

## LEGISLATIVE COUNCIL

Tuesday, 27 September 2016

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

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

### *Parliamentary Procedure*

#### **PAPERS**

The following papers were laid on the table:

By the President—

Parklands Lease Agreement between the Corporation of the City of Adelaide and the South Australian Cricket Association  
Report on the administration of the Joint Parliamentary Services, 2015-16

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

District Council By-laws—  
Tatiara—  
No. 1—Permits and Penalties  
No. 2—Moveable Signs  
No. 3—Roads  
No. 4—Local Government Land  
No. 5—Dogs  
No. 6—Cats

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

Teachers Registration Board of South Australia 2015-16  
Regulations under the following Acts—  
Major Events Act 2013—Australia & South Africa Cricket Test Match 2016  
National Parks and Wildlife Act 1972 National Parks—Breakaways Conservation Park  
National Parks and Wildlife Act 1972 Wildlife—Co-management Boards

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

Regulations under the following Acts—  
Second-Hand Vehicle Dealers Act 1995—Miscellaneous  
Rules of Court—  
District Court—District Court Act 1991—Civil—Amendment No. 34  
Supreme Court—Supreme Court Act 1935—  
Amendment No. 33  
Supplementary—Amendment No. 7

### *Parliamentary Committees*

#### **ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE: ANNUAL REPORT 2015-16**

**The Hon. T.T. NGO (14:19):** I bring up the report of the committee, being the annual report for 2015-16.

Report received and ordered to be published.

*Ministerial Statement*

**NUCLEAR WASTE**

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:20):** I table a copy of a ministerial statement relating to his Finland visit, made earlier today in another place by my colleague the Premier.

**INTERNATIONAL EDUCATION MINISTERIAL ADVISORY COUNCIL**

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:20):** I table a copy of a ministerial statement made by the Minister for Investment and Trade on the subject of the International Education Ministerial Advisory Council.

**YATALA LABOUR PRISON INCIDENT**

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:20):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. P. MALINAUSKAS:** I can advise the council that, at approximately 11.30am on 23 September, there was a critical incident at Yatala Labour Prison involving an alleged assault on correctional staff and resulting in the unplanned use of force to bring a prisoner under control. In the course of that incident, a medical emergency ensued. Corrections and health staff provided immediate first aid and continued this until the South Australian Ambulance Service arrived. The prisoner was subsequently transported to the Royal Adelaide Hospital in a serious condition.

Regrettably, at 3.47am yesterday, 26 September, the prisoner passed away. Any death in custody is deeply concerning, and yesterday morning I reached out, through the Aboriginal Legal Rights Movement, to personally offer my condolences to the family of the deceased during what is obviously a difficult time. My thoughts also go to the correctional officers and prison health staff, including the doctor who was immediately on the scene responding to the medical emergency and attempting to resuscitate the prisoner. They also go to the five correctional officers who were injured during the incident. All five were treated in hospital, with two officers (one male and one female) sustaining facial fractures.

SAPOL, with the full cooperation of the correctional services department, is currently investigating the incident and, in accordance with the Coroners Act 2003, the death will also be subject to a Coroner's inquiry. I have sought assurance from the Department for Correctional Services that it will do everything in its power to cooperate with the SAPOL investigation that is currently underway. The officers involved in the incident will require significant scrutiny around this incident—this is normal and appropriate.

SAPOL is committing substantial resources to this investigation to determine exactly what took place, and I have full confidence in the integrity of their investigation. Until this investigation is complete, I cannot comment further on the details of the incident. I will endeavour to report back to the parliament to update the chamber on any further developments related to the investigation when it is practical for me to do so.

**ENERGY LEGISLATION**

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:23):** I table a copy of a ministerial statement made in the other place by the Treasurer on the subject of new bills to investigate, monitor and report on anti-competitive behaviour by power generators.

*Parliamentary Procedure***ANSWERS TABLED**

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

**VISITORS**

**The PRESIDENT:** I would just like to acknowledge the students in the gallery from the Adelaide School of English. Namaste.

*Question Time***YATALA LABOUR PRISON INCIDENT**

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24):** My question is to the Minister for Correctional Services. In the ministerial statement he has just made, he said that at approximately 11.30am on 23 September an incident occurred. When was the minister notified of this incident involving the gentleman, which was the subject of the article on page 7 of today's *Advertiser*, and when was that information about the incident made public?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:24):** I simply refer to my ministerial statement which I think goes into substantial detail regarding what transpired at Yatala Labour Prison on Friday. In terms of my briefings regarding the incident taking place, I have had an enormous amount of conversations with the correctional services department CEO, over a range of conversations throughout the course of Friday and the weekend. I am not going to go into the detail of each one of those conversations as to when each one of them transpired but, suffice to say, my expectation upon my department is to be informed of any significant incidents as they unfold and I don't think this incident was any exception.

**YATALA LABOUR PRISON INCIDENT**

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:25):** When was the minister first advised? The regrettable incident, we know, took place at 11.30am on 23 September, approximately, but, minister, when were you first advised?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:25):** Thank you, Mr President.

**The Hon. D.W. Ridgway:** Why is he being evasive?

**The PRESIDENT:** Order! Let the minister answer.

**The Hon. P. MALINAUSKAS:** Thanks, Mr President. The priority of people working within the Department for Correctional Services as this incident is unfolding, of course, is to deal with it operationally as it is occurring. Needless to say, my expectation of the Department for Correctional Services is to keep me informed as significant operational events transpire in such a way that that doesn't compromise their ability to deal with the operational event. Throughout the course of this incident and the information coming to light, I have been well informed by the Department for Correctional Services CE. I had a number of conversations regarding the incident on Friday and, of course, over the course of the weekend as well.

**YATALA LABOUR PRISON INCIDENT**

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:26):** I am amazed that the minister cannot tell us when he was first advised and I expect we are not going to find out.

**The Hon. I.K. HUNTER:** Point of order, Mr President. On the matter of the supplementary question, there is no debate to be entered into. The honourable member has to ask his question.

**The PRESIDENT:** Will the honourable Leader of the Opposition just ask the question.

**The Hon. D.W. RIDGWAY:** Will the minister be taking any action on this matter before the Coroner's inquiry commences and, if so, what will his action be?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:26):** What is more important as a result of the incident that transpired last Friday within Yatala Labour Prison—the most important thing to be pursued is the truth. What we need to know more than anything else, to be able to develop an informed policy response, if indeed one is required at all, what is important is that we find out exactly what transpired.

I have complete confidence that through the course of SAPOL's investigation which, of course, as I have already publicly disclosed, the police commissioner has allocated substantial resources to finding out what transpired at Yatala on Friday. He has committed resources from SAPOL major crime to oversee and conduct the investigation which, of course, is the most elite investigative unit that exists within SAPOL. So, through SAPOL's investigation, and in conjunction with the inquiry that the Coroner will undertake as a result of the prisoner's passing, we will find out the truth, and once we know exactly what transpired on Friday afternoon, from there we can start to develop a policy response, if indeed one is required.

I have complete confidence in the independence of SAPOL, and I have complete confidence in the independence of the Coroner to be able to ascertain exactly what transpired at Yatala Labour Prison on Friday. Once we know the details of that, we will be able to develop a policy response to work out if one is required at all.

#### YATALA LABOUR PRISON INCIDENT

**The Hon. S.G. WADE (14:28):** Could the minister confirm from his answer to Mr Ridgway's question that he has no intention of an internal Department for Correctional Services review in anticipation of the Coroner's inquest, considering that the lead time for a Coroner's inquest is often two or three years?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:29):** I haven't received any information as it stands that necessitates any inquiry or review internally. That may yet present itself and, indeed, one may present itself externally. But what we are not going to be doing is being a bull at a gate, or putting the cart before the horse, or jumping to conclusions. What we need to do is ascertain the facts, ascertain exactly what took place, and that will give us the capacity to be able to inform an appropriate response rather than an ill-considered jumping to conclusions.

I would encourage all members within the chamber, particularly those from the opposition who may be seeking to politicise this issue, to allow themselves to be informed by the facts as they come to light. That, of course, will inform what may be an appropriate response. As it stands, to answer the honourable member's question directly, there is not currently any intent on my part to order an additional external or internal review. We will wait and see as information comes to light. That, of course, can inform what next steps need to be taken, if indeed any at all.

#### YATALA LABOUR PRISON INCIDENT

**The Hon. T.A. FRANKS (14:30):** What arrangements have been made for the family to receive legal representation with regard to the coronial inquest, as is required by both the Royal Commission into Aboriginal Deaths in Custody recommendations, and, I believe, the act?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:30):** I thank the honourable member for her question. It is an important one. I have been advised by the Department of Correctional Services that there has been regular contact between the department and the Aboriginal Legal Rights Movement, through the Aboriginal Services Unit that exists within the Department of Correctional Services, to make sure that family members and those who are related to this incident have access to appropriate legal support as events unfold.

I have been advised by the Aboriginal Legal Rights Movement that it is acting for the family of the deceased. I have personally been in contact with the Aboriginal Legal Rights Movement to ascertain that it is in fact acting for the family of the deceased, and have been using them as a conduit for communications between myself and my office and, indeed, the family. I have made a number of efforts to pass on my condolences to the family through the Aboriginal Legal Rights Movement. I

understand that they are acting for them and, of course, they will be afforded the legal representation to which they are entitled.

#### YATALA LABOUR PRISON INCIDENT

**The Hon. K.L. VINCENT (14:31):** When the minister spoke to the deceased's family, did the family make any wishes clear to the minister with regard to their thoughts on an independent inquiry into the circumstances surrounding the death?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:31):** To be clear, I have not had the opportunity to personally speak to any members of the family. I have made myself available on more than one occasion to speak to them. I do not have any intention to impose myself upon the family. Obviously, they are going through a process of grieving at the moment, and my thoughts are with them in light of their loss. However, as I said, I make myself available to them, and, if they have any specific requests that are appropriate for me to contemplate, of course I will do that if they are made.

#### PRISONER NUMBERS

**The Hon. S.G. WADE (14:32):** I seek leave to make a brief explanation before asking the Minister for Correctional Services questions with regard to prison capacity.

Leave granted.

**The Hon. S.G. WADE:** I am advised that the total number of prisoners in the custody of the Department for Correctional Services as of 1 June was 3,010. According to advice that the minister gave the estimates committee of the other place, South Australia's total prison capacity as at 30 June 2016 was 2,861. Even with the additional surge capacity of 114, South Australian prisons are operating over capacity. My questions to the minister are:

1. How long have South Australian prisons been operating over capacity?
2. Where are over-capacity inmates incarcerated when all of South Australia's prisons and the surge capacity are full?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:33):** I thank the honourable member for his question, because it is an important one. Mr President, I have made no secret of the fact that our prison system is under strain. I have made a number of remarks, both within this place and also on the public record in other forums, that the Department for Correctional Services is working in a difficult environment with a large amount of pressure on the number of beds.

What I can advise the chamber in respect of the Hon. Mr Wade's question is that all prisoners are able to be accounted for through a range of mechanisms that exist within the Department for Correctional Services, even when the number of prisoners exceeds the number of beds. Surge beds is just one example of doing that. I have not received any advice from the Department of Correctional Services in recent days or weeks about any prisoners not being able to be accommodated within correctional services facilities. The department, by and large, I think is doing a good job in dealing with prison capacity issues.

Of course, though, the government does need to have a policy response regarding the pressure that exists on the prison system. We have exactly that. I can go into a bit of detail. There is substantial investment that has been made on behalf of the state government that will see the number of projected approved beds increase over the life of the government. The projected approved beds that will be in place as at 30 June 2017 is 3,131—that figure speaks to builds that the department is currently undertaking—and 3,243 by 30 June 2018, and again that speaks to builds that the government is already committed to.

On top of that there is a strategy to deal with the pressure in our prison system. In the longer term we are trying to look at the way we can reduce the rate of reoffending within the community. Now there is a whole range of policy benefits that the community will be the beneficiaries of if we reduce the rate of reoffending. I have spoken about a number of them in the past. Of course, it will

mean we have a safer community by virtue of the fact that there will be fewer crimes being committed and fewer victims.

One other benefit, of course, is the fact that it will reduce the strain on our prison system. If we can slow down the rate of reoffending or if we can reduce the rate of reoffending then, of course, that will mean we have fewer prisoners coming into the prison system, which is going to put less strain on bed capacity issues. The government does not hide away or seek to shirk the challenge that exists in regard to demand on prison beds within our prison system. We have a strategy in place to deal with those demands in the short, medium and long term, and we will continue to work through these challenges as best we possibly can.

#### PRISONER NUMBERS

**The Hon. S.G. WADE (14:36):** Supplementary: the minister advised that by 2018 there would be 3,243 beds in the prisons, what is the estimate of the population at that date?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:36):** I am happy to inform the house that the department is working hard to make sure that the number of beds that we have in terms of capacity seeks to deal with future demand that may exist within the prison system. We are making every effort to increase the number of beds that exist within the prison system, and I am happy to seek the information that the honourable member refers to. If I am able to share it with him, I will.

#### PRISONER NUMBERS

**The Hon. S.G. WADE (14:37):** Supplementary: the capacity that the minister is referring to, does that include the rack, pack and stack doubling-up of cells?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:37):** I have already, I think, been pretty clear and rather profound in talking about, and making it clear, that the government no longer has a strategy or policy of racking, packing and stacking.

#### PRISONER NUMBERS

**The Hon. K.L. VINCENT (14:37):** Supplementary: what percentage of the prison population is currently on remand, and do prisoners, whilst on remand, get assessed for physical and mental health illnesses and other conditions?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:38):** I am advised that, as of 27 September this year, the remand rate was 40.7 per cent. That rate does fluctuate from time to time. I have seen the rate be marginally higher than that and marginally lower than that, but more or less in the time that I have been in this office the rate of remand has been sitting at about 40 per cent and, to the best of my knowledge, people who find themselves on remand within the prison system do have access to prison health throughout the course of their time in custody.

#### PRISONER NUMBERS

**The Hon. T.J. STEPHENS (14:38):** My question is to the Minister for Correctional Services: will the minister advise the council when was the last date that surge capacity was not relied upon to house prisoners in the custody of the Department for Correctional Services?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:39):** I do not have that date at hand, but what I can share with the chamber and the honourable member—and this fact is well known within the community and to anyone who has been paying attention to my remarks for the time that I have had the pleasure of holding this office—is that, of course, there is a significant strain on the prison system in regard to the number of beds.

We have a strategy in place to be able to deal with the demand on the number of beds within our prison system. The short-term strategy is that we have some immediate builds being undertaken.

We have other builds being undertaken in the medium term, at a substantial cost to the South Australian taxpayer, and in the long term our strategy is to reduce the rate of reoffending.

#### PRISONER NUMBERS

**The Hon. T.J. STEPHENS (14:39):** Supplementary question: is the minister aware of the Public Works Committee's report, tabled in the other place on 20 September this year, that the projected daily average of inmates incarcerated in South Australian prisons will rise to 3,647 by 2021-22, which is 404 inmates above capacity for the same period? How does the minister plan to securely accommodate these inmates?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:40):** I have already articulated what the government's strategy is regarding the future prison population. In the immediate term, we have got builds underway to increase the number of beds that exist within the prison system. That also constitutes part of our medium-term strategy, with other builds happening over a longer time horizon than what is exactly taking place as we speak.

In the long term, one of the government's tasks in dealing with the foreshadowed prison population is to reduce the rate of reoffending: an incredibly important strategy, an incredibly important piece of policy that, if successful, will go a long way to alleviating a number of concerns that exist within the community, not the least of which is the demand on prison beds within the prison system.

#### PRISONER NUMBERS

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:41):** Supplementary question: why would your agency provide evidence to the Public Works Committee that it is going to be 404 above the capacity, if you have this wonderful strategy in place? Clearly they don't believe you?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:41):** Rest assured, Mr President, that this government is doing everything we can—

**The Hon. D.W. Ridgway:** Your agency said it was going to be 404 above capacity—

**The Hon. P. MALINAUSKAS:** —to reduce the demand on the prison system.

**The Hon. D.W. Ridgway:** —so they don't believe you.

**The Hon. P. MALINAUSKAS:** The nature of prisons—

**The Hon. D.W. Ridgway:** The people involved with it, they don't believe you.

**The Hon. P. MALINAUSKAS:** The nature of prisons—

*Members interjecting:*

**The PRESIDENT:** Order! The minister has the floor.

**The Hon. P. MALINAUSKAS:** The nature of predicting prison populations is an incredibly complex task, and I am sure the honourable member would be aware of the fact that there is a range of inputs that contribute to the size of the prison population in South Australia, including the potential growth. He would also be aware, if he paid any attention to remarks that I have made in this place for a sustained period of time, that if we can reduce the rate of reoffending that will, of course, make a significant contribution to reducing the demand that exists within our prison system, but in the short and medium term, the state government has been investing substantial amounts of money to increase the number of beds that exist within the prison system. We will be able to deal with any demand that is coming our way in regard to prisons, but in the long term we have to have a more sustained strategy.

It is not okay for the government of the day to be spending more and more of taxpayers' dollars on the prison system. It costs between \$70,000 to \$100,000 per annum to lock someone up. The solution is not the one that, I think, the Hon. Mr Ridgway seems to be referring to, that we should just be spending more money, ad infinitum into the future, on building more and more prison beds. I

would rather the government have a more sophisticated and considered approach, a more sophisticated and thought-through strategy about what we are doing with correctional services in the long term, which is why I have committed this state government's policy towards reducing the rate of reoffending.

