT: I think it is only a matter of respect that you allow people, and especially ministers answering questions, to do so in peace. I would also like to draw to your attention that I do hear some badgering from both sides. Minister.

The Hon. I.K. HUNTER: Thank you, Mr President. As a particularly sensitive chap, I do need your support and protection. This is a complicated project. It requires all levels of government to cooperate and come to the party. I am glad that the five metropolitan councils have finally done so. Only one party during the federal election, the federal Labor Party, made a commitment to fund one-third of the project. Both the member for Hindmarsh, Mr Steve Georganas, and the member for Adelaide, Ms Kate Ellis, have been active and strong advocates for federal support and I commend them for their hard work on this issue.

Following the election, I wrote to the Hon. Barnaby Joyce stressing the importance of this project to mitigate the risk of flood, and seeking the commitment of the federal government. His response on 31 August provided absolutely no commitment on behalf of the federal government.

In what can only be seen as a total act of ignorance of our local situation, minister Joyce's colleague, Nicolle Flint, the member for Boothby, spoke, I understand, last week to federal parliament on these flood events, saying, 'Stormwater is an issue that the South Australian Labour government has ignored for far too long.' Talk about buck passing, Mr President. Talk about not knowing anything about the subject you are talking about. In reality, it is only this state government that has brought these councils to the table to get their agreement in recent times.

You can remember the Mayor of Unley and the Mayor of Mitcham going hammer and tongs at each other over whether to have a retention basin in Mitcham or culverts in Unley. How long did that protracted debate go on for? It was just not good enough. This state government brought them to the table, brought them to agreement, and now they have agreed on a plan of action. We need them now to put together their subsidiary, which will undertake these works, and our funding is committed.

The state Liberals, under Steven Marshall, their so-called leader for now, haven't committed a single cent to stormwater management in South Australia into the future—nothing at all. They haven't got a plan. They are not committing any funding into the future from a future Liberal government—nothing at all. They have put absolutely nothing out there to the public and nothing out there to the councils. Mr Marshall, as I said earlier, doesn't have a plan for stormwater management. He has been completely silent on this project that we all know to be vital to so many South Australians.

This government has a demonstrated track record in providing strategic policy and leadership for the state's stormwater. We recognise the ability of floods to devastate South Australia and have provided financial commitment to mitigate these risks. Mr Marshall's stony silence and policy void on this issue clearly demonstrates he is totally ignorant of these risks. As we have heard earlier, the Liberals don't care about country South Australian flooding either.

STORMWATER MANAGEMENT

The Hon. J.M.A. LENSINK (15:17): Supplementary question: where was the minister during the 2010 campaign when the Liberal Party had an extensive policy on stormwater recycling, which his own government pooh-poohed?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:18): Mr President, that is because their ideas were just rubbish. What we put in place is that list of projects that I just read out: Waterproofing the South, Waterproofing the West, Waterproofing the City of Playford. We have complicated programs involving council, state government and federal government, complicated engineering to slow down the water, to hold the sediment and reduce the nutrients that are going out into the gulf. Their plans were absolutely rubbish. They knew it at the time. It was a fig leaf to cover up the total absence of any activity in this space for the last decade and a half.

SPEED SAFETY CAMERAS

The Hon. D.G.E. HOOD (15:18): I seek leave to make a brief explanation before asking the Minister for Road Safety a question about defective speed cameras.

Leave granted.

The Hon. D.G.E. HOOD: It has been reported that the government receives some $52 million annually from speeding fines generated by mobile and fixed cameras alone, as well as by other means, such as handheld laser guns. A recent Family First freedom of information request revealed issues with the maintenance of speed cameras in South Australia. The data contained in the FOI revealed that more than 100 speed cameras experienced a fault and underwent repairs in the past 12 months. In one case repair took 29 days for a faulty camera to be fixed.

Faults included loose camera mounts and devices being out of alignment, as well as generally confirmed fault issues, including damaged cables and exposed wires. Many needed to be returned to the manufacturer for repairs, which in itself is not surprising. However, there are concerns that cameras which are in need of repair have not been maintained for extended periods, which could lead members of the public to be wrongly receiving fines. I am seeking assurance from the minister that that is not the case but, specifically, my questions to the minister are:

1. How will the government address the delay in repairing defective speed camera devices?

2. Does the government agree that faults in cameras can perhaps lead to incorrect readings of speed and, as a result, undeserved fines for members of the public?

3. Will the government alert affected motorists to the fact that the expiation notice which they received was issued by a camera experiencing technical difficulties at the time and therefore the fine may be in question?

4. What are the options for motorists who believe that they have been wrongly fined by a faulty camera? Does the government recommend appealing against the fine in court or should they contact SAPOL directly?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:20): I thank the honourable member for his question. The fact is that speed, unfortunately, does kill people. We still have too many accidents occurring on our roads, notwithstanding the fact that we have been doing better in respect to our road toll in South Australia in comparison to years gone by. The fact remains that people do still tragically die on our roads, and all too often speed is a contributing factor. Therefore, of course, we have to do something about it.

Policing remains an important tool when it comes to encouraging members of the community to ensure that when they are using our roads, they are doing it at a speed that is safe to both themselves and other road users. That, of course, means that in order to police roads we do need to use speed cameras. I am advised that there are currently 133 fixed safety cameras that are being used at our intersections, which can detect both red light and speed offences. I am of the understanding that, by and large, these cameras operate incredibly effectively and accurately.

I have not seen any particular reports or briefs that I have received from SAPOL that indicate that the speed cameras that are in use in South Australia have any sort of shortcomings when it comes to their accuracy. If the Hon. Mr Hood or any other person in this place, for that matter, has information to the contrary, particularly regarding any particular devices, of course I am more than happy to pass that on to SAPOL.

In regard to people who receive fines: if they are of the view or if they feel as though there are any genuine concerns that might be attached to their fine that indicate there may be some sort of anomaly or some shortcoming in the device that captured their speeding, of course there are processes available to those members of the community to appeal those speeding fines. They can follow the process through the courts. Of course, they do have the option of writing to myself, and I, in turn, can seek advice from the police commissioner regarding any particular cases.

All too often, my office receives inquiries from members of the public regarding their expiation notices regarding speeding or red light cameras, and I, in turn, can make inquiries on behalf of those constituents. More often than not they don't necessarily get a reply that is the one they are looking for. The police commissioner's job, first and foremost, is to enforce the law. As I said, to go back to my original point, all too often people are caught speeding simply because they are speeding.

Again, I do have confidence that the speed cameras that are in use in South Australia are compliant. They have to comply, as I understand it, with Australian standards. That is done to ensure that they are accurate and the community can have confidence with the regime that is in place. If there is any evidence to the contrary, of course I am all too happy to make inquiries on behalf of anybody that puts that evidence in front of me.

SOUTH AUSTRALIA POLICE CORPORATE PROGRAMS

The Hon. J.S.L. DAWKINS (15:23): I seek leave to make a brief explanation before asking the Minister for Police a question regarding SAPOL corporate programs.

Leave granted.

The Hon. J.S.L. DAWKINS: On 6 September this year, I took part in a radio interview with Ali Clarke on ABC 891, which also included input from the minister and the officer in charge of the SAPOL reform project, Superintendent Bob Fauser. During this interview, in response to a question from Ali Clarke, and I quote:

> So, you're saying that police officers will continue to be involved in Neighbourhood Watch, Suicide Watch and the Blue Light discos?

the superintendent responded, and I quote:

I'm saying that they will be involved in those SAPOL corporate programs with Blue Light and Neighbourhood Watch. Suicide prevention is not necessarily a SAPOL corporate program.

Given this, my question to the minister is: will the minister outline all the SAPOL corporate programs to which the superintendent was referring?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:25): Of course I recall the radio interview that the Hon. Mr Dawkins refers to, because concerns were raised in the paper that morning regarding the continuation of programs like Neighbourhood Watch and Blue Light discos, or Blue Light events generally. I am more than happy to reassure South Australians that SAPOL, as an organisation, remains committed to both the Blue Light program and Neighbourhood Watch generally.

As I outlined on that radio interview, the government's commitment to Neighbourhood Watch is best represented by the fact that this state government has contributed $2 million to a Neighbourhood Watch reinvigoration program, which remains well underway. I am advised that the Commissioner of Police has approved the newly developed state community engagement section to assume responsibility for programs regarding Blue Light. SAPOL's commitment to these activities and their longevity is resolute.

The Blue Light program and its partnership approach with Blue Light Incorporated are currently being reviewed to ensure that it meets contemporary and professional business requirements. This will provide assurance that both entities can work together delivering the programs into the future, providing enriching activities in safe environments to assist young people in their development.

The organisation reform team within SAPOL assures me that the change will create greater work flexibility for officers to actively engage in community programs, such as Blue Light or other programs, as is appropriate, and that may well be programs regarding mental health, to which I know the honourable member is a committed advocate.

With respect to the specific part of the honourable member's question in terms of corporate programs, I don't have a list available to me, but if there is such a list I am more than happy to take that on notice and, if it is appropriate to do so, share it with the honourable member.

SOUTH AUSTRALIA POLICE CORPORATE PROGRAMS

The Hon. J.S.L. DAWKINS (15:27): By way of supplementary question: I thank the minister for committing to bring that back, if it is available. In doing so, I would be grateful if he could clarify the situation relating to secondary student driver training, the Duke of Edinburgh Awards and a program called North on Target, and advise whether they are part of SAPOL's corporate programs.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:27): I am happy to undertake that; if a specified list is available to be shared, we can do that. Of course, if that list can be made available to the Hon. Mr Dawkins he can look at those particular programs. My understanding, at a higher level, is that SAPOL as an organisation is very committed to making sure it is actively engaged with the community, both in formal and less formal ways.

I know that part of the restructure that is going on within SAPOL specifically has its eye to the fact that proactive policing very much requires effective community engagement, and that may well be through the sort of programs and causes to which the Hon. Mr Dawkins has referred, or it may not be.

Of course, police officers in their own time are more than able to take up whatever causes they see fit, and many do. Many police officers go above and beyond their specific call of duty in their own time, but others are able to do it through the course of ordinary events, where it is appropriate to do so. If there is a prescribed list that potentially could identify some of the organisations to which the Hon. Mr Dawkins has referred, I am happy to make inquires on his behalf with SAPOL and share any information that he is after, if it is appropriate to do so.

SOUTH AUSTRALIA POLICE CORPORATE PROGRAMS

The Hon. J.S.L. DAWKINS (15:29): By way of supplementary question: given that the minister unexpectedly called in to the Ali Clarke radio interview, over the top of a SAPOL superintendent who was responding to my concerns, which related to issues of an operational nature, can we now expect to receive more fulsome answers on these subjects from the minister in this place?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:29): Let me seek to clarify some of the Hon. Mr Dawkins remarks in regard to the radio interview. I did not call in—

The Hon. J.S.L. Dawkins: You rang in over the top of the officer.

The Hon. P. MALINAUSKAS: I didn't call in over the top of any officer.

The PRESIDENT: No debate on the floor. The minister is answering a question.

The Hon. P. MALINAUSKAS: I was invited by the ABC radio program to come on that morning, as I understand it, and do an interview, and being a minister of this government I am all too happy to be accessible to the media to answer important questions they have. What I will not do, though, is abuse my position of authority with the aim of inciting fear within the community about how reforms will have a detrimental impact upon community services.

I will not abuse any office, whether it be a minister or a member of the backbench. I will not be abusing any officer for as long as I am lucky enough and fortunate enough to be in this place, with the objective of trying to create fear within the community that services will be cut when that is not the case. Instead, of course, I will make myself available to the media to ensure that facts are inserted in any debate, but I want to correct the Hon. Mr Dawkins in his suggestion that somehow I was calling in over an officer. Of course, I would never do any such thing. I have undertaken to seek the information the Hon. Mr Dawkins is after, and I will do everything I can to make that information available to him, despite his protestations and fearmongering within the community.

The PRESIDENT: Before I call the honourable minister, the Hon. Mr Dawkins, a little while ago you got up and made a point of order about people interjecting while ministers are on their feet. Now, you have just done the same on a number of occasions since that point of order. I think it is important that you lead by example, and I would now like to hear minister Hunter.

Personal Explanation

STORMWATER MANAGEMENT

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:31): I seek leave to make a personal explanation in relation to the answer I have just given to the Hon. Michelle Lensink on stormwater.

Leave granted.

The Hon. I.K. HUNTER: I may have misled the chamber when I said that the Liberal Party and the leader have no plans for stormwater. When the Hon. Mr Gazzola looked up his flat thing and dialled into the Liberal Party of South Australia and typed 'stormwater' into their little search engine, it came up with 'stormwater' nothing 'coming soon'.

Question Time

NUCLEAR WASTE DUMP

The Hon. T.A. FRANKS (15:32): I seek leave to make a brief explanation before addressing a question to the Minister for Aboriginal Affairs and Reconciliation, representing the Premier, on the topic of nuclear waste debates.

Leave granted.

The Hon. T.A. FRANKS: I note that this weekend in the Flinders Ranges there is an event called Come Here to Our Country, Yanakanai Ngarpala Yarta. It is a campout at Cotabena. It is half

an hour from Hawker on Adnyamathanha country. It is a gathering for a nuclear-free future. It is no surprise that that particular community has such a gathering as they are at the heart of nuclear debates in this country.

As members are well aware, but as the community is sadly not, there are two nuclear proposals on the table—one a federal proposal, the other a state. The identification of the Flinders Ranges for the federal proposal has created a level of confusion and angst within that area about the future plans for the state nuclear waste debates.

I note that on page 89 of the Nuclear Fuel Cycle Royal Commission report, the very report that the state government has commissioned, it notes that a prominent fault system extends from the Mount Lofty Ranges to the Flinders Ranges and remains active. The highest risk area in South Australia is the Adelaide Geosyncline, the Adelaide Hills and Flinders Ranges. I was not surprised that in discussions where we have had briefings in the process of this debate that it is often said that the Flinders Ranges is not being considered for a high-level nuclear waste dump in the state proposal.

Yet, this week, rather than being in the Flinders Ranges, Premier Weatherill is in Finland having a look at a deep geological facility that is due for completion in the early 2020s, indeed looking in his own words, 'to learn from the valuable lessons for an open and transparent community engagement program.' My question to the Premier is: why is he in Finland and not in the Flinders Ranges this week?

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) (15:35): I thank the honourable member for her question and it might be just as easy if I answer at least part of that rather than taking it on notice and referring it. Firstly, the proposal that is before us isn't a state government proposal; this is a federal government proposal. The federal government has identified a site, but there has been no actual proposal put forward for it.

Secondly, there has been quite a lot of discussion. I have met with Adnyamathanha representatives on their country in the northern Flinders Ranges area numerous times where this has been discussed. I have had a number of meetings in my office with representatives of various different Adnyamathanha groups. I have had quite a number of telephone calls. To try to characterise it that there has not been any discussion between the government and the Adnyamathanha people would not be the case. Certainly, the government will continue to discuss with Adnyamathanha and other Aboriginal people throughout South Australia any proposals that would affect their land.

The PRESIDENT: Supplementary, the Hon. Ms Franks.

NUCLEAR WASTE DUMP

The Hon. T.A. FRANKS (15:36): Will the Premier, or indeed the Minister for Aboriginal Affairs and Reconciliation, rule out any nuclear waste dump on Aboriginal land where the traditional owners do not consent?

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) (15:36): I thank the honourable member for her question. There is community consultation going on at the moment about even whether this is something we go further into. There are a number of steps before you would even consider possible locations. There is a lot of stuff to happen before that.

EMERGENCY SERVICES

The Hon. G.E. GAGO (15:36): My question is to the Minister for Emergency Services. Can the minister please update the chamber about the emergency service sector's response to last week's severe weather event?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:36): I thank the Hon. Ms Gago for her question. As members are well aware, last week our state endured yet another battering of

severe weather in what has been an extraordinarily busy winter period for the State Emergency Service, their busiest in more than 20 years, I am advised.

Over a 24-hour period, the state was hit with both strong winds and rain, with parts of the Adelaide Hills recording in excess of 100 millimetres of rain. As a result, we saw localised flooding across the Adelaide Hills region, as well as in metropolitan areas such as Old Noarlunga, Waterfall Gully and Torrens Park, with dozens of homes affected.

Whether it was cutting up trees that had fallen on houses or over roads, filling and stacking sandbags or pumping floodwater away from people's homes, I am simply in awe of the relentless determination and selflessness of the service of our SES volunteers, who were ably assisted in storm events by CFS volunteers. More than 850 calls for assistance to the SES were received over this most recent and severe weather event. All the while, our emergency response agencies were working shoulder to shoulder with each other, providing an excellent and coordinated response.

As a government, we recognise the impact of this weather event on our communities and that is why we decided early in the piece to provide emergency relief grants of $700, as well as flood clean-up grants of up to $700, to be able to quickly support affected residents with things like emergency accommodation and the resulting clean-up. The clean-up from last week's weather is ongoing.

I would like to take this opportunity to remind all members to help spread the message about the state government's recovery website at www.sa.gov.au/recovery, as well as the recovery hotline on 1800 302 787. This winter period is a culmination of more than 7,300 calls for assistance to the SES across the state and more than 30,000 volunteer hours in total—it is a remarkable number. This is more than double the average requests for assistance the SES receives through the course of an average winter.

While we are still taking stock of the numbers involved in last week's event, I would like to give you a picture of what a mammoth effort our volunteers put in. During the May severe weather, more than 800 calls for assistance were made to the SES. Only taking into account the Monday impact for the May event, this amounted to 1,487 hours of volunteer service for our communities at a peak of 102 requests for assistance per hour between 2 and 3pm.

Later on this evening, I have the great pleasure of hosting a small but representative number of SES volunteers here in Parliament House, to acknowledge the extraordinary contribution they have made over the course of this winter. Like I have said, it has been a very large effort for this winter in particular. When you get around and talk to these people, they are utterly remarkable. Only last week, when I was visiting homes in Old Noarlunga, I spoke to volunteers who had already been working through the night and throughout the course of the day and they were planning to work on early into the evening and some of them were talking about going back to their normal day jobs in the very early hours of the next morning.

These people get little recognition, they certainly don't get compensated for it financially, but we do everything we can as a government, of course, to make sure they've got the equipment available to get on and do the best job that they can. That is only possible through the Emergency Services Levy initiative, commenced, of course, by a state Liberal government. These volunteers do an amazing job, they deserve the recognition that they get and we commend them for their extraordinary efforts.

Bills

SUMMARY OFFENCES (FILMING AND SEXTING OFFENCES) AMENDMENT BILL

Final Stages

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

The House of Assembly agreed to amendments Nos 1 and 3 to 7 made by the Legislative Council without any amendment and disagreed to amendment No. 2.

(Continued from 5 July 2016.)

The Hon. P. MALINAUSKAS: I move:

That the council no longer insists on the amendment.

The Hon. A.L. McLACHLAN: I am going to articulate the Liberal Party position, which in this instance will obviously be contrary to the view of the government. The Liberal Party submits that the honourable member should support the motion when it is put in the positive that the Legislative Council insist on its amendment in respect to the definition of 'media'.

The Liberal opposition is supportive of the amendments to the Summary Offences Act as they relate to sending sexually explicit material normally via mobile phones and an increasing incidence of what is called 'revenge pornography', which was the originating bill. The Liberal opposition seeks to further amend the Summary Offences Act to update the definition of 'media organisation'. The existing definition does not accommodate legitimate media organisations, for example, InDaily, *The West Australian* newspaper and Yahoo7.

The definition we seek to insert is consistent with the definition used in the jurisdiction of the commonwealth and was recently adopted by this chamber and the other place in the recently legislated Surveillance Devices Act. We consider that definition to be the most appropriate to accommodate the ever-changing media landscape. At the same time, we have not sought to insert an amendment that would unreasonably expand the definition to include activities of individuals or groups in the public realm that the community would not consider to be legitimate media.

I note that some honourable members were concerned that the definition proposed by the opposition was too wide and that the narrow definition was more appropriate given the context of the Summary Offences Act. This is certainly the view of the government. I do not find it a cogent or persuasive argument. The definition of 'media organisation' should be consistent in our laws regardless of legislative context. If you accept the government's arguments, you are in effect accepting the concept that there are distinct groups within the media, some more trustworthy than others.

I do not believe that the case has been made out for such a proposition. News media play an important role in introducing our citizens to views they do not hold and which they are unlikely to encounter in their own communities or social circles. Section 26B of the Summary Offences Act prohibits a person from engaging in humiliating or degrading filming. It is a defence if the conduct was for legitimate public purpose. One of the legitimate public purposes listed in the act includes for the purpose of educating and informing the public. Others include for law enforcement or public safety or for medical, legal or scientific purposes. The act anticipates that there will be, on occasion, legitimate reasons for disclosure.

The Liberal opposition is not seeking to expand the class of those things that constitute a legitimate public purpose. In the act, the media are presumed to have engaged in conduct that was a legitimate public purpose unless a court determines otherwise. Again, we are not seeking to change this test, rather we seek to simply recast the definition of a media organisation to institutions that would include media outlets, such as InDaily, to enable them to report in an appropriate manner.

Despite the presumption in favour of the media, media organisations are still required by law to engage in conduct that educates and informs the public. This legal requirement is not diminished by the opposition's amendment. It is important that in a working democracy our laws are clear and consistent. By not insisting on this amendment, we will have laws that apply different tests to what is a legitimate media organisation in different pieces of legislation.

In a society that values the rule of law, this is not acceptable. These amendments simply seek to provide consistent terminology so that those in the media can carry on their important work with confidence. I ask honourable members to insist on the amendment and to vote in favour of the motion as it is put in the positive.

The Hon. T.A. FRANKS: I indicate that the Greens will also support the insisting of the amendment for the definition of 'media'. This is actually a 21st century bill. It has 'sexting' in the title; how can we have a definition of media that is stuck in the 20th century rather than firmly put in the 21st? I note that the commonwealth privacy legislation uses this particular definition that we are insisting on, and that has been well consulted and, indeed, is strongly supported by the Greens

The Hon. D.G.E. HOOD: I indicate that Family First's position is unchanged, and that is that we will not be insisting on the amendment.

The Hon. J.A. DARLEY: I indicate that I will not be insisting on the amendment.

The PRESIDENT: I am going to put the question in the positive. I put the question that the amendments be insisted on.

The committee divided on the motion:

Ayes.....9
Noes 10
Majority 1

AYES

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

NOES

Brokenshire, R.L.	Darley, J.A.	Gago, G.E.
Gazzola, J.M.	Hood, D.G.E.	Hunter, I.K.
Maher, K.J.	Malinauskas, P. (teller)	Ngo, T.T.
Vincent, K.L.		

PAIRS

Parnell, M.C.	Kandelaars, G.A.

Motion thus negatived.

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

Second Reading

Adjourned debate on second reading.

(Continued from 4 August 2016.)

The Hon. J.A. DARLEY (15:55): In my briefing with the government on this bill, it was explained to me that this was a very simple bill that was needed to facilitate the development of the Riverbank. I understand that regardless of what my position is on the Riverbank redevelopment, the aims of this bill could be achieved through other methods; however, a bill was the simplest and most efficient way to achieve what was being sought.

I understand the bill is merely to suspend existing rights of stakeholders, including the Adelaide City Council, the Festival Centre Trust, the InterContinental Hotel and the Casino, so that work could be undertaken on the redevelopment. These rights would then be reinstated at the conclusion of the redevelopment, and I understand the stakeholders are all agreeable to this proposal.

On the surface this all seems acceptable; however, closer inspection of the bill raises a number of issues. One of my main concerns is that clause 6 of the bill outlines that the Casino site will now also include the expansion area. This essentially means that the Casino site will be expanded. I would be grateful if the minister could answer the following questions:

1. How much larger will the Casino site be as a result of including the expansion area into the included Casino area?

2. Will this expansion site continue to be considered part of the Casino area once the Riverbank redevelopment has been completed?

3. Will the rent the Casino pays increase as a result of this expanded area and, if so, by how much?

4. Can the minister advise if this is a method to permanently expand the Casino area?

Further to this, I have concerns that the bill will allow the minister of the day to simply suspend existing rights and interests, as well as create new rights and interests. At the moment I understand this is a process that would receive parliamentary oversight and scrutiny; however, insertion of these provisions will remove this.

This concerns me greatly, as the ASER Services Corporation has the care and control of common areas on behalf of the public. To remove public scrutiny and instead have ministerial discretion seems to contradict one of the main elements of the original act. I would be grateful to hear from the minister on this matter, and reserve my position on this bill until the final stages.

The Hon. J.S.L. DAWKINS (15:58): I move:

That the debate be adjourned.

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) (15:58): We oppose the debate being adjourned. This bill, on my *Notice Paper*, came—

The Hon. S.G. WADE: Sir, that is a procedural motion and cannot be debated.

The PRESIDENT: I have it from the highest of sources that he can debate it.

The council divided on the motion:

Ayes 13
Noes..... 6
Majority..... 7

AYES

Brokenshire, R.L.	Darley, J.A.	Dawkins, J.S.L. (teller)
Franks, T.A.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I.	McLachlan, A.L.
Ridgway, D.W.	Stephens, T.J.	Vincent, K.L.
Wade, S.G.		

NOES

Gago, G.E.	Gazzola, J.M.	Hunter, I.K.
Maher, K.J.	Malinauskas, P. (teller)	Ngo, T.T.

PAIRS

Parnell, M.C.	Kandelaars, G.A.

Motion thus carried; debate adjourned.

RETIREMENT VILLAGES BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 August 2016.)

The Hon. T.T. NGO (16:04): I rise to speak on the Retirement Villages Bill. This bill follows significant public consultation that attracted over 300 written submissions. According to the Office for the Ageing, South Australia has over 500 registered retirement villages, housing around 25,000 people over the age of 55. This is a significant industry which will only grow as our population ages.

The bill aims to ensure that there is a balance between the rights and responsibilities of residents and operators of retirement villages. Strengthening the disclosure requirements placed on retirement village operators is crucial to achieving this aim. I am supportive of these provisions. Full disclosure of the costs involved in entering residential village agreements will allow retirees to enter these arrangements with greater certainty.

This bill prescribes a disclosure statement, which will help prospective residents make an informed decision when they choose which village to live in. It will enable direct comparisons between villages by requiring each village to provide certain information, including any ongoing fees, services provided and services available to the residents. Undoubtedly, such comparisons are useful when making what could essentially be a significant investment decision. My understanding is that the disclosure statements will be developed by a number of key operator peak bodies and residents' associations.

I see this working much like an enterprise bargaining agreement between a chamber of commerce or Business SA and a trade union, in the way they provide advice to their prospective members. In my view, this is a positive development and demonstrates how two different groups can work towards a win-win situation for their prospective members. I understand that the bill also improves the way in which operators are obligated to provide financial reports to residents.

While I am certain that the majority of operators already provide suitable information about how management funds are spent, it is also important that an industry standard is set. It can be extremely confusing for people who are not in the financial industry to understand financial reports. Providing a reasonable breakdown of fees will enable residents to understand how their funds are being spent. This is a reasonable expectation that I think we would all have when making payments to a third party.

If funds are being used to run the village in line with residents' expectations, then operators should have no concerns with the changes in this bill. Perhaps what has been seen as the most controversial element in this bill has been the changes to statutory repayment provisions. Currently, if residents want to leave a residential village property, they may have to wait years before operators sell their property. Operators are currently not obliged to release any funds until the property is sold.

This bill proposes an 18-month time limit. If the property is not sold in that period, operators are obliged to release funds to residents. South Australia's peak body for older Australians, COTA SA, has welcomed the changes, noting that while the much-awaited bill did not address everything COTA SA asked for, it will significantly improve the act. With regard to the statutory repayment provisions, COTA SA chief executive Jane Mussared stated:

> These provisions replace an Act 30 years old and it is important to reflect on what provisions were in place. We are disappointed it wasn't a 12 month repayment period, but it does relieve some of the uncertainty around being able to access an estate.

COTA SA highlighted the experience of one of its members, in her 90s, who contacted the organisation because she and her husband vacated their unit over two years ago but had not been able to access their investment as the unit had not been relicensed. Another aspect of the bill which Ms Mussared has also supported is the ability for residents to occupy a unit while it is in the process of being relicensed. She stated:

> At the moment residents are required to move out, even though the unit may be vacant, which is often highly disruptive and stressful. This bill will give people more confidence and protection in retirement villages and more certainty.

The Property Council has opposed the statutory buyback provision in this bill, claiming that it will stifle investments in the sector. It is important to note that the Property Council's own data suggests that the average time it takes for a retirement village unit to sell is 315 days—well under the 18-month threshold.

I understand that other states and territories have repayment provisions, including Victoria, New South Wales, Tasmania, Northern Territory and Western Australia. These jurisdictions have repayment provisions well below the 18 months, ranging from 45 days to six months. I do acknowledge, however, that in some of these jurisdictions operators can avoid responsibility to make repayments by agreeing to let residents sell properties themselves. I consider this greatly inappropriate, given the highly specialised nature of retirement living accommodation. There are also provisions in this bill to allow operators to apply for an extension of time in extenuating circumstances. This could include natural disasters or unforeseen changes in the housing market.

Finally, the bill includes a five-year review clause on the statutory repayment method to assess any impact and ensure it has achieved the desired outcomes. With an ageing population, it is increasingly important that South Australians are confident in the consumer protections in place for retirement village agreements. The bill before the chamber certainly improves the protection available to South Australians. I take this opportunity to congratulate minister Bettison for putting this bill before parliament and I commend it to the chamber.

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

NOTARIES PUBLIC BILL

Committee Stage

In committee.

Clause 1.

The Hon. A.L. McLACHLAN: I asked some questions of the minister in the second reading which I understand he is going to address at clause 1.

The Hon. P. MALINAUSKAS: I thank the opposition for its indication of support for this bill. The Hon. Mr McLachlan asked a few questions about the bill during his second reading contribution which I will now deal with. Firstly, he asked whether the government has been made aware of any instances where currently practising notaries public did not maintain an acceptable level of professional practice. In discussions leading to the development of this bill, the Notaries' Society of South Australia raised its concern with potentially unethical practices engaged in by a limited number of South Australian notaries.

The society provided one example of a notary behaving unethically which involved the notary executing a foreign-language power of attorney for a man who was under an order of the Guardianship Board. The man's guardian was unaware of this occurring and the notary failed to ask the man to read the foreign-language document which would have ensured that he was aware of the content and nature of the document.

There have been past instances of notaries being struck off the roll of notaries. Since the role commenced in 1924, a total of 15 people have been struck off. The most recent strike off occurred in June 2014, with the next most recent in 2001. The honourable member also asked whether any concerns had been raised about the standards of applicants in the past. The 2003 judgement in Bos, an application to the Supreme Court for admission as a notary public, was instructive in the development of this bill.

In his judgement, His Honour Justice Debelle expressed concerns about the past admissions standards as follows:

> Section 91 [of the Legal Practitioners Act] is silent as to the practice to be adopted when a person seeks to be admitted as a public notary and the principles to be applied. I believe that the practices and standards in the past have been inadequate. There is a real question whether the court has been sufficiently rigorous in the principles it has applied.

Justice Debelle's judgement in Bos led to changes to the Supreme Court Rules relating to procedures for applicants for admission as a notary. His Honour also said in Bos that:

> …as a general rule, a person applying to be a notary should be a legal practitioner of some years' standing and experience.

Finally, Mr McLachlan asked about the justification for the difference in the application fee for admission as a notary as opposed to a legal practitioner. Applicants for admission as a notary

currently pay the full Supreme Court civil lodgement fee, which is approximately $2,000, whereas legal practitioners pay a reduced admission fee of under $600. However, it should be noted that the legal practitioners, once admitted, are also required to pay ongoing annual practising certificate renewal fees of around $600 per year. Notary admission under the bill is a once-off with no ongoing renewal fees. This is the same as is currently the case.

I now take the opportunity to foreshadow that the government will be moving a few technical amendments to the bill to remedy an issue that came to light after the debate in the other place. The amendments will ensure that transitioning legal practitioner notaries—that is, legal practitioners already admitted as notaries at the time of commencement of the bill—are automatically prevented from acting as a notary if suspended as a legal practitioner or on retiring as a legal practitioner.

Currently, the bill would preclude a suspended legal practitioner from acting as a notary during suspension but exempts all transitioning legal practitioner notaries from this automatic suspension. This was not intended. I thank all members for their contribution and I look forward to the bill being dealt with expeditiously through its remaining stages.

The Hon. A.L. McLACHLAN: I thank the minister for his responses and I think it was important to have that response on *Hansard* as it provides quite a substantial justification for the origination of this bill in its own right. The opposition has reviewed the technical amendments which will be moved by the minister. We have no objections to those amendments. I have no further questions for the minister and I indicate that the Liberal opposition will support the passage of the bill through the further stages.

Clause passed.

Clause 2 passed.

Clause 3.

The Hon. P. MALINAUSKAS: I move:

Amendment No 1 [Police–1]—

Page 3, line 2 [clause 3(2)]— After 'interstate legal practitioner' insert:

(but a person is not so entitled during any period in which the person's right to practise is under suspension)

This amendment is the first of three amendments being moved by the government to ensure that transitioning legal practitioner notaries are automatically prevented from acting as a notary if suspended as a legal practitioner or on retiring as a legal practitioner. Currently, clause 11 of the bill has the effect of automatically suspending a notary if the person is suspended as a legal practitioner or disentitling the person from acting as a notary if he or she retires as a legal practitioner.

However, existing clause 11(2) contains an exception to this that is designed to allow existing non-lawyer notaries to continue to act as a notary after commencement of the new act, that is, a grandfather provision. The problem is that the exception is drafted so widely so as to exempt any notary who was admitted prior to the commencement of the new act. This would mean that any current legal practitioner notary who retired or was suspended as a legal practitioner after commencement of the new act could continue to act as a notary unless a separate application is made to the Supreme Court to suspend him or her as a notary.

This is undesirable because the notary would not be covered under the Law Society's professional indemnity insurance scheme, whereas it is one of the objectives of the new act to ensure that all notaries are covered by this insurance. This amendment to clause 3 is consequential to the amendment to clause 10 and makes it clear that a suspended legal practitioner is not entitled to practise law, nor therefore act as a notary under this bill.

Amendment carried; clause as amended passed.

Clauses 4 to 9 passed.

Clause 10.

The Hon. P. MALINAUSKAS: I move:

Amendment No 2 [Police–1]—

Page 5, after line 37—Insert:

(2) The name of a legal practitioner who is admitted and enrolled as a notary public under this Act is, by force of this section, taken to be removed from the roll of notaries public for any period during which the legal practitioner is not entitled to practise the profession of the law in this State.

This amendment will explicitly provide that a notary is taken to be removed from the roll of notaries for any period that the person is not entitled to practise law; for example, on being suspended or retiring as a legal practitioner. The amendment also ensures that this applies equally to transitioning legal practitioner notaries who were admitted prior to the commencement of the new act.

Amendment carried; clause as amended passed.

Clause 11.

The Hon. P. MALINAUSKAS: I move:

Amendment No 3 [Police–1]—

Page 5 line 38 to page 6 line 6— Delete the clause and substitute:

11—Person acting as notary public contrary to Act

If a person acts as a notary public without being admitted and enrolled as a notary public under this Act, the person is guilty of an offence.

Maximum penalty: $50,000.

This amendment is consequential to Amendment No. 2. The insertion of new clause 10(2) allows the offending grandfather provision in clause 11 to be deleted by this amendment. The remaining schedule 1, clause 6 transitional provision will then operate on its own to allow existing non-lawyer notaries to continue acting as notaries after commencement of the new act.

The PRESIDENT: I will put the question in the positive: that clause 11 as proposed to be struck out by the Minister for Police stand as printed.

Amendment carried; clause as amended passed.

Clause 12 passed.

Schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (16:24): I move:

That the bill be now read a third time.

Bill read a third time and passed.

RESIDENTIAL TENANCIES (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 26 July 2016.)

The Hon. D.G.E. HOOD (16:27): I rise to speak on the Residential Tenancies (Miscellaneous) Amendment Bill. This bill proposes minor amendments to the Residential Tenancies Act 1995 and aims to clarify the rights and obligations of landlords and tenants. The contents within this bill are fairly simple and straightforward but also quite important. As noted, this bill addresses a number of ambiguities and deficiencies in the current act, specifically in relation to right of entry, termination of agreements and abandonment of property.

Tenants will benefit from this bill in a number of ways. As the Attorney-General explained in his contribution in the other place, the current situation is that landlords may only enter premises for the purposes of showing a property to prospective tenants within 28 days preceding termination of the tenancy; however, the bill proposes to provide tenants with the discretion to permit earlier entry, which certainly makes sense to us.

Supposedly, providing tenants with this discretion will offer a level of protection from intimidation and coercion and, again, we agree that is probably right, at some level. Tenants will also be given the opportunity to reclaim abandoned property under the bill and I understand that the Minister for Police will move an amendment in relation to this, which is likely to enjoy Family First support.

Ensuring that the Residential Tenancies Act is fair and equitable to both tenants and landlords is very important. My office is often contacted by constituents who are public and private tenants, landlords and property managers, seeking assistance with a variety of different issues. Drawing on their personal experiences with housing matters, many constituents that I have been in contact with hold an opinion on the balance of rights between the landlord and their tenants in the act, which is not surprising. I have certainly taken those concerns and comments into consideration while considering the bill and other bills relating to housing, including the recent Housing Improvement Bill.

Overall, in the view of Family First, this bill represents a sensible approach by the government to balance the rights and interests of the tenants and landlords and, therefore, we will support the second reading. There are a number of amendments. We look favourably on the government amendments. I note there is an amendment from the Hon. Mr Parnell. We have not had a chance to examine the specificity of that. He did mention in his second reading contribution that he was looking to amend the grounds on which landlords could deny tenancy. If that is the amendment that is being put to us then we will have a close look at the time.

I may have indicated in an earlier contribution on a different but related matter that we were favourable or at least open to that position. That remains our position. We are happy to hear the amendment explained by the Hon. Mr Parnell and then hear the various opinions within the house before making a final decision. I would say at this stage that we have had some representation from some of the real estate industry expressing concern on that particular amendment and we are mindful to hear their voice as the experts in the field. That said, the Hon. Mr Parnell should have an opportunity to put forward his amendment and make his case.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (16:31): I thank all members for their contributions to the debate. The Hon. Andrew McLachlan asked some questions during the debate and asked for an explanation of the proposed government amendment, which I am able to respond to. As members may be aware, Consumer and Business Services provides an advisory service to the tenancy sector on the rights and obligations of tenants and landlords under the Residential Tenancies Act 1995. I am advised that CBS receives around 3,000 requests for tenancy advice a month. The South Australian Civil and Administrative Tribunal (SACAT) is responsible for dealing with housing disputes in relation to the act. I am advised that SACAT receives over 800 tenancy applications for hearings a month.

The residential tenancy matters dealt with by CBS and SACAT vary significantly across many diverse areas. Data is not recorded in the level of detail necessary to be relevant to such technical amendments. Notwithstanding, SACAT orders appropriately record the particulars of individual matters which may or may not relate to these proposed amendments on a case-by-case basis. The government sought and relied on the advice of specialists within CBS and SACAT with significant experience on the services we provide and the issues we have encountered.

The amendments aim to support CBS in educating the tenancy sector and SACAT in resolving tenancy disputes. The effectiveness of these amendments will be observed by both CBS and SACAT, which will maintain their respective responsibilities in relation to residential tenancies. The government does not anticipate a notable reduction in requests for advice to CBS or applications to SACAT as the substance of these amendments is generally ancillary to broader matters. These

amendments support and inform the tenancy sector where parties understand their rights and obligations.

I now wish to outline the detail and purpose of the government amendment that has been filed in relation to the bill. The amendment requires all abandoned properties sold by a landlord to be sold in accordance with section 97B(7) of the Residential Tenancies Act 1995. At present, if valuable abandoned property is sold, a landlord may only retain out of the proceeds of sale reasonable costs incurred and any amounts owed on a tenancy agreement. The balance, if any, must be paid to the owner of the property or, in their absence, the commissioner for the credit of the fund. Valuable abandoned property is defined as property of which the value exceeds a fair estimate of the cost of removal, storage and sale.

There are concerns that landlords may sell non-valuable abandoned property rather than destroying and disposing of it, and retain all proceeds from the sale. This issue has stemmed from the affordability of large household furniture, such as cupboards and bed frames, where the cost of removing, storing and selling the property often exceeds its value. A landlord may still sell this non-valuable property online, for example via Gumtree, and require the purchaser to collect the property from the premises.

This amendment aims to ensure that for all abandoned properties sold, the landlord may retain only reasonable costs and amounts owed under a tenancy agreement. The Real Estate Institute of South Australia, the Landlords Association Inc., and Anglicare SA all support the amendment. I look forward to the swift passage of this bill through the committee stage.

Bill read a second time.

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 July 2016.)

The Hon. A.L. McLACHLAN (16:36): I rise to speak to the Legal Practitioners (Miscellaneous) Amendment Bill 2016, and speak on behalf of my Liberal colleagues. I advise the chamber that I am a member of the Law Society of South Australia and that I currently hold a practising certificate, as these are two matters that are raised in the jurisdiction of this act and the bill that is seeking to amend the same.

The bill seeks to amend the Legal Practitioners Act 1981. It follows on from significant changes that were made to the act in 2014. Those amendments in 2014 abolished the Legal Practitioners Conduct Board and established a Legal Profession Conduct Commissioner in its place. The 2014 amendments also introduced new definitions to capture a wider range of misconduct of lawyers, and introduced a public disciplinary register to publicise any serious disciplinary actions taken against lawyers. The new office of the commissioner was also granted additional powers to deal with misconduct of legal practitioners.

The government has advised that the bill before us is a response to a request from the commissioner to refine the newly implemented complaints process. The bill also addresses concerns that were raised by the Law Society about the ability of incorporated legal practices to practise in partnership.

Pursuant to the amendments contained in this bill, the commissioner will no longer be required to investigate complaints from people who have been declared vexatious by the Supreme Court. Currently, the commissioner is obliged to investigate all complaints, even where the complainant has been declared vexatious. However, the Supreme Court has the power to prohibit vexatious litigants from instituting further proceedings without permission of the court. The commission has requested this amendment because there is nothing stopping vexatious litigants from continuously lodging complaints with the commission. This impacts significantly on the commissioner's resources, time and funding.

The bill also seeks to introduce a three-year time limit for lodging complaints against a practitioner, with the commissioner retaining the discretion to investigate matters outside that limit. It

seeks to amend section 77K of the act to clarify the nature of an appeal to the tribunal against a determination of the commissioner. The amendment provides that an appeal to the tribunal will be by way of a rehearing, and the tribunal must, in reaching a decision, have regard to and give appropriate weight to the determination of the commissioner.

The bill also seeks to allow a commissioner to publish on the register the name of any legal practitioner who has had their practising certificate suspended by order of the Supreme Court. It does so by seeking to make amendments to division 6 of the act. Division 6 establishes the public register of disciplinary action.

The first amendment allows the commissioner to publish on the register the name of any legal practitioner who has been suspended, as I have said, and the second gives the commissioner the power or discretion to cause information about a disciplinary action to be removed from the register in circumstances prescribed by regulation.

In relation to the proposed amendment, the commissioner can cause information about a disciplinary action to be removed from the register in circumstances prescribed by regulation. I would like the minister to set out in his summing up of his second reading what is going to be envisaged in the regulations. In other words, what circumstances is the government envisaging setting out that would allow the commissioner to have the information struck from the register?

I also ask, and that it be set out in the summing up of the second reading, what the government's intention is when names would be removed. In other words, if someone was cleared of misconduct, is that a set of circumstances that would be appropriate for removal from the register? The bill also makes clear that an incorporated legal practice can practise in partnership with another incorporated legal practice, or with an individual practitioner. This amendment addresses an unintended consequence that arose from the 2014 amendments.

The Law Society has indicated some concern that, when read as a whole, the amended act does not permit an incorporated legal practice to engage in partnership with another incorporated legal practice or with an individual practitioner. The government has made it clear that it was never its intention in its legislative program to prohibit incorporated legal practices from practising in this manner.

The Liberal Party is supportive of the bill in general. It will look forward to the committee stage and it will support the second reading of the bill and looks forward to a response to its questions at the conclusion of the second reading.

Debate adjourned on motion of Hon. T.T. Ngo.

JUSTICES OF THE PEACE (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 5 July 2016.)

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (16:43): I thank all members for their contribution on this important legislation and look forward to the further discussion of the bill in depth during the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 10 passed.

Clause 11.

The Hon. P. MALINAUSKAS: I move:

Amendment No 1 [Police–1]—

Page 5, line 13 [Inserted section 16B(1)]—After 'Act' insert 'to the Commissioner for Consumer Affairs'

As agreed with the opposition in the other place, the government seeks to amend clause 11 of the bill to allow the Attorney-General the power to delegate powers under the act to the Commissioner for Consumer Affairs only. Previously, the bill proposed to allow the Attorney-General to delegate powers to a particular person or body.

Amendment carried.

The Hon. P. MALINAUSKAS: I move:

Amendment No 2 [Police–1]—

Page 5, lines 15 to 18 [Inserted section 16B(2)(a)]—Delete paragraph (a)

This amendment is consequential.

Amendment carried.

The Hon. P. MALINAUSKAS: I move:

Amendment No 3 [Police–1]—Page 5, lines 21 to 22 [Inserted section 16B(2)(c)]—Delete paragraph (c)

Likewise, this amendment is consequential.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (16:47): I move:

That this bill be now read a third time.

Bill read a third time and passed.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 7 July 2016.)