We have taken the bold approach of setting a target, which I suspect the opposition and, indeed, members of the public will hold me and the government to account on. Our target is to reduce the rate of reoffending by 10 per cent by the year 2020. That is all but one step in trying to progress the correctional services system in the right direction to be able to deal with a longer term, well thought out approach into what we do in regard to correctional services, to not only reduce the demand that exists on the prison service vis-a-vis the South Australian taxpayer but also achieve a fundamental objective of this state government, which is to make the community safer.

### WASTE SA CONFERENCE

**The Hon. G.E. GAGO (14:44):** My question is to the Minister for Sustainability, Environment and Conservation. Will the minister inform the chamber about the recent Waste SA conference and the really positive contribution that the waste management sector makes to South Australia?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:44):** I thank the honourable member for her most important question. Last Thursday, I had the great pleasure of attending the Waste Management Association of Australia's Waste SA 2016 Conference. The conference focused on the new state waste strategy and regulatory reform. Guests heard from a number of excellent speakers who discussed investment, infrastructure, innovation and learning in the waste management sector.

The conference was opened by the Mayor of Holdfast Bay, Mr Stephen Patterson, and he talked with great pride about his progressive and environmentally-aware council. Mayor Patterson, speaking to some 200 delegates who attended the conference, highlighted how the green economy was alive and well in his area, and spoke with real passion and pride about initiatives and progress his council has been making.

Mayor Patterson said his council had recorded around a 16 per cent increase in green organic waste, following a grant from the state government for green baskets for residents. That is a phenomenal result. That is 16 per cent less landfill from the City of Holdfast Bay residents; as Mayor Patterson described it, around 230,000 large watermelons' worth of waste. I have never used the watermelon as a standard unit of measurement before, so that is a new one for me. Two hundred and thirty thousand large watermelons' worth of waste is now being diverted away from landfill.

Mayor Patterson also spoke of how the City of Holdfast Bay was working with residents and tourists to incentivise waste programs. Residents have the opportunity to win \$100 Jetty Road gift cards for simply separating their waste properly. Mayor Patterson said they increased their waste diversion rate by around 60 per cent.

Tourists and visitors to the City of Holdfast Bay were getting involved in the eco-shopper campaign, which provides shoppers with discounts from a list of cafes and shops when shoppers think in an eco-friendly manner, such as discounts when you bring your own cup for coffee or tea. This is because we know there are hundreds of thousands of disposable coffee cups that end up in landfill each year.

I am very pleased that local councils, like the City of Holdfast Bay, are getting involved in wanting to improve waste management in their areas, innovating, incentivising their community and raising these very important issues with residents and the broader community.

I hope that delegates who attended the conference from other councils might look at adopting similar programs and also speak about their own initiatives. We know that these conferences build relationships that allow this cross-fertilisation between councils and a sharing of ideas and programs that are working and those that are not working quite so well. These relationships also add value to the government's decision-making and understanding of critical issues affecting the waste sector.

The waste sector is crucial to our environmental programs and diverting waste from landfill, but we also know that the waste and resource recovery sector is an important contributor to the



South Australian economy in its own right. It has an annual turnover, I am advised, of around \$1 billion, contributes half a billion dollars to gross state product directly and indirectly, and employs around 5,000 people.

Our state is a leader at both a national and an international level on waste management and resource recovery. We have achieved recycling rates that are among the world's best, with South Australians currently diverting almost 80 per cent of all waste that is generated. We have continued to show innovation and lead the nation in policies and programs, such as the plastic bag ban and the waste to resources policy, which bans certain waste, including electronic waste and light globes from landfill and, of course, there is our iconic container deposit legislation that has seen South Australia continue to outrank other states and territories in the prevention of beverage containers in the litter stream.

It is good to see that Western Australia has finally jumped on the bandwagon and decided to implement a container deposit scheme, along with Queensland, New South Wales, the ACT and the Northern Territory. They are all trying to catch up to what we did in this state back in the seventies. There is hope, I hope, for Victoria and Tasmania to get on board.

Certainly, from the industry sector's point of view, trying to operate two different policies on beverage containers might have been possible when South Australia was out there on its own or even when South Australia and the Northern Territory were doing it, but when you have Western Australia, Queensland and New South Wales on board, the balance shifts very much towards a national beverage container program and that is clearly where we are going to be heading.

Recognising South Australia's achievements, the United Nations Centre for Regional Development's 7<sup>th</sup> Regional 3R Forum in Asia and the Pacific will be held in November this year in Adelaide. Hosting this prestigious event is a first for Australia and recognises our state's global leadership in waste management reform. We are expecting representatives from over 30 countries to travel to Adelaide for this conference.

There is certainly a lot for us to be proud of in this state, but we will continue to turn our attention to contemporary and emerging problems and strive to create an environmentally sustainable future for our state. South Australia has, of course, the bold ambition of becoming the world's first carbon-neutral city. As well as low carbon forms of transport and renewable energy, waste management and recycling will be a key part in achieving this ambition. There are many opportunities in the waste and resource recovery sector that the government is committed to helping reach their full potential.

The government has established a new agency, Green Industries SA (GISA), that will build on the many successes of Zero Waste. The new agency will continue to provide advice on better waste management processes and resource efficiencies, but will also keep South Australia at the forefront of green innovation, developing the circular economy and assisting businesses to find new overseas markets for their skills and expertise. Last November, the government released its third waste strategy for the state. Previous strategies have helped the sector grow and resulted in positive environmental outcomes.

Achievements include the rollout of high performing kerbside recycling systems, investment in important waste infrastructure, improvements in the recovery of materials from regional areas, industry resource efficiency and commercial recycling incentives. The new waste strategy covering 2015 to 2020 continues to advocate for high levels of recycling and re-use of waste through targets and actions to reduce waste to landfill, requiring innovative policy and regulatory solutions. It includes objectives for a resources-efficient economy, a stable and efficient market for investors and a culture that enables South Australians to implement zero waste programs.

The aim of South Australia's Waste Strategy 2015-2020 is to help South Australian businesses become even more resource-efficient, more resilient and more competitive, to help secure economic advantage and grow our prosperity, while at the same time reducing harm to the environment. More than ever before, the success and implementation of our waste strategy will be required to be a shared responsibility across governments (state and local), businesses, industry and, of course, most importantly, our community. That is why the Waste Management Association of Australia should be congratulated for organising the Waste South Australia Conference.

In July, I encouraged women working in the industry to nominate for a new award which recognises their positive contribution to the sector. The Office of Green Industries SA's Women in Waste Leadership Award has been established in memory of former Zero Waste SA board member Ms Pam Keating, a waste management expert and passionate environmentalist who tragically died in a car accident in 2009. One of the highlights of the conference was the opportunity to present the inaugural Office of Green Industries SA's Women in Waste Leadership Award to Ms Fiona Jenkins, Coordinator, Waste and Sustainability, at the City of Charles Sturt.

Fiona's project will research how local government can improve the performance of kerbside systems for recycling and organic material by examining different systems and approaches used in Australia, Portland, Oregon in the US and, of course, Flanders in Europe. I would like to congratulate Fiona and all the other high quality applicants for their contribution to keeping South Australia's waste and resource recovery sector at the forefront of innovation. I would again like to thank the Waste Management Association of Australia for hosting such a successful conference in South Australia.

### RETURN TO WORK ACT

**The Hon. T.A. FRANKS (14:52):** I seek leave to make a brief explanation before addressing a question to the Minister for Police, representing the Minister for Industrial Relations, on the topic of the Return to Work Act 2014.

Leave granted.

**The Hon. T.A. FRANKS:** The transitional provisions of the Return to Work Act 2014 provided for workers who had an existing work injury claim under the repealed legislation to transition to the new scheme. If a worker was in receipt of income support on the date of commencement of the scheme, they were entitled to continue to receive income support. This was not taking place and, therefore, ReturnToWorkSA has issued an operational directive to its claims agents to the effect that workers who had not claimed income support before the commencement of the scheme should have their entitlement determined pursuant to section 39 of the act.

That operational directive is, of course, cold comfort to those injured workers employed by self-insurers in this state, who can choose to ignore that advice. The minister has indicated that no changes to the act will be supported until the 2018 review of the act takes place, yet a cohort of workers is clearly falling through the net. It was not the intention of this parliament to see those workers in this position. My question to the minister is: even if they are included in the proposed review of the scheme in 2018, how will the review of the efficacy and fairness of these transitional provisions assist those existing workers in circumstances where, to a large degree, their rights and entitlements will have been extinguished by the passage of time?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:54):** I thank the Hon. Ms Franks for her question. Of course, I will be more than happy to pass that on to the honourable member in the other place and get a response accordingly.

### PRISONER SUPPORT AND TREATMENT

**The Hon. A.L. McLACHLAN (14:54):** My question is to the Minister for Correctional Services: does the minister accept that there is a strong correlation between prison overcrowding and the increase in violent incidents occurring in prisons?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:55):** No, I do not.

### PRISONER SUPPORT AND TREATMENT

**The Hon. A.L. McLACHLAN (14:55):** Minister, the number of prisoner-on-prisoner assaults have increased by just under 3 per cent over the last four years, and the number of prisoner assaults on officers have doubled over the past three years. Does the minister concede that these figures indicate that the minister is incorrect?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:55):** No, I do not.

*Members interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Ngo has the floor.

*Members interjecting:*

**The PRESIDENT:** Order!

*Members interjecting:*

**The PRESIDENT:** We can interject all day, but it is going to cost a number of members a question. The Hon Mr Ngo.

*Members interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Ngo.

### **EXTREME WEATHER CONDITIONS**

**The Hon. T.T. NGO (14:56):** Thank you, Mr President. My question is to the Minister for Emergency Services. Can the minister tell the chamber about the forecast for extreme weather for the next 48 hours and the preparation for response measures being taken by the government?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:56):** I would like to thank the Hon. Mr Ngo for his important question because there is a significant event before our state at the moment. After a winter of regular and intense significant weather events, all indications point to the worst weather of the season, indeed potentially in years, hitting locations close to Kangaroo Island and the Spencer Gulf region in the next 48 hours.

I am advised that if this level of weather threat existed in a bushfire context, tomorrow would be declared a day of catastrophic risk. The SES has already commenced its emergency warning messaging and this will continue throughout the coming days until the conclusion of this event. The state crisis centre activation status has been raised to 'watch' and scheduled activation of the state emergency centre has commenced for regular briefings.

A severe and deepening low pressure system is expected to hit the state on Wednesday, bringing heavy rainfall, thunderstorms, and damaging winds increasing from gale force to storm force. The Bureau of Meteorology has predicted that up to 100 millimetres could fall across the Mount Lofty Ranges, and storm force winds averaging a potential 48 to 63 knots could be experienced. A flood watch has been issued for the Adelaide metropolitan area, Mount Lofty Ranges and the Mid North. Additionally, sea levels and storm tides are expected to cause damaging waves through Eyre Peninsula, Kangaroo Island and Spencer Gulf.

The weather is expected to affect other areas of the state and the nation as the weather system progresses east. The storm poses a number of threats to life and property, and I strongly encourage all members, and indeed all the community, to prepare themselves for all relevant threats. The wind and rain raise the likelihood of flash flooding through already saturated catchments, creek and river rises, trees falling or losing their limbs, power outages, damage to infrastructure, and storm damage at beaches and jetties from waves formed by strong winds and low air pressure. Another critical issue for me as Minister for Road Safety, of course, is the risk of road accidents. I implore all South Australians to exercise extreme caution on the roads and, as always, to drive to the road conditions.

The SES has already handed out 100 tonnes of sandbags from five metropolitan depots in Noarlunga, Edinburgh, Strathalbyn, Burnside and Bridgewater to support people seeking to protect their homes from flooding. They will also be handing out sandbags in regional areas tonight in Clare, Burra, Kapunda, Saddleworth, Port Pirie, Berri, Barmera, Loxton, Renmark and Mount Gambier. Volunteers are once again out in force doing all they can to help build resilience in the community. Every person should be considering the threats to their home and property right now to minimise the risk of impact this extreme weather could have.

This morning the Minister for Communities and Social Inclusion joined me for a briefing from the SES chief officer and chief officers and senior members of the emergency services sector about

the threat over the coming days. Through this time we examined the level of the threat and the work being undertaken to prepare the community to respond and protect itself from the threat.

SES and other emergency response agencies are ready to assist if they are needed, and I remind all members that the SES can be contacted on 132 500. All in the community should be trying to keep informed of threats as they develop. One way to do this is to watch Alert SA by downloading and keeping track of the Alert SA app, or visiting the Alert SA website. As always, if life is in danger, please call 000 for immediate assistance.

I am sure that I speak for all members when I say that we appreciate the work of volunteers within our emergency service sector. It does require a collaborative effort across the sector from all agencies, but the volunteers, who work in both the SES and of course the CFS to manage incidents as they unfold from this storm, are to be commended. We hope that all in the community keep safe and that this threat passes without major incident.

#### EXTREME WEATHER CONDITIONS

**The Hon. J.A. DARLEY (15:01):** By way of supplementary question, I understand that the SES and a number of councils are handing out sandbags from 6 o'clock tonight, but is it true that people have been told that they have to provide their own sand?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:01):** My understanding is that at locations across the state, as mentioned, the SES is also providing sand as well as the sandbags.

#### EXTREME WEATHER CONDITIONS

**The Hon. K.L. VINCENT (15:01):** By way of supplementary question, will the minister confirm that Auslan interpreters will be available for those televised announcements regarding the flooding, and will this include the ramp up, so to speak, of the event?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:01):** I thank the honourable member for her question and advocacy with regard to this issue. The way the arrangement stands currently is as I referred to last week: when there is a declared emergency under the State Emergency Management Plan that will automatically activate the use of Auslan interpreters in such an event, but outside there being a declared emergency the option is available to the control agency.

In the case of the oncoming storm and weather event the SES has the discretion available, being the control agency, to engage Auslan interpreters. Both the SES and CFS, as I understand it, have contracts available with Auslan interpreters to be able to get their services. I am of the understanding that the chief officer of the SES, as the control agency of this incident, is actively considering the use of Auslan interpreters.

I understand that it is his intention to use Auslan interpreters throughout the course of this event, as it does appear that it will be a significant weather event.

#### EXTREME WEATHER CONDITIONS

**The Hon. S.G. WADE (15:03):** By way of supplementary question, given my understanding that this is forecast to be the most significant weather event in perhaps South Australia's recorded history, is it ever conceivable that we will have a declared emergency such that an Auslan interpreter might be used?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:03):** It is difficult to predict that this will be the greatest weather event in the history of the state, but it is, nonetheless, currently forecast to be a significant weather event. Whether or not an event or an incident is declared a major emergency is a decision for the police commissioner; that decision rests with him.

Of course, if he does declare it an emergency, that will automatically activate the provision within the State Emergency Management Plan that will result in Auslan interpreters being at any bulletins, forecasts or announcements that are made. Outside of a declared emergency there is the capacity for the control agencies to engage Auslan interpreters and, as I stated, I understand that it

is the intention of the chief officer of the SES to engage those services during the course of this event, as is consistent with his ability to be able to make that decision.

#### **EXTREME WEATHER CONDITIONS**

**The Hon. K.L. VINCENT (15:04):** I have a supplementary question. Does the minister also intend to ensure that in future captioning might be provided so that people who may have hearing issues but do not use Auslan can also access information?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:04):** I don't profess at this stage to be fully briefed on captioning technology. My understanding of captioning is that it is a service that is provided by TV channels, and if TVs have the appropriate equipment or technology, that automatically facilitates captioning. As I said, I have not been briefed specifically on captioning services. If the Hon. Ms Vincent has specific inquiries in regard to captioning services, I am happy to make those inquiries. I understand the need to service those members of the community who are hearing impaired when there are significant events, hence the reference to the use of Auslan interpreters in the event of a declared emergency.

#### *Parliamentary Procedure*

#### **VISITORS**

**The PRESIDENT:** I would like to welcome the Hon. Akosita Lavulavu MP from Tonga, the sole woman member of the parliament of Tonga, and her assistant, Ms Hortensie Tiunukuafe. Welcome, both of you. I look forward to your stay here for the next few days.

#### *Question Time*

#### **SA HEALTH FACILITIES, ACCESSIBILITY**

**The Hon. K.L. VINCENT (15:05):** I seek leave to make a brief explanation before asking questions of the minister representing the Minister for Health regarding SA Health facilities and accessible toilets including changing places.

Leave granted.

**The Hon. K.L. VINCENT:** The Changing Places campaign advocates for fully accessible public toilets with change tables and hoists for people, specifically adults, with disability across Australia, and calls those toilets 'changing places'. To date, we have zero toilets meeting these specifications in South Australia, although Adelaide City Council has a change room with a hoist and accessible toilet at the Adelaide Aquatic Centre and is working on other locations to install a certified changing place here in the city.

Meanwhile, Victoria has dozens of these toilets, as I understand it, and despite spending \$600 million on Adelaide Oval, we are sad to say that we don't have a changing place there, nor is there one at the Adelaide Convention Centre. There is a changing place in Darwin, but not here in Adelaide.

It has come to my attention that the new Royal Adelaide Hospital—or NRAH, as it has become affectionately known (or not so affectionately, depending on who you are)—a brand-new health facility, contains zero toilets that meet Changing Places guidelines for high-level accessibility. In fact, there is a dearth of disability accessibility in general, including limited access or facilities for assistance animals as well. My questions to the minister are:

1. Why are there no certified changing places toilets in the new Royal Adelaide Hospital?
2. If the NRAH is a world-class facility, why are there no changing places?
3. What consultation of the disability community and/or people with additional access needs and/or access consultants has occurred in the construction of the NRAH?
4. Why does the NRAH not contain facilities for assistance animals that may be at the hospital with inpatients, outpatients or visitors?

5. Are there any plans for changing places at other SA Health facilities, particularly those with rehabilitation facilities such as spinal cord injury units, and will those facilities be available to outpatients, inpatients and visitors?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:08):** I thank the honourable member for her most important questions and undertake to refer those questions to the Minister for Health in the other place and seek a response on her behalf.

#### **PORT AUGUSTA PRISON**

**The Hon. R.I. LUCAS (15:08):** My question is directed to the Minister for Correctional Services. When was the minister made aware of the recent escape attempt at Port Augusta Prison, and what action, if any, did he take, once advised?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:09):** I am happy to advise the house of the following. At approximately 8pm on Tuesday 20 September 2016, an alarm was triggered at the construction zone of the new 132 beds at Port Augusta Prison. As I referred to earlier, the state government has a number of builds underway, and this is included within that. CCTV footage observation of the site indicated that three prisoners had gained unauthorised access to the build site. A code green was issued and an emergency response escape protocol was put into effect; a code green referring to a potential attempt of prisoners seeking to escape custody.

Upon discovery of the attempted escape, a full count was initiated on the site which confirms that only three prisoners were not accommodated in their appropriate unit. The response to the attempted escape received external support from SAPOL and the Department for Correctional Services emergency response group, and a field commander took charge of the incident management centre via instruction of the general manager of the prison.

It is believed that the three prisoners got into the zone under the internal construction fence. The prisoners attempted to access a vehicle but were unable to mobilise the vehicle. The three prisoners found their way to the first floor of a partially constructed accommodation unit and were contained in the north-east corner of the unit under construction by the DCS emergency response team. The incident was resolved without further incident by 1.10am on Wednesday 21 September 2016 with all prisoners coming down from the construction and surrendering themselves to DCS emergency response group officers.

The Department for Correctional Services asset manager and DCS director of investigation visited the site for immediate review of its security on the morning of Wednesday 21 September and a review occurred in conjunction with the construction company. That review found for improvement on site, and no construction occurred until those findings had been implemented. Critical to the security improvements was the development of a concrete plinth at the centre of the fence to provide structural support. The construction of that concrete plinth was completed on Saturday 24 September.

All vehicles, bobcats and excavators were removed from the site and new instructions issued that no vehicles remain on site unless prior approval is sought and issued from the general manager. An instruction has been created for additional lighting and installation of additional cameras for the construction zone, with this work to be commenced this week beginning 26 September 2016. Checklists have been created and circulated that are there to be integrated into the operational compliance framework. Daily checks will now be conducted by the site infrastructure security coordinator and manager checks are now being conducted a minimum of three times per week.

In addition, MOSSOP group has strengthened the induction process with specific reinforced areas about tool control and vehicle access. On 26 September, construction recommenced at the site. I am advised that Port Augusta Prison is back to normal operation with the exception of some garden and nursery work. I am advised that the incident plan and the command and control of the incident were professionally handled. The Department for Correctional Services and SAPOL staff should be praised for their professional management of the situation and, as a result of their fine work, at no stage during the incident was there a risk to public safety, and the incident was contained to the secure perimeter of the site.

**The PRESIDENT:** Supplementary, the Hon. Mr Lucas.

#### **PORT AUGUSTA PRISON**

**The Hon. R.I. LUCAS (15:12):** That was all very interesting but why is the minister being slippery and evasive and refusing to answer the question as to when he was first advised of the escape attempt from Port Augusta? The minister has given a lot of information but actually has not answered the question.

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:13):** As I stated earlier, it is very much my expectation that as significant events unfold, and an attempted escape would clearly fall into that category, that the Department for Correctional Services, principally their chief executive officer, keeps me informed of such events and this event was no exception. I was informed as the event was unfolding and also, during the early hours of the morning, I was advised when the incident was concluded as well, just as reasonably expected.

**The Hon. R.I. Lucas:** On the Tuesday night?

**The Hon. P. MALINAUSKAS:** Yes.

**The Hon. R.I. Lucas:** Well, that is all we asked.

*Members interjecting:*

**The PRESIDENT:** Order!

#### **PORT AUGUSTA PRISON**

**The Hon. R.I. LUCAS (15:13):** Supplementary question: Mr President, that was what the question was. Given that the decision was taken either by the minister or the department not to release the information publicly, can the minister outline the reasons why he and/or the department decided not to release the information publicly, and what the general principles are in terms of what he will release publicly in relation to these sorts of events and the information that he will not release?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:14):** I was advised that throughout this event the safety of the public was never, at any stage, at risk, nor was there any immediate risk of escape of such a person. As a consequence and because of the incident being handled quickly and effectively and all processes, policies and procedures being followed when such an incident unfolds, there was no exceptional risk.

In prisons, things happen. Prisons, by their nature, are all about managing risk. This was an operational incident that took place. It was dealt with following the appropriate protocols. Never, at any stage, was the safety of any member of the public jeopardised in such a way. The incident was handled smoothly. As such, there did not seem to be any immediate need for a public statement of sorts but, now that you have asked me questions about the incident, I will be more than happy to disclose exactly what transpired. Indeed, it gives me an opportunity to commend those staff for making sure that they dealt with the situation in accordance with their procedures and protocols in such a way to bring the situation under control quickly.

#### **PORT AUGUSTA PRISON**

**The Hon. R.I. LUCAS (15:15):** A supplementary arising out of the minister's answer: given the minister has indicated that the reasons for not releasing public information was that there was no risk to public safety, is the minister indicating that his policy in the future will be that if there is no risk to public safety but in the event that there was an attempt to escape and prison officers were hurt or injured, the minister would not be releasing that information publicly either?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:15):** I am advised there were no prisoners or officers injured during the course of the event. There is no secrecy. You have asked me a question. I have answered it with an extraordinary amount of detail and provided you with a detailed description of exactly what has transpired. There is no attempt to hide anything here. There is no

attempt to not disclose anything. I am happy to answer your questions. I would have thought this was entirely appropriate.

I don't put out a press release every time an incident unfolds in the prison. I don't stand up and seek to make a ministerial statement every time an incident occurs within the prison. There is no attempt to hide anything. I have answered your question in full detail; in fact, I have provided you with infinitely more detail than you have sought. I am happy to be transparent. It is a good policy and that is exactly what is taking place here.

### **MOUNT LOFTY BOTANIC GARDEN POPPY BLITZ**

**The Hon. J.M. GAZZOLA (15:16):** My question is to the Minister for Sustainability, Environment and Conservation. Will the minister inform the chamber about the recent Mount Lofty Botanic Garden Poppy Blitz and the contribution that volunteers make to botanic gardens?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:17):** I thank the honourable member for his most prescient question. It is one I would have asked myself, Mr President, if I had the opportunity. On Saturday, I had the very great pleasure of joining staff from the Department of Environment, Water and Natural Resources and volunteers for the 2016 Mount Lofty Botanic Garden Poppy Blitz.

I was up very bright and early and, despite the wet and inclement weather, it was heartwarming to see such a massive turnout of volunteers. Fifty-four volunteers, to be precise, of all ages and gardening abilities came together and volunteered their Saturday morning to make the beautiful Mount Lofty Botanic Gardens even more beautiful. The great turnout served as a reminder that without that generous support of volunteers the work of the Botanic Gardens—indeed, all of the state's parks and reserves—would be substantially diminished. Our volunteers are the heart and soul of what we do in the community, and bringing more people into our Botanic Gardens and our parks is an aim of the agency.

The Botanic Gardens of South Australia has held garden blitzes since 2011, making this the third event—they hold them every two years, I understand. The blitz has instilled a sense of pride in the local community. They provide an opportunity to volunteer support and contribute to the work of the gardens and a real sense of commitment and ownership. After several hours of planting, we shared a morning tea together to say thank you to the volunteers and to celebrate the success of the event.

The 2016 garden blitz is a little bit extra special because of what was being planted this year and why. The volunteers planted 7,000 red Flanders poppies, the symbolism of which I think most of us know. It is important that we reflect on it. Red poppies were amongst the first plants to spring up in the ravaged battlefields of northern France and Belgium during the First World War. They are actually early adapters or opportunistic plants.

If, for example, in a storm in France or Europe, an oak tree is blown over, exposing a lot of land and soil, the poppies are one of the first colonisers to cover the bare soil. Of course, in World War I and subsequent wars, I suppose, when those battlefields were ravaged by artillery shells, the seed bank of the poppies was brought up to the surface and, of course, subsequently they bloomed.

In soldiers' folklore, I understand, the deep red of the poppy represented the blood of their mates that was spilled on the ground. The sight of poppies growing during the bloodshed at Ypres in the western Flanders region of Belgium on 3 May 1915 led Canadian Lieutenant-Colonel John McCrae to pen the famous poem, *In Flanders Field*, which many of us I suppose would have been forced to memorise at school. I will recite a stanza or two from that poem:

In Flanders fields the poppies blow  
Between the crosses, row on row,  
That mark our place; and in the sky  
The larks, still bravely singing, fly  
Scarce heard amid the guns below.



We are the Dead. Short days ago  
We lived, felt dawn, saw sunset glow,  
Loved and were loved, and now we lie  
In Flanders Fields.

*In Flanders Fields* inspired the American professor, Moina Michael, to begin to wear a red poppy year-round to honour the soldiers who had died in the Great War. The poppy has since become widely accepted throughout the allied nations as the flower of remembrance to be worn on Remembrance Day.

The number of poppies that we planted on the Saturday—about 7,000—is significant because it is approximately the number of Australians killed in the French village of Pozieres in 1916, 100 years ago, during the Battle of the Somme. To put this number into perspective, the 7,000 Australians killed at Pozieres in less than seven weeks of fighting roughly equates to the casualties sustained by Australia over eight months at Gallipoli.

It is hoped that the poppies planted will be in full bloom for Remembrance Day on 11 November, weather permitting, showcasing a 170 square metre sea of red and an apt remembrance of those who have served this country and lost their lives in doing so.

#### DRUG DRIVING

**The Hon. D.G.E. HOOD (15:21):** I seek leave to make a brief explanation before asking the Minister for Road Safety a question relating to reports of increased incidents of drug driving in South Australia.

Leave granted.

**The Hon. D.G.E. HOOD:** No doubt the minister is aware that recent figures have shown an alarming rise in incidents of drug driving on our roads. These figures indicate that motorists are six times more likely to test positive for drug driving than driving under the influence of alcohol—six times more likely. Across South Australia the number of drivers that have been caught driving whilst under the influence of illicit substances has increased from 1,525 in the financial year 2014-15 to 1,808 in this financial year just passed.

This issue is particularly relevant in communities such as the Barossa Valley and Mid North, where figures have shown significant increases in drug detection for those driving over the last financial year. My question to the minister is: what changes does the government propose to implement or is considering presenting to this parliament in order to curb the unacceptably high incidence of drug drivers on our roads?

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:22):** I would like to thank the Hon. Dennis Hood for his question because it is a matter of important public policy. As has been stated previously by myself in this place, and also on radio, I have been rather alarmed at some of the statistics that are coming to the fore regarding drug driving generally. I would like to thank the Hon. Dennis Hood for his strong advocacy in this area because it is a very important issue.

Approximately 24 per cent of all people who died in 2015 on our roads, or drivers who were killed on our roads, tested positive for drugs—almost a quarter. That is an astonishing statistic, that almost a quarter of all people who were killed on our roads were found positive for drugs.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. P. MALINAUSKAS:** That statistic is alarming, but another statistic that tends to be alarming is the rate of repeat drug driving offences. I am particularly concerned about the fact that there are a number of people who find themselves on our roads who have committed more than one offence regarding drug driving. As a consequence of this, as I have indicated previously, I have undertaken a bit of an exercise within agencies that I deal with to have a look at the way our drug

driving laws are set up and see if we have the mix of responses right when it comes to things like the fine regime, the demerit point regime, the level of disqualification that applies to people once they—

*Members interjecting:*

**The Hon. I.K. HUNTER:** Point of order: the honourable minister is on his feet trying to give an answer to a question asked very respectfully in this place and we have members of the opposition in here showing absolutely no respect to either the person asking the question or the minister who wants to answer it. It is appalling behaviour and the Leader of the Opposition—

*Members interjecting:*

**The PRESIDENT:** Order.

**The Hon. I.K. HUNTER:** —should know better.

**The PRESIDENT:** There are two things. First of all, while someone is giving a point of order, I think that person should be able to give that point of order without interjection. Secondly, I have seen this sort of banter across the chamber from both sides. In this chamber, I think we are all grown up enough to be able to accept a little bit of banter. It obviously wasn't especially—

**The Hon. D.W. Ridgway:** Hear, hear!

**The PRESIDENT:** Not while I'm talking. Honourable minister, are you finished?

**The Hon. P. MALINAUSKAS:** No.

**The PRESIDENT:** You can continue and I expect the honourable minister to be able to finish his answer in silence.

**The Hon. P. MALINAUSKAS:** I have to say that I have been somewhat relieved at the fact that members opposite, particularly the Leader of the Opposition in this place, have decided to spend some time thinking about public policy in respect of Corrections because, as far as I can tell, his mind has been elsewhere recently, dealing with internal politics, rather than thinking about public policy. So, I have to say that I have been somewhat relieved. To take myself back to the question—

*Members interjecting:*

**The PRESIDENT:** Allow the minister to finish his answer.

**The Hon. P. MALINAUSKAS:** The exercise that I have undertaken has been to engage the Department of Planning, Transport and Infrastructure and SAPOL to seek advice from them about what would be the appropriate response to be able to deal with the issue of drug driving. It has been a piece of work that has been undertaken now for some months, and I am pleased to advise the Hon. Mr Hood that I would very much hope to have a detailed policy response that I can take to cabinet in coming weeks for its consideration. I think there is room for improvement in the existing regime and I look forward to reporting back to the chamber and, indeed, publicly once those considerations have been undertaken by the cabinet.

### *Bills*

## **APPROPRIATION BILL 2016**

### *Second Reading*

Adjourned debate on second reading.

(Continued from 20 September 2016.)

**The Hon. R.I. LUCAS (15:27):** I rise to support the second reading of the Appropriation Bill. In doing so, I acknowledge, as is most often the case, that the parliament is asked, in considering the budget, to consider two companion bills: one is the Appropriation Bill and one, this year, is called the Statutes Amendment (Budget 2016) Bill.

I will address my general comments in relation to the budget and the government's economic direction and some overall thoughts on the state's future economic direction in my contribution to the Appropriation Bill. The detailed analysis of some of the budget measures I will leave to the companion

bill. I note that, as was the case last year, I have been assisted by an eminent tax lawyer around town with some detailed advice and questions for the government in relation to specific provisions of the taxation elements of the budget bill, which I will place on the record in the second reading of the budget 2016 bill and seek a considered response from the government in that particular debate.

The Treasurer of South Australia, in bringing down the budget and publicly defending the budget, described in his own immodest way that this is a 'God's work' budget; in essence, that the provisions or important provision of this particular budget, in his view, was God's work. I think even his own colleagues cringed at the evident lack of humility in the Treasurer's approach to his own budget and the description of the elements of the budget and the potential impact of the budget. I can assure the Treasurer that nobody else in South Australia sees this particular budget in the context of it being God's work.

I think it is self-evident testimony to one of the principal failings not only of the Treasurer but also the government that, after more than 14 years in government, their creeping arrogance now knows no bounds. We see it in the approach of the government generally, of the Premier and also of the Treasurer. I think it is demonstrated very capably by a Treasurer who describes his budget as being God's work. Let us look at this supposed 'God's work' budget in terms of its actual implications. The Treasurer and the Premier again this year describe this budget as a jobs budget.

Last year's budget was described as a jobs budget and, of course, South Australia, through all of last financial year, continued to have the worst unemployment rate of any state or territory in the nation, and jobs growth in South Australia, compared to virtually every other state, was the lowest or the worst over the last 12-month period. In fact, when you go back and compare it to the promise made in February 2010 of delivering 100,000 new full-time jobs within six years—that is, by February 2016—clearly, it is a massive fail and a massive broken promise in terms of the government's lack of delivery on that promise.

That was last year's budget, which was supposedly a jobs budget. Again, this year, the Treasurer and the Premier have described this budget as a jobs budget. However, when one looks at the detail of the budget documents released as part of the budget, one sees that even the Treasurer's own department does not believe that this is a jobs budget. That is clear from the economic growth forecast brought down by Treasury and the jobs growth forecasts brought down by Treasury. In particular, the Treasurer's own department forecast that jobs growth in this financial year, 2016-17, will be only 0.75 per cent—less than half the jobs growth rate of 1.8 per cent predicted by the federal government for the national economy.

We have a Treasurer who says this is a 'God's work' budget and a jobs budget, yet his own Treasury does not agree with that and says that jobs growth will only be 0.75 per cent over the next 12 months—less than half the national jobs growth rate. Clearly, South Australia's unemployment rate will continue to be either the worst or the second worst—the worst of all the territories and states or the worst of all the mainland territories and states, depending on the comparative position of Tasmania's performance vis-a-vis South Australia's performance.

Nevertheless, on whatever measure, it is clear that Treasury believes that our unemployment rate will continue to puddle around at the bottom of the ladder, rather than being anywhere near the middle or the upper echelons of the unemployment figures. In last year's jobs budget, Treasury predicted 1 per cent jobs growth in the year. The actual jobs growth was again only half the conservative estimate of jobs growth for the last year. Last year, they predicted a 1 per cent jobs growth. The actual jobs growth was less than that: it was half a per cent. This year they are predicting 0.75 per cent, and one can only hope that we do not end up with half of that—that is, less than 0.4 per cent jobs growth in 2016-17.