The Hon. A.L. McLACHLAN (16:47): I rise to speak to the Independent Commissioner Against Corruption (Miscellaneous) Amendment Bill 2016. The opposition will be supporting the second reading of the bill. At this stage of the progression of the bill, the opposition does not envisage that it will be seeking any amendments to the same. I speak on behalf of my Liberal colleagues.

The bill has been introduced by the government to address operational issues that have arisen during the first few years since the Independent Commissioner Against Corruption was established in South Australia. The government has stated that the aim is to further refine and improve the operation of the Independent Commissioner Against Corruption Act to ensure that it operates as effectively as possible. The opposition accepts the government's assertions that because ICAC has only been operating for approximately three years it is expected that certain operational issues will arise that require rectification.

I now turn to the clauses of the bill. The proposed amendments follow from recommendations made by the Independent Commissioner Against Corruption, Bruce Lander. The commissioner has provided two annual reports to the parliament in which he has set out a number of recommendations. Further to this, on 30 June 2015, the commissioner published a review of the legislative schemes governing the making of complaints and reports about public administration. In his review, the commissioner made a number of recommendations aimed at streamlining the multiple agencies that currently operate in South Australia, which have overlapping responsibility for integrity matters.

This bill also follows from the commissioner's report, dated 14 October 2015, into the sale of the state-owned land at Gillman. In his review of legislative schemes, the commissioner outlined the practical problems faced by ICAC when investigating potential issues of misconduct or maladministration in public administration. He explained that, although the ICAC Act assumes that matters concerning issues of misconduct or maladministration in public administration will be referred to an inquiry agency or public authority for investigation, the act also permits the commissioner to investigate these matters.

However, if the commissioner chooses to investigate these matters, he cannot use the investigative powers given to him under the ICAC Act. Those powers are preserved for corruption investigations. Instead, he must exercise the powers of an inquiry agency—for example, the Ombudsman—after first seeking the views of that agency. He is then able to conduct an investigation bound by the powers of the relevant agency. To make this initial process simpler and more efficient, he has made the following recommendation:

> The ICAC Act should be amended to provide that the ICAC may investigate potential misconduct and/or maladministration and may do so utilising the powers under the Royal Commissions Act 1917.

The bill has adopted this recommendation. On this point, I think it is important to reflect on why ICAC, in certain circumstances, might be required to investigate matters of maladministration and misconduct. When the ICAC Act was first introduced to parliament, the government stated in the second reading:

> Despite the primary object of the ICAC being to investigate corruption in public administration, having the authority to act on conduct amounting to maladministration and misconduct is necessary. This is because the conduct amounting to maladministration or misconduct may be indicative of an increased risk of corruption or may be evidence of an incipient culture of corruption.

In practical terms, the amendment contained in this bill will provide ICAC with coercive powers and remove the limitations of investigations that are conducted under the Ombudsman Act. It also removes the need to refer to the relevant agency before conducting an investigation.

Other technical amendments to the bill seek to clarify the primary objective of the commissioner, which is to investigate serious or systemic corruption in public administration and to refer serious or systematic misconduct and maladministration to the relevant body. It also seeks to redefine circumstances in which the commissioner should investigate serious or systemic misconduct or maladministration in the public administration and provides a definition for serious and systemic misconduct and maladministration.

While the commissioner's powers have been expanded, the definition and the purpose of the act have been refined. Other amendments sought in the bill enable the Office for Public Integrity (OPI) to assess and refer matters directly to the appropriate authority without having to make a recommendation to ICAC.

The bill seeks to enable matters referred by the ICAC to the Ombudsman to be dealt with exclusively by the Ombudsman. The bill amends the report-making power by specifying the particular issues on which the commissioner may publish a report and provides a complaints procedure for alleged abuse of the exercise of powers of the commissioner or misconduct by officers of the ICAC. The bill goes further and seeks to amend the definition of corruption to encompass the act of lobbying so that such activity can be investigated by the commissioner, and provides clarity around the use of information obtained during investigation.

The bill also seeks to clarify that evidence gathered in good faith is able to be provided to a law enforcement agency, despite any jurisdictional error that may have occurred during the time of the investigation. It also clarifies that breaches by members of parliament of a statement of principles cannot be investigated by ICAC. Other provisions in the bill allow law enforcement officers involved in a joint investigation with ICAC to be named on the search warrant, giving the police the associated search and seizure powers that stem from this.

The Liberal opposition has been critical of the government in that it has failed to adopt the recommendation of the commissioner in relation to public hearings. In the Gillman report the commissioner recommended that he should be granted the power to hold inquiries into

maladministration in public if it is in the public interest to do so. The commissioner stated the reason for this request:

> When I investigate corruption I do not make findings. Whether or not a prosecution ensues is a matter for the Director of Public Prosecutions. Whether or not a person is convicted of a criminal offence is a matter for a court.
>
> In contrast—unlike a corruption investigation—an investigation into maladministration in public administration will require me to make findings in respect of the conduct of a public officer or the practices, policies or procedures of a public authority.
>
> There will be occasion where—as in this case—there is a significant public interest in the subject matter of the inquiry.
>
> In those circumstances, there is a strong argument in support of permitting public scrutiny of evidence given, submissions made and the procedure undertaken. In a corruption matter such scrutiny would routinely occur when the matter is prosecuted in a court.

The extant position of the government is that it continues to impose public hearings. Indeed, it has been criticised in the media as being the facilitator of a situation which makes South Australia the nation's most secretive state.

When considering this issue I came across an independent review of the New South Wales ICAC by Bruce McClintock SC conducted in 2005. In that review he outlined why he had recommended the New South Wales ICAC should retain its power to hold hearings in public. The report stated:

> I do not agree, as some have argued, that public hearings are unnecessary or that the power to hold them should be removed.
>
> Quite the contrary, in my opinion, public investigations are indispensable to the proper functioning of ICAC.
>
> This is not only for the purpose of exposing reasons why findings are made, but also to vindicate the reputations of people, if that is appropriate, who have been damaged by allegations of corruption that have not been substantiated. Moreover, if issues of credibility arise, it is, generally speaking, preferable that those issues are publicly determined.

I leave it to the government to reflect on the same. The opposition is supportive of the amendments contained in this bill. I commend the bill to the chamber.

The Hon. R.I. LUCAS (16:57): I rise to speak to the second reading and share many of the comments my colleague the Hon. Mr McLachlan has put on the public record in relation to the Liberal Party's position. There are really only two specific issues to which I want to address some comment. I do so within the context of the expectation that many of us had, as we argued for many years, initially unsuccessfully but then eventually successfully, to have an ICAC, an independent commission against corruption, in South Australia.

It is important to acknowledge, first, that battle but, secondly, to adopt the position, as certainly I intend to do, that I think the operations of the ICAC in Australia, in South Australia, should be informed by the practice and what occurs in South Australia, but also the practice and what occurs in other state and territory jurisdictions in Australia.

I think the model for our ICAC should evolve, and indeed it is. The amendments we are considering here today are an example of the first stages of that evolution. I support that and encourage that. In my view, we were never going to get it perfect in its first iteration. I do not believe that this iteration is perfect either, and it is capable of further evolution. Certainly, should there be in 2018 a change of government, I would hope that a future parliament would look at further evolution, further iterations, in terms of the operation of the ICAC.

As someone who was involved in the initial debates in our party room (I was not the prime mover but was engaged and involved in the initial debates), I was a very strong supporter for an ICAC in South Australia. As a non-lawyer I entered the debates, not from a legal viewpoint but from a public governance, integrity, transparency and accountability viewpoint, and it seemed every other jurisdiction in the nation had one. There are examples of corruption being rooted out in most of those other jurisdictions. Why should we believe South Australia would be any different? However, I have to say from my perspective that the title of this body, Independent Commissioner Against Corruption, was indeed what its focus should have been, should be and hopefully in the future will be. That is, its focus should be against corruption.

The Hon. P. Malinauskas: Hear, hear!

The Hon. R.I. LUCAS: I am delighted to hear minister Malinauskas strongly endorsing that, and that is that it is not an independent commission against corruption, misconduct and maladministration and other bad things that go on in governance in any jurisdiction. It was specifically entitled the Independent Commissioner Against Corruption. I think many of us who supported it, and perhaps were not as actively engaged in the detail as some of us should have been, know that its focus has been as a result of its drafting. I make no criticism of the commissioner and the staff because the legislation is the legislation. The parliament passed the legislation. If we have a view that is different, as this evolves, then it is for us to change the legislation as we are doing in this particular debate today.

I have highlighted, in contributions over recent years, my concerns that the focus of the ICAC had included areas which in my view were clearly not corruption. Let me give some examples. On two separate occasions, which involved myself having received information from whistleblowers within the Public Service, I was requested to attend and meet with investigators of ICAC. I have put the detail of this on the record previously, so I will not go through all of the detail.

One broadly related to claims I had raised in the Budget and Finance Committee about public money being wasted, in my view, on resolving a conflict between two senior executives in the Department of the Premier and Cabinet. A highly paid consultant or mediator was employed to try to resolve the conflict between the two executives. I was asked by the investigators of ICAC who had leaked or provided that information to me. As I have said previously, with the greatest respect to the ICAC investigators, I said, 'Nick off.' The parliamentary privilege applied, and I had no intention of revealing the confidential source who had raised the matter of public interest with me. The matter, to be fair to the commission, was left at least from my viewpoint at that particular point.

Similarly, I had raised over a long period of time in the parliament and in the Budget and Finance Committee claims from various whistleblowers about rorting of allowances and wastage of public money on the APY lands. Again, I will not go through all the detail, but I was asked by the commission's investigators to reveal the source. Indeed, in one case, a name was given to me, and I was asked to confirm whether or not this particular person was the source of the information that had been provided.

In my view, to use the famous phrase from *Yes Minister* and *Yes, Prime Minister*, leak inquiries are not the purview and should not be the purview of an independent commission against corruption. There are many other vehicles. It clearly could be a breach of the code of conduct of a public servant. There are provisions in terms of tribunals and disciplinary procedures which can be used against public servants who breach their code of conduct or breach the Public Sector Management Act.

There have been cases where people have been disciplined, demoted, suspended, sacked. A wide range of provisions apply in terms of the management of your staff if they breach a code of conduct, and I think that it is entirely appropriate in terms of what they have done. It might be embarrassing and it might be damaging, but it is not corruption—it just ain't corruption. It ain't the work of an independent commission against corruption.

The allegation I have made in the past is that I believe some within government departments and agencies were using the ICAC to try to close down leaks of information from whistleblowers to members of parliament and to others. The point of view I have made to some of the journalists is that it is much safer for people to leak information to members of parliament because they have parliamentary privilege to protect themselves, but journalists can end up being the subject of an ICAC inquiry.

In fact, I am aware of at least two cases where public servants leaked information or provided information to journalists, the journalists ran the stories and those journalists were hauled before ICAC in terms of who had released the information to them. I am aware of the concerns the individual journalists had, and they were very concerned for their own welfare, the welfare of their family and, I guess, their integrity that they were being hauled through an ICAC corruption investigation because they had actually been given information, they had run a story and they were now being investigated for that information.

That is one example, but a second and more difficult one is the issue of maladministration. To me, as one of the non-lawyers in the chamber, maladministration is not corruption. Maladministration might be financial incompetence or it might be negligence. It might be worthy of being sacked or demoted from cabinet, or the government might be thrown out. There is a whole variety of consequences as a result of being financially incompetent, negligent and a range of other descriptors which you can use in terms of poor performance by a minister or by a government. If it reaches into corruption then, in my personal view, clearly it should be the purview of an independent commission against corruption.

I acknowledge it is difficult. I have been involved in some of the discussions with the Attorney-General and I welcome his willingness to be involved in the discussions that led to the legislation that is before us. I think we have seen the next iteration of this and I welcome that. I do not speak formally on behalf of my party, but I do indicate that I think it is important for all of us in this chamber to see this as the next iteration and that, whosoever should be lucky enough to be in government after 2018, we should monitor over the next 18 months how this iteration works. As we take policies to the election, I think we should be clear in terms of the potential direction either a Labor Party or a Liberal Party might wish to take the next iteration.

That is a matter I would urge members of the Labor caucus to be engaged in, so that when you go to the election you are clear where you see the evolution of this. Equally, we need to have a debate within the Liberal Party, as an alternative government, as to where we might see the evolution of this going and potentially the next iteration. In doing that, we should be informed by not only what happens here in the next 18 months but what has already happened in interstate jurisdictions and what might happen in interstate jurisdictions in the next 18 months.

As I said, I welcome the change or this next iteration in relation to refining the issues of corruption, maladministration and misconduct. Section 3(2) of the current act provides:

> While the Commissioner may perform functions under this Act in relation to any potential issue of corruption, misconduct or maladministration in public administration, it is intended that the primary object of the Commissioner be—
>
> (a) to investigate serious or systemic corruption in public administration; and
>
> (b) to refer serious or systemic misconduct or maladministration in public administration to the relevant body, giving directions or guidance to the body or exercising the powers of the body as the Commissioner considers appropriate.

That has been deleted from the act and that is now being replaced by this next iteration for new section 3(2), which says, and I quote:

> Whilst any potential issue of corruption, misconduct or maladministration in public administration may be the subject of a complaint or report under this Act and may be assessed and referred to a relevant body in accordance with this Act, it is intended—
>
> (a) that the primary object of the Commissioner be to investigate corruption in public administration; and
>
> (b) that matters raising potential issues of misconduct or maladministration in public administration will be referred to an inquiry agency or to the public authority concerned (unless the circumstances set out in section 7(1)(cb) or (cc) apply).

That is a small evolution. It is an iteration toward the general direction of which, personally, I am very supportive. It will depend on the interpretation of the commissioner in terms of how significant this particular iteration is because, as you can see from the words, yes, there is a change in the wording and the emphasis. It certainly impresses upon us as a parliament, or the parliament is impressing upon the ICAC, that it is intended that the primary object of the commissioner will be to investigate corruption, and the drafting is now heading in a direction to say that the concentration should be on corruption and potentially matters of serious or systemic corruption in public administration, which is then defined, and that definition is as follows:

> …serious or systemic if the misconduct or maladministration—
>
> (a) is of such a significant nature that it would undermine public confidence in the relevant public authority, or in public administration generally; and

(b) has significant implications for the relevant public authority or for public administration generally (rather than just for the individual public officer concerned).

That potentially could be a high threshold but, ultimately, it will be a judgement for the commissioner in terms of his interpretation of what is serious or systemic misconduct or maladministration. I still raise the issues and, again, I do not purport to do so as the current policy position of the Liberal Party because we are supporting the legislation that is before the house, but I raise the issue as to 'serious and systemic misconduct'. Can the commissioner, under these particular provisions, interpret serious or systemic leaking of information from a public servant about a particular issue—not a range of issues but a particular issue—as being serious or systemic misconduct?

I would have thought as a non-lawyer that that is probably difficult for the commissioner to do and that potentially this might stop the ICAC being used as a vehicle for a leak inquiry where there are specific examples of leaks of information from public servants. However, only time will tell and those of us who are members who might be in receipt of leaked information will find out, I guess, over the 18 months whether or not we are asked to appear before an ICAC investigator to respond to the question, 'Well, who provided the information to you?'

I am assuming that if that happens then the commissioner may have determined that this is a serious or systemic example of misconduct, that is, misconduct under the terms of the code of conduct provisions of public servants. Maladministration, of course, is broader and it will be of interest as to how the commissioner determines serious or systemic maladministration.

I conclude my comments on this aspect: I think it is a live issue for both the Labor Party and the Liberal Party over the coming 18 months to determine whether or not this iteration or this evolution should be the first step towards another step. Frankly, I should not be just saying the Labor and Liberal parties because, clearly, the minor parties are actively engaged in this particular issue as well. Each of us, all of us, should apply our minds over the next 18 months as to whether or not we would support another iteration or another evolution in terms of refining the purpose of an ICAC to the purpose that many of us saw it being, and that was corruption. That is the work it should do.

I conclude my remarks in relation to this particular aspect by saying that I think it would be important, prior to 2018, for each of us, major parties and minor parties, to be clear in our policy pronouncements as we lead into the election to say, 'Hey, we are open. It might not be that we are specific, but we are open to the next evolution, the next iteration, and a process that we might follow in terms of this ICAC evolving towards a commission truly devoted to rooting out corruption in South Australia as opposed to other aspects.'

The final point, unrelated to that, that I just make a brief comment on is the issue of public hearings. I am not sure whether my colleague the Hon. Mr McLachlan reiterated this or not, because I missed the first part of his speech, but certainly my colleague in the lower house did, and that is that the Liberal Party's position on this has been clear for some time, and that is the policy position of the Liberal Party. Again, I think it is important for each of us, certainly each of us within the Liberal Party, to look at an evolution in relation to this, an iteration of our policy overall.

I think we should be informed as to what has occurred in interstate jurisdictions and what might occur over the next 18 months, and we should follow the debate within South Australia. There seems to have been a small evolution of the commissioner's statements over the last 12 months. I think each of us should be engaged. I certainly intend to be engaged within my own party in a healthy and ongoing debate about this particular issue.

Again, as we come to a 2018 election, it would be informative and useful for both of the major parties and the minor parties to reflect on their positions in relation to public hearings and the arguments for and against. There are certainly arguments for public hearings, but there are certainly arguments against public hearings.

The Liberal Party's position has been clear for some time on that. I do not argue against that in this contribution that I give today, but I think we should monitor what occurs in the other jurisdictions and what occurs in South Australia. Certainly, we in the Liberal Party and those of you in the Labor Party ought to further reflect as to whether there is an evolution or an iteration that might be acceptable to all when next we debate the ICAC bill. With that, I indicate my support for the second reading.

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

PUBLIC INTOXICATION (REVIEW RECOMMENDATIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 7 July 2016.)

The Hon. T.A. FRANKS (17:18): I rise on behalf of the Greens to speak to this government bill, the Public Intoxication (Review Recommendations) Amendment Bill 2016. The act has been functioning somewhat in the dark since its inception in 1984. Over the past 30 years, some uncomfortable trends have become apparent. Indigenous people, despite making up a little over 2 per cent of our population, account for around 49 per cent of those apprehended for public intoxication over the period 2009 to 2012.

While this bill is an important step in ensuring the immediate safety of people who are intoxicated, it does not put into practice some of the important recommendations made, notably, by Dr Chris Reynolds in his 2012 review of the act. These recommendations encourage a holistic approach to the overarching public health issue of intoxication. For example, in responding to the third recommendation made by Dr Reynolds, that the state government should 'support initiatives reducing access—

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The Hon. Ms Franks is battling against a number of conversations and she has—

An honourable member interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): On both sides of the chamber. She has the floor.

The Hon. T.A. FRANKS: —to alcohol,' the government responded:

> Controls on the availability of alcohol are well established in South Australia. The Liquor Licensing Act 1997 regulates the sale of alcohol, including restricting the sale of alcohol to persons under the age of 18 years or to a person who is intoxicated.

This dismissive response to a recommendation that was—at least on paper—accepted by the state government illustrates the innate difficulty in trying to balance a substance that is widely accepted by society and provides income for the state government with the clearly unhealthy public outcomes of the use or abuse of that substance. Perhaps this bill was not the place to implement wider changes to the law that will result in a reduction of access to alcohol.

Despite these shortcomings, the Greens do support this bill. The Greens commend the ongoing commitment of our parliament to treat public intoxication as an issue of public health rather than as an issue of criminality. It is encouraging to see that this objective will be included in the act as part of accepting the first two recommendations of Dr Chris Reynolds in his 2012 report on the act.

Likewise, the implementation of recommendation 10, removing the mention of alcohol from the language of the act and instead capturing the intoxicating effect of any 'drug' (including volatile substances), reflects the reality of our society and will allow a general approach that will protect people regardless of what they have consumed. The Greens also support the implementation of recommendation 12, which protects those involved in administering the act from liability, and recommendation 15, allowing those who are wrongly detained to set the record straight upon application.

It is concerning to see that, of the 22 recommendations, just five will be fully implemented by this bill. While the state government has included a number of these in part in the final bill, those remaining, while ostensibly accepted by the state government, have not been considered as appropriate for implementation. In particular, the Greens await the outcomes of recommendations 16 and 27 concerning the declaration of sobering up centres and the funding, of course, for the establishment of those sobering up services in areas of need.

We particularly await news of further funding for services in Ceduna, the town that began the process of reviewing this bill as the subject of the 'Sleeping Rough' coronial inquest in 2003. Almost 15 years on it is not clear that the situation has much improved. Again, the Greens do support this bill, but I certainly want to raise some questions at this point in the second reading, and we look forward to responses on these before proceeding further.

I also note that my office contacted the Aboriginal Drug and Alcohol Council, and Mr Scott Wilson, earlier today to be informed that he had not seen a draft of the current bill before yesterday. He was consulted last year when the government was considering making these amendments, but he had not been privy to the amendments that are within this piece of legislation. While I understood there had been reasonable consultation on this bill, that raises alarm bells for me; surely the Aboriginal Drug and Alcohol Council should have been fully informed not just of the original series of consultations but of the consultation on the final draft of this bill.

I note also that I have previously worked with Mr Wilson in terms of supporting Kalparrin, which was an Aboriginal-led detox centre which has fallen over, not for lack of federal government funding but for lack of state government support for their governance. A small amount—some $10,000 or so—is lacking with those governance supports, which has led to the sacrifice not only of federal funding of extensive amounts but indeed of the Aboriginal-led service, something that the Greens support and that I would hope other members of this council would support as the way forward when dealing with this particular issue.

My further questions are: how are SAPOL officers trained to recognise the difference between a person 'intoxicated by a substance' and those having mental health or physical health episodes or conditions?

My second question is: SA Health has stated that any person who remains intoxicated for 12 hours, the maximum time allowed for apprehension in a police cell, should then be 'reviewed by a medical professional'. How will this be legislated for as part of extending the apprehension time from 10 to 12 hours? How will this be guaranteed? What consultations have occurred with the medical profession with regard to that particular measure?

My third question is: Dr Chris Reynolds stated in his report that data was hard to find. As the act has no reporting requirements and the data relied on in the report largely came from SAPOL, will there be reporting requirements in the updated act, why are they not in the current bill and how will these reporting requirements, if they do exist, operate? If the government could respond on that the Greens would look to ensuring that reporting requirements are implemented in this bill as an opportunity, if the government does not have a plan to monitor and review its own work.

My fourth question is: with regard to this data, how will the number of Indigenous people apprehended under this act be recorded and what strategies are currently planned to be in place to reduce this number? It is an unacceptably high number. I would hope that the government will have a response to that particular question.

My fifth question is in response to the recommendation that an intoxicated person should only be released to a residence if they do not present a threat to the safety of others living in that house. The government has replied to my office that a general order of SAPOL requires officers to assess that there is a responsible adult to care for the person and that domestic problems are not likely to occur. I ask the question: is 'not likely' a strong enough test?

My sixth and final question is: also in their response to correspondence with my office, the government has stated that this general order is considered effective. What data was this consideration and response founded upon? Can it be ensured that a potentially violent person will not be taken home to endanger their own family or friends, rather than the general public, and is the government cognisant that indeed there is a significant level of alcohol-fuelled violence that takes place behind closed doors, not simply in the public arena?