The other thing that is self-evident in this particular budget is the government's continuing reliance on further increases in tax, charges and levies. We see an increase in the solid waste levy, which is going to cost South Australians an extra \$64 million over four years. We see that taxis, chauffeurs and ride sharing trips will attract a new \$1 levy for every metropolitan trip from 2017-18. There is to be a new 15 per cent wagering tax for online gambling. Parents working in South Australia under 475 visas will now have to pay fees of up to \$5,000 for primary school students or \$6,000 for

secondary school students to attend public schools. There is a raft of other smaller increases in taxes, charges and levies littered throughout the budget documents.

There is an ongoing reliance of the government on further increases in taxes and charges. The Commonwealth Grants Commission, on their independent measure of whether you are a high-taxing jurisdiction (they call it the Commonwealth Grants Commission tax effort ratio calculation), calculate that South Australia, under a Labor government, will be the highest taxing jurisdiction in Australia. There will be massive increases in state-based taxes, charges and revenues whilst at the same time we see very significant increases in federal funding coming into South Australia in 2016-17 compared to 2015-16.

There will be an increase of \$528 million in GST fundings coming to South Australia this financial year compared to last year. That is more than half a billion dollars extra in a year-on-year comparison. That is not a four-year comparison; that is just a year-on-year comparison in terms of increases in GST funding. Yet, Mr President, as you and others will know, the government has continued to run a line that there have been actual reductions in commonwealth funds to South Australia.

What might have been more accurate was to say that the rate of increase of commonwealth funds to South Australia had been reduced from what had been promised by Gillard and Rudd in a number of areas. It was never accurate to say that there were actual cuts, in real terms, of commonwealth funds year on year. Commonwealth funds continue to increase. The opposition was on the public record two or three years ago, when the commonwealth government indicated that the rate of increase was going to be reduced from what had been previously promised to South Australia by the commonwealth Gillard and Rudd governments.

The sad reality of what we see in the Appropriation Bill and the attached general budget documents is, as I said, an overreliance on increases in taxes and charges, and an unwillingness of the state Labor government, after 14 lazy and unproductive years in terms of economic growth and jobs growth in South Australia, to actually tighten up on gross waste and overspending within government departments and agencies. We see in this particular budget new job schemes with catchy new job titles and catchy new television commercials to sell them, paid for by the taxpayers. If one was to go on the 14-year record of the Labor government, sadly we will not see significant economic growth or jobs growth from any of the government's job programs.

Just looking at the recent history of some of these programs, there is evidence of the inability of the government to recognise the economic problems that confront the state, and what the solution should be. Just over two years ago, the state government announced a \$4 million loans to small business program as part of the deal with the member for Frome, in the document referred to as the 'Brockument'.

When in the Budget and Finance Committee we asked, 'Well, there have been four million in loans for small business as part of this deal with Mr Brock, how many loans have you actually implemented?' The answer was: not one single loan had been provided to a single business, anywhere in regional South Australia under this catchy \$4 million loans to small business jobs program. Not one business had actually received a dollar from this particular program.

We also had the \$50 million Unlocking Capital for Jobs Program launched with much fanfare and publicity, taxpayer-funded advertising, and launched by the Premier and the Treasurer as being a jobs program which was going to create significant numbers of jobs in South Australia. Again, in the Budget and Finance Committee, when we asked how many businesses had benefited from the \$50 million Unlocking Capital for Jobs Program, we were told there had been one application and one guarantee to a single firm after the first 18 months of the program. One application, one firm, one grant out of the \$50 million Unlocking Capital for Jobs Program.

This is just another clear example of the fraudulent nature of the Labor government in South Australia, the fraudulent nature of the jobs programs that they continue to launch with publicity, with fanfare, with catchy titles and tunes, but just not realising or recognising that they missed the point completely in terms of tackling the jobs problems in South Australia. It is unsurprising when you have a government being led by people like the Hon. Mr Weatherill, the Treasurer, Mr Koutsantonis, with their backgrounds, and ministers in this house like minister Hunt, minister Malinauskas and

minister Maher, with no experience, no knowledge and no understanding of the reasons for the economic problems in South Australia.

They have had 14 years to tackle the problems, but have been spectacularly unsuccessful over those 14 years. Should their term in office come to a conclusion, as many would hope, in 2018, I hope some of them would reflect with shame on their performance over the last 16 years, or however long they have been part of the government, and their unwillingness to listen to what needed to be done to try to turn the state's economic future around.

Their arrogance, in terms of being all-knowing, we see all too often in this chamber in question time. The attitude of the three ministers that we have in the chamber is, 'We know better, you don't know anything.' We have this supposed intellectual superiority, which some ministers like to feign, or like to pretend that they are superior in some way to anyone who does not happen to be within the Labor Party or on the government benches at the time: that is part of the problem.

We see the Investment Attraction Agency, which had \$15 million in grants up until this most recent budget, when its budget was further increased, but in those first two years, they received \$15 million in grants and they had spent \$13.6 million on 40 staff to administer the delivery of the \$15 million. When the Hon. Mr Darley, the Hon. Mr McLachlan and I heard that in the Budget and Finance Committee we almost could not believe what we were being told. I guess we were unsurprised in this case as it was Mr Hamilton-Smith who had personal responsibility for this, a man known for loving to empire build.

How could anyone, any government, defend having a \$15 million jobs program and spending \$13.6 million over two years on 40 full-time equivalent staff to give money away to businesses? I just do not know how ministers like the Premier, the Treasurer and the three ministers in this house can defend such gross, abhorrent wastage of taxpayers' money, yet on a daily and weekly basis they stand up and defend their appalling record in relation to jobs programs, jobs growth and economic growth in South Australia.

At the time of the Budget and Finance Committee, which was in May this year, one can only hope that there might have been some progress, but again we had the \$10 million Small Business Development Fund announced as part of the Northern Economic Plan, and we were told that no grants had been issued at all to anybody under that particular plan, and that with the \$7 million for the Food Park, announced as part of the Northern Economic Plan, again no funding had been provided and no guidelines had been finalised, but that was as at May of this year. I understand that in relation to that there might have been a minimal amount of progress in those areas.

Sadly, I could go on forever and a day highlighting jobs programs that have been announced, packaged, sold and advertised over the last 16 years of this Labor government, and look at their spectacular lack of success. All that happens is that a new title is found, new packaging is done and it is reannounced in a different form in a subsequent budget.

Similarly, we have seen spectacular examples of waste of public money in terms of overspending and managing of government departments and agencies. My colleague the Hon. Mr Wade and others have highlighted the more than \$600 million blowout in the cost of the new Royal Adelaide Hospital, and we are no closer to seeing an opening of that new institution.

We had the spectacular blowouts in the cost of the EPAS program and the significant reductions in scope of the EPAS program to try to keep it within the spectacular blowout figure in terms of the cost of the budget; the spectacular blowouts in the cost of the RISTEC IT program within Treasury, Koutsantonis' own department—a \$20 million IT project that blew out to over \$50 million—and they still had to reduce the scope of it because it kept on blowing out; and other IT projects in other departments on which the Auditor-General has reported.

This government spent \$376 million on targeted separation packages to reduce the number of public servants in South Australia, and when we asked the question, 'Well, okay, you spent \$376 million between 2010 and 2015 on targeted separation packages: what has been the reduction in the total number of public servants?' The answer that came back was, 'Well, there hasn't been a reduction; we've actually increased the number by more than 2,000 full-time equivalents.'

So, whilst the government has been shovelling money into the pockets of public servants going out the front door, the government has been shovelling even more public servants in through the back door, contrary to the budget documents over the last seven years now predicting that they would reduce the total number of public servants because they did not need that number of public servants, in the words of the Labor Premier and the Labor Treasurer at the time.

We have seen examples in the Budget and Finance Committee where the new chief executive officer gets a \$125,000 pay increase, plus some hidden benefits in relation to car entitlements, and then sacks a public servant, a senior executive in the department, and the taxpayers pay out somewhere between \$200,000 to \$300,000 to the executive who was dismissed, and within weeks that same executive is re-employed by the Weatherill government in another government agency, in SAFECOM, in a senior manager's position.

An executive is sacked, the taxpayers pay out \$200,000 to \$300,000, and weeks later the Weatherill government re-employs the person in a government agency, in a senior manager's position within that particular agency. They are the sorts of examples that, sadly, anyone who wanted to devote the time could spend literally hours and hours on in terms of highlighting the waste, the mismanagement, the incompetence, the negligence of this Labor government and, sadly, these Labor ministers.

The reality is that they have no understanding of how to run a budget, no understanding in terms of financial management, no understanding of the efficacy of jobs programs in terms of delivering jobs growth in South Australia, and it is the people of South Australia, after 14 years, who are the ones left to lament. They are the ultimate losers of 14 years of financial incompetence of the government.

If I can conclude this section of my Appropriation Bill debate before turning to another: I guess the one figure which demonstrates this so conclusively is the budget figure buried in Budget Paper 3, which shows that, in the forward estimates, this Labor government is now predicting that total state debt will jump to over \$14 billion again. At the time of the State Bank disaster, state debt peaked, sadly, at \$11.6 billion. After nine years of a Liberal government in 2002-03, when this government was first elected, that \$11.6 billion debt had been reduced to around about \$3 billion, a very manageable, low-level total public sector debt—from \$11.6 billion down to \$3 billion.

What this Labor government has done over a period of 14 years is increase the total state debt to over \$14 billion, at a time when they had the rivers of gold flowing into South Australia through the GST deal negotiated by the former Liberal government with the commonwealth Liberal government, at a time, up until the GFC, when they had the rivers of gold flowing in from the property boom and state-based land taxes and other property taxes which led to massive unbudgeted increases in revenue flowing into the coffers of South Australia.

Rather than frugally managing those rivers of gold and managing the budget for the rainy periods that inevitably, in financial terms, would come, the government increased its spending and continued to spend, and we had a period of six or seven years of massive deficits because the state had ratcheted up its level of expenditure, its spending and its overspending, and it was unsustainable in terms of the revenue loads once the GFC and the tough times hit the state of South Australia. That is the lack of financial competence. That is the financial mismanagement and the negligence that, sadly, the people of South Australia have suffered through for the bulk of the last 14 years. They will have an opportunity again in two years, if more than 53 per cent of them this time can actually support a change of government.

The second issue I want to address in the Appropriation Bill debate, which is included in the new expenditure that the Premier and the government have sought approval for, is the whole debate in relation to the nuclear fuel cycle. We have already spent, as a state, just over \$10 million and we clearly continue to spend taxpayers' funding out of the budget on an exploration of the nuclear fuel cycle debate and, in particular, the view from the Premier and the Labor Party that South Australia should be considering a high-level nuclear waste dump facility somewhere in South Australia for high-level waste from around the world to be disposed of long term somewhere within South Australia.

As the Premier indicated in his ministerial statement today, and on a number of other occasions, the government continues with its consultation period. The citizens' jury process, again a part of the public funding, continues. The parliament has established a joint standing committee to investigate the issue, which has two major parties and two minor parties represented on the committee. The Premier has recently visited Finland to explore the issues that relate to South Australia being a nuclear waste dump in the future.

Clearly, the imperative in all of this has been the argument that there is much revenue that potentially can be earned for South Australia to help resolve some of the budget problems that we currently confront, and the royal commission report highlights some of those numbers and what the future government might be able to do with the money that it earns from a nuclear waste facility. There is discussion in that report about wealth funds and money being absorbed into the budget and there have been discussions, of course, as to how the state might spend some of the revenue that it might earn in the future.

I think the first point, in speaking to this issue today—which clearly has significant social implications but I am more interested today in talking about the economic impacts as part of this Appropriation Bill and budget bill debate—is that the joint standing committee only recently returned from a similar venture to the Premier's in terms of looking at some of the nuclear waste dumps and facilities around the world. The Premier visited Finland but the standing committee visited Finland, the waste facility in France, and went to America to talk to the people—we did not actually visit the facilities—at Yucca Mountain in Nevada and the WIPP facility in New Mexico, and we met with many other agencies, individuals and organisations involved in this particular debate.

The comments I make today, clearly, are only my own as an individual. I do not put them on the record today as being representative of the views of any of my parliamentary colleagues on the committee, who may well have a different perspective and different views, and they certainly do not represent the views of my party at this particular stage either.

The trip was both informative and invaluable. I think for the committee to do the job that it has been tasked to do, it could not do that without having the opportunity to actually look at, see and question at first hand the people involved in those facilities and those projects around the world who are trying to tackle this particular issue.

I have to say, in summary, that, as an individual, I returned from the trip more sceptical than less sceptical about the prospects of the project getting up in South Australia. I want to explain why I am more sceptical now than I was before. Prior to leaving, I had publicly indicated my viewpoint that a potential deal-breaker for me, in terms of considering a nuclear waste dump in South Australia, was the evidence the committee had taken from Jacobs MCM, one of the consultants. This had indicated that the taxpayers of South Australia would have to spend up to \$600 million before we actually made a final decision as to whether we would proceed or not.

Let us just put that \$600 million into perspective. That is one new Adelaide Oval redevelopment; it is allegedly what a new Women's and Children's Hospital would cost—not that I believe the Minister for Health in relation to that cost estimate, but that is what he said, \$600 million.

**The Hon. S.G. Wade:** It is an NRAH blowout.

**The Hon. R.I. LUCAS:** Yes, it is an NRAH blowout, as my very helpful colleague Mr Wade indicates. Six hundred million dollars is a not insignificant sum of money. To be fair, both the government, I suspect, and certainly the joint standing committee are going to want to flesh out whether or not that amount of money can actually be reduced—that is, we spend less money up front before we make a decision. The prospect of actually spending \$600 million on behalf of taxpayers and 10 years down the track saying, 'Whoops, this is all too hard, we're just going to write off \$600 million on behalf of taxpayers,' is a bridge too far for me, personally.

On our travels, we did meet people involved with the original Pangea proposal. They frankly said to us that that original Pangea proposal had blown \$600 million on looking at a nuclear waste facility—which, in the end, never went ahead—more than a decade ago, as we well know in Australia. However, that was money not invested on behalf of the taxpayers of South Australia. There were

private investors, foreign investors and governments who put their money up and lost it at that particular stage.

Would any government, at some stage down the track, want to stand up in the parliament and say, 'Well, it was a good idea at the time from Premier Weatherill, those of you who remember him from a decade ago. We have now spent \$600 million, and it is all too hard. We don't have the customers, the financial figures don't stack up, and we are now just going to write off \$600 million'? I can assure you, it would not be me in 10 years' time having to stand up to do that, but some of the younger members in this chamber or in another chamber might be involved in governments that would have to confront that particular decision.

Whoever they are, whichever party they represent, good luck to you in terms of explaining to the public that all of these billions of dollars that we were going to reap from a nuclear waste dump in South Australia did not quite work out because it all got a bit too hard. We have just written off \$600 million of your money over period of time. So, clearly, it is a potential deal-breaker. Clearly, if the project is to be progressed, that lump of money needs to be reduced, or you need to find stakeholders who are prepared to put up their money, take the punt and lose their money.

To be fair, in relation to this, one of the people that we met overseas indicated that, as with the Pangea project, where foreign governments did invest in that particular project and lost their money, maybe there might be foreign governments prepared to put their money up and risk it. Not a prepayment, as the Premier is currently talking about; that is, prepaying for acceptance of the waste. I think the Premier potentially misunderstands what is being discussed here. That is a completely different issue. What you are talking about is potentially having a government or stakeholders prepared to risk significant amounts of capital up front and to reduce the exposure of South Australian taxpayers to the investigation. If that can occur, that is again something that reduces the element of risk for South Australian taxpayers and is clearly something that would be worth exploring.

I would have to say that this particular person who was associated with the Pangea proposal said, however, that in their view \$600 million was an underestimate of the initial costs before we make a decision. This person said the costs are more likely to be \$1 billion; that is, the state would spend \$1 billion prior to reaching the decision as to whether or not you would ultimately proceed or not. Again, the comments I made in relation to the taxpayers being willing to take a punt on a \$600 million investment are magnified if the investment is actually \$1,000 million (or \$1 billion) in terms of up-front expenditure.

This, from my viewpoint, is a potential deal-breaker and this in and of itself is something which has to be resolved. Either the \$600 million to \$1 billion gets reduced, and you can make a decision earlier, or somebody else helps defray the costs, other stakeholders come in to help defray the costs of the up-front investment.

The second big issue in relation to my increased scepticism, as a result of the study trip, was the knowledge we garnered from, in particular, speaking to the Americans in relation to their two proposals; to a lesser degree the Europeans, but in particular the American experience. The Yucca Mountain experience in Nevada is the perfect case in point. I think the opponents of a nuclear waste dump in South Australia have portrayed Yucca Mountain and the WIPP experience in New Mexico as examples of failures. But I think it is educative and informative for people to actually look at the real reasons behind that and not just accept them as examples of nuclear waste dump proposals that failed because they were not technically capable of achieving results.

The issue in relation to Yucca Mountain is illustrative of the absolute critical need that all levels of government, local, state and federal, have to be in lockstep to support a nuclear waste dump proposal anywhere in America, and the lesson for us, I suspect, is anywhere in South Australia or in Australia as well.

In Nevada, you had a situation—I will not go through all the detail leading up to it—where ultimately the Congress passed what residents of Nevada referred to as the 'Let's screw Nevada bill'; that is, that every other state representative in Congress passed a law which said America's nuclear waste dump facility would be at Yucca Mountain in Nevada. There are a lot of reasons for that, there is a lot of background for that, and I will not trace the history of that on this particular occasion in this



debate. Nevertheless, there is a congressional law which says there shall be a nuclear waste facility at Yucca Mountain in Nevada.

As part of the increasingly interesting American political experience, when now President Obama was running initially for office, the state of Nevada was critical in terms of his election. A then senior senator from Nevada, Senator Harry Reid, was a very powerful Democrat senator who promised to deliver the state of Nevada to Mr Obama if the Yucca Mountain facility was stopped.

That political deal was done, the state of Nevada was delivered to Mr Obama, who became President Obama, and that set in train a series of actions to undermine the decision that had been taken by the Congress; that is, through a series of devices, funds were removed from Yucca Mountain, with the assistance of both the new President Obama and Senator Harry Reid, who was at that stage the Senate Majority Leader. He has also been the Senate Minority Leader, but he has chaired a very powerful Senate committee and, through that particular Senate committee, he made sure that various proposals never got out of his Senate committee that related to Yucca Mountain in Nevada, so that funding was cut off.

There was opposition from other counties and the state legislature in Nevada, so various devices were taken to remove water licences to the mine operators. It is a bit difficult if you do not have access to water if you are going to try to run a national nuclear waste repository. The state legislature was opposed. It was controlled by Democrats at the time, so that particular device was used.

The local community at Yucca Mountain, a community of some 40,000 to 50,000 residents of Nevada, actually supported the nuclear waste facility in what would be the equivalent to our local government district, so you had local government strongly supporting it, but you had the neighbouring local governments in Las Vegas and other counties opposing it. You had the state legislature, the senior senator from Nevada and the President of the United States opposing it, so even though the law said, and still says, that the dump should be in Nevada, Senator Harry Reid and President Obama never had the numbers to overturn the law. They had the numbers to stymie, filibuster and delay, but they could never get the numbers to actually overturn the law, so the law remains that the dump should be in Nevada. It has not been able to proceed.

That is the perfect example of why, in South Australia, a dump or facility will never proceed unless, if it is in a local government area, the local government area supports it, both the government and the opposition in South Australia support the facility, and both the federal government and the federal opposition support the facility because there are many aspects to the proposal for a nuclear waste dump in South Australia which cannot proceed without the support of the federal government and the federal parliament.

There are national regulators, such as ARPANSA, which will have to have their regulatory arrangements changed to look after these sorts of facilities. There are national laws which will have to be amended, as well as state laws. There will have to be international treaties and agreements, where the only signatory happens to be the federal government and not the state government of South Australia, which will have to either be renegotiated or complied with.

As we took evidence from some people, there was the view from some in the international nuclear fuel cycle community who say that, if governments are going to write contracts with a provincial government, like the government of South Australia, they will only do so if they know that there is the full backing of the commonwealth government should something happen to the regional government of South Australia. Bear in mind, we are not talking about the next five or 10 years; we are talking about hundreds of years.

There is the view from some that, if these agreements are to be struck, if contracts are to be written, whether or not the commonwealth government would actually be signatories, they would nevertheless have to have actively endorsed and supported them, and be prepared to do so over a long period of time. That raises an interesting question in the case of South Australia and Australia, because currently the federal Labor Party is publicly pledged to oppose a nuclear waste facility anywhere in Australia, let alone in South Australia.

At an upcoming federal election in 2½ years' time, where federal Labor candidates are campaigning in South Australia against a nuclear waste facility in South Australia and, potentially, candidates from the Greens and the Nick Xenophon Team are campaigning against a nuclear waste dump or facility in South Australia, it will be a courageous Liberal candidate or member in a federal campaign who would be out there campaigning hard to support Premier Weatherill on a nuclear waste dump or facility in South Australia.

The challenge for Premier Weatherill and Mr Koutsantonis and others is that, if they want this to be progressed, they have to get the support of the federal Labor Party. If there is not going to be the support of the federal Labor Party, then we, the taxpayers of South Australia, will be spending tens and maybe hundreds of millions of dollars on fool's gold—fool's uranium, fool's nuclear waste dumps. There has to be the support of both the major parties at state and federal level.

Even if the state Labor and state Liberal parties agreed to further progress investigation of the project, I am increasingly sceptical, given the pressures on federal Labor and their current policy position. I do not profess to be an expert on all that goes on within the federal Labor Party or indeed the state Labor Party but, after a number of years in this parliament, I have a passing interest and a passing knowledge of what goes on within the Labor Party and within the factions. I know there will be inner-city Labor Party ministers and members in Sydney and Melbourne tackling battles with Greens candidates who will be pledged to oppose a nuclear waste dump in South Australia.

That in itself will place pressures within the federal Labor Party and the federal Labor caucus as to what their position might be. Whilst a lot of work can be done and should be done in this early stage in terms of the work of the joint committee—looking at what occurs in Finland, France and America—equally imperative, if the Premier wants to progress this, is the work he needs to do here. I am assuming he will have the numbers in the convention later in October in South Australia and that the right will crush the remaining fragments of the left that exist within South Australia.

Even though there is the occasional squeak from the left and the occasional meeting to protest about nuclear fuel, organised by the member for Ashford and others, I am assuming that the right will crush the views of the left at the coming state convention. That is a small part of the task. The big task is the national policy at the national convention and the position of Mr Shorten and others at the federal level. To prevent, potentially, a lot of time, energy and money being wasted, progress needs to be made in that particular space by the Premier, the Treasurer and others if this is to be further explored.

I would like to make a couple of final quick points in relation to my personal reflections. One of the key assumptions, in terms of the billions that we might potentially make, is the royal commission's estimate that we might receive \$A1.75 million per tonne of heavy metal. That is a critical part of the billions that we might achieve. I think, to be fair, we heard evidence from some around the world who thought that was actually a conservative figure and that it might be higher. We also heard from some who thought that the number might actually be lower. No-one actually knows, to be fair.

I note that some in the media have reported that the Premier will speak to some of the prospective customers—the three key customers were Japan, South Korea and Taiwan—to see what interest there was and what price they might pay. I do not discourage that; I think that is potentially a useful discussion that needs to be had for a number of reasons. It is easy at this stage for a senior public servant, a nuclear fuel official in one of these governments or even a current minister to indicate a potential price.

The bottom line is that until someone actually has to sign a contract, they can say anything or promise the world. They are not held to it, and in five or 10 years' time can say, 'Well, the whole world has changed since then. We have had two GFCs, and whilst we said \$1.75 million was a reasonable price, there is now competition from somewhere else in the world and we are only prepared to pay \$1 million.' That is impossible to disprove. Whilst the discussion might be useful, it is certainly not going to be confirmative or definitive in terms of the potential price that we might receive.

In relation to that, we also received conflicting views about the interest of Japan, South Korea and Taiwan in being customers. Whilst it would be unfair to say we had an official view from the

International Atomic Energy Agency, we met with around eight or 10 of their people and one of their senior people expressed a view, if I could put it that way. In his view, both Japan and South Korea were currently pledged to looking at waste facilities within their own countries.

Japan was looking at two sites. South Korea in particular, he said, had significant political capital invested in finding their own site. In his judgment, he thought that they would not be interested in being a customer of South Australia until they eventually got to the end of their process and found that they could not find a site within their own country. Bearing in mind that the three big countries in terms of our customer base, according to the royal commission, were Japan, South Korea and Taiwan, if we were to lose one or even two of those, then there is a significant hole in the financial modelling in South Australia.

To be fair, we heard a contrary view from someone in America, who said what whilst they understood that to be correct, it was possible that South Korea and Japan might be prepared to look at plan A and plan B at the same time; that is, proceed as they are with finding their own nuclear waste facility sites within their own countries, but nevertheless be prepared to invest in the exploration of a plan B in South Australia.

I am putting on the record my personal reflections to indicate, as I am sure the Premier and the proponents acknowledge, this is an extraordinarily complicated issue, but it is much more than that. I do not know how much more of an extraordinarily complicated issue you can be, but whatever that is, it is that and much more.

The definitive nature of some of the estimates of the royal commission report and the consultant's report could lead some to believe the accuracy and the adequacy of some of the financial estimates in terms of what the state might earn from this facility. They might be right. I do not stand here today and say that they are right or wrong because I do not think anyone can say whether they are right or wrong; that is part of the challenge of the work of the standing committee.

I suspect it will be very difficult for the standing committee to come to a conclusion, definitively, in relation to what is right and what is wrong. Hopefully, it will be able to shed some more light on the issue and help provide more information for decisions that this parliament, ultimately, has to take. With that, I indicate my support for the second reading.

**The Hon. G.E. GAGO (16:25):** I rise to speak on the Appropriation Bill. I am very pleased to say that the aim of the 2016-17 budget is to create jobs, to develop future industries and to ensure our children have the right skills for transforming a modern economy. This year's budget:

- builds on the 2015-16 budget;
- provides further support to grow local jobs;
- develops our future industries;
- continues to build on our infrastructure;
- invests in the community; and
- delivers a sustainable budget, both now and into the future.

The budget delivers a surplus in 2015-16 and across the forward estimates. Expenditure initiatives in the budget deliver government services and support jobs growth, while being maintained at a sustainable level. Average real expenditure increase across the forward estimates is only 0.4 per cent per annum.

The budget provides tax relief for industry in several ways: first, by extending the payroll tax rebate for four years, with extension of the current concessions for employers with taxable payrolls less than or equal to \$1.2 million (\$40 million over four years). The maximum rebate is \$9,800. Secondly, the government is providing job accelerated grants. This recognises that, whilst some traditional industries are under pressure, new industries are growing. Support businesses are also growing, and it provides up to \$10,000 grant for businesses paying payroll tax for each additional worker hired.

It provides up to \$4,000 grant for small businesses (not paying payroll tax) for each additional worker hired. There are estimated grants of \$109 million over three years for 14,000 jobs. Coupled with our extension of the payroll tax concessions for a further four years, any South Australian small business hiring two extra workers over the next two years, bringing them into a taxable payroll of just under \$1 million, would benefit from almost \$40,000 in concessions and incentives. Treasury estimates that these grants will support 14,000 new jobs over the next two years.

Extending and expanding the off-the-plan stamp duty concessions for one year: eligibility has been extended from inner metropolitan Adelaide to the entire state. A maximum concession of \$15,000 is available, and it is estimated that 800 apartments will benefit from the concession. The budget invests over \$1.5 billion each year in building and upgrading key infrastructure. This creates an average of 5,800 jobs per annum.

Over the next four years the government will invest over \$12.1 billion in infrastructure, including:

- \$3.2 billion for health facilities (including NRAH);
- \$2 billion for roads (including the Northern Connector, Torrens Road to River Torrens South Road upgrade, and the North-South Corridor Darlington upgrade);
- \$1.6 billion for water infrastructure;
- an additional \$783 million for public transport (including the Goodwood and Torrens rail junction upgrade, the O-Bahn extension to the city, and the Adelaide to Salisbury rail line electrification);
- new spending includes a tramline along North Terrace; and
- \$588 million for housing.

That is just some of our commitment to infrastructure. The budget includes \$500 million to develop and upgrade STEM (science, technology, engineering and maths) facilities in primary and secondary schools. STEM is an area that, as we all know, is vital to innovation and advancing an economy. It is an area that we often fall short on in Australia, and in particular in South Australia. We know that our need for STEM qualifications far outstrips those skills that are available.

The cost of providing STEM education is generally high for schools and educational institutions. For instance, a science lab is one of the most costly outlays for a school, and due to this cost it is often very difficult for schools to upgrade and modernise their facilities when faced with a high rate of change. The pace of change in technology is extremely rapid, and so many schools do struggle to maintain up-to-date facilities.

These grants will allow schools across our education system to benefit from modern STEM teaching techniques and create a new generation of STEM students eager to contribute to our innovative society. The government is providing \$250 million for 139 science, technology, engineering and mathematics facilities in public schools, 77 in primary schools, 44 in high schools and 18 in R-12 and area schools. A \$250 million loan facility for non-government schools is providing funding for school infrastructure projects at the government's borrowing costs. The inclusion of non-government school loans in the scheme ensures that regardless of the type of school and its financial situation, South Australian children will be able to access modern, up-to-date STEM facilities.

The budget also recognises the importance of the defence sector to the South Australian economy. We know that South Australia is undergoing a change in the type of economy that we have, replacing the devastating loss of Holden's. Without the federal Liberal government's assistance to Holden's, we now know that they are going to withdraw their facility in South Australia. Therefore, our defence sector becomes critical to our future.

South Australia has proven that we had the ability to be a strong player in the defence sector. We have a proud history and a good track record in that respect, and after a long hard campaign by this South Australian Labor government, the federal Liberal Coalition finally saw fit—actually they were dragged kicking and screaming—to value the people of South Australia over international

interests and support our bid to receive the submarines building contract—even though they did try to renege on it at one point in time.

To support and continue our growth in this sector and to ensure it recognises the full potential of the defence sector, we are investing \$6 million over three years to support the attraction and development of defence-related industries, \$4 million over four years for an engagement strategy with France to maximise the economic and job opportunities for the submarine contract, \$2 million over four years for the continuation of the Defence Teaming Centre and \$1 million for a master plan for Techport.

As noted, we are in flux in our economy. We are transitioning from a traditional manufacturing economy to a much more high-tech economy. As such, innovation is absolutely necessary to underpin that transition process to help our businesses and our economies develop a strong basis into the future.

The budget supports innovation in South Australia by spending \$80 million dollars on an innovation package; \$50 million for a South Australian Venture Capital Fund to partner with the private sector venture capital funds to grow SA businesses; \$30 million over four years in this budget, including \$10 million for the South Australian Early Commercialisation Fund grant program to support entrepreneurs and managers of start-ups and new businesses to grow; \$7.5 million for the University of South Australia's Future Industries Institute; and \$4.65 million towards the Gig City Project.

The budget supports South Australian businesses by providing \$2 million to Brand SA to undertake an awareness campaign supporting South Australian products. This includes partnering with retailers to clearly distinguish the SA made products that they offer. This will enable the public to easily identify and purchase products and services that support South Australian jobs. Many South Australians are only too happy to buy South Australian products; however, when faced with a myriad products in front of them—I know when I go supermarket shopping, it is very hard to see easily and simply which of those products are South Australian made, so particular branding and signage helps those who want to support South Australian produce to make their decision and to make that easier for them to be informed.

It supports industry and investment by extending the Tourism Marketing and Major Events Fund to \$35 million over two years to continue to grow visitors to the state and secure new events; providing a further investment in the Investment Attraction Agency, \$20 million over two years to continue to support the attraction of businesses and industry to the state; and investing \$24.8 million over four years on ePlanning reforms to facilitate faster approvals, consistent planning rules and ready access to information.

One of Adelaide's and South Australia's key strengths on the world stage is our liveability, which has been noted on many occasions and our culture is a core to that liveability. Sport is obviously a big part of the Australian ethos and contributes to a healthy community, both in terms of community spirit and bonds and in terms of physical health and the wellbeing of our community. As such, the government is supporting South Australian sports in this budget.

The budget invests more than \$40 million to support local sports infrastructure, including an upgrade to soccer facilities, \$10 million; Women's Sporting Facilities Fund, \$10 million; St Clair Recreation Centre, \$7.5 million; Port Pirie Memorial Oval redevelopment \$5 million; new indoor community recreation and sport facility in Lightsview, \$4.6 million; and the O'Halloran Hill BMX facility, \$2 million.

South Australia wants a safe environment where people who fall into offending are truly rehabilitated and not condemned to a life cycle of reoffending. As such, the government is making the community safer by investing \$56.1 million towards 198 additional prison beds at Mobilong, Mount Gambier and Port Augusta prisons; \$16.1 million over four years for the government's commitment to recruit 313 additional police officers and support initiatives for more police officers providing front-line services; \$9.9 million additional funding over four years for rehabilitation programs to assist in reducing the rate of reoffending; and \$1.3 million over three years for a new SA Police IT system and National Domestic Violence Order Scheme.

South Australia has often been the political punching bag of the Federal Liberal Coalition, between quips from the defence minister, Marise Payne, that South Australia is not interesting, to their contempt for South Australian jobs through their attitude to and lack of support for Holden and Arrium, to their slashing of services for the South Australian community. The state Labor government has decided that, if the federal Coalition does not value South Australia as they should, it is up to us to ensure South Australia grows in spite of their contempt. Therefore, this budget invests in community wellbeing by spending:

- \$526.8 million over four years to further address funding cuts from the 2014-15 Liberal Coalition federal government budget and to support ongoing reforms in the state health system;
- More than \$90.7 million over four years for additional disability services and to support the transition to the NDIS;
- \$44.4 million to improve Aboriginal health outcomes; and
- \$8.7 million to continue the community and mental health rehabilitation service in Whyalla.

Again, that was in response to the federal Liberal government's withdrawal of support for those really important services. We have always been a cultural juggernaut, from the Fringe Festival through to OzAsia, and all the wonderful events that make up the festival state.

The budget includes more than \$65 million towards upgrades and cultural programs, providing a significant economic contribution to the vibrancy of the city, and this includes \$35.2 million over three years to develop Her Majesty's Theatre; \$15 million over four years to invest in the state's cultural capital; \$7.3 million to revitalise laneways between the Adelaide Central Market and the Riverbank precinct, the total cost being \$14.6 million, jointly funded with the Adelaide City Council; \$3.1 million over four years for additional support for the OzAsia Festival; \$1.4 million over three years for the live music events start-up fund; and \$500,000 to develop a business case for a new contemporary gallery.