With those few words, I commend the second reading of the bill to the council and look forward to many responses in the committee stage before we finalise our third reading position.

The Hon. D.G.E. HOOD (17:28): I rise to speak on the Public Intoxication (Review Recommendations) Amendment Bill. This bill is based on the review of the Public Intoxication Act

1984 conducted by independent reviewer, Dr Chris Reynolds, and published in 2012, with reference to the Deputy Coroner's findings handed down in 2011. The government responded to the recommendations from the Reynolds review last year and has implemented some of the recommendations in this bill which, in our view, is certainly overdue.

Currently, it is not an offence to be drunk in a public place. Under the Public Intoxication Act 1984 the police have authority to take a person into custody who is under the influence of alcohol or drugs, or in some cases both, obviously, because the intoxicated person is unable to care for themselves. I understand that the police may choose to take intoxicated persons home or retain the person at a police station or designated sobering up centre for a prescribed period. The government stated that some 3,000 people are apprehended each year under the act. I was surprised at just how high this figure is; 3,000 people is a substantial number, in the order of 60 people a week.

The act focuses not on the criminality of public intoxication but rather the management and safety of intoxicated persons and harm minimisation. The government has made it clear that it intends to maintain its policy that public intoxication is not a criminal offence. This is the basis of the act and, indeed, the bill before us.

The bill and the act are very straightforward pieces of legislation in many ways. The bill presents simple and necessary improvements to the act, in our view, including the broadening of the definition of a drug, clarifying the definition of a public place, extending the period of maximum detention from 10 hours to 12 and providing immunity to authorised officers from civil liability whilst acting in good faith under the act, something we strongly support.

The broadening of the definition of a drug is necessary. The scourge of illicit drugs in our society is well documented and the fight against these harmful substances is ongoing. Unfortunately, there is contentious innovation in drug synthesis and distribution. For this reason, flexibility within the definition of a drug for the purposes of the act is prudent and necessary for the operation of the act as intended. We certainly support that aspect.

We are in an unfortunate situation where this type of legislation is necessary to protect intoxicated persons from harming themselves, despite being intoxicated through their own will, essentially. They are intoxicated to the point of being incapable of caring for themselves, so we are in a situation where we need to legislate in order to help these people. Removing intoxicated persons from the public also ensures—and it is obviously necessary—the safety of members of the public because, as we know, alcohol and drugs can lead to a person making irresponsible and sometimes even fatal choices.

The bill introduces a handful of minor but necessary amendments to allow the act to operate more efficiently. At this stage, I do not envisage any opposition from Family First on these matters. We support the second reading.

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

APPROPRIATION BILL 2016

Introduction and First Reading

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

Second 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) (17:32): I move:

That this bill be now read a second time.

I would like to take the opportunity to note that the Treasurer's budget speech was tabled in this house on Budget Day, 7 July. I seek leave to have the explanation of clauses incorporated into *Hansard* without my reading them.

Leave granted.

Explanation of Clauses

1—Short title

This clause is formal.

2—Commencement

This clause provides for the Bill to operate retrospectively to 1 July 2016. Until the Bill is passed, expenditure is financed from appropriation authority provided by the *Supply Act*.

3—Interpretation

This clause provides relevant definitions.

4—Issue and application of money

This clause provides for the issue and application of the sums shown in Schedule 1 to the Bill. Subsection (2) makes it clear that the appropriation authority provided by the *Supply Act* is superseded by this Bill.

5—Application of money if functions or duties of agency are transferred

This clause is designed to ensure that where Parliament has appropriated funds to an agency to enable it to carry out particular functions or duties and those functions or duties become the responsibility of another agency, the funds may be used by the responsible agency in accordance with Parliament's original intentions without further appropriation.

6—Expenditure from Hospitals Fund

This clause provides authority for the Treasurer to issue and apply money from the Hospitals Fund for the provision of facilities in public hospitals.

7—Additional appropriation under other Acts

This clause makes it clear that appropriation authority provided by this Bill is additional to authority provided in other Acts of Parliament, except, of course, in the *Supply Act*.

8—Overdraft limit

This sets a limit of $50 million on the amount which the Government may borrow by way of overdraft.

Schedule 1—Amounts proposed to be expended from the Consolidated Account during the financial year ending 30 June 2017

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

CHILDREN AND YOUNG PEOPLE (OVERSIGHT AND ADVOCACY BODIES) BILL

Introduction and First Reading

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

Second Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (17:33): I move:

That this bill be now read a second time.

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

Leave granted.

The *Children and Young People (Oversight & Advocacy Bodies) Bill 2016* ('the Bill') establishes the Commissioner for Children and Young People ('Commissioner'); continues the Guardian for Children and Young People ('Guardian'), the Child Death and Serious Injury Review Committee (CDSIRC) and the Youth Advisory Committee, and establishes the Child Development Council. The Bill forms part of the legislative reforms required to implement recommendations made by the Child Protection Systems Royal Commission Report ('Royal Commission Report'), published in August 2016. The measures in this Bill give effect to Royal Commission Report Recommendations 245 to 248 and 250 to 253.

As many are aware, there have been a number of inquiries in South Australia over the last fifteen years relating to child protection. These have included an extensive review of child protection carried out by the Honourable Robyn Layton QC submitted in 2003, the two inquiries conducted in 2008 by the Honourable Ted Mullighan QC with respect to Children in State Care and Children on the APY Lands and more recently the Independent Education Inquiry conducted by the Honourable Bruce Debelle AO QC in 2013. I also note that on 21 May 2014 the Legislative Council

of South Australia appointed a Select Committee to inquire into and report on statutory child protection and care in South Australia, including a review of Families SA's management of foster care.

This Bill is not the first attempt by the Government to establish a Commissioner for Children and Young People in this State. In 2014, the Government introduced the *Child Development and Wellbeing Bill 2014*, which sought to improve the development and wellbeing outcomes for children and young people, by means of appointing a Commissioner, amongst other measures. Consultations on that Bill commenced in 2012 and between August and October of that year, 79 public forums and meetings were held and approximately 7000 discussion papers were distributed. The Government received 156 written submissions from stakeholders and members of the community, so not an insignificant body of work by any means. Regrettably the *Child Development and Wellbeing Bill 2014* was not able to progress through Parliament due to lack of support by the Opposition regarding the proposed Commissioner's investigative powers and functions.

The Government has been unwavering in its view that for sound policy reasons, the Commissioner should undertake systemic inquiries and not manage and adjudicate individual complaints and grievances related to child protection or child and young people's issues generally. I am pleased to note that the Government's position has been endorsed by Commissioner Nyland, who at page 592 of the Report states

> 'The Commission does not consider it appropriate that a Children's Commissioner be a complaints body, resolving or adjudicating individual disputes.'

Prior to introduction into this place, the Government undertook public consultation on the Bill. The Government received a good level of feedback from individual members of the community, in addition to detailed and considered feedback from agencies and organisations. I wish to take this opportunity to thank all that have contributed to the development of this Bill via the consultation process The Government is pleased to reveal that all of the submissions received supported the establishment of a Commissioner and that a significant number indicated that the measures in the Bill are in accordance with the recommendations of the Child Protection Systems Royal Commission.

Recommendation 245 of the Royal Commission is to establish the statutory office of the Commissioner, who will be equipped with the functions and powers referred to in the Royal Commission Report. Recommendation 246 of the Report recommended that legislation for the Commissioner, Guardian, CDSIRC and the Child Development Council be contained in a single Act of Parliament. Both of these recommendations have been achieved in this Bill, which I will now explain.

The Commissioner will have a broad spectrum of functions to do with all aspects of the lives of children and young people including: advocating rights and interests, promoting participation of children and young people in decision making, advising Ministers and State authorities, publishing reports, undertaking or commissioning research, and conducting inquiries into matters. The Commissioner's independence from government is also important for providing children and young people with a representative body solely concerned with protecting and promoting their rights.

The powers of the Commissioner as prescribed in this Bill vary, depending upon what function is being undertaken. For the purposes of conducting an inquiry into matters affecting children and young people at a systemic level, the Commissioner will have the powers of a commission as defined in the *Royal Commissions Act 1917*. Pecuniary penalties will accompany non-compliance with the Commissioner's powers of inquiry, as will the power to apply to the Court for a warrant for failure to comply with a summons. When undertaking any other function, the Commissioner will have such powers as may be necessary or expedient for the performance of that function, which is consistent with the current powers of the Guardian.

In relation to the appointment mechanism for the Commissioner, the Government has reached an agreement with the Leader of the Opposition. The Bill confirms that a person may only be appointed by the Governor to be the Commissioner for a term not exceeding seven years if, following referral by the Minister of the proposed appointment to the Statutory Officers Committee, the appointment has been approved by the said Committee. This mechanism will further underscore the independence from the Government of the Commissioner.

In relation to the inquiry function, the Commissioner may, with absolute discretion, conduct an inquiry into the policies, practices and procedures of a State authority or authorities as they relate to the rights, development and wellbeing of children and young people generally. In keeping with the views expressed in the Royal Commission Report at page 598, the inquiry powers of the Commissioner will extend beyond government based agencies and systems into the non-government sector and community that provide services or have functions that have or may, impact on the lives of children and young people. For the purposes of this Bill, inclusion of non-government sector and community for the purposes of conducting an inquiry will be achieved by Regulation.

Before exercising his or her discretion to undertake an inquiry, the Commissioner must have a suspicion that: the matter raises an issue of particular significance to children and young people; and the matter is of a systemic nature rather than being limited to an isolated incident; and it is in the public interest to conduct an inquiry.

Although inquiries undertaken by the Commissioner must not be exercised to investigate an isolated incident or complaint concerning a child or young person, the Bill expressly permits the Commissioner to examine individual matters affecting a particular child or young person in the course of an inquiry. The Commissioner may also commence an inquiry as a consequence of becoming aware of a matter affecting a particular child or young person, provided that the criteria set out in clause 12(2) of the Bill are met. Upon completing an inquiry, or in response to issues observed

by the Commissioner in the course of such an inquiry, the Bill prescribes what further action is to be taken. Firstly, the Commissioner may make recommendations directly to the State authorities concerned. Secondly, irrespective of whether any recommendations are made by the Commissioner, clause 15 of the Bill requires the Commissioner to prepare and deliver a report to the Minister.

As stated, clause 14 of the Bill allows the Commissioner to make recommendations directly to a State authority, by notice in writing to undertake prescribed actions. In response the State authority must provide to the Commissioner a report setting out its response in terms of compliance with the aforementioned recommendations. Where a State authority proposes to implement a recommendation and the Commissioner is of the subsequent opinion that there has been a failure or refusal to give effect to this undertaking, the Commissioner may require a second report seeking an explanation. Should the Commissioner find him or herself in this position, the Bill provides a discretionary power to the Commissioner to escalate and highlight such noncompliance by submitting the report to the Minister. In turn, the Minister must then prepare and submit both the Commissioner's and accompanying Minister's report to both Houses of Parliament.

A parallel power is also given to the Commissioner to require a State authority to provide a report pursuant to clause 54 of the Bill. Clause 54 applies to all other instances that may warrant the Commissioner requesting a report from a State authority, which have not been subject to an inquiry by the Commissioner. Clause 54 of the Bill is a discretionary power to require a State authority to provide a report, if the Commissioner is of the opinion that it is necessary or would otherwise assist in the performance of the Commissioner's functions. The provisions in clauses 14 and 54 give effect to Royal Commission Report recommendation 248, which states:

> 'empower the Children's Commissioner to exercise its statutory powers and functions in relation to such matters, including employing the regime to monitor government responses to recommendations, and escalate the matter to the Minister and Parliament where necessary, at his or her sole discretion.'

It is relevant to note that the Commissioner will also be equipped with the power to refer matters (received or identified as part of an inquiry) to relevant authorities, including for example South Australia Police, the Ombudsman or the Independent Commissioner Against Corruption. The Commissioner will also have the capacity to prepare and provide to any Minister reports on matters related to the rights, development and wellbeing of children and young people at a systemic level and publish those reports.

Consequent upon the establishment of the Commissioner will be the abolition of the Council for the Care of Children. The current functions undertaken by the Council for the Care of Children will be consolidated between the functions of the Commissioner and the newly formed Child Development Council, a measure expressly supported in the Royal Commission Report. Established in 2006 pursuant to Part 7B of the *Children's Protection Act 1993* and currently led by Chair Mr Simon Schrapel, the Council have done an excellent job listening to, promoting and supporting the rights and voices of children and young people in this State. On behalf of the Government, I wish to take this opportunity to acknowledge and thank both current and former members for their service on the Council for the Care of Children who through their work, haven given a voice to children and young people in South Australia.

Returning to the measures of this Bill, it is logical that the Commissioner be equipped with the powers necessary to access information necessary to the performance of his or her functions. It is proposed to enable the Commissioner to both request de-identified information and require identifying information, dependent on the Commissioner's determination of the required level of detail. This power will be accompanied by penalties for non-compliance and clear confidentiality provisions governing the sharing of such information.

The Bill also reintroduces the concepts of a Child Development Council and Framework for Children and Young People ('framework'), which were key measures in the Government's *Child Development and Wellbeing Bill 2014* and supported in the Report. The primary function of the Child Development Council will be, in conjunction with the Minister, the creation and maintenance of an Outcomes Framework for Children and Young People and for reporting on and promoting the framework. As this Bill abolishes the Council for the Care of Children, the Bill also vests the statutory function of reviewing legislation affecting the interests of children in the new Child Development Council.

The framework will guide the Government's work for children and young people across the state. The framework will be developed in consultation with children, young people and families and in close collaboration with state and local government bodies and the relevant industry, professional and community organisations. The Child Development Council will advise Government on the effectiveness of the Outcomes Framework (amongst other important functions) in relation to outcomes for children and young people including their safety, care, health and wellbeing; their participation in education, training, sporting, creative, cultural and other recreational activities.

The Child Development Council and the development of a framework was strongly supported by agencies and organisations originally consulted, prior to the introduction of the Government's *Child Development and Wellbeing Bill 2014.*The proposed Child Development Council and the framework were also noted by the Royal Commission Report at page 594. While existing legislation regulates and directs service provision for children and young people in specific settings and circumstances, such as in relation to education, care, health and child safety, currently there is no overarching legislative framework with an overall focus on the rights, development and wellbeing of children and young people. This Bill will change that through the implementation of the framework, which pursuant to clause 52, will require every state authority, in carrying out its functions or exercising its powers, to have regard to, and seek to give effect to, the framework.

Whilst the functions of the Guardian and CDSIRC as currently prescribed in the *Children's Protection Act 1993* remain unchanged, the Bill strengthens the ability of the Guardian and CDSIRC to not only perform said functions but to escalate matters for further action by referral to the Commissioner. For example, clause 55 of the Bill will empower the Commissioner, Guardian, or Council to require a specified person or body to provide information or documents as may be specified. CDSIRC will also have this power, pursuant to clause 33 of the Bill. A failure to comply with such a notice will constitute an offence, attracting a maximum penalty of a $10,000 fine. Further the aforementioned advocacy and oversight bodes may report the non-compliance to the Minister responsible for the State authority and include details of this in their annual reports.

Another measure in Part 5 of the Bill gives effect to Royal Commission Report recommendation 247, which states that the Guardian and CDSIRC will be empowered to refer matters to the Commissioner, where they are of the view that escalation through statutory powers available to the Commissioner is appropriate. Upon receipt of such a referral, the Commissioner may exercise the power to conduct a systemic inquiry pursuant to clause 12 of the Bill or, require a State authority to submit a report setting out the reasons for the failure or refusal to comply, which in turn must be reported to Parliament, via the Minister.

Recommendation 250 of the Royal Commission Report is also given effect so that the Commissioner, the Guardian and CDSIRC will be permitted to share de-identified data. This will greatly assist in these oversight and advocacy bodies detecting any possible trends or issues and alerting one another for further action to be taken. Importantly, this Bill also includes protections for whistleblowers, to prevent them being victimised because of providing information or intending to provide information under this legislation.

Measures contained in Part 5 of the Bill implement Royal Commission Report Recommendation 251, which states '*amend legislation to empower the Children's Commissioner or the Guardian to make complaints to the Ombudsman and the Health and Community Services Complaints Commissioner (HCSCC) on behalf of a child*.' Clause 36 in the Bill, also addresses current obstacles experienced by CDSIRC in being able to communicate or refer concerns of professional misconduct for example, that have arisen in the course of undertaking their statutory functions. Currently CDSIRC is restricted from disclosing information about the circumstances of individual cases to relevant agencies or more broadly.

The final concept addressed in the Bill is clarifying complaint management and the statutory jurisdiction of agencies tasked with this function. As noted by the Royal Commission Report at page 588 to 589:

> ' At present, people with child protection complaints meet barriers to accessing services with the power to investigate their individual case. Legislative provisions surrounding jurisdiction and standing for complaints to HCSCC and the Ombudsman restrict access by people with legitimate complaints. … HCSCC is strongly orientated towards health services, and focuses on the quality and appropriateness of services provided rather than on administrative acts of decision making. The mandate to inquire into administrative acts, held by the Ombudsman, is more appropriate to the investigation of most complaints relating to child protection service. … Nevertheless, care must be taken to ensure that service-focused complaints which are more appropriately addressed through the HCSCC jurisdiction and focus, or which relate to the provision of health services, still have access to that jurisdiction.'

Finally, Schedule 1, Parts 4 and 5 give effect to Royal Commission Report Recommendations 252 and 253. Recommendation 252 proposes to amend the *Ombudsman Act 1972* to ensure that complaints about the actions of government agencies, and other agencies acting under contract to the government, concerning child protection services, find principal jurisdiction with the Ombudsman, and not the HCSCC, where the complaint is about an administrative act. As noted by the Royal Commission Report at page 589:

> 'The mandate to inquire into administrative acts, held by the Ombudsman, is more appropriate to the investigation of most complaints relating to child protection services. … most individual child-protection complaints focus on administrative acts of the Agency.'

Royal Commission Report Recommendation 252 is reflected by two measures in the Bill. Section 13 of the *Ombudsman Act 1972* is amended to expressly remove the current barrier to a child protection complaint being investigated by the Ombudsman. Secondly a new provision has been inserted into the *Health and Community Services Complaints Act 2004,* namely section 28A. Section 28A makes clear that the HCSCC must refer a complaint that is a 'prescribed child protection complaint' to the Ombudsman to be dealt with under the *Ombudsman Act 1972*. The proposed amendments to the *Health and Community Services Complaints Act 2004* in the Bill also define 'prescribed child protection complaint'. This definition is necessary to clarify that whilst the Ombudsman will now have principal jurisdiction to investigate prescribed child protection complaints, the HCSCC will still retain jurisdiction in certain child protection complaints concerning a health or community service. Examples of when the HCSCC jurisdiction will be enlivened once these reforms are in effect are: where the child protection complaint does not involve an 'administrative act' as defined under the Act; or is of a kind declared by the regulations not to be included in the ambit of the definition; or is of a class of prescribed child protection complaint this is identified in an administrative arrangement, pursuant to clause 28A(2) of the Bill.

Royal Commission Report recommendation 253 to permit the Ombudsman to exercise the jurisdiction of the HCSCC in appropriate cases is also addressed by means of amendments to section 13 of the *Ombudsman Act 1972*. This amendment will address the concern raised by the Royal Commission Report at page 588 concerning instances when there is an overlap of jurisdiction between the Ombudsman and the HCSCC, for example a child protection

complaint having elements of both an administrative act and concerns regarding quality of service by a health provider.

Currently if jurisdiction is shared, section 13(3) of the *Ombudsman Act 1972* excludes the Ombudsman's jurisdiction. This is remedied in the Bill by equipping the Ombudsman, in respect of an investigation into a child protection complaint with any additional powers that the HCSCC would have if the HCSCC were investigating such a complaint. This will enable one body, namely the Ombudsman to deal with the complaint in its entirety, including any concerns regarding the provisions of a health or community service. Section 13 of the *Ombudsman Act 1972* is further amended to ensure that a reference to an 'administrative act' will be taken to include a reference to the service activity or omission to which a child protection complaint relates. To avoid any doubt, for the purposes of conducting an investigation of a prescribed child protection complaint, the Ombudsman has the same jurisdiction and may exercise any of the powers of HCSCC as set out under the *Health and Community Services Complaints Act 2004*.

This Bill constitutes a small part of a wide range of reforms that are required in response to the recommendations made by the Royal Commission Report. As stated, there are more legislative reforms that the Government will be introducing in coming weeks regarding implementation of further Royal Commission Report Recommendations. However, other actions will need to include organisational, policy and cultural changes amongst government agencies and non-government organisations.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines terms used throughout the Bill.

4—Act to bind, and impose criminal liability on, the Crown

This clause enables criminal liability to be imposed on the Crown for contraventions of the Act.

Part 2—Commissioner for Children and Young People

Division 1—Commissioner for Children and Young People

5—Commissioner for Children and Young People

This clause requires that there be a Commissioner for Children and Young People, and that the Commissioner is independent of any direction or control of the Crown.

6—Appointment of Commissioner

This clause sets out how the Commissioner is to be appointed and removed from office.

7—Appointment of acting Commissioner

This clause enables the Minister to appoint an Acting Commissioner.

8—Delegation

This clause allows the Commissioner to delegate certain functions and powers under the measure.

9—Employees

This clause provides that the Commissioner may employ staff, and that those staff are not public service employees.

10—Use of staff etc of Public Service

This clause enables the Commissioner to make use of services of the staff, equipment or facilities of administrative units of the Public Service.

Division 2—Functions and powers of Commissioner

11—General functions of Commissioner

This clause sets out the functions of the Commissioner. In particular, the Commissioner has the function of conducting inquiries under proposed section 12 into matters related to the rights, development and wellbeing of children and young people at a systemic level. These inquiries may be made into both Governmental and non-Governmental systems.

12—Commissioner may inquire into matters affecting children and young people at systemic level

This clause empowers the Commissioner to conduct inquiries of the specified kind into matters related to the rights, development and wellbeing of children and young people at a systemic level, and makes procedural provisions relating to such inquiries.

13—Powers of Commissioner

This clause provides that, in conducting an inquiry under section 12, the Commissioner has all of the powers of a royal commission.

14—Recommendations

This clause provides that the Commissioner may make recommendations having conducted an inquiry under section 12. The clause then sets out how the Government is to respond to such recommendations, including by reporting to Parliament should certain recommendations not be implemented.

Division 3—Reporting

15—Report of inquiry under section 12

This clause requires the Commissioner to report to the Minister following the completion of an inquiry under section 12. The Minister must lay the report before both Houses of Parliament.

16—Commissioner may provide other reports

This clause provides for the Commissioner to make other reports to the Minister. The Minister must lay any such report before both Houses of Parliament.

17—Commissioner may publish reports

This clause provides that the Commissioner may, once a report under this proposed Part has been laid before each House of Parliament and after consultation with the Minister, publish all or part of the report as the Commissioner thinks fit.