We know that our environment is paramount to our future and that we must transform our living to better protect our environment, or suffer the grave consequences in years to come. In response to these challenges the government has invested in a cleaner environment by spending \$6.41 million on solid waste levy initiatives to sustain and enhance our clean environment, including \$26.4 million on local government waste resource recovery grants and grants for infrastructure investment and innovation in green industries; \$15.8 million over four years on environmental assessment and remediation and waste reform; \$11.9 million for climate change initiatives; and \$10 million to provide improved infrastructure to promote low carbon forms of transport, increase cycling and public transport journeys.

These measures have been funded from an increase in the metropolitan solid waste levy from \$62 to \$76 per tonne, from 1 September 2016, and an increase to \$103 per tonne by 2019-20. Replacement of around 30 per cent of the state government fleet vehicles, with low or zero emission vehicles within the three years, is another initiative to help ensure that we maintain a clean, green environment. One city does not a state make. We have been an incredibly active state government when it comes to a regional South Australia and I know there are many challenges that our rural and regional communities face.

The budget includes \$384 million on new initiatives in regional areas, including \$106.5 million to refurbish and redevelop contemporary sites, STEM facilities and regional schools; \$50 million to support the future owner of Whyalla Steelworks; \$20.4 million to support the continuation of the Leigh Creek township; and \$9.6 million to support small businesses experiencing cash flow challenges as a result of Arrium entering administration.

Upgrades to the Kangaroo Island and Mount Gambier airports are other examples of our commitment to regional development in South Australia. The Regional Development Fund supported 61 projects and, according to independent research, will generate economic activity for the state and in regions, which includes many additional regional jobs. The government has needed to take measures to support the budget, including: public sector wage growth to be capped at 4.5 per cent

over three years (1.5 per cent per annum) for the next round of enterprise bargaining. CPI is currently 0.7 per cent and forecast to be 4 per cent over the three years (2014-15 to 2016-17) and there will be a saving of \$357 million across the forward estimates.

The government will proceed with separating and commercialising some of the transitional services provided by the Land Services Group; there will be a review of options for private sector involvement in loans to HomeStart customers; and there will be the introduction of a tax of 15 per cent on net wagering revenue on bets placed in South Australia—\$10 million per annum from 2017-18 onwards.

As a result of these initiatives, the budget not only meets all of the government's fiscal targets, but will ensure growth, vibrancy and success for South Australia's future.

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

### **CHILDREN AND YOUNG PEOPLE (OVERSIGHT AND ADVOCACY BODIES) BILL**

#### *Second Reading*

Adjourned debate on second reading.

(Continued from 20 September 2016.)

**The Hon. D.G.E. HOOD (16:46):** I rise to speak on this very important bill to indicate Family First's overall support, although we do have concerns about some specific measures of the bill, which I will outline in my contribution today. The bill implements a number of key changes aimed to protect children and young people in the state. These proposed changes are based on the recommendations of the Child Protection Systems Royal Commission report handed down by the Hon. Margaret Nyland AM a couple of months ago.

Of the raft of changes in this bill, the most significant, in my view, is the appointment of the commissioner for children and young people, which is in accordance with recommendation 245 of the royal commission report. Indeed, that is the issue that has attracted most of the media attention and general public discourse. As most would be aware, this is not the first time the government has been recommended to appoint a commissioner for children and young people. This first came from the Hon. Robyn Layton QC in her review of child protection, handed down in March 2003.

Thirteen years have elapsed since that key recommendation was made, and only now does it appear that our state will finally establish a commissioner for children and young people. It is tragic to contemplate the number of children who have been harmed, or are worse off, or are subject to harm, or in harm's way due to the lack of a commissioner in that very long 13-year absence. In my view, and in the view of many others in the community that I have spoken to and heard from, this has simply taken too long.

In fairness to the government, it has attempted to establish a commissioner, most recently through the Child Development and Wellbeing Bill. Unfortunately, there was an impasse which stalled the passage of that bill, as you are well aware. Although introduced in 2014, the bill remains on our *Notice Paper* today without having progressed in some time—many months. Nevertheless, Family First welcomes the establishment of a commissioner for children and young people, which is something we have advocated for a very long time.

The history of the government's child protection performance is well documented and is contained in the numerous reports and reviews undertaken in the past two decades. We had the Layton report in 2003, the Mullighan inquiry in 2008, the Parliamentary Select Committee on Families SA in 2009, the DeBelle inquiry and the recent coronial inquest into the untimely and unfortunate death of Chloe Valentine in 2015. Now we have the Child Protection Systems Royal Commission report. Each report and review has exposed widespread issues within our child protection system.

In our view, the bill now before us introduces changes to a system that is in desperate need of change and has been for an extended length of time. However, as I indicated, there is one issue in particular upon which we would like clarification from the government. I seek clarification on this particular matter of concern in relation to a specific clause in this bill, that is, clause 11, which specifies the commissioner's function is to advise and make recommendations to:

...other bodies (including non-Government bodies) on matters related to the rights, development and wellbeing of children and young people at a systemic level;

As the Attorney-General clarified in his second reading contribution:

...the inquiry powers of the commissioner will extend beyond government-based agencies and systems into the non-government sector and community...

On the face of it, this appears to be a sensible measure. We are not opposed to it as a whole. However, our concern is that the commissioner may, out of his or her own volition, with little justification or subject to few checks and balances, inquire into any private organisation.

I recognise that child protection is paramount and that is something that none of us in this chamber would shy away from, and providing the commissioner with adequate powers to investigate systemic issues is important to enable proper child protection. However, we need to ensure that the commissioner exercises his or her power of inquiry in an appropriate manner, consistent with the objects of the bill and the act. The Attorney-General has also stated:

For the purposes of this bill, inclusion of the non-government sector and community for the purposes of conducting an inquiry will be achieved by regulation.

I seek clarification from the government on how this would operate under regulations. Will the regulations contain a list of non-government organisations that may be investigated by the commissioner, for example, or will it set out certain categories of organisations, such as private schools, not-for-profit organisations, possibly churches, that may be investigated by the commissioner?

More information needs to be provided on the commissioner's jurisdiction, with regard to the investigation of non-government organisations in particular. These are, at the end of the day, private organisations run independent of government. The definition of state authority under the bill allows for the expansion of the commissioner's jurisdiction to conduct an inquiry into any person or organisation outside of government. Specifically, paragraph (f) states that any other person or body declared by the regulations can come within the definition of state authority.

It is an interesting use of words. When one hears the term 'state authority' one would normally consider that it is somehow a part of the government at one level or another. My interpretation of this is that the commissioner's power of inquiry, relative to non-government organisations, is potentially boundless and subject to little, if any, limit by this bill. I would appreciate the minister responsible for the passage of this bill to respond to the questions I have raised at the conclusion of the second reading or during the early committee stage.

Essentially, we look to be satisfied that there will be safeguards to ensure that the commissioner can only conduct inquiries into non-government organisations where it is reasonable and necessary to do so. In my view, it is important to provide the commissioner with some direction in the exercise of their quite extensive powers under this bill. This is necessary as the commissioner is proposed to have a broad range of powers consistent with a royal commission. In accordance with the bill, the commissioner will have discretion to conduct an inquiry into any suspected systemic issue affecting children, including pecuniary powers to deal with noncompliance, so long as the commissioner finds it is in the public interest to do so. These are quite extraordinary powers for what we would normally associate with such a position.

I reiterate again, it is not that we oppose the provision of those powers, we simply want clarity as to how they are to be exercised and in what circumstances. I want to make it clear that, as I said, we are not fully opposed to the commissioner investigating non-government organisations, and I recognise that legitimate circumstances will arise when the commissioner will need to investigate organisations outside of government. Indeed, we will support that. However I believe appropriate precautions need to exist. We need clarity.

Moving on, another feature of this bill is the independence of the commissioner. As some members would recall, one of our main concerns with the aforementioned Child Development and Wellbeing Bill was in relation to the ministerial appointment of the commissioner, which, in my opinion, may not be a transparent nor an independent means of appointing a commissioner. It is our view that the independence of the commissioner is non-negotiable and I certainly support the



inclusion of provisions in this bill to allow for the scrutiny of the appointment of the commissioner through the Statutory Officers Committee.

Family First also supports the clarification of the jurisdiction of the Ombudsman and the Health and Community Services Complaints Commissioner in relation to child protection complaints. We believe that it is very important that the Ombudsman is equipped to investigate complaints that could potentially relate to the provision of services and administrative acts. Any amendment that streamlines and improves the accessibility of the complaints process will be supported by our party.

To conclude, I reiterate that Family First is supportive of this bill. We do have one or two concerns relating to the commissioner's proposed investigative powers of non-government organisations in particular and we will seek clarification from the minister in the committee stage or at the conclusion of the second reading. However, the passage of this bill is very important and, subject to the concerns I have raised being addressed, it should not be delayed and I indicate Family First's in principle support.

**The Hon. S.G. WADE (16:54):** Today is an important day for South Australian children and young people. Children and young people in South Australia deserve every opportunity to achieve their full potential and pursue their dreams. Every child has the right to a safe, loving environment in which to grow and develop.

Families, government and the wider community need to work together to ensure that children and young people are given the best possible chance in life. This bill will establish a commissioner for children and young people who will have a particular focus on promoting and advocating for the wellbeing, development and safety of children.

The Hon. Robyn Layton QC first recommended that the Rann Labor government appoint a commissioner for children and young people in her report, *The State Plan for Child Protection*, in 2003. The government did not implement that recommendation. Nine years later, in 2012, the government released a discussion paper on child development legislation, which proposed an advisory council and formal community networks.

The consultation response was so strong in favour of a commissioner that a revised bill was released in October 2013 providing for a commissioner, albeit a watered-down form of commissioner, but the government failed to put the bill to the parliament before the 2014 election. The establishment of a commissioner for children and young people was a Liberal Party policy commitment of the 2014 election, and I quote:

We will move quickly to appoint a Commissioner for Children and Young People with investigative powers, to escalate child protection to the top of a Marshall Government agenda and advocate for the rights of all children and young people in South Australia.

The Labor government's proposed commissioner at that stage was not to be independent, and as the Law Society said at the time:

The Commissioner is not independent and accordingly will not be able to truly safeguard the rights and best interests of children and young people.

This Legislative Council insisted on independence. The issue was still alive when Commissioner Nyland was appointed to undertake the Child Protection Systems Royal Commission. As an aside, I note that, if this council had not maintained its stand for children and young people, I expect that we would already have a watered-down commissioner in place before the royal commission was established and the commission may well not have even looked at the issue.

Even after the royal commission reported, the government produced a draft bill which provided for a minister-nominated and cabinet-endorsed appointment process. The opposition made it clear to the government that that was not acceptable and we are glad the government backed down and the bill before us provides for at least a modest form of parliamentary oversight of the appointment in clause 6.

I, too, am interested in the minister's responses in relation to the questions the Hon. Dennis Hood has asked because, like Family First, we are strongly in support of the independence of the commissioner and would be keen to understand how the government proposes to honour its undertaking in terms of focusing the role of the commissioner through regulations.

Another element of the discussion, particularly in this chamber, has been in relation to investigative powers. Stakeholders and child protection experts saw Labor's commissioner proposal as inadequate in terms of its lack of investigative powers. I would like to quote from a couple of parts of the report of Justice Nyland. To quote her summary, it states:

The Commission recommends the appointment of a Children's Commissioner with the following functions:...

- 5) Inquire into and investigate topics concerning the rights, development or wellbeing of children at a systemic level, including investigating individual cases which, in the opinion of the Children's Commissioner, could identify systemic issues of sufficient importance to warrant inquiry.

In part 6, page 22, the commission report states:

...the Commission considers it essential that the Children's Commissioner have extensive powers to conduct investigations into systemic issues, including thorough examination of individual circumstances where such an investigation has the capacity to highlight systemic issues.

Later in the same paragraph it reads:

The identification of appropriate matters must lie entirely within the discretion of the Children's Commissioner.

That is certainly more consistent with the Liberal and, for that matter, the majority of the Legislative Council's view of the need for a broad power in the hands of the commissioner. I indicate that I think clause 12 heads towards that. The government assures us that clause 12(3) is trying to affirm the capacity of the commissioner to look at individual cases, but we will be interested to see how this clause works in practice.

As I have indicated, the government has changed its position on two fundamental elements of the model. The opposition welcomes the fact that the Nyland royal commission has proven to be a circuit-breaker. The commissioner endorsed key elements of the approach that was being promoted by a majority of this council and the Liberal opposition. The government bill is not perfect. A number of stakeholders have publicly highlighted opportunities for improvement to the bill. The fact that the government refuses to release the submissions that it received on the draft bill suggests that they may well contain yet further opportunities to improve the bill.

We will continue to pursue the release of these submissions and we will continue to look for opportunities to improve the framework for the oversight of child wellbeing, development and protection. They would be matters for a later bill, perhaps introduced by a future Liberal government. The opposition does not want to give the government even the whiff of an excuse to continue to block a full-blooded commissioner. We support this bill and look forward to the establishment of the commissioner.

In closing, I would like to acknowledge the hard work of the children, young people, families and stakeholders who have fought long and hard for an independent voice for children and young people. The advocates have come from across society, from well-established youth organisations like YACSA, to professional organisations such as the AMA and the Law Society. I also want to indicate my respect for Belinda Valentine, the grandmother of Chloe Valentine. Belinda has been an implacable advocate for a commissioner as defender of the rights of children, not merely as a commentator on the ubiquitous system but the defender of the rights of children as individuals.

Belinda's granddaughter Chloe has become the exemplar of the vulnerability of children. Chloe did not have a voice. She loved her mother and trusted her. She did not know that her mother was a threat to her life. Children and young people need a voice, not only in child protection but also in terms of their general wellbeing and development. I trust that this commissioner for children and young people can be that voice.

**The Hon. T.A. FRANKS (17:02):** I rise on behalf of the Greens to speak to the Children and Young People (Oversight and Advocacy Bodies) Bill 2016. I do so noting that, of course, this is not the first piece of legislation in this place that deals with this area. I am highly cognisant of the work of the Legislative Council on the issue of a children's commissioner. My office had a Facebook square that we developed which was highly critical of the government's attempt to have a children's commissioner who was seen but not heard. The bill before us will make sure that the children's commissioner is both seen and heard and we commend the government for finally taking that step.

We also note, in the words of the member for Bragg, that the government has 'acquiesced' and the Greens also welcome the provision within this bill in terms of the appointment of such a commissioner being made through the Statutory Officers Committee. We certainly support that. This bill, of course, goes further than simply providing for a children's commissioner. It establishes the commissioner for children and young people, continues the Guardian for Children and Young People, the Child Death and Serious Injury Review Committee and the Youth Advisory Committee and, somewhat controversially, establishes a child development council.

The bill is, of course, part of the legislative response to the recommendations made recently in the Nyland royal commission report. Indeed, the measures in this bill give effect to part of that report. As we are all aware, the concept of a children's commissioner was first recommended by the Layton report, which was submitted in 2003. It has taken us 13 years to get to the point where we are finally, I think, on the verge of creating a children's commissioner in this state. I note that we will be the last state in this nation to do so, but then it took less than 30 minutes for this bill to pass through the other place.

I think that should ring alarm bells, not for the lack of goodwill, because I think all members of this council and the other place would like to see progress in this area. The Greens are not prepared to support that progress at the expense of a shoddy version of what we could have. We fear that rushing this process in the final minutes of what has been a very long journey could see us repent at leisure.

I note that the government received 156 written submissions from stakeholders and members of the community with regard to the formulation of this piece of work. I echo the opposition's call, but I strongly urge the government to make available to this council those submissions which can be made available, in order to inform our debate. Without those submissions, we cannot hear the voices of those at the coalface who have made some contributions, who live and breathe this area, and who should be listened to, just as children's voices should be listened to with regard to this piece of legislation.

We want to get it done but we want to get it right. This is not the point at which to rush this process. I put on notice that I will be expecting this council to receive those submissions, where they can be made available, in order to inform our deliberations. I draw the attention of members of the council, members of the government and members of the other place, who only spent 20 minutes on this bill—

**The Hon. S.G. Wade:** Thirty minutes.

**The Hon. T.A. FRANKS:** Less than 30 minutes. I urge them to heed the advice of three particular bodies who have had something to say and were part of the process, and who have made their particular views known publicly in various ways. I understand that some of these submissions have been sent to members of the Legislative Council but we deserve to see all of the submissions.

The first is from the Youth Affairs Council of South Australia (YACSA), who were pleased to make a contribution to this bill in the form of a submission in September 2016. I should imagine that they would be pleased because they have been campaigning for this for many years. YACSA is the peak body in South Australia representing the interests of young people, youth workers, organisations and networks throughout the non-government youth sector. Their policy positions are independent and not aligned with any political party or movement.

YACSA supports the fundamental right of all young people to participate in and contribute to all aspects of community life, particularly decision-making processes which impact upon them. This is the voice of an advocacy group that we should be listening to in this place. According to their submission:

YACSA fully supports and welcomes the establishment of a Commissioner for Children and Young People and maintains that this role is crucial to advocate for and protect the interests of all children and young people across the state.

They are by no means making this submission to be critical of the move that the government has made. However, they do go on to say:

To reiterate our previous response, we are concerned that the current public discussion surrounding the Commissioner for Children and Young People is being subsumed into the child protection reform process. Both the Layton and Nyland reviews recommended the establishment of a Commissioner to engage and advocate with and for all children and young people – not just those in the child protection system.

While the commentary and fact sheet provided in this government engagement supports that assertion, it also suggests that the Commissioner's role includes, '...the monitoring, referral and review of child protection matters and system-level issues'.

We are deeply concerned that the current discourse creates an unrealistic expectation about the point and purpose of a Commissioner for Children and Young People and urge the Government to reconsider its commentary and confirm its intention before progressing.

Of course, YACSA supports this position being independent of government, as do the Greens. However, they also note that they are quite disappointed that the detailed recruitment process that was a feature of the previous Child Development and Wellbeing Bill 2014 was omitted from the extract and is omitted from the current bill.

They go on to make a note on independence and again refer to their previous submissions, which have stated the importance of the commissioner being completely independent of government to ensure the legitimacy of the role and assist in building public confidence. That is certainly an important point here. Public confidence in this government's handling of both child protection and, of course, the broader issues of children and young people's voices, I think, has a long way to go to be restored. Indeed, rushing a process will not restore that confidence.

The YACSA submission notes that section 52AB of the Children's Protection Act 1993 specifically provides for the independence of the Guardian for Children and Young People from direction of the minister and government as follows:

1. (Independence) in performing and exercising his or her functions and powers under this Act, the Guardian must act independently, impartially and in the public interest.
2. The Minister cannot control how the Guardian is to exercise the Guardian's statutory functions and powers and cannot give any direction with respect to the content of any report prepared by the Guardian.

YACSA recommends a similar inclusion in the legislation, making clear that the commissioner can undertake their role unfettered by government.

The Greens concur. Why is this not in the legislation before us? This submission goes on to note that the functions of a commissioner for children and young people are in line with the Nyland review and should be advocating for the rights and interests of all children and young people. Certainly in my conversations with YACSA, while there has been such a great focus on child protection, we have actually lost sight of the fact that this is a much broader scope with which we are dealing.

With the focus on child protection, which is vitally important and essential, it is also essential that we do not throw the baby out with the bathwater and forget all the good work that has previously been done that is in current legislation, but is wiped out with the stroke of a pen or the pass of a vote through this place.

Of most concern is the fact that the charter has not been transferred over in this bill, and the Greens ask the government: why has the charter not found its way into this piece of legislation before us? It was a piece of work that was developed through the voices of children and young people, is long held and forms part of many NGOs' contracts with government to uphold. From the Greens' perspective, the fact that this charter is missing from this bill raises significant concerns that this bill has been rushed, that this bill is a shoddy job and that the children of this state deserve better than this bill.

I go on to note also the words in the submission, in two parts, from the Office of the Guardian for Children and Young People. A letter of 26 August 2016, authored by Amanda Shaw, who is the Guardian for Children and Young People in this state, was sent to the Nyland Royal Commission Response Unit. They write in response to the government's request for feedback about the draft functions and powers (this is, of course, response to the draft that was circulated). In that response to the draft, they note:

This feedback must be contingent given that what is available for comment is only part of a larger Bill. The Objects of the Bill and definitions within an interpretations clause may be of particular importance. For example, the

extract contains no guidance about what might constitute 'matters of a systemic nature' for the purposes of section 14(3)(a).

I urge the government to outline what does constitute interpretation for 'matters of a systemic nature'. It is a key part of this bill and I think it deserves to be put on the record in this place. The letter goes on:

It also is difficult to substantially respond to this request given the lack of detail about possible changes to the powers and functions I hold as Guardian for Children and Young People (GCYP), nor potential impacts upon the roles of the Child Death and Serious Injury Review Committee (CDSIRC), Council for the Care of Children (CCC), Health and Community Services Complaints Commission (HCSCC) and the South Australian Ombudsman.

Of course, in the final bill we have indeed seen changes in those roles, yet they were not part of that draft exposure that was put out for consultation. It was put out for consultation in a quite hurried fashion and, while the goodwill of the sector meant that many did participate in that process, I fear that we are going to make errors due to our haste, and this concerns me. The letter goes on:

The extract does not make clear which Advocacy and Oversight Bodies may be incorporated within (or be established by) the Bill and the possible implications of the associated legislative changes.

We have a bill before us that was not fully consulted on in the government's own process. I find that extraordinary, and the fact that we cannot have all of the submissions to that particular process I find even more extraordinary. The Guardian goes on to say:

Without seeing the whole Bill I am unable to provide considered feedback about its potential impact on the functions of the GCYP as currently provided for in the Children's Protection Act 1993.

This should be ringing alarm bells, as I say, not just within this council but of course across this parliament. I commend this particular letter to members of this council for their further information. I also note that it refers to the previous submissions made by the guardian's office and also that a subsequent September 2016 document has been made publicly available, responding to the draft Children and Young People (Oversight and Advocacy Bodies) Bill 2016.

In that particular submission, I note that the Guardian supports the creation or continuation of three of the four entities accommodated by the bill in the context of comments made in their submission, noting that the purpose, role and reporting relationships of the Child Development Council (CDC) need further thought. I could not agree more. This bill needs further thought. I fear that it is not going to be given that due consideration.

I believe the Guardian's submission goes on to make some quite relevant points for informing our debate and raises significant concerns, particularly with regard to the CDC but also a range of other things. It actually makes some recommendations that this bill should be amended to include. I have to draw the council's attention to some of these, because some of them, while minor, will be quite profound in their impact.

The first of their suggestions in 2.1 is to add an objects clause. They have noted that, in terms of addressing matters, there needs to be a commitment to the voice of children and young people and the need to clarify the relationships between the four entities within this bill. The second is staff and resources. It asks why we are not carrying over the Child Protection Act's current wording around staff and resources, that is:

The Minister must provide the Guardian with the staff and other resources that the Guardian reasonably needs for carrying out the Guardian's functions.

Why is that wording not here in this bill to ensure that these entities, in this piece of legislation, are appropriately resourced, as they are currently provided for? Why are those words missing from this bill with regard to all the entities, or at least some of the entities? If the government could provide a response to that, that would certainly inform the council. It is also raised that the Guardian's staff status as public servants is not clarified within this bill. Of course, it also notes that the commissioner's staff will not have this status. Again, can the government provide information about why those two entities are treated differently and what the implications of that will be?

The submission is actually quite extensive. As I said, I am only going to touch on a few things here and in a moment I will seek leave to table this document for the information of all in this council, but it raises considerable concern again about the Child Development Council. It states:

Further consideration of intended relationships (and relative responsibilities) between the four entities subject to the Bill is needed. There is potential for duplication or confusion of roles. The concept of an advisory or reference group is supported, but further consideration needs to be given to its relationship to the Commissioner.

In terms of the reporting obligations, the Guardian's September submission asks, 'Why have the requirements for distributing reports when parliament is not in session been removed?' That is a good question and we would like an answer. It is also not clear why the status of such a report 'as a report of Parliament' has also been omitted.

There does not appear to be an explicit reciprocal capacity for the Guardian to advise and make recommendations for the Commissioner for Children and Young People.

Why is this the case? Can the government provide a response on that? There is broad support for this bill, but I also note that the Law Society's submission echoes some of the concerns raised by both YACSA and the Guardian, and who knows how many others who made submissions to this piece of legislation. The Guardian's submission, also in section 3.5, notes on the Charter of Rights for Children and Young People in Care that:

Division 3 of the CPA provides detailed requirements for the Charter of Rights for Children and Young People in Care. This charter disappears in the Bill, although a new and generic Charter for Children and Young People is included in Section 52.

The existing Charter expresses the rights of a disadvantaged group of children and young people that are core entitlements prescribed in international covenants and domestic law and policy. It is not appropriate to think that a generic Charter for all children and young people can replace or incorporate these matters.

The Charter of Rights for Children and Young People in Care was created in 2006 in consultation with children and young people in care, their carers and workers. The adoption of the measure as part of the passage of the Children's Protection Amendment Bill 2009 was particularly important. Young people in care, participating in Youth Parliament, successfully advocated to the Minister and other members of Parliament. It would be sad if the bill ignored this serious and tangible result of the work of advocates of this highly disadvantaged group of children and young people.

As required by the CPA the Charter was reviewed by children and young people in care in 2015, accepted by the Minister and tabled in parliament earlier this year.

It begs the question: this is a process that did indeed listen to the voices of children and young people, that has incorporated it for almost a decade, was recently reviewed and accepted, and yet here we are a year later dumping it from a piece of legislation without, I think, the courtesy and the debate that it deserves.

With those few words I will note that, while the Greens welcome what is a large step forward in terms of progressing towards having a children and young people's commissioner and having a system that fixes the system that we have that is broken, we urge this council not just to get it done but to get it right. With that, we will be asking questions in the committee stage, we will be expecting answers, we will be seeking clarification and I will be moving amendments to give effect to some of those concerns that I have raised today. We look forward to working cooperatively to get this right and not to be back here in two years' time because we rushed something through parliament and did not give it the due diligence that the children of this state deserve.

With that, I table the document of the Office of the Guardian for Children and Young People Responding to the draft Children and Young People (Oversight and Advocacy Bodies) Bill 2016. I table the Law Society's response to the Nyland Royal Commission Response Unit, dated 16 December 2016. I table the letter to the Nyland Royal Commission Response Unit, dated 26 August 2016, from the Office of the Guardian for Children and Young People. I table the submission of the Youth Affairs Council of South Australia, dated September 2016, on the Children and Young People (Oversight and Advocacy Bodies) Bill 2016.

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

## **RETIREMENT VILLAGES BILL**

### *Committee Stage*

In committee.

Clause 1.

**The Hon. I.K. HUNTER:** Last week, the Hon. John Darley posed a question to the government about the operation of part of this bill in relation residents' contracts being terminated. He asked a question—understandably, because SACAT must agree with the decision to terminate residents' rights—and said, 'I would be grateful if the minister would confirm my understanding of this.' My advice is that is correct, and I can point him to a couple of parts of the legislation. If he goes to clause 4—Interpretation, subclause (2)(c)(iii) provides:

if—

- (A) the operator decides to terminate the person's right of occupation under Part 3; and
- (B) the Tribunal confirms the operator's decision to terminate the right of occupation,

Under the interpretation there is an 'and' connection, which requires the tribunal to do that work. Further, under clause 42, he can feel some degree of comfort that division 6, clause 42(1)(d) provides:

the residence becomes an unsuitable place of residence for the resident because of the resident's mental or physical incapacity—

which was the issue he was concerned about—

and the operator terminates the resident's right of occupation on that ground; or

Then, over the page, subclause (8) provides:

The operator's decision to terminate a resident's right of occupation under subsection (1)(c), (d) or (f) is ineffective unless the Tribunal, on the application of the operator—

- (a) is satisfied that proper grounds, which are sufficiently serious to justify termination of the right of occupation, exist; and
- (b) confirms the operator's decision.

So, that is the protection that the honourable member sought clarification on.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

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

Amendment No 1 [Wade-1]—

Page 7, lines 24 and 25 [clause 4(1), definition of *special resolution*, (b)]—Delete '(either in person or by way of an absentee vote exercised in accordance with this Act)'

The provisions about absentee votes and secret ballots are a matter for balance, but in terms of getting that balance right we need to be aware of not only the importance of making ballots accessible to people who, for example, might have mobility issues within a retirement village, but also, in my view, the risk of manipulation of absentee vote arrangements.

On balance, the Liberal team thinks that the integrity of the process is better maintained by not allowing absentee votes. We think there is a significant risk that particularly operators might facilitate absentee votes and undermine the expression of the will of the residents of the village as they seek the support of the council for this amendment.

**The Hon. I.K. HUNTER:** The amendments moved by the Hon. Mr Wade on behalf of the opposition will not be supported by the government for these reasons: residents, I am advised, have consistently requested that the legislation be changed to enable residents who are unable to attend a meeting for various reasons to be able to vote on matters arising at the meeting. Allowing absentee voting encourages greater participation, of course, by residents to have a say in what is happening in the village. It also provides a voice to those residents who may not be able to attend meetings for various reasons.

Concerns have been raised, I am advised, about pressuring or bullying of residents occurring in the village to make them cast their absentee vote in a certain manner. The 2015 bill allowed for proxy voting, which was subsequently changed to absentee voting to address concerns about

residents being pressured in relation to their proxy vote. An absentee vote will go directly to management, avoiding the pressure that might arise from proxy voting. We believe that is a significant compromise to overcome some of the concerns raised by the Hon. Mr Wade.

**The Hon. S.G. WADE:** In some ways it heightens them because at least with a proxy vote the power is not concentrated in the operator. If a single operator chooses to manipulate the process, there is no oversight. Remember, this is not absentee voting or proxy voting in a supervised election such as one might have in a governmental election or, for that matter, even a trade union election. This is an operator without any control, and in that context there is, as I understand it, not even a provision for the absentee votes to be examinable. The operator could claim the votes, claim the outcome, and not have to verify it.

**The Hon. I.K. HUNTER:** The only point I would raise in rebuttal is the advice I have is that the pressure to vote in a particular way usually comes from other residents; hence the desire to get a proxy vote from the resident, not from village operators. This is actually a protection for the residents so they do not feel like they need to respond by handing their proxy over to another resident who is applying pressure to them on a particular issue.

**The Hon. S.G. WADE:** I should stress that I am not advocating for a proxy vote. I am advocating for a direct democracy.

**The Hon. J.A. DARLEY:** I will not be supporting the opposition's amendment.

**The Hon. R.L. BROKENSHERE:** I advise you that we will not be supporting the absentee vote amendment by the opposition.

Amendment negatived; clause passed.

Clauses 5 to 17 passed.

Clause 18.

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

Amendment No 2 [Wade-1]—

Page 14, lines 8 and 9 [clause 18(2)]—Delete subclause (2)

My understanding is that the government has every intention of protecting against self-incrimination. There is already a provision in clause 18(2). There was some doubt, in the way that it was drafted, that it might not apply to clauses 16 and 17. Amendments Nos 1, 2 and 3 seek to remove that doubt. For the same reasons that the government included protection against self-incrimination, I seek the support of the council for this amendment and the subsequent amendment.

**The Hon. I.K. HUNTER:** The government will be very happily supporting the Hon. Mr Wade's amendments Nos 2 and 3. These amendments aimed to confirm the protection against self-incrimination applies in relation to all clauses where an authorised officer may request information from a person. By creating a separate clause relating to self-incrimination, it does clarify that this protection extends to the whole division and will address concerns raised by operators over the current bill. We are grateful to the Hon. Mr Wade for moving the amendment.

Amendment carried; clause as amended passed.

New clause 18A.

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

Amendment No 3 [Wade-1]—

Page 14, after line 12—After clause 18 insert:

18A—Self incrimination

A person may refuse to comply with a requirement of an authorised officer under this Division to provide information if the information might tend to incriminate the person of an offence.

As the minister has already kindly indicated, we regard this as consequential.

New clause inserted.



Clause 19.

**The Hon. J.A. DARLEY:** I move:

Amendment No 1 [Darley-2]—

Page 14, after line 33 [clause 19(2)]—After paragraph (c) insert:

- (ca) detailed information about who will be responsible for repairing or replacing the fixtures, fittings and furnishings provided in the residence and how the cost of repairing or replacing such fixtures, fittings and furnishings is to be funded;

This is a very simple amendment. Clause 22 outlines that an operator must provide a resident with a premises condition report, which is to outline who will be responsible for repairing or replacing the fixtures, fittings and furnishings and who is responsible for payment. The aim of my amendment is merely to have this information provided at the same time that a resident's contract is provided.

The bill currently allows for this information to be provided after a resident took occupation of the premises and may have occurred outside of the cooling-off period. This could be a problem if a resident does not agree with the repair and replacement provisions. By providing this information up front, if a potential resident is unhappy with the provisions they are able to withdraw from the contract during the cooling-off period with no consequence.

**The Hon. I.K. HUNTER:** The government is pleased to support the Hon. Mr Darley's amendment. The removal of information from the premises condition report and insertion into the contract may, we suppose, complicate the contract; however, it may also assist in the resolution of disputes and provide further transparency for prospective residents and so we are pleased to support the Hon. Mr Darley's amendment.

**The Hon. S.G. WADE:** The opposition also supports Mr Darley's amendment.

Amendment carried.

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

Amendment No 4 [Wade-1]—

Page 15, after line 7—After subclause (3) insert:

- (4) A residence contract will not be taken to be validly entered into unless the resident, at the time the residence contract is entered into, gives the operator a notice in writing advising the operator that the resident has obtained independent advice in relation to the contract (in accordance with any requirements prescribed by the regulations).

The minister referred to the transparency elements and the Liberal team welcomes this bill as it supports the transparency of transactions and the provision of consistent information and consumer understanding. One of the fundamental problems in relation to this sector, in terms of promoting community understanding, is the problem we have with the variety of titles that people are offered. As I understand it, the main types of arrangements offered are strata, community title, a licence to occupy, leasehold, and so forth, so it is often not easy for people to identify what in fact they are buying. I suspect that most people think they are buying a fee simple, which is not what they are getting.

I quoted the McCrindle Baynes report, a respected industry report, in my second reading, which highlighted that 93 per cent of recent purchasers regarded the deferred management fee as unreasonable and 13 per cent stated that they did not understand it. The report, in one of the few pieces of analysis in terms of consumer understanding, says:

This clearly identifies that new residents are still not achieving a clear understanding of the contracts they enter when joining a village—with the consequence that conflict and increased regulation is likely with the increase in consumer advocacy from the upcoming Baby Boomer generation.