Part 3—Guardian for Children and Young People

18—Guardian for Children and Young People

This requires that there continue to be a Guardian for Children and Young People, currently established under the *Children's Protection Act 1993*.

19—Terms and conditions of appointment

20—Delegation

21—Use of staff etc of Public Service

22—Functions and powers of Guardian

23—Youth Advisory Committee

24—Reporting obligations

25—Guardian may provide other reports

These clauses collectively continue the current procedural arrangements in respect of the Guardian. Those provisions have been relocated from the *Children's Protection Act 1993* in accordance with the recommendation of the Royal Commission into child protection systems to locate these provisions into one Act, with slight amendments made to ensure consistency amongst similar provisions under this measure.

Part 4—Child Death and Serious Injury Review Committee

26—Continuation of Child Death and Serious Injury Review Committee

This clause continues the Child Death and Serious Injury Review Committee, established under the *Children's Protection Act 1993*, in existence following the repeal of that Act.

27—Terms and conditions of members

28—Presiding member

29—Procedures of the Committee

30—Delegation

31—Use of staff and facilities etc

32—Functions of the Committee

33—Powers of Committee

34—Reporting obligations

These clauses collectively continue the current procedural arrangements in respect of the Committee. Those provisions have been relocated from the *Children's Protection Act 1993* in accordance with the recommendation of the Royal Commission into child protection systems to locate these provisions into one Act, with slight amendments made to ensure consistency amongst similar provisions under this measure.

Part 5—Referral of matters

35—Guardian or Committee may refer matter to Commissioner

This clause provides that the Guardian or the Committee may refer certain matters of which the become aware to the Commissioner for action under proposed Part 2 of this measure.

36—Commissioner, Guardian and Committee may report, and must refer, certain matters to appropriate body

This clause requires the Commissioner, the Guardian or the Committee to refer matters that raise the possibility of corruption, misconduct or maladministration in public administration to the Office for Public Integrity. The clause also permits those bodies to report matters relating to professional misconduct or unprofessional conduct to the relevant regulatory body.

37—Commissioner and Guardian may make complaints to Ombudsman

This clause enables the Commissioner or the Guardian to report certain matters to the Ombudsman, and for such complaints to be treated as if they were complaints under the *Ombudsman Act 1972*, and confers such jurisdiction and powers on the Ombudsman in respect of the complaint as the Health and Community Services Complaints Commissioner would have under the *Health and Community Services Complaints Act 2004*.

38—Commissioner and Guardian may make complaints to Health and Community Services Complaints Commissioner

This clause enables the Commissioner or the Guardian to report certain matters to the Health and Community Services Complaints Commissioner under the *Health and Community Services Complaints Act 2004*, and for such complaints to be treated as if they were complaints under that Act.

39—Immediate reports to Parliament

This clause enables the Commissioner, the Guardian or the Committee may make a report to the Parliament on any matter related to their functions under this measure if satisfied that the matter raises issues of such importance to the safety or wellbeing of children and young people that the Parliament should be made aware of the matter as a matter of urgency. The clause also makes procedural provision in respect of such reports.

40—Referral of matters to inquiry agencies etc not affected

This clause clarifies the fact that nothing in this measure prevents a matter from being referred to an inquiry agency or any other appropriate person or body at any time.

Part 6—Child Development Council

Division 1—Child Development Council

41—Establishment of Child Development Council

This clause establishes and describes the Council and its composition.

42—Terms and conditions of membership

This clause sets out the terms and conditions of members of the Council, including that they will hold office for 2 year terms and may be reappointed.

43—Presiding member and deputy presiding member

This clause requires the Minister to appoint a presiding member, and deputy presiding member, of the Council.

44—Delegation

This clause is a delegation power in respect of the Council's functions and powers under the measure.

45—Committees

This clause allows the Council to establish committees under the measure.

46—Council's procedures

This clause sets out the procedures of the Council, including a requirement that it meet at least 6 times per calendar year.

47—Commissioner or representative may attend meetings of Council

This clause provides that the Commissioner, or his or her representative, may attend (but not vote in) meetings of the Council.

48—Use of staff etc of Public Service

This clause enables the Council to use public service staff and facilities, in accordance with an agreement with the relevant Minister.

49—Functions and powers of Council

This clause provides that the primary function of the Council is to prepare and maintain the *Outcomes Framework for Children and Young People*.

This clause also sets out further functions (ie, in addition to preparation of the Outcomes Framework) of the Council under the measure.

50—Reporting obligations

This clause sets out the reports that the Council must make to the Minister, and requires that the Minister to lay the annual report of the Council before Parliament.

Division 2—Outcomes Framework for Children and Young People

51—Outcomes Framework for Children and Young People

This clause requires the Council to prepare an Outcomes Framework for Children and Young People, and sets out procedural matters in respect of the making etc of the framework.

52—Statutory duty of State authorities in respect of Outcomes Framework

This clause imposes a statutory duty on each State authority to have regard, and give effect, to the outcomes framework in carrying out its functions or exercising its functions and powers.

Part 7—Information gathering and sharing

53—No obligation to maintain secrecy

This clause provides that no obligation to maintain secrecy or other restriction on the disclosure of information applies in relation to the disclosure of information to the Commissioner, the Guardian or the Committee under this Act, except an obligation or restriction designed to keep the identity of an informant or notifier secret.

54—Commissioner may require State authority to provide report

This clause enables the Commissioner to require a State authority to prepare and provide a report to the Commissioner in relation to the matters, and in accordance with any requirements, specified in the notice. The clause also makes procedural provision in relation to con-compliance with a requirement by a State authority.

55—Commissioner, Guardian or Council may require information

This clause enables the Commissioner, the Guardian or the Council to require a person or body (whether or not the person or body is a State authority, or an officer or employee of a State authority) to provide to them certain specified information and documents. A failure to comply with a requirement is an offence. The clause also makes procedural provision in relation to non-compliance with a requirement by a State authority.

56—Sharing of information between certain persons and bodies

This clause enables certain specified bodies to freely exchange certain information between each other where the information would assist in the performance of child-related functions and managing risks to children and young people.

57—Interaction with Public Sector (Data Sharing) Act 2016

This clause clarifies the relationship between this proposed Part and the operation of the proposed *Public Sector (Data Sharing) Act 2016*.

Part 8—Miscellaneous

58—Obstruction etc

This clause creates an offence for a person to obstruct, hinder, resist or improperly influence, or attempt to obstruct, hinder, resist or improperly influence, the Commissioner, the Guardian, the Committee or the Council in the performance or exercise of a function or power under the measure.

59—False or misleading statements

This clause creates an offence for a person to make a statement knowing that it is false or misleading in a material particular (whether by reason of the inclusion or omission of a particular) in information provided under the measure.

60—Confidentiality

This clause is a standard clause preventing confidential information obtained in course of official duties from being disclosed other than in the circumstances set out in the clause.

61—Victimisation

This clause is a standard provision enabling a person who is victimised for having provided information under the measure to take action in respect of the victimisation either as a tort or under the *Equal Opportunity Act 1984*.

62—Protections, privileges and immunities

This clause limits the liability of persons for the purposes of the measure, and sets out the protections, privileges and immunities applying to certain persons.

63—Service

This clause sets out how documents etc under the measure can be served on a person or body.

64—Regulations

This clause is a standard regulation making power.

Schedule 1—Related amendments and transitional provisions

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *Children's Protection Act 1993*

2—Repeal of Part 7A

3—Repeal of Part 7B

4—Repeal of Part 7C

These clauses make consequential amendments to the *Children's Protection Act 1993* in accordance with the recommendation of the Royal Commission into child protection systems to locate the provisions relating to certain bodies into one Act.

Part 3—Amendment of *Freedom of Information Act 1991*

5—Amendment of Schedule 2—Exempt agencies

This clause amends Schedule 2 of the principal Act to add the Commissioner, the Guardian, the Committee and the Council established or continued under this measure to the list of exempt agencies under that Act.

Part 4—Amendment of *Health and Community Services Complaints Act 2004*

6—Amendment of section 4—Interpretation

This clause amends the definition of community service to make a consequential amendment.

7—Amendment of section 27—Time within which a complaint may be made

This clause amends section 27 of the principal Act to remove the limitation period for making a complaint where the complaint is made by the Commissioner under this measure.

8—Insertion of Part 4 Division 1A

This clause inserts new Part 4 Division 1A into the principal Act, requiring the Health and Community Services Complaints Commissioner to refer certain complaints under the principal Act relating to children and young people to the Ombudsman.

Part 5—Amendment of *Ombudsman Act 1972*

9—Amendment of section 13—Matters subject to investigation

This clause amends section 13 of the principal Act to extend the jurisdiction of the Ombudsman to investigate, as the jurisdiction of first choice, complaints relating to administrative acts concerning children and young people.

10—Amendment of section 15—Persons who may make complaints

This clause amends section 15 to disapply the section in respect of complaints made by the Commissioner or the Guardian under this measure.

11—Amendment of section 16—Time within which complaints may be made

This clause amends section 16 of the principal Act to remove the limitation period for making a complaint where the complaint is made by the Commissioner or the Guardian under this measure.

Part 6—Transitional provisions

12—Guardian for Children and Young People

This clause continues the appointment of the current Guardian for Children and Young Persons as the Guardian under the measure.

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

STATUTES AMENDMENT (BUDGET 2016) BILL

Introduction and First Reading

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

Second 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) (17:34): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill contains measures that form part of the Government's budget initiatives for 2016-17.

This Bill amends the *Authorised Betting Operations Act 2000.*

The *Authorised Betting Operations Act 2000* will be amended to introduce a 15% tax on net wagering revenue received from persons located in South Australia by all Australian-based wagering operators from 1 July 2017.

The tax will apply to, but is not limited to, bets on horse, harness and greyhound racing, bets on sports, such as AFL, cricket and soccer as well as other contingencies, such as bets on the winner of the Academy Awards.

A tax-free threshold of $150 000 net wagering revenue per year is proposed for all wagering operators. It is considered that the cost of collecting tax from wagering operators with a small market share would be relatively high compared with the tax collected.

The betting industry is rapidly changing and our tax regime needs to change with it. By implementing a wagering tax based on the place of consumption, we are ensuring that businesses are paying taxes in the jurisdiction in which they are making their money.

To reflect the modern wagering market, the amendments will also change the classes of licences granted for wagering. This will allow for new a licence class to accept bets placed over the phone, internet or other electronic means provided the licence holder has substantial business assets and infrastructure located in South Australia.

To ensure that the wagering industry contributes their fair share to help fund services to support and rehabilitate people affected by problem gambling, the package will include a contribution by wagering operators to the Gamblers Rehabilitation Fund.

The wagering tax package will also make consequential amendments to the *Taxation Administration Act 1996* so that the *Authorised Betting Operations Act 2000* is considered a taxation law for the purposes of the *Taxation Administration Act 1996*.

This Bill also amends the *Education Act 1972*.

These amendments will enable the Chief Executive of the Department for Education and Child Development, as Director-General, to fix a charge for the dependents of subclass 457 visa holders to attend South Australian government schools.

Temporary Work (Skilled) visas (subclass 457) enable skilled persons to come to Australia to work for an approved employer for up to four years. Subclass 457 visa holders can bring eligible dependents with them, and their dependents can work and study. Other jurisdictions charge fees for the dependents of subclass 457 visa holders to attend government schools. New South Wales was the first state to introduce a fee in 2000-01 followed by ACT and WA. Currently, in South Australia, these students are only required to pay the materials and services charge which applies to all students enrolled in government schools.

The Government considers it reasonable that subclass 457 visa holders with dependents attending government schools make a modest contribution to the cost of providing public education. Accordingly, this Bill will amend section 106B of the Education Act to allow the Director-General to a fix a charge payable by Government

school students who are the dependents of subclass 457 visa holders. It would also allow for a charge to be fixed in relation to Government school students who are the dependents of other visa holders, as prescribed by the regulations. Allowing for the prescription of other kinds of visas by regulation is intended to provide some flexibility to accommodate changes in the visa subclasses over time.

It is intended that the fees for dependents of subclass 457 visa holders to attend government schools would be introduced from 1 January 2017, but that they would only apply to visa holders who arrive on or after that date in the first instance. The fees would then be extended to apply to existing subclass 457 visa holders from 1 January 2018.

It is intended that, for the 2017 school year, the fees would be $5100 for each primary school student and $6100 for each high school student. It is further intended that this would be subject to means testing arrangements, and discounts where there is more than one child in the family attending a government school. Full or partial waiver of fees may be available in exceptional cases of financial hardship.

All of the funding raised from these fees will go to early childhood education, which is one of the most crucial areas of our education system.

In accordance with the existing provision in section 106B(5), any charges payable under section 106B would be recoverable as debts due to the Minister. It is not intended that the dependents of subclass 457 visa holders would have their enrolment refused or cancelled for failing to pay fees, as is possible in ACT and NSW.

The Bill makes a further amendment to section 106B of the Act, reinstating the definition of 'full fee paying overseas student' which was inadvertently deleted as part of consequential amendments to the Act made when the *Education and Early Childhood Services (Registration and Standards) Act 2011* was enacted, and updating the terminology in that definition by replacing the term 'temporary entry permit' with the term 'temporary visa' to reflect amendments to the Commonwealth Migration Act 1958.

The Bill also makes a related amendment to the *Education and Early Childhood Services (Registration and Standards) Act 2011* to update the definition of 'full fee paying overseas student' by replacing the term 'temporary entry permit' with the term 'temporary visa' to reflect amendments to the *Commonwealth Migration Act 1958*.

The Bill amends the *Environment Protection Act 1993*.

These amendments are consequential to the amendments to the *Zero Waste SA Act 2004* also contained in this bill. They reflect the proposed change to the short title of the Act from the *Zero Waste SA Act* 2004 to the *Green Industries SA Act 2004*.

The Bill also makes a number of amendments to the *Land Tax Act 1936.*

Effective from midnight 30 June 2016, all non-residential and non-vacant land owned by sporting and racing associations will be exempt from land tax. The exemption will be available provided that any net income from the land is used for the promotion of the association's objectives and not for the profit of its members. Residential and vacant land owned by sporting and racing associations will continue to be liable for land tax.

Also from midnight 30 June 2016, the principal place of residence land tax exemption will be amended to enable an owner to continue to claim a land tax exemption for up to two land tax years in instances where the owner ceases to occupy their principal place of residence to undertake a rebuild or major renovation.

In instances where an owner ceases to occupy the principal place of residence and moves into another property he or she owns, the owner can elect which property is to receive the benefit of the exemption. In cases where the property is the only home owned, the exemption will continue to be available for two land tax years.

A principal place of residence land tax exemption will also be available for two land tax years where a person buys a property, whether vacant land or other unoccupied property, with the intention to build or renovate the property prior to the property becoming the principal place of residence of the owner.

The Bill contains a range of provisions that will be required to be satisfied for an owner to be eligible for the principal place of residence land tax exemption. These provisions will ensure that the exemption is not being exploited.

The Bill also amends the *Land Tax Act 1936* to address a technical issue that results in some trustees of charitable, educational, benevolent, religious and philanthropic trusts being ineligible for the land tax exemption that is available at section 4(1)(j) of the Act.

Trustees can be ineligible for the exemption at section 4(1)(j) because the trustee itself is not established for one of the purposes listed above, notwithstanding that the trustee holds the property on behalf of a trust that is established for an eligible purpose.

As a result of amendments contained in the Bill, all trustees that hold eligible land as trustee of an eligible trust will qualify for the exemption from the 2016-17 land tax year.

This Bill also makes amendments to the *Mining Act 1971* and the *Petroleum and Geothermal Energy Act 2000*.

These amendments mean the Treasurer will now be responsible for determining royalties, in consultation with the Minister for Mineral Resources and Energy. The administration of the royalties will still remain with the Minister

for Mineral Resources and Energy. This change will align the Treasurers responsibilities to be consistent with other revenue policy areas, whilst maintaining collaboration with the Minster for Mineral Resources and Energy.

This Bill also makes amendments to the *Passenger Transport Act 1994*.

These amendments will allow for a $1 per trip levy on all metropolitan point to point transport journeys. It is intended to start from 1 October 2016 and will apply to all taxi and chauffeured vehicle services, including new rideshare services.

The entry of new competitors into the market will have a significant impact on the existing industry. In recognition of this, the new $1 levy will be used to partly fund an assistance package for the South Australian metropolitan taxi industry. The Government will provide a $30,000 payment per taxi licence and a $50 a week payment for a maximum of 11 months for licence lessees.

In addition, this Bill will also make amendments to introduce a maximum non-cash payment surcharge of 5 per cent on the payment of fares via card for a taxi or small passenger vehicles.

This Bill also amends the *Real Property Act 1886.*

These amendments will broaden the powers of delegation of the Registrar-General. Currently the Real Property Act provides for the Registrar-General, the deputies of the Registrar-General and the other officers to be public service employees. The key provisions of the Bill will amend the Act to strike out the words 'and the other officers' in Section 13(5), and make other consequential amendments to allow the Registrar-General a broader power of delegation. The Act will still require that the Registrar-General and the Deputy Registrar-General are public servants.

These amendments will allow the government, if it makes commercial sense, to commercialise some of the transactional services currently provided by the Land Services Group.

The Bill makes a number of amendments to the *Stamp Duties Act 1923.*

The off-the-plan stamp duty concession in the *Stamp Duties Act 1923* will be extended for one additional year to 30 June 2017. In addition, the current boundary, of inner metropolitan Adelaide, will be removed so that the concession will apply state-wide for all eligible contracts entered into between 20 June 2016 and 30 June 2017 (both dates inclusive).

Anti-avoidance provisions have been included in the Bill to deter persons who may attempt to replace contracts in existence prior to 20 June 2016 with new contracts in order to gain the benefit of the concession.

Section 67 of the *Stamp Duties Act 1923* will be amended to make clear that where a purchaser acquires property from two independent arm's length vendors the value of these properties will not be aggregated to determine the total stamp duty liability. Section 67 will remain an anti-avoidance provision aimed at counteracting the practice of dividing land into smaller portions to avoid increased rates of stamp duty.

The stamp duty exemption currently at section 71(5)(j) of the *Stamp Duties Act 1923* for charitable and religious bodies will be clarified to address a technical issue that results in some trustees of charitable and religious trusts being ineligible for an exemption.

Trustees can be ineligible for the exemption at section 71(5)(j) because the trustee itself is not established for a charitable or religious purpose, notwithstanding that the trustee purchased the property on behalf of a trust that is established for a charitable or religious purpose.

As a result of amendments contained in the Bill, all trustees that acquire eligible land as trustee of an eligible trust will qualify for the exemption from 1 July 2016. In addition to this change, the Bill moves this provision from section 71(5) of the Act to Schedule 2 of the Act to make clear that this exemption is available to purchases of property, as well as gifts of property, used wholly for charitable or religious purposes.

The *Statutes Amendment and Repeal (Budget 2015) Act 2015* removed, with effect from 18 June 2015, duty from all direct acquisitions of South Australian property, apart from land and prescribed goods.

In addition, the *Statutes Amendment and Repeal (Budget 2015) Act 2015* introduced additional definitions of land at section 2 of the *Stamp Duties Act 1923* to further clarify what is considered land for the purposes of the Act.

In order to establish whether specified goods or classes of goods are prescribed goods and therefore dutiable, taxpayers have been required to seek a declaration from the Commissioner. In the majority of cases it has been determined that the goods in consideration either did not have the necessary connection with the relevant land or came under the expanded land definition at section 2 of the Act.

On the basis that the additional land definitions now included in the *Stamp Duties Act 1923* are considered sufficient to ensure that the essential dutiable value will remain in the land and be brought to duty, the Bill removes the prescribed goods provisions from the *Stamp Duties Act 1923.*

As similar arrangements also apply to indirect acquisitions of South Australian land and goods under the landholder provisions contained at Part 4 of the *Stamp Duties Act 1923*, the Bill also removes the equivalent goods provisions from Part 4.

Removing the prescribed goods provisions from the Act will reduce red tape and provide savings to business by removing the need for them to apply to the Commissioner to have goods declared as not subject to stamp duty.

The Bill also amends the *Stamp Duties Act 1923* to reflect the Government's announcement in the *2015-16 Mid-Year Budget Review* that it would bring forward the first one third reduction in duty on non-residential, non-primary production real property transfers from 1 July 2016 to 7 December 2015. This will replace an *ex gratia* scheme put in place by the Government to give effect to the extended duty concession.

This Bill also amends the *Taxation Administration Act 1996*

The Bill amends section 93(1) of the *Taxation Administration Act 1996* to make clear that a taxpayer is only required to pay 50 per cent of the primary tax in dispute before an appeal can be lodged (as opposed to 50 per cent of the whole amount of tax assessed inclusive of interest and penalty tax).

This Bill also amends the *Zero Waste SA Act 2004.*

As part of the State Government's 2014 State Election policies, a commitment was made to create a new agency to better capture the benefits of the green economy. The 2014-15 Budget delivered on this commitment through the formation of the Office of Green Industries SA. Amendments to the *Zero Waste SA Act 2004* will establish Green Industries SA as a new statutory authority.

The new authority will work with businesses, governments and the environmental sector to realise the full potential of the green economy and encourage innovation and economic growth through the green industry. It will build on the success of Zero Waste SA to continue to reduce waste to landfill, improve water and energy efficiencies, increase the State's capacity for recycling and help businesses find new markets for their waste management knowledge and skills.

The amendments to the *Zero Waste SA Act 2004* will also rename the Waste to Resources Fund to the Green Industry Fund. The use of the fund will be expanded to include climate change and disaster recovery measures.

I commend this Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal. The commencement provision allows for some provisions of the measure to be backdated.

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

4—Amendment of section 3—Interpretation

This clause introduces the concept of limited licences and makes consequential changes to definitions in the Act.

5—Amendment of heading to Part 2

This clause is consequential to the introduction of limited licences.

6—Amendment of heading to Part 2 Division 1

This clause is consequential to the introduction of limited licences.

7—Amendment of section 7—Grant of licences

This clause distinguishes between the current major betting operations licence (now to be known as the 'comprehensive' licence) and the new limited licences.

8—Amendment of section 8—Eligibility to hold licence

This clause is consequential to the introduction of limited licences. It is a requirement that the Minister be satisfied that the holder of a limited licence has substantial business assets and infrastructure located in South Australia.

9—Amendment of section 9—Authority conferred by licence

This clause sets out the authority conferred by the new limited licences.

10—Amendment of section 10—Term and renewal of licence

This clause is consequential to the introduction of limited licences.

11—Amendment of section 11—Conditions of licence

This clause is consequential to the introduction of limited licences.

12—Amendment of section 12—Approved licensing agreements

This updates a reference and is otherwise consequential to the introduction of limited licences.

13—Amendment of section 13—Racing distribution agreements

This clause updates a reference and is otherwise consequential to the change in terminology relating to the comprehensive licence.

14—Repeal of section 14

This clause repeals the provision relating to the duty agreement, consequentially to proposed new Part 3B.

15—Amendment of section 15—Approved licensing agreement to be tabled in Parliament

This clause is consequential to clause 14.

16—Amendment of section 16—Transfer of licence

This clause is consequential to the introduction of limited licences.

17—Amendment of section 17—Dealings affecting licensed business

This clause is consequential to the introduction of limited licences.

18—Amendment of section 18—Other transactions under which outsiders may acquire control or influence

This clause is consequential to the introduction of limited licences.

19—Amendment of section 19—Surrender of licence

This clause is consequential to the introduction of limited licences.

20—Amendment of section 20—Approval of designated persons

This clause is consequential to the introduction of limited licences.

21—Amendment of section 21—Applications

This clause is consequential to the introduction of limited licences.

22—Amendment of section 22—Determination of applications

This clause is consequential to the introduction of limited licences.

23—Amendment of section 23—Investigations

This clause is consequential to the introduction of limited licences.

24—Amendment of section 24—Investigative powers

This clause is consequential to the introduction of limited licences.

25—Amendment of section 25—Costs of investigation

This clause is consequential to the introduction of limited licences.

26—Amendment of section 26—Results of investigation

This clause is consequential to the introduction of limited licences.

27—Amendment of section 27—Accounts and audit

This clause is consequential to the introduction of limited licences.

28—Amendment of section 28—Licensee to supply Authority with copy of audited accounts

This clause is consequential to the introduction of limited licences.

29—Amendment of section 29—Duty of auditor

This clause is consequential to the introduction of limited licences.

30—Repeal of Part 2 Division 8

Division 8 of Part 2 deals with the payment of duty in relation to the major betting operations licence. This Division is repealed consequentially to proposed new Part 3B.

31—Amendment of section 33—Directions to licensee

This clause is consequential to the introduction of limited licences.

32—Amendment of section 33A—Commissioner to recover administration costs

This clause is consequential to the introduction of limited licences.

33—Repeal of Part 3 Division 2

Division 2 of Part 3 deals with the payment of duty in relation to licensed bookmakers and licensed racing clubs. This Division is repealed consequentially to proposed new Part 3B.

34—Amendment of section 40A—Authorisation of interstate betting operators

This clause amends section 40A for consistency with the amendments in clause 9 and to provide for returns (currently dealt with in section 40B).

35—Substitution of section 40B

This clause substitutes a new Part as follows:

Part 3B—Taxation

Division 1—Preliminary

40B—Interpretation

This section defines terms used in the Part.

Division 2—Betting operations tax

40C—Taxation Administration Act

Proposed amendments to the *Taxation Administration Act 1996* will make this Part (and regulations under the Part) a taxation law. This section acknowledges that the Part must be read together with that Act, subject to regulations made under section 40G.

40D—Liability to pay tax

This section sets out the liability to betting operations tax.

Division 3—Multi-jurisdictional agreements

40E—Treasurer may enter into agreements

This section enables the Treasurer to enter into agreements (called *multi-jurisdictional agreements*) with other Australian jurisdictions for co-operative arrangements relating to taxes, penalties and interest imposed on betting operations carried on in multiple jurisdictions.

40F—Commissioner of State Taxation must implement agreements

The Commissioner of State Taxation must take action that is necessary or expedient for giving effect to a multi-jurisdictional agreement.

Division 4—Regulations

40G—Regulations

This clause provides a regulation making power, including power to modify the application of the *Taxation Administration Act 1996* and power to provide for revenue collected under the Part, or a portion of such revenue, to be paid into a specified fund or funds and applied for prescribed purposes or in a prescribed manner.

36—Amendment of section 41—Approval of rules, systems, procedures and equipment

This clause is consequential to the introduction of limited licences.

37—Amendment of section 42—Location of off-course totalisator offices, branches and agencies

This clause is consequential to the introduction of limited licences.

38—Amendment of section 43—Prevention of betting by children

This clause is consequential to the introduction of limited licences.

39—Amendment of section 44—Prohibition of lending or extension of credit

This clause is consequential to the introduction of limited licences.

40—Amendment of section 45—Cash facilities not to be in certain areas staffed and managed by comprehensive licensee

This clause is consequential to the introduction of limited licences.

41—Amendment of section 46—Player return information

This clause is consequential to the introduction of limited licences and imposes a condition on such a licence that the licensee must, in accordance with determinations of the Commissioner, provide information relating to player returns on bets made with the licensee by persons located in South Australia and otherwise as required by the Commissioner.

42—Amendment of section 47—Systems and procedures for dispute resolution

This clause is consequential to the introduction of limited licences.

43—Amendment of section 48—Advertising code of practice

This clause is consequential to the introduction of limited licences.

44—Amendment of section 49—Responsible gambling code of practice

This clause is consequential to the introduction of limited licences.

45—Amendment of section 51—Alteration of approved rules, systems, procedures or equipment

This clause is consequential to the introduction of limited licences.

46—Amendment of section 67—Statutory default

This clause amends the definition of statutory default in Part 6 Division 1 so that a taxation default (as defined in proposed section 73A) will not, of itself, constitute a statutory default.

47—Amendment of section 69—Compliance notice

This clause is consequential to the introduction of limited licences.

48—Amendment of section 70—Expiation notice

This clause is consequential to the introduction of limited licences.

49—Amendment of section 72—Disciplinary action

This clause is consequential to the introduction of limited licences.

50—Insertion of section 73A

This clause inserts a new section as follows:

73A—Disciplinary action for taxation defaults

This section would allow for the taking of disciplinary action for a taxation default where the Commissioner of State Taxation instigates it.

51—Amendment of section 75—Powers of manager

This clause is consequential to the introduction of limited licences.

52—Amendment of section 76—Administrators, controllers and liquidators

This clause is consequential to the repeal of the duty provisions and the introduction of Part 3B.

53—Amendment of section 80—Lawfulness of betting operations conducted in accordance with Act

This clause is consequential to the introduction of limited licences.

54—Amendment of section 81—Further trade practices authorisations

This clause updates a reference and is otherwise consequential to the introduction of limited licences.

55—Amendment of section 84—Offences by bodies corporate

This clause is consequential to the repeal of the duty provisions.

56—Amendment of section 88—Service

This clause provides for the service of documents under Part 3B, or the *Taxation Administration Act 1996* as it applies in connection with Part 3B, to be governed by the service provisions in the *Taxation Administration Act 1996*.

57—Amendment of section 89—Evidence

This clause is consequential to new Part 3B.

58—Amendment of section 91—Regulations

This clause makes an amendment consequential to the repeal of section 39, increases the maximum penalty for offences against the regulations and provides for the making of savings and transitional regulations.

59—Transitional provision

The transitional provision allows the duty agreement to continue in force for a transitional period determined by agreement between the Treasurer and the licensee (and in accordance with any supplementary agreements entered into by the parties).

Part 3—Amendment of *Education Act 1972*

60—Amendment of section 106B—Charges for certain overseas and non-resident students

This clause amends section 106B to allow the Director-General to set fees for students who are dependants of certain temporary visa holders under the *Migration Act 1958* of the Commonwealth, and to insert a definition of 'full-fee paying overseas student'.

Part 4—Amendment of *Education and Early Childhood Services (Registration and Standards) Act 2011*

61—Amendment of section 3—Interpretation

This clause makes a consequential amendment (following the amendments made to the *Education Act 1972*) to section 3.

Part 5—Amendment of *Environment Protection Act 1993*

62—Amendment of section 47—Criteria for grant and conditions of environmental authorisations

The proposed amendments to section 47 are consequential on the amendments in Part 13.

63—Amendment of section 57—Criteria for grant and conditions of environmental authorisations

The proposed amendments to section 57 are consequential on the amendments in Part 13.

64—Amendment of section 121—Confidentiality

The proposed amendments to section 121 are consequential on the amendments in Part 13.

Part 6—Amendment of *Land Tax Act 1936*

65—Amendment of section 4—Imposition of land tax

The proposed amendments to section 4 ensure that the exclusion relating to land owned by an association established for a charitable, educational, benevolent, religious or philanthropic purpose will also apply where the land is held by a trustee on behalf of a trust established for such purposes and extend the exclusion applying to land owned by associations established, or holding land, for certain sporting or racing activities to all non-residential and non-vacant land owned by such associations or owned on behalf of trusts established, or holding land, for such activities.

66—Amendment of section 5—Exemption or partial exemption of certain land from land tax

This clause provides new grounds for exemptions from land tax where a person has ceased to occupy land as the person's principal place of residence because a building on the land is being renovated or rebuilt or where a person is renovating or constructing a building to be used as the person's principal place of residence. The provision sets out the requirements that must be fulfilled for the new exemptions to apply.

Part 7—Amendment of *Mining Act 1971*

67—Amendment of section 12—Delegation

This clause amends section 12 to provide a power of delegation to the Treasurer.

68—Amendment of section 17—Royalty

This clause amends section 17 to substitute the Treasurer for the Minister in respect of making certain determinations relating to royalty under the section.

69—Amendment of section 17A—Reduced royalty for new mines

This clause amends section 17A to substitute the Treasurer for the Minister in respect of making certain determinations relating to royalty under the section.

70—Amendment of section 17B—Assessments by Treasurer

This clause amends section 17B to substitute the Treasurer for the Minister in respect of making certain determinations relating to royalty under the section.

71—Amendment of section 17D—When royalty falls due (general principles)

This clause amends section 17D to substitute the Treasurer for the Minister in respect of making certain determinations relating to royalty under the section.

72—Amendment of section 17DA—Special principles relating to designated mining operators

This clause amends section 17DA to substitute the Treasurer for the Minister in respect of making certain determinations relating to royalty under the section.

73—Amendment of section 17E—Penalty for unpaid royalty

This clause amends section 17E to substitute the Treasurer for the Minister in respect of making certain determinations relating to royalty under the section.

Part 8—Amendment of *Passenger Transport Act 1994*

74—Amendment of section 4—Interpretation

This clause amends section 4 to insert definitions of the terms *chauffeured vehicle service*, *point to point transport service* and *taxi service*.

75—Amendment of section 36—Disciplinary powers

This clause amends section 36 to ensure that disciplinary action can be taken against the operator of a passenger transport service who fails to pay the point to point transport service transaction levy as required under the Act.

76—Insertion of Part 6A

This clause inserts a new Part relating to non-cash payment surcharges.

Part 6A—Non-cash payment surcharges

52A—Interpretation

New section 52A defines the term *non-cash payment surcharge*.

52B—Non-cash payment surcharges

New section 52B enables the making of regulations specifying the maximum amount payable for a non-cash payment surcharge or surcharges for the same hiring of a chauffeured vehicle service or taxi service.

52C—Overcharging for non-cash payment surcharge

New section 52C creates several offences.

Subsection (1) provides that if a non-cash surcharge that contravenes the regulations is imposed, certain persons are guilty of an offence ie., the person who imposed the surcharge, the owner or driver of the vehicle used to provide the chauffeured vehicle or taxi service, in the case of a taxi, the holder of the taxi licence, any person who provides or maintains the equipment installed in the vehicle that enabled the surcharge to be imposed, any person who manages or administers the system under which the amounts due for the hiring concerned may be paid by the use of a debit, credit, pre-paid or charge card, and any person of a class prescribed by the regulations made for the purposes of Part 6A.

Subsection (2) makes it an offence for a person, in a vehicle used to provide a point to point transport service, to collect or initiate the collection of a non-cash payment surcharge that contravenes the regulations made for the purposes of Part 6A.

Subsection (3) makes it an offence for a person to collect, for the purposes of or while providing a centralised booking service, a non-cash payment surcharge that contravenes the regulations made for the purposes of Part 6A.

In each case the maximum penalty is a $15,000 fine, but in the case of an offence committed by a corporation, the court can impose a maximum penalty that is 5 times that amount.

Subsection (4) provides a defence if the defendant establishes that—

(a) the non-cash payment surcharge was imposed or collected, or its collection was initiated, by another person; and

(b) the defendant did not know, and could not reasonably be expected to know, that the other person had charged or collected, or would initiate the charge or collection of, a non-cash payment surcharge in respect of that hiring.

77—Amendment of section 59—General provisions relating to offences

This clause amends section 59 so that a prosecution for an offence against Schedule 2 can be commenced at any time within 5 years of the date of the alleged commission of the offence or, with the Attorney-General's authorisation, at any later time.

78—Insertion of section 62A

This clause inserts a new section as follows:

62A—Point to point transport service transaction levy

Proposed section 62A provides that a point to point transport service transaction levy is payable as provided in Schedule 2.

79—Amendment of Schedule 1—Regulations

This clause amends Schedule 1 to increase the maximum penalty that may be prescribed for an offence against the regulations to $15,000.

80—Insertion of Schedule 2

This clause inserts a new Schedule 2.

Schedule 2—Point to point transport service transaction levy

Clause 1 defines the terms *assessment period*, *booking service*, *point to point transport service transaction*, *point to point transport service transaction levy* and *relevant provider*.

Clause 2 provides that a person who is a relevant provider during an assessment period is liable to pay the point to point transport service transaction levy for that assessment period calculated in accordance with this clause. The amount of the levy is $1 for each point to point transport service transaction that occurred in the assessment period for which the levy is payable. The levy for an assessment period must be paid at such times and in such manner as the Minister, by notice in the Gazette, directs. If a person fails to pay the levy as required, the Minister may, by notice in writing, require the person to make good the default and, in addition, to pay to the Crown any interest or penalty amounts payable in accordance with the regulations.

Clause 3 provides that the levy is not payable for certain transactions. The levy is not payable for taking a booking for a point to point transport service if (a) the booking is for a service that is to be provided by a taxi for which a licence under Part 6 is not required, or (b) the booking is for a journey that commences outside Metropolitan Adelaide, or (c) the service is not provided for any reason, or (d) another person is already liable to pay the levy for taking a booking. The levy is not payable for providing a taxi service if (a) the service is provided by a taxi for which a licence under Part 6 is not required, or (b) the service is for a journey that commences outside Metropolitan Adelaide.

Clause 4 creates a number of offences. Subclause (1) makes it an offence for a person to, by a deliberate act or omission, evade or attempt to evade a payment required under Schedule 2. Subclause (2) requires a person who is a relevant provider during an assessment period to keep certain records, and subclause (3) makes it an offence for a person to deliberately damage or destroy a record required to be kept under subclause (2). In each case the maximum penalty is a fine of $15,000.

Clause 5 empowers the Minister to extend the time for payment of an amount required under Schedule 2.

Clause 6 provides that no statute of limitation bars or affects any action or remedy for recovery by the Minister of an amount liable to be paid under Schedule 6.

Clause 7 provides that if a corporation is guilty of an offence against Schedule 2, a person who is concerned in, or takes part in, the management of the corporation is guilty of an offence and liable to the same penalty as may be imposed for the principal offence when committed by a natural person unless the person proves that he or she could not by the exercise of due diligence have prevented the commission of the offence. A person may be convicted of a contravention of a provision of Schedule 2 whether or not the corporation has been convicted of its contravention. Subclause (4) specifies who are persons who are concerned in, or take part in, the management of a corporation. The clause also allows the regulations to make provision in relation to the criminal liability of a person who is concerned in, or takes part in, the management of a corporation that is guilty of an offence against the regulations.

Clause 8 provides that the maximum penalty that a court may impose for an offence against Schedule 2, or regulations made for the purposes of Schedule 2, that is committed by a corporation is 5 times the maximum penalty that the court could, but for this clause, impose as a penalty for the offence.

Clause 9 provides that a person may be convicted of a second or subsequent offence for a failure to do an act (where the failure constitutes an offence against Schedule 2 or regulations made for the purposes of that Schedule) if the failure continues beyond the period or date in respect of which the person is convicted for the failure. The maximum penalty for the offence is the same whether it is a second or subsequent offence.

Clause 10 provides that regulations made for the purposes of Schedule 2 may make provision for certain matters. Clause 10 is to have effect in addition to section 64 provides for the making of regulations for the purposes of the Act.

Part 9—Amendment of *Petroleum and Geothermal Energy Act 2000*

81—Amendment of section 7—Delegation

This clause amends section 7 to provide a power of delegation to the Treasurer.

82—Amendment of section 43—Royalty on regulated resources

This clause amends section 43 to substitute the Treasurer for the Minister in respect of making certain determinations relating to royalty under the section.

83—Amendment of section 44—Penalty for late payment

This clause amends section 44 to substitute the Treasurer for the Minister in respect of making certain determinations relating to royalty under the section.

84—Amendment of section 45—Recovery of royalty

This clause amends section 45 to substitute the Treasurer for the Minister in respect of making certain determinations relating to royalty under the section.

Part 10—Amendment of *Real Property Act 1886*

85—Amendment of section 13—Administration of Act

Section 13 currently provides that there will be such other officers (in addition to the Registrar-General and his or her deputies) as may be necessary or expedient for the administration of the Act. As amended by this clause, section 13 will provide that there are to be such other persons engaged in the administration of the Act as the Registrar-General thinks fit. This clause also modernises some of the language of section 13.

86—Substitution of section 18A

Proposed section 17 authorises the Registrar-General to delegate a function or power under the *Real Property Act 1886* or another Act. The Registrar-General cannot delegate a prescribed function or power. The proposed section requires that a delegation be by instrument in writing. A delegation may be absolute or conditional, does not derogate from the power of the delegator to act in a matter and is revocable at will.

87—Amendment of section 21—Seal of office

The amendment made by this clause is consequential on the substitution of section 18A by proposed new section 17.

88—Amendment of section 208—Proceedings against the Registrar-General as nominal defendant

This amendment is consequential on the amendment made by clause 85.

89—Amendment of section 229—Offences

This amendment is also consequential on the amendment made by clause 85.

Part 11—Amendment of *Stamp Duties Act 1923*

90—Amendment of section 67—Computation of duty where instruments are interrelated

Section 67 deals with the manner in which duty is calculated when instruments are interrelated. This clause amends the section by adding to the list of instruments to which the section does not apply a conveyance that relates to land that is being conveyed as part of a series of separate conveyances of land by different persons to the same person (whether that person takes alone or with the same or different persons).

91—Amendment of section 71—Instruments chargeable as conveyances

Under section 71, a transfer of property to a body established wholly for charitable or religious purposes is deemed (subject to certain specified criteria) not to be a conveyance operating as a voluntary disposition *inter vivos*. This clause removes that exemption from the section. This amendment is made in connection with the amendment to Schedule 2 made by clause 107.

92—Amendment of section 71CC—Interfamilial transfer of farming property

This clause amends section 71CC by removing references to goods.

93—Amendment of section 71DB—Concessional duty on purchases of off-the-plan apartments

The amendments made by this clause to section 71DB have the effect of extending the concession on duty payable in relation to conveyances of off-the-plan apartments to 30 June 2017 and broadening the definition of

'qualifying apartment' so that the concession will apply in relation to apartments situated (or to be situated) anywhere in the State purchased under contracts entered into on or after 20 June 2016.

94—Amendment of section 71DC—Concessional duty on designated real property transfers

This clause amends section 71DC to bring forward the relevant date from 1 July 2016 to 7 December 2015.

95—Amendment of section 91—Interpretation

This clause amends section 91 by removing the definition of 'goods' and provisions associated with that term.

96—Amendment of section 99—Determination of value

This clause removes references to goods from section 99. The term 'relevant asset', which encompasses South Australian goods, is replaced with 'underlying land asset'.

97—Amendment of section 102A—Calculation of duty

This clause amends section 102A by removing references to underlying South Australian goods.

98—Amendment of section 102B—Acquisition statement

This clause removes a reference to a land holding entity's underlying South Australian goods.

99—Amendment of section 102F—Exempt transactions and related matters

This clause deletes a provision relating to exclusion of the value of underlying South Australian goods.

100—Insertion of section 102GA

Proposed section 102GA makes it clear that Part 4 of the Act as in force after 1 July 2016 has no application in relation to acquisitions of prescribed interests, or increases in prescribed interests, in land holding entities that occurred before that date.

101—Amendment of heading to Part 4A Division 3

The heading to Part 4A Division 3 is amended by this clause as the Division as amended will apply in relation to all property other than land.

102—Repeal of section 104A

Section 104A is to be repealed as it includes a definition that is not required under Division 3 as amended by this measure.

103—Amendment of section 104B—Application of Division

Section 104B is to be amended by this clause so that Division 3 applies to all property other than land. References to prescribed goods are to be removed by the clause as the Division will no longer apply to those goods.

104—Amendment of section 104C—Abolition of duty on conveyance or transfer of property other than land

Section 104C as amended by this clause will provide that no liability to duty arises in relation to a conveyance or transfer of property to which Division 3 applies executed on or after 1 July 2016. The Division as amended will apply to all property other than land.

105—Amendment of section 104D—Relevant rates

The amendments made by this clause to section 104D are consequential on the broadening of the concept of property to which Division 3 applies to include all property other than land.

106—Insertion of section 104EA

Proposed section 104EA makes it clear that Division 3 of Part 4A as in force immediately before 1 July 2016 continues to apply in relation to conveyances or transfers of property executed on or after 18 June 2015 and before 1 July 2016.

107—Amendment of Schedule 2—Stamp duties and exemptions

This amendment is made in connection with the amendment made by clause 91. Schedule 2, which includes a list of exemptions from duty, is amended by the addition of an exemption for a conveyance or transfer of property to a body established wholly for charitable or religious purposes, or to a person who acquires the property in the person's capacity as trustee for a body established wholly for charitable or religious purposes. The exemption applies only if the Commissioner is satisfied that the property will not be used (wholly or predominantly) for commercial or business purposes. The exemption will not apply if any revenue, income or other benefit arising from the use of the property for commercial or business purposes will be applied towards the charitable or religious purposes of the body.

Part 12—Amendment of *Taxation Administration Act 1996*

108—Amendment of section 4—Meaning of taxation laws

This clause is consequential to clause 35.

109—Amendment of section 93—Appeal prohibited unless tax paid

This clause makes a minor amendment to subsection (1) so that the reference to 'tax' in that subsection will be only primary tax and will not include interest and penalty tax under Part 5.

Part 13—Amendment of *Zero Waste SA Act 2004*

110—Substitution of long title

This clause changes the long title of the Act, reflecting the proposed new direction of Green Industries SA (previously named Zero Waste SA) in promoting innovation and business activity in the State's waste management, resource recovery and green industry sectors.

111—Amendment of section 1—Short title

This clause amends the short title of this Act from '*Zero Waste SA Act 2004*' to '*Green Industries SA Act 2004*'.

112—Amendment of section 3—Interpretation

This clause makes changes to the definitions in the Act, reflecting the new names and directions under the Act. It also includes a definition of 'resource recovery' which now has a commonly understood meaning in the waste and materials management industry.

113—Insertion of sections 3A and 3B

This clause inserts new sections 3A and 3B into the Act.

3A—Guiding principles

Section 3A brings together the guiding principles from where they previously were in the Act (section 5) and adds the principle of the 'circular economy'. Reference to these principles is not only continued in section 5 of the Act in relation to Green Industries SA furthering its objectives and exercising its functions, but is also now made in the new definition of 'green industry' in proposed section 3B.