The amendment proposes that potential residents would not merely be advised to seek advice, but that they would be expected to indicate to the operator that they have sought advice. I must stress that I am not talking about independent legal advice. I am not envisaging that all people would need to go to a lawyer. In fact, many lawyers, because of their lack of familiarity with the licence to occupy product, may not be well placed to advise them anyway.

I think independent advice, such as the monthly information sessions that are provided by the Office for the Ageing, would be a useful opportunity to alert potential buyers of the pitfalls and strengths of this industry. People often leave the decision to leave their family home rather late. Surveys show that health problems remain a predominant reason to move, so many of the people considering purchasing retirement village properties are vulnerable, they are under stress and, I believe, they are better protected by being given an opportunity to be better informed. The Liberal Party considers that insisting that residents receive advice is likely to reduce problems going forward.

**The Hon. I.K. HUNTER:** Whilst we have some sympathy with the desire to ensure residents go into a contract with their eyes wide open, we believe this is not the way to do it and is probably bad practice. We will not be supporting Mr Wade's amendments Nos 4 and 5. Legislating that an independent person must seek advice, we believe, is too prescriptive. The advice provided may not be appropriate or accurate, or may not even come from the appropriate person. The disclosure statement, I am advised, will advise residents to ensure they understand the contract and will recommend that legal and financial advice is sought prior to signing.

This statement, I am advised, will be in a prominent position on the front of the disclosure document. The regulations currently require the contract to include a statement, in conspicuously bold type, advising a person they should seek independent legal advice and new regulations will also require this, but to compel them to give an operator a notice in writing advising that operator that the resident has obtained independent advice, I would say is just encouraging, and putting into legislation an encouragement, for some people to in fact lie or perjure themselves, in this regard.

I do not believe it is good practice to do that and it also may, potentially, for those people who do not wish to get advice but will sign the form saying they got it, open them up to some unknown contractual liability down the track. I do not think we want to be in a position where we are putting people in that spot in legislation. So, for those reasons we will not be supporting the amendment.

**The Hon. R.L. BROKENSHERE:** We sit comfortably with the fact that we believe the disclosure statement does cover and protect. We support the caveat emptor, let the buyer beware, but these people are also adults and they have, most of the time, gone through many transactions in their life. They are putting hundreds of thousands of dollars, on most occasions, into their investment in the retirement village, and we sit comfortably with the fact that it is covered in the regulations. So we will be sticking with the government on this amendment.

**The Hon. J.A. DARLEY:** I have some questions for the Hon. Mr Wade—and, I must admit, he has partly answered some of them. The amendment indicates advising the resident that they must give the operator a notice in writing advising that they have obtained independent advice in relation to the contract. My questions are:

1. Is this relating specifically to legal advice, or would it be sufficient to consult with family or friends?
2. What would happen in the case of the operator providing advice to the resident and then advising the resident that this is sufficient advice to fulfil the requirements of this clause?
3. If obtaining legal advice, will a note from the resident suffice, or will a letter from a lawyer be required as proof of that advice?

**The Hon. S.G. WADE:** Now I know how a minister feels when you roll three questions into one and you have to try to unravel them all, so if the honourable member might remind me if I miss some. In terms of what form will be acceptable, I refer the honourable member to the statement in parentheses at the end of the amendment, which reads 'in accordance with any requirements prescribed by the regulations'. What I am anticipating is that there might be a range of advice that is prescribed by the regulations. Two obvious examples would be: advice from a financial or legal adviser, but in particular I am thinking of the monthly information sessions that are provided by the Office for the Ageing.

In terms of what else might be acceptable, I think that is a matter that the industry—the operators and the residents' representative organisations—might well want to discuss as the regulations are developed. The point is that I expect if this provision was in place, most people would

actually choose the OFTA-type approach of going to a monthly information session just to, if you like, be made aware of what they need to beware of.

The Hon. Robert Brokenshire must know a different group of people than I do because most people buy one or two houses in their life. They have been dealing with fee simple. They would probably never have come across a product called a licence to occupy. They would never have come across a product called community title or strata title. They would never have had a leasehold for a residential purpose. It is one thing to say, 'Buyer beware,' but the buyer needs to be informed enough to be able to beware.

In terms of the development of independent advice, I expect that, in the face of this sort of provision, operators will want to make it as easy as possible for their potential purchasers to be as informed as possible. I would expect that one of the things the operators might well suggest is, 'We love the Office for the Ageing seminars, but we will be having ours as well. Are you comfortable with that?' Presumably, you would have some accreditation, almost, of the seminars. OFTA provides them monthly. If there was an expectation that people would be informed before they make a decision as significant as this one, I believe you would find that these seminars would be quite regular. You might have different ones in different weeks on different opportunities.

Let us remember that, indeed, these are adults, but the evidence shows that they are often at a very vulnerable stage. Often, they are driven by health issues. I can think of one advocate I got to know through this process who had to make a quick decision to go into a village because of the illness of his wife. His wife is no longer with us. The situation for people in the later years of their life can often be very dynamic, and they are being expected to grapple, often at times of stress, with a totally different product—a product which, to be honest with you, until my parents moved into a retirement village recently, I did not know even existed.

**The Hon. I.K. HUNTER:** It is important to drill into this because the Hon. Mr Wade has just indicated, I think, some of the horrible problems with what he is proposing in his amendments. He says that he believes the Office for the Ageing monthly information sessions would be sufficient. I do not think that is right. His amendment says:

...gives the operator a notice in writing advising the operator that the resident has obtained independent advice in relation to the contract...

The Office for the Ageing, I am advised, does not give information about a contract or 'the contract'. They offer general advice. This is a government organisation. They cannot offer information about the contract because, if that contract goes wrong or something happens down the track, that government officer could be liable for the advice they gave.

The Office for the Ageing's monthly sessions are about general advice about what to look out for and what issues you need to be alive to, but the amendment from the Hon. Mr Wade says 'independent advice in relation to the contract'. Again, I come back to my other point: do we want to be putting into legislation a requirement that some people—not all, but some people—will just ignore and sign a form saying they have received independent advice when they have not? If that is how we legislate, I think that is very bad practice.

**The Hon. T.A. FRANKS:** The Greens were originally quite concerned that, indeed, this did constitute legal advice and shared some of the questions that the Hon. John Darley raised, but we had a briefing from the Hon. Mr Wade that outlined very much what he has made known to the council in his response in the last few minutes. However, while tending to want to support this, I cannot support the actual wording in the way that it has been put. I put on the record that the idea that COTA and other groups should be providing, and should be supported to provide, advice is very much something that the Greens would like to see more of.

The idea, as Family First put forward, that it should be a case of 'Buyer, beware,' does not give us comfort. These people are buying a product that they will probably only buy once, and it is possible that their families have not had any experience with this before. Certainly in my family we have not had any experience in dealing with retirement villages and this particular product. We support education and would encourage the government to ensure that is more widely available. While wanting to support the opposition's amendment in principle, we will not be doing so in this situation.

Amendment negatived; clause as amended passed.

Clause 20.

**The Hon. S.G. WADE:** My amendment No. 5 is consequential and I will not be moving that one.

Clause passed.

Clause 21.

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

Amendment No 6 [Wade-1]—

Page 16, lines 7 to 11 [clause 21(c)]—Delete paragraph (c) and substitute:

- (c) if the contract relates to a retirement village already established—
  - (i) the financial statements presented at the last annual meeting of residents of the village, including a written statement of any subsequent change in the affairs of the village and the operator that may significantly affect the resident's decision to enter the village; and
  - (ii) a copy of the minutes of the last 2 annual meetings of residents of the village (if 2 or more such meetings have been held) or of the last annual meeting (if only 1 such meeting has been held);

I mentioned in the previous clause that, as I understand it, there are four significant forms of title. My understanding is that over 90 per cent of retirement villages are actually licensed to occupy, but two of the other significant classes are community title and strata title. In the community title and strata title legislation, there is an obligation to provide the minutes of the last two meetings of the corporation. I understand that is a way to highlight to a potential resident issues that might have been at play in the life of the village.

In that sense, a significant number of current retirement village residents are already getting access to these minutes. To me it seems to be a good way of bringing any issues to the attention of potential residents. If my memory serves me correctly, this is a proposal that was put to us by resident advocates, and if we believe that buyers should beware, then buyers need to be informed.

**The Hon. I.K. HUNTER:** Again, we are sympathetic to the aims of the Hon. Mr Wade, but we do not believe this is a useful way of getting extra information to prospective residents and we do not support the amendment. I am advised that these financial reports are quite large. To do two years' worth of reports, I am advised you are looking at something between 40 to 80 pages of what is effectively a financial reporting system. So, it is predominantly about the financials of the institution.

Some people would be trained up to be able to read those documents and many people will not be able to. Of course, that extra cost would be passed on to the residents, and we think that is an onerous provision in that respect as well. The concern is essentially this: if we believe that mandating giving two years' worth of financial statements to a prospective resident will acquit the village owner of any other duty to provide information, in fact that is probably not the information the prospective tenant needs. They probably need further information in a much more readable and digestible form.

Whilst we are not opposed to actually giving them the financial statements if they ask for them—I am sure villages would do that—we think it is overly onerous to require a village to give these statements to every prospective tenant. It is probably not going to give them the information they require, and will probably make the village feel like they have acquitted their duties by giving them these financials when they should be giving them something else instead.

**The Hon. R.L. BROKENSHERE:** I advise that Family First will be supporting the opposition's amendment. I do not believe it is a very difficult task for a professional retirement village to provide a copy of one or two annual general meetings. When I was in the House of Assembly I was intensely involved with some residents of retirement villages. I have mentioned in the second reading speech that whilst most of them do a great job, unfortunately there are some that do not, and that is part of the reason behind amending this legislation.

I do not believe it is a difficult job at all; I do not believe that it is going to be a very costly job for an effective and efficient secretary of a retirement village proprietor to provide. Not only is it important that they see the financials, but if the minutes are a true record, which they should be, of the annual general meetings, it will also reflect if there are concerns in that village. They will get a good feel of just what is the ethos of that village and whether any concerns have been raised, particularly for two years in a row.

Where you have had residents at the annual general meeting bringing up issues that are not addressed, then clearly that honours the caveat emptor, 'let the buyer beware', that I talked about earlier, because the buyer would be very much aware that either the financials are tight, that there are questions around the outgoings or that matters have been raised at the annual general meetings that show that there are concerns in that village. For those reasons, we will support the amendment.

**The Hon. S.G. WADE:** I thank the Hon. Mr Brokenshire for his comments. I did not want to cut off the Hon. Mr Darley, but I wanted to correct the record of what the minister is suggesting. The minister is suggesting that my amendment would impose an obligation to provide financial statements from the previous meetings. In that regard, all my amendment does is restate what is already in the bill.

The current government bill, clause 21(c), already requires financial statements. All my amendment does is add to that a new subclause (ii), which talks about the copy of the minutes. So, the onerous financial obligations are not being imposed by me; they are being imposed by the government. I support them. All I am doing is saying that, as well as the financial statements, let us also send the minutes.

I spoke to a resident advocate, because I was shocked to think that resident meeting minutes would be 40 pages, as the government suggested. They suggested that their village was about four pages each; eight pages ain't too much to me.

**The Hon. T.A. FRANKS:** The Greens will support this amendment. We note that it does not actually require that they be printed out, but, even so, 40 pages is a small price to pay for peace of mind.

**The Hon. J.A. DARLEY:** I will also support this amendment of the Hon. Mr Wade, based on my experience of 10 years running a retirement village.

Amendment carried; clause as amended passed.

Clause 22.

**The Hon. J.A. DARLEY:** I move:

Amendment No 2 [Darley-2]—

Page 16, line 23 [clause 22(2)(a)]—Delete '(an *item*)'

This amendment is consequential to my former amendment.

**The Hon. I.K. HUNTER:** The government supports it.

**The Hon. S.G. WADE:** For the sake of harmony, we support.

Amendment carried.

**The Hon. J.A. DARLEY:** I move:

Amendment No 3 [Darley-2]—

Page 16, lines 25 to 26 [clause 22(2)(b) and (c)]—Delete paragraphs (b) and (c)

This is also consequential.

**The Hon. I.K. HUNTER:** The government supports it.

Amendment carried; clause as amended passed.

Progress reported; committee to sit again.

**RESIDENTIAL TENANCIES (MISCELLANEOUS) AMENDMENT BILL**

*Final Stages*

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

**CHILD SAFETY (PROHIBITED PERSONS) BILL**

*Introduction and First Reading*

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

**PUBLIC INTEREST DISCLOSURE BILL**

*Introduction and First Reading*

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

**POLICE COMPLAINTS AND DISCIPLINE BILL**

*Introduction and First Reading*

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

At 18:02 the council adjourned until Wednesday 28 September 2016 at 14:15.

*Answers to Questions***SPINAL CORD INJURY SERVICE**

In reply to **the Hon. K.L. VINCENT** (22 September 2015).

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

Transforming Health is the result of comprehensive consultation that began in mid-2014 with the establishment of three Clinical Advisory Committees who developed 284 clinical standards of care and six quality principles that underpin all decisions about the transformation of our health system.

Transforming Health aims to provide services closer to where people live, when safe to do so, ensuring the clinical and quality standards are met.

Clinical evidence tells us rehabilitation is most successful when it starts as soon as patients are ready, even when they are still recovering in an acute setting, which is why we are integrating rehabilitation into hospitals.

Stand-alone rehabilitation facilities can only provide rehabilitation care to people who are medically stable and cannot provide the medical specialty care needed to manage a person's condition. This can mean delays to starting treatment, a longer time before patients can return home, as well as slower recovery and poorer health outcomes.

When rehabilitation is delayed, patients can decondition quickly in hospital. This can lead to longer than expected hospital stays, as well as increased likelihood of infection and mental illness.

It is therefore important to get patients mobile sooner, through early and active rehabilitation within our hospitals. Relocating rehabilitation services to acute hospital settings also reduces the need for patient transfers.

Between December 2015 and June 2016 the Chief Executive Officer (CEO) of the Central Adelaide Local Health Network (CALHN) chaired a weekly forum with clinicians based at Hampstead Rehabilitation Centre (Hampstead) and The Queen Elizabeth Hospital (TQEH) about these reforms. She has also made several visits to specialty areas, convened some user groups, multidisciplinary workshops and open staff forums as well as met with some advocacy groups and other stakeholders.

A series of potential options meeting the Transforming Health requirements for the service relocations have been made available to all staff for their input before proposals for formal consultation are prepared. Further engagement with service users about options will be needed to ensure that options for formal consultation best meet the needs of patients, their families and clinical teams.

A number of User Groups, consisting of multi-disciplinary clinicians and consumer representatives, were established by CALHN earlier in 2015 to guide and advise the project team and architects in the design and refurbishment of rehabilitation services at TQEH, however this process was put on hold so that further engagement could occur.

CALHN intends to recommence the User Group process, and formal consultation will occur following the current engagement processes being undertaken by the CEO, CALHN.

Construction work planned at TQEH at the start of 2016 remains on hold, while these processes continue.

In addition to current funding for the move of rehabilitation services to TQEH, TQEH Stage 1 and 2 redevelopments (\$127 million) provided new inpatient bed facilities and some allied therapy spaces that will be utilised in the provision of rehabilitation services relocated from Hampstead.

**DISABILITY EQUIPMENT**

In reply to **the Hon. K.L. VINCENT** (9 February 2016).

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

1. The Royal Flying Doctor Service (RFDS) transported both the patient and wheelchair in a return flight from Adelaide to Whyalla on Saturday morning, 13 February 2016.

2. Every effort is made to accommodate the transport of disability aids, however, the safety of the patient and crew on board the aircraft and ability to appropriately monitor patients during flights is essential. SA Health facilities have a supply of aids available that can be provided to patients in the event they are unable to have their personal aids transported. SA Health staff will always do their utmost to accommodate patient needs for assistance.

3. While SAAS cannot routinely carry wheelchairs safely in ambulance vehicles due to space and storage restrictions, special requests are assessed and determined on a case by case basis.

**QUEEN ELIZABETH HOSPITAL**

In reply to **the Hon. J.A. DARLEY** (12 April 2016).

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

1. Patients undergoing day procedures do not usually need to be admitted overnight to a hospital ward. Nevertheless, patients generally need to be supervised when they are discharged from hospital following a day procedure. Patients who do not have any family or close friends available to supervise them are usually provided accommodation support in a private facility once it has been clinically determined that they are fit to be discharged from hospital. This service forms part of SA Health's metropolitan-wide Hospital and Health Care at Home Service Agreement. The contracted service provider organises the patient's transport and accommodation, as well as ensuring a care worker is available to supervise them. Access is irrespective of age or whether the patient has private health cover or not.

2. In 2014, 706 patients across metropolitan Adelaide accessed this service. In 2015, 780 patients across metropolitan Adelaide accessed this service.

3. The post-procedural accommodation support service, including all transport of the patient, is provided for a set cost of \$360.34 per patient. In 2014, this service cost a total of \$254,400. In 2015, this service cost a total of \$281,065.

4. There is a set cost for the total service, and car costs are inclusive of the total service cost of \$360.34 per patient.

5. No. Patients undergoing day procedures do not usually need to be admitted to a hospital ward overnight.

6. This service forms part of a metropolitan-wide hospital avoidance and early supported discharge program.'

**NATIVE VEGETATION**

In reply to **the Hon. M.C. PARNELL** (19 May 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 Sustainability, Environment and Conservation has provided this advice:

1. All projects of State significance with native vegetation clearance, including major projects, must deliver a significant environmental benefit under the *Native Vegetation Act 1991*.'