3B—Green industry

Section 3B defines what is meant by 'green industry' for the purposes of the Act, namely—

- any business activity for the production of goods or services that demonstrates, as far as is reasonably practicable, the application of the guiding principles set out in section 3A in the manner of production and the goods or services themselves; or
- any business activity carried on in support of, or in connection with, an activity referred to in paragraph (a), including research and development, education and marketing.

114—Substitution of heading to Part 2

This clause inserts a new heading to Part 2.

Part 2—Green Industries SA

115—Amendment of section 4—Green Industries SA

This clause makes consequential amendments to section 4 of the Act and clarifies that personal property includes intellectual property.

116—Substitution of sections 5 and 6

This clause substitutes sections 5 and 6 of the Act.

5—Primary objectives and principles of Green Industries SA

Section 5 is redrafted and adds as a new primary objective that of promoting innovation and business activity in the waste management, resource recovery and green industry sectors, recognising that these areas present a valuable opportunity to contribute to the State's economic growth. It also refers to the newly articulated guiding principles.

6—Functions of Green Industries SA

Section 6 preserves some of the former functions of Zero Waste SA as well as the proposed functions of Green Industries SA, reflecting the industry-orientated direction of this newly named body.

117—Amendment of section 7—Powers of Green Industries SA

This clause amends section 7 of the Act to enable Green Industries SA to make use of certain information collected by the EPA, for example, information relating to waste-related activities carried on under the *Environment*

Protection Act 1993 (or the regulations or environment protection policies made under that Act). Safeguards are included to protect the use of information relating to trade processes or financial information.

118—Amendment of section 7A—Application of Public Finance and Audit Act 1987

These amendments are consequential.

119—Amendment of section 8—Chief Executive

These amendments continue the office of the Chief Executive.

120—Amendment of section 9—Board of Green Industries SA

These amendments continue the Board (previously known as the Board of Zero Waste SA) as the Board of Green Industries SA. The constitution of the Board is altered so that members have, collectively, experience or expertise (gained through involvement in business or government) in the following areas:

- waste management, resource recovery or green industry;
- ecological sustainability;
- commercialisation of goods or services, entrepreneurship or other business development;
- corporate governance;
- community engagement;
- marketing.

121—Amendment of section 10—Terms and conditions of office

This clause extends board membership terms to 3 years (from 2 years), with a cap of 9 consecutive years.

122—Amendment of section 12—Committees and subcommittees of Board

These amendments are consequential.

123—Amendment of section 13A—Delegations by Green Industries SA

These amendments are consequential.

124—Amendment of section 14—Business plan

These amendments are consequential.

125—Amendment of section 15—Annual report

The amendments to this section reflect the shared application of the Fund by Green Industries SA and the Minister. Other amendments in this clause are consequential.

126—Amendment of section 16—Use and protection of name

This clause adds 'Green Industries SA' to the list of protected names.

127—Substitution of heading to Part 3

This clause inserts a new heading to Part 3.

Part 3—Green Industry Fund

128—Amendment of section 17—Green Industry Fund

This clause changes the way in which the Fund can be applied. It adds a provision enabling the Minister (in addition to Green Industries SA) to make payments from the Fund. It is proposed to enable the Minister to apply the Fund—

- towards the payment of costs of climate change initiatives, including research and development, education, innovation or business activity, in relation to initiatives for mitigating the effects of climate change, minimising carbon emissions and adapting to climate change; and
- towards the payment of costs of managing waste or debris, or harm to the environment, following an identified major incident, a major emergency or a disaster, declared under Part 4 Division 3 of the *Emergency Management Act 2004*.

The clause also clarifies the form that payments from the Fund by Green Industries SA and the Minister may take, namely—

- a grant of an amount to a person or body; or
- with the approval of the Treasurer—

- forming, or acquiring, holding, dealing with and disposing of, shares, units in a unit trust, interests in such shares or units or other interests in or securities issued by, bodies corporate; or
- entering into a partnership, joint venture or other profit sharing agreement.

129—Insertion of section 17A

This clause inserts new section 17A.

17A—Delegation by Minister of power under section 17

This section inserts a new power of delegation by the Minister specifically in relation to the Minister's power of applying the Fund under proposed section 17(5)(b). The Minister will be able to delegate that power to another Minister or to any person for the time being performing particular duties or holding or acting in a particular position in an administrative unit of the Public Service.

130—Amendment of section 18—Development of waste strategy

This clause adds new components to the waste strategy, reflective of the new direction of the Act of promoting the use of waste to generate industry.

131—Amendment of section 19—Green Industries SA and EPA to co-ordinate activities

These amendments are consequential.

132—Transitional provision

This clause adds transitional provisions that will assist in bringing the new measures into effect.

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

ANANGU PITJANTJATJARA YANKUNYTJATJARA LAND RIGHTS (MISCELLANEOUS) AMENDMENT BILL

Final Stages

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

At 17:36 the council adjourned until Wednesday 21 September 2016 at 14:15.

Answers to Questions

CARBON NEUTRAL CABINET

In reply to **the Hon. R.I. LUCAS** (10 February 2015).

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

The South Australian Government is committed to transitioning the economy to a low-carbon economy and harnessing the benefits from a carbon constrained world. As part of this transition the Government has an ambition to make Adelaide the world's first carbon neutral city – a showcase city for renewables and clean technology.

Carbon Neutral Adelaide builds upon and supersedes past initiatives. Achieving carbon neutrality in the CBD will require the Government, the City, the community and business to work together. Part of the Government's efforts include two expressions of interest: one for the supply of low-carbon energy and the other for the supply of hybrid and/or electric vehicles. These form a range of measures the Government has outlined in its Climate Change Strategy.

ABORIGINAL ECONOMIC DEVELOPMENT

In reply to **the Hon. S.G. WADE** (18 June 2015).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): The South Australian Government has partnered with Supply Nation to develop a South Australia-based online register of Aboriginal businesses called Aboriginal Business Connect. The South Australian Government is listed as an official Supply Nation Member.

Since last year's budget announcement we have been working to ensure that South Australian Aboriginal businesses have the greatest opportunity to be engaged with government procurement. This has been strengthened significantly with the launch of Aboriginal Business Connect.

This kind of online Aboriginal business register is exactly what South Australian Aboriginal businesses have asked for. It will connect the Aboriginal business sector to state and national procurement and subcontracting opportunities, and support implementation of the Aboriginal Economic Participation Initiative. I am advised there are currently 65 Aboriginal businesses going through the registration process.

Aboriginal Business Connect is linked to Supply Nation's national business list, Indigenous Business Direct, and provides a one-stop shop for South Australian Aboriginal businesses to be registered not only on the South Australian site, but also with Supply Nation.

MANUFACTURING WORKS

In reply to **the Hon. A.L. McLACHLAN** (8 December 2015).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): I am advised the following:

The Department of State Development (DSD) has a formal follow-up process for companies that have participated in Manufacturing Works programs, which pre-dates the Frost and Sullivan recommendations. Participating companies provide DSD with project completion reports which detail activities undertaken and outcomes achieved relevant to the program.

In addition, in response to the Frost and Sullivan report, DSD has implemented new internal management processes to proactively monitor the outcomes achieved by businesses that have participated in Manufacturing Works programs. This includes regular contact with businesses and research organisations involved in delivering Manufacturing Works programs to track progress and outcomes.

HILLS LIMITED

In reply to **the Hon. R.I. LUCAS** (10 February 2016).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): I am advised that:

To date, $1.5 million (exclusive of GST) has been provided to Hills Limited to establish and operate the Innovation Centre. At the time of the question, Hills had met their obligations under the agreement. New appropriation was provided. The Minister for Manufacturing and Innovation has responsibility for the administration of the funding agreement.

AUTOMOTIVE SUPPLIER DIVERSIFICATION PROGRAM

In reply to **the Hon. A.L. McLACHLAN** (11 February 2016).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and

Information Economy): I am advised that all Automotive Supplier Diversification Program grant recipients have entered into funding agreements for their respective projects. If the agreed outcomes stated in the funding agreement are not met there is provision for the full funding to be returned to government.

MICRO FINANCE FUND

In reply to **the Hon. A.L. McLACHLAN** (11 February 2016).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): I am advised that:

The Department of State Development (DSD) did not provide specific feedback to unsuccessful applicants to the South Australian Micro Finance Fund in writing, other than emphasising that the panel's decision not to endorse the application did not necessarily indicate a deficiency in the application, rather it was a reflection of the highly competitive nature of the program, with only a small number of applicants receiving funding in each round.

NATURE-BASED TOURISM

In reply to **the Hon. D.W. RIDGWAY (Leader of the Opposition)** (23 February 2016).

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

The South Australian Tourism Commission (SATC) has collaborated with the Department of Environment, Water and Natural Resources (DEWNR) in developing the State Government's Nature Based Tourism Strategy. The SATC invested more than $1 million in 2015-16 in promoting South Australia's nature based experiences.

This strategy aims to inject $350 million a year into South Australia's economy and create more than 1,000 new jobs by 2020. It will support existing nature-based tourism ventures, create new world-class experiences and raise awareness of the State's natural attractions.

South Australia's nature based attributes are a central plank in driving demand to our State and growing the visitor economy. Research demonstrates approximately 77 per cent of international visitors participate in a nature-based activity when visiting South Australia. An example of the State Government's investment in this strategy is the $5 million provided for the Kangaroo Island Wilderness Trail, a five-day walk which will open up opportunities for accommodation businesses and guided tours.

The State Government is also investing more than $10 million in projects which will attract people to the Adelaide Hills region to help make it an international mountain bike destination. Another example is the new mountain bike and bushwalking trail in Cleland Conservation Park, which links Crafers Interchange with Mount Lofty Summit—the new $150,000 link includes almost 700 metres of new trail and the resurfacing of 800 metres of the existing track.

In 2015-16 South Australia's nature based attributes were showcased in a joint campaign with Tourism Australia in the new edition of the highly successful 'There's nothing like Australia' campaign. SATC's investment in promotion of nature-based experiences will continue in 2016-17. Nature-based tourism is included as part of SATC's new Global Advertising Campaign using television and digital media, and SATC is working closely with the DEWNR on the promotion of the Kangaroo Island Wilderness Trail.

The SATC's investment is achieved following the 2015-16 State Budget which included a major funding package of $35 million over two years. The additional funds will support the Government's efforts in achieving the full potential of an $8 billion tourism industry by 2020, generating a further 10,000 jobs in South Australia.

COUNTRY FIRE SERVICE

In reply to **the Hon. A.L. McLACHLAN** (24 February 2016).

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety): As part of the 2015-16 Emergency Services Levy (ESL) report to the Economic and Finance Committee on 20 May 2015, additional funding was provided for extra protective clothing for South Australian Country Fire Service (CFS) volunteers.

I am advised funding for this project has been provided over four financial years, commencing in 2015-16, with rollout planning and allocations of the initial second sets of Structural Personal Protective Clothing (PPC) to occur prior to 30 June 2016.Orders have been placed and are expected to be delivered to the Heysen, Mt Lofty and Para CFS Groups along with the whole of CFS Region 6 and the CFS State Training Centre this financial year.

Planning is continuing for rollout of the second sets of Rural PPC commencing in 2016-17, along with the ongoing planned rollout of the Structural Garments aligned to budget allocations.

SUNDROP FARMS

In reply to **the Hon. A.L. McLACHLAN** (10 March 2016).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): The Minister for Investment and Trade has provided the following advice:

Sundrop Farms is a developer, owner and operator of high technology greenhouse facilities that produce high-value crops. Sundrop Farms' advanced technology allows the business to operate food production facilities in non-traditional locations that have little or no access to arable land or fresh water sources.

Sundrop Farms' first commercial scale facility is currently being commissioned in Port Augusta. The 20-hectare facility represents a scale of up to 100 times the pilot facility, which has been operating for five years adjacent to the new site. The Department of State Development has provided a $50,000 grant to support a pilot skills development project for Sundrop Farms, supporting the company to offer tailored training for the first intake of new Sundrop employees.

Sundrop Farms currently employs approximately 105 full time equivalent staff at the new Port Augusta facility. The company's recruitment and training program continues, with the aim of increasing the total number of employees in the Port Augusta region to 150 within the next 12 months.

AUTOMOTIVE WORKERS IN TRANSITION PROGRAM

In reply to **the Hon. A.L. McLACHLAN** (24 March 2016).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): I have been advised that as at 31 March 2016, 1,680 individuals had attended information sessions, resulting in 733 registrations for the Automotive Workers in Transition Program. Data on the numbers of workers successfully employed will be collected as this information becomes available.

MINISTERIAL STAFF

In reply to **the Hon. R.I. LUCAS** (24 March 2016).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): The Premier has provided the following advice:

The employment of public sector staff is a matter for the Chief Executive. As such, I have requested that the Chief Executive of the Department of Planning, Transport and Infrastructure respond to this enquiry directly in writing.

APY LANDS, WATARRU COMMUNITY

In reply to **the Hon. T.J. STEPHENS** (13 April 2016).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): I have been advised that at present, there is one permanent resident in Watarru. Watarru is one of the communities on the APY Lands where the population has reduced quite significantly from year to year. The current Street Light Replacement Initiative only covers the replacement of lights in the main communities where most people reside. There are no plans to include Watarru in the Street Light Replacement Initiative given that there is only one permanent resident.

NUCLEAR SAFETY

In reply to **the Hon. M.C. PARNELL** (14 April 2016).

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

1. Yes, the EPA was consulted by the Department of State Development prior to the publication of the facts about uranium mining in South Australia.

2. No, I do not consider the information inadequate.

3. I do not consider the publication needs amendment.

ABORIGINAL ARTEFACTS

In reply to **the Hon. T.J. STEPHENS** (18 May 2016).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): The Minister for the Arts has provided the following advice:

Media coverage of the March break-in at the Netley storage facility, incorrectly reported that the South Australian Museum's Aboriginal cultural material had been damaged. The South Australian Museum staff have confirmed that this was not the case. I can assure Parliament that the appropriate storage of the collection remains a priority for the Minister for the Arts.

NORTHERN ADELAIDE FOOD PARK

In reply to **the Hon. R.I. LUCAS** (24 May 2016).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): The Minister for Agriculture, Food and Fisheries has advised a key priority for the Northern Adelaide Food Park is to provide a cost competitive environment for international, national and local businesses to undertake business in South Australia.

Discussions with potential tenants and industry have informed both Government and the developer, Parafield Airport Limited, reducing ongoing operational costs through economically feasible clean energy solutions is critical. In turn this will support tenant attraction and South Australia's reputation for 'Premium food and wine produced in our clean environment and exported to the world'.

The Government is working with Parafield Airport Limited on detailed concept, infrastructure and implementation planning. Site planning for the Food Park will be finalised in the coming months, after which time, a final decision on investment will be made. This may include assistance for eligible tenants to purchase and implement clean energy technologies and/or funding for large-scale and commercially viable whole of park energy assets.

SOUTH AUSTRALIA POLICE

In reply to **the Hon. J.S. LEE** (24 May 2016).

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety): The Murray Mallee Local Service Area (LSA) currently has 160 established police positions and 11.5 non-sworn administrative positions. The LSA has been increased with one additional position within the last 12 months, that of an extra detective.

The Murray Mallee LSA has been provided with further resources, those being an additional two persons from the State Tactical Response Group, as well as two relief staff from the State Operations Service. The Murray Mallee LSA has received and will continue to receive ongoing support from a number of specialist crime branches for the investigation and resolution of murder, drug and sexual crimes, in addition to the normal routine investigations.

As a normal part of policing responsibilities, LSAs are able to call upon the assistance of metropolitan-based police officers and specialist crime investigators to assist in protracted or complex investigations. The Murray Mallee LSA has had involvement from a number of specialist Crime branches in the investigation and resolution of murder, drug and sexual crimes.

The LSA has also been supported by State Operations Service (SOS) with attendances from specialist Traffic officers, Licensing Enforcement Branch officers, Operation Mandrake investigators and State Tactical Reponses Group (STRG) members. These resources have been in the LSA as part of their normal routine investigations and as requested to manage specific incidents or events.

Further, Murray Bridge has received additional support from STRG for five months and relief staff provided by SOS for three months, which has allowed Murray Bridge police to form a short-term tactical team to disrupt and deter drug dealing activity within the township. As a result of continuing efforts of local police and the support of additional resources from other areas within SAPOL, Murray Mallee LSA has been able to reduce its crime rate from a peak of 9% to 3% at the same time last year.

SA WATER

In reply to **the Hon. D.W. RIDGWAY (Leader of the Opposition)** (24 May 2016).

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

Following are details of SA Water's maintenance schedule for the past 5 years.

METRO PIPE PROGRAM

	Project Name
2013/14 Program	SMITHFIELD – John Street WMR
2013/14 Program	NORTH ADELAIDE—Water Connection to Par 3 Golf Course
2013/14 Program	SALISBURY EAST – Simpson Street WMR
2013/14 Program	NORTHFIELD – York Street WMR
2013/14 Program	CLEARVIEW – Guildford Street WMR
2013/14 Program	ENFIELD – Devon Street WMR
2013/14 Program	PARA VISTA – Lorraine Avenue WMR
2013/14 Program	OAKDEN – Dorset Street WMR
2013/14 Program	PETERHEAD – Mary Street WMR

	Project Name
2013/14 Program	GILBERTON – Park Terrace WMR
2013/14 Program	NORTHFIELD – Jolly Avenue WMR
2013/14 Program	WINGFIELD – Francis Road WMR
2013/14 Program	NORTHGATE – Folland Avenue
2013/14 Program	ADELAIDE – Hindley Street WMR
2013/14 Program	NOVAR GARDENS – St Andrews Crescent WMR
2013/14 Program	ADELAIDE—South Terrace WMR
2013/14 Program	ADELAIDE—Kintore Avenue WMR
2013/14 Program	BRAHMA LODGE—Main North Road
2013/14 Program	TRANMERE – Renown Avenue WMR
2013/14 Program	ST PETERS – Second Avenue WMR
2013/14 Program	HOLDEN HILL – Siesta Street WMR
2013/14 Program	CRAIGMORE – Dulkara Avenue WMR
2013/14 Program	WATTLE PARK – Caloroga Street WMR
2013/14 Program	ST PETERS – Third Avenue WMR
2013/14 Program	MODBURY NORTH – Michael Avenue WMR
2013/14 Program	WINDSOR GARDENS – Longview Road WMR
2013/14 Program	ATHELSTONE – Victoria Avenue WMR
2013/14 Program	POORAKA – Albert Street WMR
2013/14 Program	MODBURY NORTH – Hillary Crescent WMR
2013/14 Program	KALBEEBA – Barossa Valley Way WMR
2013/14 Program	KLEMZIG – Windsor Grove WMR
2013/14 Program	VALLEY VIEW – Spenfeld Court
2013/14 Program	ATHELSTONE – Stradbroke Road
2013/14 Program	TOORAK GARDENS – Watson Avenue WMR
2013/14 Program	GLENSIDE – Cator Street WMR
2013/14 Program	CAMPBELLTOWN – Hancock Avenue WMR
2013/14 Program	ELIZABETH PARK—Perrott Street WMR
2013/14 Program	VALLEY VIEW—Rutherford Street WMR
2013/14 Program	RIDGEHAVEN—Riverside Grove & Ridgefield Avenue WMR
2013/14 Program	MITCHAM – Broughton Avenue WMR
2013/14 Program	EDEN HILLS – Yalanda Street WMR
2013/14 Program	BELAIR – Penno Parade North WMR
2013/14 Program	CLOVELLY PARK – Glandore Avenue WMR
2013/14 Program	SOUTH PLYPMTON – Kerr Grant Avenue WMR
2013/14 Program	COLONEL LIGHT GARDENS – Sturt Avenue WMR
2014/15 Program	CLOVELLY PARK—Celtic Avenue WMR
2013/14 Program	PLYMPTON—Anzac Highway WMR
2013/14 Program	UNLEY—Windsor Street WMR
2013/14 Program	RICHMOND—Bickford Street WMR
2013/14 Program	BEVERLEY—Princess Street WMR
2013/14 Program	PARKSIDE—Blyth Street WMR
2013/14 Program	ST MARYS—Styles Street WMR

	Project Name
2013/14 Program	SOMERTON PARK—Angove Rd & Mayfair Ave WMR
2013/14 Program	WINGFIELD – Davis, Hopkins, Graham & Morgan Streets WMR
2013/14 Program	ROSEWATER—Russell Street & Mabel Street WMR
2013/14 Program	OTTOWAY—May Terrace WMR
2013/14 Program	BEULAH PARK—Scott Street & Clyde Street WMR
2013/14 Program	OUTER HARBOR—Oliver Rogers Road WMR
2013/14 Program	NORTHFIELD—Northfield Tank Overflow WMR
2013/14 Program	MODBURY NORTH—Jaycee Street
2014/15 Program	RICHMOND —South Road Keswick Bridge Crossing
2013/14 Program	MORPHETT VALE—Randell Road
2013/14 Program	WEST LAKES—West Lakes Boulevard
2013/14 Program	MAGILL—Olive Street
2013/14 Program	HOUGHTON—North East Road
2014/15 Program	BLAIR ATHOL – Lily Street WMR
2014/15 Program	KENSINGTON GARDENS – Fort Avenue WMR
2014/15 Program	MARLESTON – Aldridge Terrace WMR
2014/15 Program	GOODWOOD – Weller Street
2014/15 Program	PLYMPTON – Ferry Avenue WMR
2014/15 Program	HOLDEN HILL – Andrew Avenue WMR
2014/15 Program	SEMAPHORE—Esplanade WMR
2014/15 Program	ENFIELD – Baker Street WMR
2014/15 Program	SALISBURY EAST – Main North Road WMR
2014/15 Program	MARINO – Coolinga Road WMR
2014/15 Program	ALDINGA BEACH – Esplanade Road WMR
2014/15 Program	ALBERT PARK – Gordon Street WMR
2014/15 Program	ENFIELD – Taunton Avenue WMR
2014/15 Program	SEMAPHORE – Hanson Street WMR
2014/15 Program	TORRENS PARK – Blythewood Road WMR
2014/15 Program	MITCHAM – Lisburne Avenue WMR
2014/15 Program	EDWARDSTOWN – Weaver Street WMR
2014/15 Program	PARA VISTA – Charmaine Avenue WMR
2014/15 Program	NEWTON – Orchard Grove WMR
2014/15 Program	MARLESTON – Argyle Avenue WMR
2014/15 Program	ADELAIDE – Hall Court WMR
2014/15 Program	ADELAIDE – Elizabeth Street WMR
2014/15 Program	GLENELG – Patawalonga Frtg WMR
2014/15 Program	SEAFORD – Compass Drive WMR
2014/15 Program	MILE END SOUTH – London Road WMR
2014/15 Program	PASADENA – Cashel Street WMR
2014/15 Program	SEAVIEW DOWNS – Hurst Street WMR
2014/15 Program	ROYAL PARK – Forest Avenue WMR
2014/15 Program	TROTT PARK – Tyson Avenue WMR

	Project Name
2014/15 Program	COLLINSWOOD – Salisbury Terrace WMR
2014/15 Program	DOVER GARDENS – Winchester Street WMR
2014/15 Program	MANSFIELD PARK – Kimberley Street WMR
2014/15 Program	SOUTH BRIGHTON—Esplanade WMR
2014/15 Program	VALLEY VIEW – Grand Junction Road WMR
2014/15 Program	PARK HOLME—Sandison Avenue
2014/15 Program	SOMERTON PARK—College Road
2014/15 Program	ADELAIDE—Grenfell Street WMR
2014/15 Program	HAWTHORNDENE- Hawthorndene Drive
2014/15 Program	RICHMOND—Richmond Road
2014/15 Program	MELROSE PARK—Kegworth Road WMR
2014/15 Program	WALKERVILLE—North East Road
2014/15 Program	FLINDERS PARK—Thistle Avenue
2015/16 Program	ST MARYS – Lloyd Street
2015/16 Program	MODBURY NORTH – Kelly Road (1)
2015/16 Program	MODBURY NORTH – Kelly Road (2)
2015/16 Program	PARA HILLS – Sleep Road
2015/16 Program	KENSINGTON PARK – Lockhart Street
2015/16 Program	PARA HILLS – Maves Road
2015/16 Program	ADELAIDE – King William Street
2015/16 Program	ADELAIDE – Gray Street
2015/16 Program	TOORAK GARDENS – Christie Avenue
2015/16 Program	MARDEN – Marden Road
2015/16 Program	NORTHFIELD – Winston Court
2015/16 Program	HECTORVILLE – Moorlands Road
2015/16 Program	LINDEN PARK – Keyes Street
2015/16 Program	TORRENSVILLE – North Parade
2015/16 Program	PROSPECT – Alexandra Street
2015/16 Program	ASCOT PARK – Marion Road
2015/16 Program	TOORAK GARDENS – Martindale Avenue
2015/16 Program	CAMPBELLTOWN – Rowney Avenue
2015/16 Program	ROSTREVOR – Johnson Avenue
2015/16 Program	ELIZABETH NORTH – Womma Road
2015/16 Program	KINGSWOOD – North Parade
2015/16 Program	PROSPECT – Labrina Avenue
2015/16 Program	OTTOWAY – Milburn Street
2015/16 Program	ST MARYS – Thurles Street
2015/16 Program	TOORAK GARDENS – Hewitt Avenue
2015/16 Program	HILLCREST – Fleet Avenue
2015/16 Program	SEACLIFF PARK – Thomas Street
2015/16 Program	HECTORVILLE – Binnswood Street
2015/16 Program	VALLEY VIEW – Audrey Crescent

	Project Name
2015/16 Program	GILLES PLAINS – Tasman Avenue
2015/16 Program	BROADVIEW – Galway Avenue
2015/16 Program	EDWARDSTOWN – Karong Avenue
2015/16 Program	MODBURY NORTH – Beltana Avenue
2015/16 Program	VALLEY VIEW – Geoffrey Avenue
2015/16 Program	ROYAL PARK – Lowe Street
2015/16 Program	MODBURY – Harcourt Terrace
2015/16 Program	LOWER MITCHAM – Dunbar Avenue
2015/16 Program	BEAUMONT – Fernleigh Avenue
2015/16 Program	NAILSWORTH – Emilie Street
2015/16 Program	ALBERT PARK – Derby Street
2015/16 Program	FULHAM – Colwood Avenue
2015/16 Program	SEFTON PARK – Margaret Street
2015/16 Program	SEATON – Tapleys Hill Road
2015/16 Program	KINGSWOOD – Balham Avenue
2015/16 Program	ATHELSTONE – Maryvale Road
2015/16 Program	PROSPECT – Moore Street
2015/16 Program	LOCKLEYS – Lorraine Avenue
2015/16 Program	ST AGNES – Tolley Road
2015/16 Program	GAWLER EAST – Cheek Street
2015/16 Program	BEULAH PARK – Salop Street
2015/16 Program	HECTORVILLE – Reid Avenue
2015/16 Program	GLANDORE – Cross Road
2015/16 Program	BRAHMA LODGE—Kerley Ct
2015/16 Program	PASADENA-Colyer Avenue
2015/16 Program	CLEARVIEW—Walton Avenue
2015/16 Program	GEPPS CROSS—Pt Wakefield Road
2015/16 Program	DEVON PARK—Exeter Tce
2015/16 Program	WATTLE STREET—Malvern
2015/16 Program	BLAIR ATHOL—Manuel Avenue
2015/16 Program	MARLESTON—Commercial Rd & Moss Rd
2015/16 Program	FERRYDEN PARK—McEllister Court
2015/16 Program	HENLEY BEACH—North St
2015/16 Program	WINDSOR GARDENS—Cadell Street
2016/17 Program	Adelaide – Holland St
2016/17 Program	Adelaide—Maxwell Street
2016/17 Program	Ascot Park – Railway Tce
2016/17 Program	Athelstone – Wicklow Ave
2016/17 Program	Athol Park – Glenroy St
2016/17 Program	Bellevue Heights – Sherwood Ave
2016/17 Program	Broadview – Erin St
2016/17 Program	Broadview – Meredith St

	Project Name
2016/17 Program	Brooklyn Park—Sir Donald Bradman Dr
2016/17 Program	Clearview—Hampstead Rd (2)
2016/17 Program	Clearview – Hampstead Rd (3)
2016/17 Program	Clearview – Hampstead Rd (1)
2016/17 Program	Clearview – Kent Ave
2016/17 Program	Clearview – Sarina Ave
2016/17 Program	College Park – Trinity St
2016/17 Program	Edwardstown – Conmurra Ave
2016/17 Program	Edwardstown – Gumbowie Ave
2016/17 Program	Elizabeth – Harvey Rd
2016/17 Program	Elizabeth Grove – Haynes St
2016/17 Program	Gawler East – Cockshell Dr
2016/17 Program	Gawler East – Turner St
2016/17 Program	Glenside—L'Estrange St
2016/17 Program	Greenacers—Redwood Avenue
2016/17 Program	Hillcrest – Norseman Ave
2016/17 Program	Kilburn – Garland Ave
2016/17 Program	Kingswood – Halsbury Ave
2016/17 Program	Mansfield Park—Grand Junction Rd
2016/17 Program	Mitchell Park – Sampson Rd
2016/17 Program	O'Halloran Hill – Boxwood Rd
2016/17 Program	Para Vista – Montague Rd
2016/17 Program	Paracombe – Hurst Rd
2016/17 Program	Paradise – Gorge Rd (2)
2016/17 Program	Paradise – Grantham Gr
2016/17 Program	Plympton Park – Tennyson Ave
2016/17 Program	Prospect – Charles St
2016/17 Program	Prospect – Flora Tce
2016/17 Program	Prospect—Le Hunte Ave
2016/17 Program	Prospect – Olive St
2016/17 Program	Prospect – Ragless Ave
2016/17 Program	Rostrevor – Forest Ave
2016/17 Program	Rostrevor – Moules Rd
2016/17 Program	Rostrevor – Sheila St
2016/17 Program	Seacombe Gardens – Bluebell Ave
2016/17 Program	Seacombe Gardens – Ramsay Ave
2016/17 Program	South Brighton – Tucker St
2016/17 Program	Toorak Gardens—Cudmore Ave
2016/17 Program	Torrensville – North Pde
2016/17 Program	Wattle Park – Penfold Rd
2016/17 Program	Wayville – Davenport Tce
2016/17 Program	Windsor Gardens – Lagonda Dr
2016/17 Program	Windsor Gardens—Metcalf St

	Project Name
Ongoing Monitoring	Paradise – Gorge Rd (1)
Ongoing Monitoring	Plympton – Anzac Hwy
Ongoing Monitoring	Edwardstown – Gurney St
Ongoing Monitoring	Gilles Plains – Lurline Ave
Ongoing Monitoring	Adelaide—Morphett St
Ongoing Monitoring	Adelaide—Gilles St
Ongoing Monitoring	Adelaide—King William Rd
Ongoing Monitoring	Adelaide—Grote St
Ongoing Monitoring	Ashford—Anzac Hwy
Ongoing Monitoring	Athelstone—Addison Ave
Ongoing Monitoring	Bedford Park—Flinders Drive
Ongoing Monitoring	Bedford Park—Main South Rd
Ongoing Monitoring	Beverly—Wodonga St
Ongoing Monitoring	Blackwood—Brightview Ave
Ongoing Monitoring	Bowden—Gibson St
Ongoing Monitoring	Brahma Lodge—Frost Rd
Ongoing Monitoring	Brighton—Brighton Rd
Ongoing Monitoring	Camden Park—Anzac Hwy
Ongoing Monitoring	Campbelltown—Reserve Rd
Ongoing Monitoring	Clapham—Springbank Rd
Ongoing Monitoring	Clearview—Hampstead Rd
Ongoing Monitoring	Clovelly Park—English Ave
Ongoing Monitoring	Craigmore—Yorktown Rd
Ongoing Monitoring	Cumberland Park—Avenue Rd
Ongoing Monitoring	Davoren Park—Bishopstone Rd
Ongoing Monitoring	Edwardstown—Daws Rd
Ongoing Monitoring	Fairview Park—Buckley Cres
Ongoing Monitoring	Fullham—Delray St
Ongoing Monitoring	Gilles Plains—Glenroy Ave
Ongoing Monitoring	Glenside—Sydney St
Ongoing Monitoring	Greenacres—Redward (2) Ave
Ongoing Monitoring	Greenacres—Muller Rd
Ongoing Monitoring	Hectorville—South St
Ongoing Monitoring	Henley Beach —Marlborough St
Ongoing Monitoring	Hillcrest—Augusta St
Ongoing Monitoring	Holden Hill—Naretha St
Ongoing Monitoring	Holden Hill—Grand Junction Rd
Ongoing Monitoring	Ingle Farm—Mary Leonard Drive
Ongoing Monitoring	Ingle Farm—Beovich Rd
Ongoing Monitoring	Joslin—Seventh Ave
Ongoing Monitoring	Kensington Gardens—East Tce
Ongoing Monitoring	Melrose Park—Comaum St

	Project Name
Ongoing Monitoring	Melrose Park—Mead St
Ongoing Monitoring	Millswood—Cranbrook Ave
Ongoing Monitoring	Mitchell Park—Waterman Tce
Ongoing Monitoring	Modbury North—Kelly Rd
Ongoing Monitoring	Northfield—Hampstead Rd
Ongoing Monitoring	Oakden—Grand Junction Rd
Ongoing Monitoring	Panorama—Boothby St
Ongoing Monitoring	Para Hills—Graham St
Ongoing Monitoring	Para Hills—Robert Ct
Ongoing Monitoring	Paracombe—Murray Rd
Ongoing Monitoring	Paradise—Caroline St
Ongoing Monitoring	Parkside—Randolph Ave
Ongoing Monitoring	Pasadena—Adelaide Tce
Ongoing Monitoring	Pennington—Butler Av
Ongoing Monitoring	Port Adelaide—Bedford St
Ongoing Monitoring	Regency Park—Grand Junction Rd
Ongoing Monitoring	Rostrevor—Rita Ave
Ongoing Monitoring	Rostrevor—Cortlyne Rd
Ongoing Monitoring	Rostrevor—Moules Rd
Ongoing Monitoring	Salisbury—Frost Rd
Ongoing Monitoring	Salisbury East—Titmus Ave
Ongoing Monitoring	Salisbury Heights—Green Valley Dr
Ongoing Monitoring	Seaview Downs—Wangary Tce
Ongoing Monitoring	St Marys—South Rd
Ongoing Monitoring	St Peters—Sixth Ave
Ongoing Monitoring	Stepney—Nelson St
Ongoing Monitoring	Windsor Gardens—Sudholz Rd
Ongoing Monitoring	Windsor Gardens—Welkin St
Ongoing Monitoring	Windsor Gardens—Seymour Ave
Ongoing Monitoring	Wingfield—East Tce

TRUNK MAIN PROGRAM

PRIORITY	LOCATION	PROJECT STATUS
1	Anzac Highway DN650	Completed – Relay
		C0566 – Feb 2008
		C6253 – Feb 2008
2	South Parklands DN650	Completed – Relined
		C6253 – Feb 2008
3	Muller Rd DN600	Completed – Relined
		C0509 – Feb 2009
4	Marion Rd DN600	Completed – Relined & Relay
		C0513 – Feb 2012
5	Glen Stuart Rd DN600	Completed – Decommissioned

PRIORITY	LOCATION	PROJECT STATUS
		C1180 – May 2002
6	North East Rd DN750	C0728 – Due for completion in 2016. Asset to be transferred to Eastern Alliance for Stormwater & Recycled Water Supply
7	Gorge Rd DN600/525	Sections offline – further development required to downside this main. Due for inspection in 2016/17
8	Cross Rd DN450	Completed – Relined & Relay
		C1869 – Mar 2011
		C1144 – Feb 2012
9	Carrick Hill DN450	Consequence score reduced to 2 due to NSIS and Cross Road DN450
		Due for inspection in 2016/17
9	Waite Rd DN450	Completed – Relined & Relay
		C1144 – Feb 2012
10	Grange Rd DN375	Completed – Decommissioned
		NSISP – May 2012
11	North Terrace DN600	Stage 1 Completed – Decommissioned – 2004
		Remaining section to be decommissioned once the RAH moves to new site.
12	Brighton Parade DN525	Inspection completed in 2014. Growth will drive replacement.
13	Pridmore Rd DN600	Completed –Relay
		C0832 – July 2012
14	Lyons Rd DN900	C0728 – Due for completion in 2016. Asset to be transferred to Eastern Alliance for Stormwater & Recycled Water Supply
15	Kensington Rd DN450	Due for inspection in 17/18
16	H.V.No 1 Inlet DN900	Due for inspection in 18/19 – Need Clapham & Terminal Storage tank projects completed first.
17	Pipetrack H.V.DN900	Due for inspection in 18/19 – Need Clapham & Terminal Storage tank projects completed first.
18	Sturt Rd DN700	Critical section being replaced as part of Darlington upgrade
19	Darlington St Sturt DN900	Being replaced as part of Darlington upgrade
20	Hillside Rd DN390	
21	Regency Rd Fdn Pk DN600	
22	Barossa TM DN750	first inspection completed in 2014. Next inspection due 2016.
23	Goodwood Rd DN600	
24	South Rd DN700/650	In Development Third Party Works DPTI – Darlington
		Condition assessment completed in 2015.
25	Goodwood Rd DN650	
26	Regency Rd DN600	
27	East Parklands DN400	
28	Ayliffes Rd DN700	In Development Third Party Works DPTI—Darlington
29	Pasadena P.S. DN375AC	
30	Clapham P.S. DN600	Inspection Planned for August 2016
31	H.V. P.S.227 DN600	
32	Castambul Gorge Rd DN750	Sections offline – further development required to downside this main.
33	Old Port Rd DN600	

PRIORITY	LOCATION	PROJECT STATUS
34	Adelaide Airport DN750	Inspected in 2012
		Due for inspection in 2016/17
35	Payneham Rd DN450 CICS	Inspection Planned for April 2016
36	Payneham Rd DN450 CICS	Inspection Planned for April 2016
37	Main Rd Blackwood DN600	
38	Bartels Rd Adelaide DN400	Main modifications completed in 2011/12 to isolate main during Clipsal
39	Hutt St DN850	
40	Clapham Unley DN1000	
41	H.V. Clapham DN1200	Due for inspection in 18/19 – Need Clapham & Terminal Storage tank projects completed first.
42	Hope Valley NA Tank DN1350	
43	King William St DN750	Stage 1 Completed – Decommissioned
		Third Party Works – 2010
44	Myponga T/M DN900-750	Access Track – In Development
45	Anstey Hill MAPL DN1200	
46	Foothills T/M DN1000	
47	Nth Adelaide Findon DN1100	Inspection completed at South Road intersection 2016.
48	Grand Junction Rd DN900	
49	G-J Rd Hope Valley DN1750	
50	H.V. No2 Outlet DN2100	Due for inspection in 18/19 – Need Clapham & Terminal Storage tank projects completed first.

FORT LARGS

In reply to **the Hon. T.A. FRANKS** (8 June 2016).

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety): South Australia Police can confirm that the agent responsible for the sale of the old Academy site is Renewal SA. The Minister for Police remains the owner of the site.

Renewal SA remains responsible for the disposal of the site and, following an expression of interest sale process, has selected preferred proponents for both the development of the residential land and the ownership, restoration and adaptive reuse of the Fort.

As announced on 17 June 2016, AVJennings will develop the residential land and, as part of the deed, the State Heritage listed fort will be retained and the National Trust will be responsible for the restructure, maintenance and future use of the Fort.

AUTOMOTIVE WORKERS IN TRANSITION PROGRAM

In reply to **the Hon. A.L. McLACHLAN** (9 June 2016).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): I have been provided with the following update:

As at 7 July 2016, 1,004 people have registered for the Automotive Workers in Transition Program, with 543 workers having accessed career advice to that date. Some workers choose to access services while still employed and other workers choose to register with the program and access services at a later time.

DOMESTIC VIOLENCE

In reply to **the Hon. A.L. McLACHLAN** (9 June 2016).

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

South Australia Police (SAPOL) statistics are not specifically audited for correctness, but they are quality assured both internally and externally through the ongoing provision to, and discussion with, the Australian Bureau of Statistics.

SAPOL's Senior Business Analyst, who leads the Specialist Statistical Unit which prepares SAPOL's crime statistics, is a member of the National Police Statisticians Group (NPSG). The NPSG meets annually to discuss police crime statistics, problem solve any issues, and share any data improvements at state levels.

The Commissioner of Police is a member of the National Crime Statistics Unit Board (NCSUB). The NCSUB forms part of the National Centre for Crime and Justice Statistics (NCCJS) within the Australian Bureau of Statistics and is responsible for the production of comparable national crime statistics across all Australian jurisdictions. The information compiled within the NCCJS is in accordance with national standards and classifications as endorsed by COAG.

FORESTRY INDUSTRY

In reply to **the Hon. D.W. RIDGWAY (Leader of the Opposition)** (9 June 2016).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): The Minister for Forests has provided the following advice:

The Government continues to demonstrate its commitment to innovation in our forest and wood products industries. Since 2012 the South East Forestry Partnerships Program has been supporting the development of innovative products and technologies to increase sales volume and log throughput, to benefit the entire forestry supply chain in the South East.

Thirteen projects are being funded from the program which will generate more than $63 million of total investment in the region's forestry industry. Many of these projects are now complete and contributing to increased economic activity and employment in the region. The Government through Primary Industries and Regions SA (PIRSA) also funds ForestrySA to undertake its Forest Industry Development program. This supports forestry related research and includes the dissemination of information for the benefit of the Forest Industry and the broader community, so management decisions can be tested against specific commercial, economic, and social parameters.

This helps individuals and businesses to respond in appropriate ways to changing markets and assist in the development of sustainable tree-based enterprises. The Government funds this program via its Community Service Obligation arrangements with ForestrySA. The current value of the program is approximately $0.5 million per year.

PIRSA and ForestrySA are currently negotiating a new three-year agreement to determine priorities for all Community Service Obligation-funded programs including the Forest Industry Development Program. Information about the proposed forest products innovation hub is being reviewed as it becomes available and consideration will be given to align or reprioritise current activities if warranted. At the time of the announcement by the Member for Barker, no approach had been made to the State Government proposing co-funding. To date, no such approach has been made.

HALLETT COVE PIPELINE

In reply to **the Hon. J.S. LEE** (22 June 2016).

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

1. I am advised that SA Water has no records on why this location was chosen in 1977.

2. In 1991, the 200mm main was damaged by excessive flooding within Waterfall Creek. As a result the main was cut and capped by SA Water and disconnected from the system. In the late 1990s, The City of Marion rectified the embankment and upgraded the stormwater drainage. As a result of the stormwater system improvements, SA Water reconnected the main to the potable water system in 2001.

3. I am advised SA Water had to cut and cap the northern end of the 200mm main at Sandison Road. This allowed for the damaged section of main to be isolated from the rest of the network and enable water to be supplied to customers at a lower pressure.

4. SA Water is currently in discussions with the City of Marion around their future maintenance strategy for the stormwater main.

FIRE MANAGEMENT PLANS

In reply to **the Hon. J.M.A. LENSINK** (6 July 2016).

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

Councils that currently operate a permit system in rural areas of the Mount Lofty Ranges include City of Onkaparinga, City of Mitcham, City of Burnside, City of Tea Tree Gully, City of Campbelltown, and City of Playford.

The EPA is aware that Adelaide Hills Council and the City of Onkaparinga are considering community consultation to determine whether the use of notices is suitable for their rural areas in the Mount Lofty Ranges.

Burning in the open is managed by councils and it will be up to individual councils to determine what is best for their local community. Councils will not be required to advise the EPA of their preferred method. Requiring councils to report to the EPA each time they amend their desired process would add unnecessary red tape. Individuals should access their council's website or call their council's offices for relevant information.

IGA WARTA

In reply to **the Hon. T.J. STEPHENS** (7 July 2016).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): The Aboriginal Lands Trust (ALT) granted a 99-year head lease to Nepabunna Aboriginal community from 1982-2081. Iga Warta Homelands Aboriginal Corporation was granted a 30-year sublease over a small parcel of land within Nepabunna's head lease from 1995- 2025, which received consent from the ALT and the Minister (under the previous ALT Act 1966). Iga Warta has expressed a wish to have long-term access and control of this land.

The Iga Warta Homelands Aboriginal Corporation operates an Adnyamathanha cultural tourism business at Iga Warta, and is seeking long-term security of land tenure to support their business operations. I consider this to be a legitimate business aspiration to progress Iga Warta's economic development, however, over many years there have been unresolved issues between the Nepabunna community and Iga Warta.

I do not have the power to grant freehold title of ALT land to another entity and whilst the State Government has provided ongoing assistance towards the resolution of this issue, given the Aboriginal Lands Trust's custodianship of the land, the contractual nature of the leasing arrangements and the provisions of the Aboriginal Lands Trust Act 2013, it is ultimately for the ALT, the Nepabunna community and Iga Warta to come to an agreement.

I have been advised from the ALT that they have recently had constructive discussions with both Nepabunna and Iga Warta, having met with them on 7 and 8 July 2016 respectively and are working towards a positive outcome.

LANDS TITLES OFFICE

In reply to **the Hon. J.A. DARLEY** (27 July 2016).

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

The Lands Titles Office has advised that in the initial months of the 'Conversion Project' in early 1990, there was an error rate of 2-3%. These errors were analysed and rectified at that time. Twelve months into the project, the error rate was recorded at less than 1%. It is worth noting that 99.5% of all the Register was converted to an electronic file in the year 2000 and the error rate now remains considerably lower than 1%.

Errors cannot be known until they are discovered (this usually occurs when the owner wishes to deal with the land) - appropriate action is taken at this time. Irrespective of when an error may become evident, at all times the source Certificate of Title resides in the custodianship of the State and remains there indefinitely.